HOUSE OF REPRESENTATIVES—*Thursday, April 9, 1992*

The House met at 11 a.m.

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

We sense what seems wrong with our communities and our world, O God, and we measure how we miss the mark in our lives. Yet we are grateful, when people not only speak the words of reconciliation and talk about the goals of understanding, but commit themselves to actions that build a future unity and solidarity and a shared respect between peoples. We are thankful, gracious God, that people can grow in sensitivity and tolerance toward each other and share a common resolve to do the works of justice and mercy. 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.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 283, nays 121, not voting 30, as follows:

[Roll No. 76]

YEAS—283

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Klug
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waxman
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—121

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Gradison
Grandy
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
McCandless
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Porter
Ramstad
Regula
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Barnard
Chapman
Conyers
Costello
Dannemeyer
Dymally
Feighan
Flake
Ford (TN)
Gephardt
Guarini
Hoagland
Kennedy
Kleczka
Kostmayer
Levine (CA)
Lowey (NY)
Martin
Mrazek
Neal (NC)
Ridge
Russo
Smith (IA)
Solomon
Torres
Vucanovich
Waters
Weiss
Whitten
Yates

□ 1127

Mr. LENT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). The Chair will recognize the gentleman from California [Mr. DOOLITTLE] to lead us in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places

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of holding court in the Eastern District of North Carolina; and

H.R. 4449. An act to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnerships Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such Act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

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

S. 1882. An act to authorize extensions of time limitations in a FERC-issued license.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1150) "An act to reauthorize the Higher Education Act of 1965, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two houses thereon; and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. ADAMS, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, Mr. THURMOND, Mr. COATS, and Mr. DURENBERGER, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 606) "An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 985) "An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1743) "An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes."

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR CONTINUING EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 102–491) on the resolution (H. Res. 429) providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by the standing and select committees of the House from May 1, 1992, through May 31, 1992, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 330

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 330.

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

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO FILE LATE REPORT ON H.R. 4364, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1992

Mr. BROWN. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology may have until April 27, 1992, to file a late report on H.R. 4364, the National Aeronautics and Space Administration Multiyear Authorization Act of 1992.

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

Mr. SOLOMON. Mr. Speaker, reserving the right to object, unfortunately we just could not hear what the gentleman from California [Mr. BROWN] was requesting unanimous consent for. If the gentleman would just briefly tell us what it is?

Mr. BROWN. Mr. Speaker, if the gentleman will yield, we are seeking permission to file a late report on the NASA bill.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

□ 1130

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

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of section 276h of title 22, United States Code, the Chair, on behalf of the Speaker appoints as members of the United States delegation of the Mexico-United States interparliamentary group for the second session of the 102d Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. RANGEL of New York;
Mr. GLICKMAN of Kansas;
Mr. GEJDENSON of Connecticut;
Mr. COLEMAN of Texas;
Mr. TALLON of South Carolina;
Mr. LAGOMARSINO of California;
Mr. DREIER of California;
Mr. DELAY of Texas;
Mr. GOODLING of Pennsylvania; and
Mr. KOLBE of Arizona.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker announces that he will entertain 10 1-minute statements on each side of the aisle.

IN SUPPORT OF REFORM

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

Ms. DELAURO. Mr. Speaker, this country today faces enormous challenges and historic opportunities. Yet at this crucial moment, when we need bold and imaginative leadership, we face a crisis of confidence in Government. The American people do not believe that their leaders understand their concerns, share their vision, or feel their pain.

If this Government is to guide our great country we must clean out the vestiges of privilege in Washington and clean up the electoral process nationally. Today we have the opportunity to begin to radically reform this system and rebuild that lost trust. Through comprehensive campaign reform, we are taking strong steps to limit campaign spending and to pare back the power of special interests in the political process.

We are also changing the management structure of the House, which badly needs modernization, to make it run more effectively as well as to address the concerns brought about by revelations regarding the House bank and post office.

I would go further, which is why I support H.R. 3555, a bill that would prohibit undue privileges and exemptions for Members. The privilege of serving people should be privilege enough.

We should support the two measures on the floor today. Only then will we begin to restore respect for our Government institutions and concentrate our energies on the problems facing us.

CONFERENCE REPORT ON H.R. 3750

(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, I rise today to express my opposition to the conference report on H.R. 3750, the so-called campaign finance reform bill. I

do so because, quite simply, it is not reform.

In fact, the measure should more accurately be named the incumbent protection bill. And after some of the scandals we have witnessed here in the Democratic-controlled House, it is no wonder the Democrat leadership wants to protect their incumbents.

Instead of true reform, the Democrats have decided to force taxpaying citizens to pay for their campaigns. If this bill becomes law, the Federal Government will reach into the pockets of hardworking citizens and take money to finance congressional campaigns.

Also, this bill does nothing to curb one of the biggest abuses in the current campaign finance system: It does not include the Beck reforms. This bill will not stop the millions and millions of dollars of unreported funds that unions take from their members and funnel to Democrat candidates.

Mr. Speaker, as written, H.R. 3750 is not reform. It gives further advantages to incumbents. Instead, the Congress should be focusing on requiring Members of Congress to raise a majority of their campaign funds from within their districts from individuals, limiting the amount of the individual PAC contributions, and inclusion of the Beck reforms.

I hope my colleagues will join me in opposing the conference report on H.R. 3750.

AMERICA NEEDS AN ENERGY POLICY

(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, yesterday and today, the House Interior Committee dealt with an energy bill. There is no doubt we need an energy policy but that one is not the ticket.

In the last 10 years, more than 300,000 jobs in the oil industry alone have been lost—quality jobs that provided for families and health care and security. And those jobs were lost because the Democrat leadership in this Congress is not willing to implement a responsible energy policy, a policy that:

Encourages domestic oil production through incentives and tax credits so the United States is not held hostage by other energy-rich countries.

Let us get to work in the Congress and set a policy that uses our abundant resources of clean natural gas.

Let us burn environmentally conscious low-sulfur coal.

Let us find ways to handle safety and storage aspects so we can take advantage of the benefits of nuclear power.

Let us honestly encourage renewable energy alternatives with a consistent commitment to the future.

Most of all, instead of dealing with a philosophy that says burning candles and watching windmills turn is the answer, let us adopt sensible legislation that offers opportunity instead of being gridlocked by the possibility of risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will entertain twelve 1 minutes on each side of the aisle.

STRIKER REPLACEMENT MUST BE STOPPED

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

Mr. RAHALL. Mr. Speaker, in the past few days, all we have heard about is the ultimatum issued by Caterpillar management to more than 13,000 United Auto Workers who are striking for a new contract. Caterpillar management told 13,000 union workers this:

Come back to work immediately, or we will hire replacements and you will never work for Caterpillar again.

Mr. Speaker, it has been only since the early 1980's that we have become a nation that belittles labor—that belittles collective bargaining rights—instead of remaining a nation whose labor laws were founded upon the right to bargain collectively for new wages and benefits, and the right to strike if protracted negotiations failed.

How many people know that the National Labor Relations Act protects employees from being fired because they join a union. Both the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA] guarantee the right to strike for economic reasons. Because of rapid congressional intervention, railroad strikes are often of short duration, and so the practice of hiring replacement workers for rail workers has seldom arisen. But H.R. 5 will still protect rail workers because their exemption from being replaced by permanent workers has not always been the case, and could happen again. For example, in 1963 the Florida East Coast Railroad was able to continue operations during a strike by hiring a whole new work force composed of permanent replacement workers. The protracted strike lasted 10 years, and was very bitter.

Labor-management disputes in the United States were for many years settled through good faith bargaining on contracts that at least started out offering something substantive.

Today, employers ignore good faith negotiating in favor of offering contracts that are so deliberately lacking in substance as to provoke a strike, rather than avoid one. And when the strike occurs, management wastes little time replacing strikers with permanent hires.

When did all the new nonsense start? With Ronald Reagan when he fired 11,400 air traffic controllers across the United States when their union brought them out on strike after longstanding negotiations had failed.

After the air traffic controllers were fired, there came thousands of workers replaced at Continental Airlines, at TWA, the Chicago Tribune, Magic Chef, and Phelps Dodge; striking workers were replaced by the thousands at the International Paper Co., Eastern Airlines, and at Greyhound.

Mr. Speaker, in the past few years the United States has watched helplessly and wrung its hands as tens of thousands of jobs have gone south of the border or otherwise offshore. The jobs have moved out of our country because it is said that labor is cheaper elsewhere.

But you mark my words, if union busting and striker replacement continues unchecked in this country at the rate it is now being utilized by management to resolve contract disputes, we won't have to move jobs south of the border in order to find cheaper labor.

We will have created our own south of the border right here at home.

AMERICAN PEOPLE WANT REAL REFORM IN THE HOUSE

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

Mr. NUSSLE. Mr. Speaker, I have had it. I have had it because I have participated for the very first time in the Committee on Rules.

I went up there last night to talk about reform, real reform, reform that people from all over the country have talked to me about, Mr. Speaker.

Mr. Speaker, I have received letters from all over the country from people that want to participate in the reform debate of their House of Representatives. And the Speaker has closed them out today by not providing an open rule.

Yes, Mr. Speaker, you are going to talk about reform. The Democrats are going to create the official House officer of the scapegoat. So that when there is a problem that comes up in the future, we can blame somebody. That is not going to work, Mr. Speaker, because there are people out there that want to participate.

If we do not let them participate today, next year that 150-Member class of freshmen or more are going to come marching in here with these kind of cards and letters, and they are going to reform this House once and for all.

□ 1140

AMERICAN WORKERS WILL STRIKE FOR JOBS AND JOB SECURITY

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

Mr. TRAFICANT. Mr. Speaker, striking Caterpillar workers must either return to work or lose their jobs, after 28 years of service, to a scab, and Congress has done nothing about this, and Congress has done nothing about the loss of American jobs overseas.

I predict here today, Mr. Speaker, that because Congress has done nothing on this issue we will see a massive national labor strike in America in the near future to get our Congress to wise up, because the way it is going, if you want to have a job you are going to have to move to Mexico to get one.

Congress had better wake up before those workers exercise the only weapon they really have, the right to strike. I think it is time to put our foot down on these so-called replacements.

ONLY AN OPEN RULE WILL ALLOW TRUE REFORM IN THE HOUSE OF REPRESENTATIVES

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

Mr. DOOLITTLE. Mr. Speaker, America is not working. The reason it is not working is because the Congress is not working. Today, in the Washington Post, we read "Inquiry on House Bank Case May Focus on Use of Money." Thank goodness.

I quote:

> The special counsel who is conducting a preliminary inquiry into possible criminal wrongdoing at the House bank said today that he might examine how some lawmakers spent the money that they obtained from overdrawing on their accounts. Judge Wilkie said he was hiring four lawyers and several accountants and already had seven agents from the Federal Bureau of Investigation to help him look into the murky practices of the House bank.

This, of course, is not the only controversy with which we are afflicted. We also have the House post office. There we have a Federal grand jury.

Mr. Speaker, we need an open rule today to debate real reform for this House, but instead we will have a Democrat-imposed closed rule. We need real reform. I urge the Members to support that.

IN SUPPORT OF THE CLEAN AND FAIR ELECTION ACT

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

Mr. SWETT. Mr. Speaker, today we will consider the House-Senate conference report on the Congressional Spending Limit and Election Reform Act—one of the most critical bills in this session of Congress.

The legislation—supported by Common Cause and other organizations supporting electoral reform—will have a decisive impact upon our election process. It deals with the root of numerous problems—it sets voluntary spending limits, restricts PAC contributions, limits large individual contributions, limits the use of soft money by which political parties get around contribution limits. It evens the playing field. It gives legislators independence from special interests and significantly reduces the money chase that has so distorted our political system.

Unfortunately, on this issue, Mr. Speaker, the President is being a spoil sport who is saying, in essence, that if he cannot have things his way, he is going to take his marbles and go home. He postures about the need for campaign reform, yet threatens a veto if the legislation is not his bill.

Mr. Speaker, the American people want campaign practices cleaned up—not covered up. I urge the President to stop the political posturing. The American people want reform and results, not recriminations from the White House. I urge my colleagues—and the President—to support the Congressional Spending Limit and Election Reform Act.

LET US MOVE FROM RECRIMINATIONS TO RECONCILIATION

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

Mr. DORNAN of California. Mr. Speaker, the last gentleman spoke of recrimination, and one of the gentlemen over here, I tried to get him elected Governor down in Cajun country, the gentleman from Louisiana [Mr. HOLLOWAY]. I asked him if people were feeling the same frustration down there as they are in California, and he said "yes."

Those of us who are Christians are about to go home to celebrate the Resurrection and think of redemption, reconciliation, and all we hear about is defoliation, revolution in the election, resignation.

What I am saying is, Mr. Speaker, salvation is at hand. Things have been worse. Today is the 127th anniversary of Appomattox. This Nation was torn asunder; 618,000 of our finest young people on both sides, Americans all, were dead, and 50 years ago today was the beginning of the Bataan Death March, the largest number of Americans ever taken prisoner, over 12,000; 64,000 of our Filipino brothers in arms, and over 2,000 were murdered on that long death march to Cabanatuan.

Things have been worse, Mr. Speaker, Think of the vacation and look toward reconciliation.

CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

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

Mr. RICHARDSON. Mr. Speaker, I rise to day to congratulate Chairman GEJDENSON and the other members of his task force on campaign finance reform as well as our colleagues in the other body who joined forces and agreed on a final conference report on this critical issue. It is a very difficult and controversial matter—you are simply not going to please everyone—compromises have to be made and they were. This bill is not perfect. But, it represents our best chance to reform a campaign finance system that desperately needs changing.

This bill attacks the root problem of campaigns—too much money—by imposing voluntary spending limits on congressional campaigns, restricting the amount of money that can be raised from PAC's and restricting fundraising and spending by party committees. The measure also prohibits the bundling of contributions, eliminates leadership PAC's and calls for television advertising discounts for those candidates who comply with the spending limits. This measure also encourages candidates to seek small home State contributions by providing matching funding for these contributions. While the funding mechanism is not yet in place, no Federal funds will be used.

The bottom line is this bill goes a long way to help challengers by putting them on a more level playing field. Right now, incumbents have a lockhold on fundraising—the American people are demanding reform, and rightly so. I urge my colleagues to support his package—if you want to bring honor back to this institution, vote "yes" on S. 3.

Mr. Speaker, we need to pass campaign finance reform to clear the reputation of the Congress and the political process. This is not a perfect bill because we can never get rid of money in politics, but this bill sets up some needed controls, controls that the public wants.

The atmosphere is such around here that anytime we vote we are accused of doing so because of a certain contribution. Just recently I was accused by a group opposed to environmental concerns that I was in the pocket of the Sierra Club because of a $500 contribution.

Mr. Speaker, here I voted environmental, yet I am accused of being in the pocket of an environmental organi-

zation because of a contribution. It is just not worth the hassle. I am not voting "yes" just to please Common Cause, but simply to remove a sleazy perception, baggage that we are all carrying around here.

THE HOUSE OF REPRESENTATIVES NEEDS LEADERSHIP AND ACCOUNTABILITY, NOT MORE BUREAUCRACY

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

Mr. NICHOLS. Mr. Speaker, one of the perks enjoyed by the majority party, is getting to appoint their friends to plum positions—who earn $119,000.

Now, the Democrats want to be able to appoint two more positions to oversee the operations of the people they appointed in the first place. In other words, because their first appointments were incompetent, they need to appoint two more people to keep an eye on them.

My colleague, the gentleman from Kansas [Mr. GLICKMAN], said in introducing this bill that:

> The current system is accountable to no one, but every one of us is held accountable when something goes wrong.

Well, there you have it, the problem is that no one is being held accountable. That is not a problem of the management system, that is a problem of the House management—the Democrats.

The last thing this body needs is another layer of bureaucracy for a quarter of a million dollars per year. This body needs leadership and accountability. I will not support this bill. I will play no role in establishing a congressional scapegoat for the majority party.

THE HOUSE MUST ACT TODAY AND PASS CAMPAIGN REFORM LEGISLATION

(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, the American people feel that when it comes to campaign finance reform, Congress is all show and no go. It is all talk but no action. As someone said, "There is no there there."

Today by passing campaign reform legislation, which has been very professionally produced by the gentleman from Connecticut and others, we can start putting action where talk has been, and we can start putting some "there there."

This bill limits campaign spending. It does put some hobbles on political action committees and how influential they can be in campaigns. It does basically limit or prohibit bundling of campaign contributions, and the use of that soft money which is properly called sewer money.

Unfortunately, Mr. Speaker, I am told the President feels he must veto this bill. I hope the President will reconsider. This is not a great bill, but it is a good, solid first step toward campaign reform. I do hope that the President signs it into law.

THE HOUSE OF REPRESENTATIVES: AN UNDEMOCRATIC INSTITUTION

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

Mr. SANTORUM. Mr. Speaker, I have been asked as a freshman Member of Congress by my folks back home many times, "What thing surprised you most about being a new Member of Congress? What was the most shocking thing?" I always say, at least recently, that the thing that surprised me most was how undemocratic, with a small d, how undemocratic this institution was.

I thought this was an institution where we came here and we debated the great issues of the day, that it was free and open debate, that we could offer amendments, that we could construct legislation, and the House would work its will. That is not what happens, Mr. Speaker. That does not occur in the people's House.

Today we are going to vote on reforming this House. We have two options. I will not be able to offer amendments. No one else will be able to offer amendments. There is going to be a very limited debate, a half hour each side and that is it. We will sweep it under the rug.

I am glad you are having a closed rule. For once the American public is going to see how you ram things down the American public's throat about something they care about. Do it. Do it. You are only doing it to yourselves.

WE WILL DO THE RIGHT THING

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

Mr. ECKART. Mr. Speaker, to my redistricted colleague, the gentleman from Pennsylvania [Mr. SANTORUM], let me say we are going to do it. We are going to do it in the manner that Mark Twain taught us 93 years ago when he admonished a bunch of politicians to "Do the right thing. You will amaze your friends and astonish your enemies."

□ 1150

The fact of the matter is that if you have a complaint about the rule, take it up with the Republican leader. Indeed, it is BOB MICHEL's substitute that can encompass anything he chooses.

But what this House needs to do is to get about an end to the partisan bickering on the perks and privileges. The wake-up call that George Bush got in New Hampshire has been heard here in this dome, and that wake-up call includes a double dose of medicine. The first dose is to sweep away the corrosive residue of mismanagement and patronage, and it is an end to business as usual with the passage of House Administration Reform Act.

The fact is that you want it your way or you tell us to take the highway, hardly a way to lead in this Nation. Campaign finance reform is also the second dose of that medicine. We are going to put limits, limits that this President opposes on campaign spending, on campaign PAC's and on parties. We are going to do it the right way.

I know about millionaires. They have their own PAC's and we do not want millionaires to be the only ones who can run for office. We frankly think our candidates for office are a lot better than those who put bags over their heads on the other side of the aisle.

EXTENDING MORATORIUM ON REGULATORY REFORM

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

Mr. DELAY. Mr. Speaker, today is the last day before we take our Easter break. Before we return, the President's 90-day moratorium on Federal regulations will expire.

You know, Mr. Speaker, in primary after primary, in State after State, from newspaper headlines to radio talk show call ins, the evidence is mounting that the American people have had it up to here—with the way we are running the country.

The only thing they are even more upset about is the way we are running them—regulating their businesses, raising consumer prices and just plain standing in the way of America's ability to compete.

We members of the Republican regulatory team have tried over the past weeks to bring to the public's attention some examples of regulations which cry out for common sense reform.

While some of them are being changed, the number of regulations already on the books and the number waiting in the wings, greatly exceed the amount of any bureaucracy could wade through in a mere 90 days. That is why today we are calling on President Bush to extend the moratorium.

UTILIZE EXPERIENCED TEACHERS FOR OUR CHILDREN'S BENEFIT

(Mr. STEARNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to introduce an important bill for our Nation's children, the Older Americans Educational Participation Act.

Throughout America, school budgets are being strained to the breaking point. The Nation's children need to receive instruction from the best teachers who are available. However, the Social Security earnings limitation test discourages experienced teachers who have reached age 65 from continuing to work on either a part- or full-time basis. This legislation would repeal the earnings limitation test for Americans who apply their expertise for our children's benefit in the public schools.

There is a frightening shortage of teachers in critical fields such as math, science, and foreign language, and our senior population represents a huge untapped resource.

Like the majority of the Members of this House, I support outright repeal of the earnings limitation test. The House will take a giant step forward today by raising the limits on the earnings test. But, I believe that allowing outstanding teachers who happen to be Social Security recipients to continue teaching, without any undue tax penalty, should be something we can all agree to.

Please join me in support of this important legislation.

POWER OF THE PRESS: ONE REPORTER'S VENDETTA

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

Mr. HUBBARD. Mr. Speaker, this is the first of a series of three presentations to point out how vindictive, vicious, and vitriolic one member of the media can be in his ongoing goal to destroy a Member of Congress.

This series of entrees in the CONGRESSIONAL RECORD, to be followed by a 60-minute speech on the House floor, was prompted by an excellent article last Sunday in the New York Times by reporter Adam Clymer entitled "Citing Rise in Frustration, Dozens of Lawmakers Quit."

The article begins with:

> Redistricting, frustration with legislative gridlock and worries over scandals both real and imagined are causing more members of the House of Representatives to choose to leave than at any time within memory.

Last week, I visited with a dozen of the House Members who are retiring. Ten of them mentioned frustration with media representatives who appear to be determined to present U.S. Representatives in the worst possible way.

Last Thursday night, at a Kentucky Derby reception at the Carlton Hotel in Washington, DC, Mike Brown, a reporter for the Courier-Journal, a daily newspaper in Louisville, KY, arrived shortly after 6 p.m. and began boasting:

> As soon as Carroll Hubbard and his wife arrive I'll embarrass them with questions about cold checks and I'll follow them around the room until they leave. Wait and see.

My wife Carol and I were unable to attend the reception. Carol was in eastern Kentucky. I was en route to Paducah, KY.

Six members of my staff attended the reception. Reporter Mike Brown, upon learning that Carroll Hubbard and his wife would not be attending, noticeably and obviously was following two of my staff—listening to their conversations, taking in every word.

My wife Carol and I are accustomed to seeing Mike Brown at receptions. He attends our fundraising receptions. He is always the uninvited guest who pays nothing, naturally, but stands at the front table where those attending announce their names and receive name tags. When most of the crowd have arrived he then stands inside the reception room and then walks around taking names and their affiliations. Then, over the next several days, he calls individuals who were at the fundraising receptions and asks, in an intimidating way, why they were there.

For years, when I have filed my financial disclosure report with the Office of Records and Registration, reporter Mike Brown calls the corporations, trade associations, companies, businesses, colleges or schools to ask why they invited me.

On July 16, 1991, George Gill, publisher of the Courier-Journal, asked me: "Why does Mike Brown hate you so much?" My reply: "That's what I'm asked by Washington journalists."

My staff and I realize we are wasting our time contacting Mike Brown about grants or legislation benefiting western Kentucky—as he has told us he is not interested.

Mike Brown attended 2 full days of a June 1991 markup of the House Banking Committee regarding the Treasury Department's banking reform legislation, but, naturally, he chose not to attend the markup session when my amendment, successful days earlier in the Financial Institutions Subcommittee by an 18-to-17 vote, was the subject of four competing amendments, several hours debate and four rollcall votes. My amendment was not altered by any of the votes. The Hubbard amendment was news in the major national media and the subject of editorials in the Washington Post and the New York Times. But of course, there was nothing about my amendment at any time in the Courier-Journal.

In 1985 reporter Mike Brown interviewed at least 10 House Members as to whether I owned real estate in Panama. I have never even considered owning real estate in any foreign country.

Ever since January 1977, I have either been appointed or elected to the House Democratic whip organization. In 1989 and 1991 the Democratic House Members from West Virginia, Virginia, Maryland, Delaware, and Kentucky elected me as their regional whip for the House Democratic whip organization. Naturally, Mike Brown and the Courier-Journal have never written a news article regarding my being appointed or elected as a member of the House Democratic whip organization.

On July 15, 1991, Mike Brown tried his best to damage my wife's credibility by questioning the accuracy of Carol's financial disclosure statement, calling her employer, telling Barbara Bayus of Computer Sciences Corp. at Falls Church, VA.: "Mrs. Hubbard has filled out a form for our newspaper and has listed her title and salary and we just want to verify it." Naturally, Mike Brown changed his comments when Joel Goins of Computer Sciences Corp. called Mike Brown regarding his strange inquiry and false comments about my wife's signing a Courier-Journal form.

In July of last year, reporter Mike Brown made telephone calls on Capitol Hill and in downtown Washington, trying to tie me with Charles Keating, the convicted Phoenix, AZ, savings and loan official. I finally wrote Mike Brown, assuring him I had never stayed at nor even seen the Phoenician Hotel in Phoenix, and that I had never met with Charles Keating at any time.

This is just a portion of the actions of one reporter named Mike Brown, representing the Courier-Journal. He believes freedom of the press is a license to destroy a Congressman he has tortured for many years.

SUPPORT INDEPENDENCE FOR KOSOVA

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

Mr. ENGEL. Mr. Speaker, 2 days ago, finally reading that Yugoslavia was no longer a viable entity, President Bush finally recognized the independence of Croatia, Slovenia, and Bosnia-Herzegovina. I fully supported his decision to recognize these peoples seeking self-determination. Unfortunately, he did not see fit to recognize the independence of the Republic of Kosova, a country that was also part of the former Yugoslavia.

Last September, the Kosovars held a referendum in which 99.9 percent of those voting supported independence. The Serbian Government attempted to squelch the referendum, but 87 percent of those eligible to vote did so. My question to the Bush administration is why the double standard? Why does Slovenia, which is 90 percent ethnic Slovenian, get such different treatment than Kosova, which is 90 percent ethnic Albanian?

The Kosovar people want nothing more than to be free of Serbian oppression and to be allowed to govern themselves. They have agreed to abide by the human rights standards laid down by the European Committee despite the fact that Serbian oppression has reached unprecedented proportions. The State Department's own Country Report on Human Rights Practices for 1991 states that in Kosova, and I quote:

> Serbian authorities intensified repressive measures against the majority Albanian population, and arrested and beat hundreds of Albanians on trumped up charges * * *.

Mr. Speaker, if the United States is going to support self-determination of peoples in Eastern Europe, it must sup-

port the legitimate rights of the people of Kosova to independence.

DELAYING IMPLEMENTATION OF REGULATIONS UNDER COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

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

Mr. HOLLOWAY. Mr. Speaker, the Commercial Motor Vehicle Safety Act of 1986, which took effect April 1, established national licensing standards for commercial motor vehicle drivers.

Mr. Speaker, although there is no reason to question the intent of the law, it imposes significant, and excessive costs upon hundreds of thousands of farmers, agribusiness people, truckers, transporters, retailers and loggers throughout our Nation.

The timing of the regulation's effective date is crating widespread havoc with many agriculture-related businesses. There is a backlog at many if not all of the licensing facilities in Farm Belt States and the loss of pay for many professional truckers and drivers all over the country. Many truck drivers have failed the written test and are now unable to take any trucking business. Now, farmers and small businessmen are unable to ship their products. This is going to cost millions of dollars to producers and consumers over the next 6 months.

Mr. Speaker, we must not impose these hardships right now on the American truckers and small business people. That is why I am petitioning the President to encourage the Secretary of Transportation to waive these costly licensing requirements for 90 days. Mr. Speaker, it is the least we can do.

Mr. Speaker, I am forwarding today a "Dear Colleague," asking for signatures on a letter to the President and the Secretary of Transportation to delay this for one time only for 90 days.

CAMPAIGN FINANCE REFORM

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

Mr. SANDERS. Mr. Speaker the United States today is one of two nations in the industrialized world without national health care; the gap between the rich and the poor grows wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one of the major reasons for that is that we have an approach to campaign financing which, to a very large degree, allows wealthy people and major corporations to buy and sell politicians. The rich get richer and the poor get poorer, and ordinary people get shut out of the political system.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly it limits the amount of money that can be spent in an election; it limits huge soft-money contributions; and it increases restrictions on PAC's.

Mr. Speaker, if President Bush vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant responsive, political system which represents the needs of ordinary people.

If President Bush vetoes this important legislation, then the voters of America should be prepared to veto him in November.

□ 1200

WAITING FOR GODOT

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

Mr. RIGGS. Mr. Speaker, for the last 2 days we have seen the House's version of "Waiting for Godot." Only in this case we have been waiting for a rule, a rule on congressional reform, and it is just about as existentialistic in experience anyway.

What we finally get from the Committee on Rules, of course, are straight party-line votes on Republican amendments which would bring about real reform of the House of Representatives, an amendment to ban proxy voting in committees, where committee chairmen and subcommittee chairmen routinely vote the proxies of Democrat members in order to advance their legislative agenda, and, second, real reform of the Committee on Rules so it reflects the makeup of the House of Representatives.

The Committee on Rules at present has a 9-to-4 Democrat-Republican majority that is 2 to 1 plus 1 to maintain their partisan advantage at all times. It should be changed to a 9-to-6 makeup, Democrat to Republican, to more accurately reflect the makeup of the House itself.

Mr. Speaker, that is what real reform is all about, not the exercise, the feel-good exercise that we are going to see here later today so that Democrat Members can run home for their Easter townhall meetings and point to this transparent package.

HOUSE REQUIRES BIPARTISAN REFORM

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

Mr. BOEHNER. Mr. Speaker, this institution is under indictment by the American people. The American people have lost confidence in our ability to govern, and if we are going to have a Congress that the American people have confidence in and respect for, we need real reform.

But if we are going to get real reform, it has to be done in a bipartisan way. That is not what we are going to have today.

We have been closed out of the process. We are going to have the leadership bill from the Democrat majority, and that is it. We are not going to have full and open debate.

If we really want reform in this Congress, it has to be done in a bipartisan way, and without bipartisan reform, the tyranny on this House imposed by the Democrat majority will continue.

CONFERENCE REPORT ON S. 3, CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded during debate on House Resolution 426 is yielded for the purposes of debate only.

Mr. Speaker, House Resolution 426 provides for the consideration of the conference report to accompany S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992. The resolution waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read when called up for consideration.

Mr. Speaker, House Resolution 426 provides the House the opportunity to

consider the conference report on campaign spending prior to the April district work period. Since the conference report has essentially been available for nearly 1 week, the Committee on Rules has recommended the waiver of the 3-day layover rule.

As Members know, there has been significant public support for the reform of congressional campaign practices; the Congress has responded with this legislation. Whether individual Members agree with the reforms recommended in this conference report, or whether they believe alternative reforms would be more appropriate, the will of the House will be determined when the we vote on passage of this conference report. In any case, it is important that the House be allowed the opportunity to work its will on this proposal and I recommend the passage of this resolution.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would be very brief. If there is not going to be great debate on the other side, I would hope that we could quickly go to passing the conference report.

I would like to make a few brief statements on the impact of this legislation.

This legislation would limit political action committees. It would go beyond any bill that has ever been before the Congress, because it would also limit the money the very wealthy could give so that no more than one-third of an individual's campaign could come from contributions over $200. It limits soft money. It limits independent expenditures.

It has been universally, by papers and organizations interested in the reform of the political process, endorsed. The New York Times calls it landmark legislation. It suggests that the President should sign it. The Fort Worth Morning Star says that this is a bill in the public interest, and the public should demand no less. The Chattanooga Times, Americans, known for common sense, know that too much money is spent on political campaigns; supports the bill. The Birmingham News supports the bill with an editorial. The Atlanta Constitution argues strongly for campaign spending limits as a critical aspect of reform and an essential aspect of reform. On and on and on, from the League of Women Voters to Common Cause to Public Citizen and hundreds of other organizations who believe that it is time to limit the money chase, to limit spending in campaigns, so that we can go back to a debate about the fundamental beliefs of the two parties and the two candidates rather than a fundamental chase for dollars.

Let me tell you that it makes no difference whether you design the dollars to come from one group or another, essentially it is the chase for dollars, the unlimited spending that is damaging the system here.

I want to commend again the Speaker of this House, Speaker FOLEY, for his support for this legislation, the majority leader and his staff as well as the Speaker's staff for the work they have done in helping us get this bill to the floor, the chief deputy whip, the gentleman from Michigan [Mr. BONIOR], and his efforts and so many on my committee, particularly the gentleman from North Carolina [Mr. ROSE], the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Oklahoma [Mr. SYNAR], not on the committee, who have done so much work in making sure that we could bring this product of reform to the Congress.

I hope we would quickly pass the rule.

The articles referred to follow:

[From the New York Times, Apr. 6, 1992]

DEMOCRACY AND HYPOCRISY

Landmark legislation that would finally slow the endless pursuit of favor seeking money by the nation's top lawmakers and the special treatment it buys has cleared a House-Senate Conference committee and is headed for the House floor—The President who's trying to woo voters by wearing the cloak of reform would look a lot less selfish, and a lot more sincere, if he changed his mind and signed the bill.

[From the Fort Worth Morning Star—Telegram, Nov. 20, 1991]

CAMPAIGN REFORM—CONGRESS NO LONGER HAS ANY OTHER CHOICE

Seats in Congress should be the ultimate preserve of the public interest, and the public should demand no less. Matching funds, combined with limits on total spending and the removal of the cancerous blight of power brokers' massive contributions, offers a healthy remedy to the current notion of public policy being for sale.

[From the Chattanooga Times, Feb. 22, 1992]

TAKE CAMPAIGN REFORM SERIOUSLY

Americans know by common sense that too much money is spent on political campaigns. They know that means candidates and incumbents spend too much time and energy raising campaign funds. And that means they have too little time and energy to devote to the business of government.

[From the Birmingham News, Mar. 15, 1992]

MONEY VERSUS IDEAS

Campaigns are not just about candidates. They are also about ideas. With all that campaign money choking off any real challenges, the competition of ideas so necessary for new policies is strangled. And the policies we do get are molded far too much by the wants of the money men.

[From the Atlanta Constitution, Nov. 27, 1991]

HOUSE TRIES TO CLEAN UP ACT

The House of Representatives gave honest government an important boost on Monday [November 25th, 1991] when it passed its version of the 1991 campaign finance reform bill. Then why do most Congressional Republicans continue to oppose spending limits? It's never easy to explain irrational behavior, but the answer seems to be threefold. (1) They can't get it out of their heads that raising money is the GOP's strong suit. (2) They are ideologically committed to the private corporate interests that subvert the current system—even at the expense of their party's interests. (3) They are themselves incumbents who profit from the current system.

[From the San Jose Mercury News, Dec. 2, 1991]

HOPE FOR REFORM

Spending limits are essential, because the fear of being outspent is what drives incumbents to raise to raise money throughout their terms in office. Campaign reform without spending limits becomes an endless attempt to limit contributions, which, by itself, is doomed to fail.

[From the Washington Post, Apr. 6, 1992]

MR. BUSH ON CAMPAIGN FINANCE

[Mr. Bush] is trying here to create a self-fulfilling prophecy: to blame the Congress even as he blocks reform. The Democrats are right to pass the bill. If he veotes it, the corrupting system that it seeks to replace is at his doorstep.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 8, 1992.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992, as reported by the committee of conference on April 3, 1992. Assuming appropriation of the authorized amounts, CBO estimates that implementing this bill would cost $35 million to $70 million for Senate elections and $50 million to $100 million for House elections every two years. These costs are approximate because they depend on how many candidates choose to participate, which is very uncertain and could vary significantly from year to year. Overall, implementing S. 3 is likely to cost between $100 million and $150 million each election cycle. Because this bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 3 would establish separate campaign reform systems for candidates for the Senate and the House of Representatives. For elections for each house, the bill would set voluntary campaign spending limits and would authorize certain benefits for eligible candidates. To become entitled to receive the benefits, a candidate would have to meet certain requirements, but none of the benefits or other provisions in the bill would take effect until the Congress enacts subsequent legislation providing the necessary funding.

Senate Campaign System: On April 9, 1991 CBO prepared a cost estimate for S. 3 as ordered reported by the Senate Committee on Rules and Administration, March 20, 1991. The conference version of S. 3 makes three changes affecting the costs of the benefits for Senate candidates authorized by S. 3. First, an eligible candidate would receive one-third (rather than two-thirds) of the general election spending limit if the ineligible opponent spends more than the limit. The candidate would receive an additional one-third when the opponent spends 33 percent more than the limit, and would receive a final one-third when the opponent spends 67

percent more than the limit. Thus, under the conference agreement, eligible candidates would be less likely to receive the entire amount of the spending limit because not all opponents are likely to spend 67 percent more than the limit.

Another change reduces the amount of voter communication vouchers that eligible candidates can receive from 50 percent of the spending limit to 20 percent of the limit. Finally, the conference report on S. 3 would replace the limited first-class postal subsidy provided by the reported bill with a third-class discount limited to one piece of mail per voting age person in the eligible Senate candidate's state. Other changes in the Senate system would not significantly affect its cost. The following table summarizes the costs for 1994 and 1996 under two different assumptions—if every state's Senate election has just one eligible candidate and if every state's Senate election has two eligible candidates.

ESTIMATED COST OF AUTHORIZED BENEFITS FOR ELIGIBLE SENATE CANDIDATES

[In millions of dollars]

	Just one eligible candidate		Both candidates eligible	
	1994	1996	1994	1996
Excess expenditure payment:				
Candidate 1	50	50	.....	.....
Candidate 2	.....	.....	.....	.....
Voter communication voucher:				
Candidate 1	12	12	12	12
Candidate 2	.....	.....	12	12
Reduced mailing rate:				
Candidate 1	6	6	6	6
Candidate 2	.....	.....	6	6
Total	68	68	36	36

House of Representatives Campaign System: On November 19, 1991, CBO prepared a cost estimate for H.R. 3750, the House of Representatives Campaign Spending Limit and Election Reform Act of 1991, as ordered reported by the Committee on House Administration on November 14, 1991. The provisions extending benefits to House candidates are nearly the same in the conference report on S. 3 as they were in H.R. 3750. The one difference is that the third-class discount postal rate that eligible candidates could receive would be limited to one piece of mail per eligible voter in the district rather than three pieces of mail. Thus, assuming that one-half the candidates for House races were eligible, the cost of the discount would be about $8 million per election cycle, or one-third of the cost in the previous estimate. The cost of the matching payments benefit would not change. Assuming that half the candidates would be eligible, matching payments would range from $45 million to $90 million every two years. Other changes in the House system are not likely to affect its cost significantly.

Federal Election Commission: S. 3 would require the Federal Election Commission (FEC) to perform new functions including certifying candidates' eligibility and auditing their compliance with the new system. Based on information from the FEC, CBO estimates that enactment of S. 3 would cost the commission about $2 million annually to implement its new responsibilities, assuming appropriation of the necessary funds.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

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

Mr. Speaker, this rule really is not much different than 62 percent of the rules that we have considered this Congress. Once again, the Republicans are being denied the right to see the legislation three days before it is considered on the floor.

But frankly, there are more grievous problems with the campaign finance reform bill than the rule. So I think it is important that we move forward so that we can expose the charade that those on the other side plan to perpetrate on the American voters.

Mr. Speaker, I happen to believe that the term limit movement in this country was born out of frustration with the political system and its lack of accountability to the public. The House bank, restaurant, and post office fiascos have only heightened public awareness that this body, in particular, is incapable of addressing the high priority items that the American people want us to resolve.

I have always felt that we can alleviate that frustration by enacting three things: Equitable campaign finance reform, fair redistricting, and a reduction in the powers of incumbency. Unfortunately, the conference report does nothing to eliminate the institutional protections of incumbency. If anything, it widens the advantage that incumbents have over challengers.

For example, the legislation originally adopted by the conference committee prohibited mass mailings in an election year. But we were told in the Rules Committee on Tuesday that this was an inadvertent technical glitch, so the provision was changed.

While prohibiting mass mailings in an election year may appear to be a technical glitch to some of my colleagues, it was the only real campaign reform in the conference report. By limiting campaign spending to $600,000 per election cycle, challengers will be at a permanent disadvantage if incumbents can send mass mailings for free.

The conference report also opens the door to public financing of congressional campaigns. This prompted one of our colleagues in the other body to proclaim that the bill "writes the biggest rubber check in history to finance our campaigns for reelection."

It also ignores altogether Republican suggestions that we eliminate special interest money funneled through political action committees.

Mr. Speaker, the Democratic leadership would like the American people to believe it is doing everything possible to reform this institution and restore voter confidence in the House of Representatives.

Unfortunately, this legislation proves that it is business as usual when it comes to the ultimate perks of incumbency. The President said he will veto this legislation, and I will support that decision.

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

□ 1210

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I simply wanted to take this time to congratulate the committee and the gentleman from Connecticut [Mr. GEJDENSON] for doing what I really had great doubts was possible, to actually bring a conference report back which represented an agreement between the Senate and the House. It has been a long time since we have seen any campaign reform vehicle get that far.

As the gentleman knows, I have had some concerns about it, and I think there are some additional things we will need to do to strengthen what we are doing here today. But I do think it is important for the public and the press to understand that the existing campaign law which we are today trying to reform is not the product of the Congress. I think the public has the impression that somehow the Congress put together the legislation we are operating under for the past 15 or 20 years. It did not.

Existing campaign laws are the unfortunate rubble that was left when the Supreme Court gutted the campaign reform package that the Congress passed in the seventies. It was the Supreme Court in its unfortunate equating of money with free speech which gave us a situation in which it is virtually impossible for us to limit phony independent expenditures, which has meant that we have had to go through all these convoluted activities in order to try to square ourselves with the Buckley versus Valeo decision while trying to protect the public interest; so I congratulate the gentleman.

The Supreme Court has given anyone who deals with the this situation, and God knows I have been dealing with this since 1975, the Court has given anyone who deals with this issue an impossible task because of their naive understanding of what constitutes campaign practices in this country.

My own guess is that in the end we are not going to be able to make further progress unless we actually amend the Constitution itself to correct the Court's mistake; but absent our ability to do that, I congratulate the committee for its work today.

Mr. McEWEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, this is an issue that I certainly have given a great deal of thought, and time, and effort to as a member of the House Administration Committee and the task force on election reform.

I am very disappointed at the result of all that work. We have before us another closed rule which denies the minority the opportunity to have further impact on this legislation, much as I believe our ideas have been shut out throughout the process.

Mr. Speaker, this bill is based on public financing, and yet there is not one single dollar allocated for that public financing scheme. There is no funding mechanism in this bill. I want the American public to understand that we are passing a bill calling for public financing of congressional campaigns without any financing scheme.

This bill conceivably could cost $1 billion in public financing over the next 10 years, depending on how it is funded.

Now, in our task force, we traveled around the country to various places. We had a couple hearings in Minnesota and Wisconsin to presumably look into the future where they have these public financing laws in place. What we found was that the vote in those States, the funding was running out. It was drying up, that serious candidates were not accepting public financing because they could not get enough money and because they were perceived as weak if they took the money.

More and more the State legislatures required stronger and stronger penalties against those who did not take public financing to shore up public support for this effort.

The Presidential campaign financing scheme is about broke, and it will be after this election.

Americans are participating less and less in public financing. It is down to less than 20 percent of the American public who pay taxes who are contributing on the check off.

Mr. Speaker, I intend to offer a motion later on in the debate to recommit to the conference, and I would urge all Members to give that recommittal motion an opportunity to pass.

Mr. MCEWEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

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

Let me just say, with a great sense of discomfort, I am going to vote for this bill, but I must tell the distinguished chairman who led this effort that I do think there are elements of his bill that are a sham and that in totality the majority approach is a shame. Let me explain why.

What we have here is a bill that involves spending limits. I like that principle, but who thinks between $600,000 and $1 million—we do not know precisely because there are open-ended caps in some of this spending—is significant? For example, there are no caps on legal fees, which means that a candidate who employs the most dicey techniques under the law will be entitled to spend more money under this bill because legal fees are uncapped. These simply are not serious limits.

The second point I would like to make is that this bill is supposed to put new limits on PAC's, which would be a great progressive step forward. Actually, I think it is guaranteed to keep citizen watchdog groups, like Common Cause, in business for a long time to come.

When you think about it, the House went with the status quo, $5,000 caps, to be donated twice in the election cycle. The Senate proposed the elimination of all PAC's, which was very progressive, and then provided that, if the Supreme Court threw such limits out, a thousand dollar per PAC limit would be established.

What did our conference committee do? Our conference committee said, "Gosh, let's keep to the House position. Let's not be progressive like the Senate, and then let's let the Senate partially off the House and allow the Senate to go above their voted position to $2,500 per PAC."

But of real interest to this Member, of extraordinary interest, we now have two standards—one for the House and one for the Senate. House Members will be allowed $5,000 from each individual PAC, the Senate $2,500. The Senate will be under presumably more pristine, more principled rules than the House in this fundamental regard, although I understand in other ways there might be an argument that the House has gone further. This is like saying that we in the House are going to be less hurt or less influenced by these large amounts of money than those in the Senate.

Why could not the House conference have gone backward, and by backward I mean accept lower limits?

Now, we are talking about a rule here, and one of the reasons that the minority objects is that there are no amendments allowed, which is a classic circumstance around here; but let me tell you what happened when this bill came to the floor. Very serious Members of this body, led by the distinguished gentleman from California [Mr. BEILENSON] had a wonderful approach that I identified with, that the Rules Committee did not even allow to be voted on. That is, a senior member of the Rules Committee on the majority side wanted to offer substantive reform, but this bill was considered so sensitive to the self-serving needs of reelection of Members that real reform could not even be voted on in this body.

This kind of rules arrogance is the reason so many in this country are so upset. The country has concluded, properly when that incumbents write proincumbent bills.

Mr. Speaker, all I would say to this body in conclusion is this is a very serious issue. We are taking a step, maybe two steps, in a hundred-yard trek, and these steps are zigs or zags. They are not straight. As every Member of the majority knows, this is reform that is single-party oriented. It is more disciplined for Republicans than Democrats. I happen to think that this discipline is a step in the right direction.

But why do you not have the courage to put discipline on yourselves? Why do you keep these $5,000 nonlimit limits? Why do you put on a spending limit that is way beyond statistically what the average Member is currently spending in their race?

This is not reform. This is what gives reform a bad name, but it does have, and I must say to the majority, some points that are very thoughtful. We are finally doing something about leadership PAC's; we are doing something about containment of some kinds of fundraising and campaign spending. But it is a small step, and should not be sold as anything bigger than a small step.

The next time around, if you are in the majority, I hope you have the decency to put similar limits on the kinds of PAC's that help you as the kinds of limits you are putting on the minority.

□ 1220

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, as the House prepares to take up the campaign finance bill conference committee report, it is very interesting to read comments attributed in the Washington press to the bill's sponsors and the House Democratic leadership. This illustrious group has made it quite clear in their public comments that they plan to put the onus back on the President by forcing him to veto this incumbent protection bill. I find this supremely cynical, that these senior Democrats say that they expect and want the President to veto the bill. And why do they say this? To divert the public and media attention away from the scandals enveloping this Congress and the scandals that have occurred on the watch of the House, the present House, leadership and to divert attention away from the need for fundamental reforms of this place to make it accountable to the average citizen again.

Mr. Speaker, if our Democratic friends were genuinely interested in crafting bipartisan campaign finance reform, they would, No. 1, eliminate public financing of congressional campaigns, which will only increase our deficit problems; two, replace artificial and arbitrary reforms which limit total spending in congressional campaigns as $600,000 for both primary and general elections and $200,000 for total PAC contributions, both figures, by the way, which were indexed for inflation,

and they would be willing to look at other reforms proposed by House Republicans.

Our reforms are very simple, commonsense reforms. First, we would require all candidates for Congress, challenger and incumbent alike, to raise at least 50 percent of their campaign funds back home in their district, theoretically from the same people who will be voting for those candidates in the next election. We would reduce PAC contributions from $5,000 to $1,000, basically creating a level field between PAC contributions and individual contributions because the last time we attempted campaign finance reform in the late 1970's, we gave rise to the prominence of PAC's by allowing PAC's to contribute $5,000 and limiting individuals to $1,000, and, lastly, the House Democrat leadership will entertain our reforms on banning soft money and franked mail reform, particularly the franked mail reform that ought to be put before this House for an up-or-down vote in this election cycle. We have Members who are now using the frank privilege to blatantly and widely mail outside their district, and why? This is blatant electioneering, pure and simple, and this is a practice that ought to be banned in the name of restoring some credibility and accountability to Congress.

One other aspect that I would like to suggest is a linkage. If we are going to have public financing for congressional campaigns, then why do we not, as it was entertained in the other body, why do we not consider at least a debate on term limits for those Members of Congress who accept financing for their congressional campaigns? I think this is a linkage that the American people would very much like to see debated in this House.

Mr. Speaker, given the present low opinion of Congress by the American people, I cannot understand why a more serious attempt at campaign finance reform has not been placed before us today. I urge defeat of the rule and defeat of the conference committee report.

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

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEJDENSON. Mr. Speaker, I call up the conference report on the Senate bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. McCURDY). Pursuant to House Resolution 426, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of April 8, 1992, at page 8462.)

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 30 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, it is my great privilege at this time to yield such time as he may consume to the chairman of the full Committee on House Administration, the gentleman from North Carolina [Mr. ROSE], a gentleman without whom we would not be here today with this bill in its present form, and I personally, as the chairman of the task force, would like to thank him and his staff for their great assistance throughout this process.

Mr. ROSE. Mr. Speaker, I thank the gentleman from Connecticut [Mr. GEJDENSON], and we would not have a campaign finance reform bill if I had not had the good luck to have the gentleman as chairman of this task force. So I appreciate his saying those nice things about me, but this is his handiwork, and I think the whole House clearly understands that.

Mr. Speaker, I am proud to be here today to join with my colleague from Connecticut in presenting virtually the most comprehensive reform of this Nation's election laws ever to be written. I particularly want to commend my friend from Connecticut for a job well done in chairing the Task Force on Campaign Finance Reform and guiding this complex legislation through rocky waters.

I am here today because I believe that changes in the way we finance campaigns are long overdue. The American public is clamoring for us to manage our elections in a fair and responsible manner. And what the pubic wants most is for Congress to control the skyrocketing amounts spent to run for office. Instead, they see candidates, both incumbents and challengers, spending millions of dollars without limit, simply to get elected and reelected.

The only way to regain the public's respect is to limit and control campaign spending. It is time to establish once and for all that public offices cannot be bought by the highest bidder. It should not be the amount of money spent by candidates which wins elections, but, rather, the quality of the candidates' message. That is why I consider spending limits so important.

This conference report limits spending in a fair and reasonable manner; $600,000 every 2 years is more than enough to cover 80 percent of our races. By supporting this conference report, we can stop uncontrolled spending. And, most importantly, this conference report does not take funds from any existing Federal program or from the taxpayer. This conference report does not increase the Federal budget deficit.

I believe that it is time to take this important step to restore the public's confidence in our elections. This is real reform, and I urge all of my colleagues to support this conference report.

The SPEAKER pro tempore. Pending the return to the floor of the gentleman from California [Mr. THOMAS], the Chair recognizes the gentleman from New York [Mr. WALSH] to manage the time on the Republican side.

Mr. WALSH. Mr. Speaker, I will, as time allows, yield time to members and, if the gentleman from California [Mr. THOMAS] returns, I will relinquish the time to him.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I would like to thank also the chairman of the task force that I worked with all these long months in order to discuss this very, very important issue.

Mr. Speaker, we have a bill before us that I believe is seriously flawed. I think there are a number of major problems, but the No. 1 problem with this bill is it is called a public financing bill, and it contains no public financing. There is no funding scheme to fund this bill. The second problem is that the House and Senate are allowed to operate under different rules in terms of elections financing, and, third, it places spending limits on incumbents, and challengers, but the spending limit is set at $600,000; $600,000. Mr. Speaker, that is hardly a limit. It becomes more and more a rich man's game when we read into the bill and determine that $60,000 in individual personal funds are also called a limit.

As I mentioned earlier, we traveled to Minnesota and Wisconsin to look at the public financing laws that those States have, and we heard legislator after legislator come before us and tell us that there was not enough money in the system, that individuals who took advantage as challengers of public financing were perceived as weak, as if to say that they could not raise money in the private sector, so they had to come to the public sector to raise that money.

□ 1230

We have also seen in our experience that the Presidential public financing scheme, the checkoff, is becoming less and less supported by the American public, to the degree that we had to take emergency action earlier this year to make sure there was enough money to get through this Presidential election. But in fact that fund will be bankrupt at the end of this election year.

The Senate took a hard line position on PAC's, eliminating PAC's, and then they folded and gave up on that. Now they allow funding by PAC's.

The bill that we have before us continues to allow free mass mailings in an election year. Mr. Speaker, there are demonstrated statistics that show that incumbent Members of Congress spend more taxpayer dollars. In the last cycle it was $130 million in taxpayer-financed franking; $130 million was literally twice as much as all other challengers spent on all of their campaigns. So there is a tremendous incumbent protection program built into this bill.

Mr. Speaker, I offered a bill in the midst of this process that I consider to be real reform. It would have required fully 100 percent of all money raised for a congressional campaign to come from the district; 100 percent. There would be no fundraising in Washington, no fundraising in Hollywood, unless you represented that district, and no fundraising in New York, unless you represented that area.

If you cannot get support from your home district, then you should not be able to raise money anywhere else. Your first responsibility is to the people of your home district that elect you.

I also felt that we should have a limit of $200 on all campaign contributions, whether they are individual, whether they are corporate, whether they are PAC, whether they are personal. That, unfortunately, did not pass. But I consider that to be real reform, not the complex set of conditions and issues that are put before us today.

Mr. Speaker, as I mentioned, I will offer a motion to recommit at the end of this debate that will allow for the further discussion by the conference committee of issues that I consider to be real reform. I would urge all Members to give that motion the opportunity to pass.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I urge a "no" vote on the conference report. This is a sham. I say it again: This is a sham. This is not reform, it is a fraud.

Machiavelli instructed his students of politics that what was important in political life was not to do good, but to appear to do good. That is exactly what this bill does, it appears to do good while it does not.

This House is racked with scandal. We didn't pay our restaurant bills and we have had to clean up that mess. We did not clean up the postal system. Then we had the problem with our bank. Now we come up with the ultimate in perks, a new perk, where every Member of this Congress gets $200,000 every election cycle from the taxpayer. That is the ultimate perk.

How dumb do you think the American public is? To get the perk, you do not have to raise one bloody dime, not 10 cents, not 1 cent from people inside your congressional district. To get the $200,000 perk from the new House bank, to be administered by the same Committee on House Administration that put locks on the doors of the minority just yesterday when they were trying to investigate the House post office abuses, under the same administration, to get the $200,000 biannual perk from the taxpayers, not 1 penny has to be matched from the voters in your district.

If you want to stand up and defend that, do it. If you want to stand up and defend that kind of abuse in the name of good, in the name of trying to make this House and these Members more directly responsible to the people who vote for them, go ahead and vote for it. But I would be ashamed to put up a green light for this vote.

All you are going to do is organize more committees with mail solicitation where you get 1,000 people to send in a $100 contribution from party activists or special interest activists around the country. It comes in, and then you get a 100-percent Government match, taxpayer match.

Mr. Speaker, it is a new bank. It makes the bank at the Sergeant at Arms look like nothing in comparison. It gets to the heart of what this institution is, a heck of a lot more than whether or not we have a gym. It reaches into the depths of what this body does a heck of a lot more than whether we have airport parking.

Mr. Speaker, you ought to be ashamed of calling this good if you do not require that the funds that qualify for any kind of match are raised by voters in your own legislative district. This is not reform; it is fraud.

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

Mr. Speaker, there are battles in legislatures and congresses and parliaments across the globe, but there are still so many people that do not have a democratic institution to bring their grievances. Sometimes in the heat of debate and seeking political advantage, I get the sense that some of my colleagues hope they can burn this institution down, and in its ashes they can rule.

None of us will gain by destroying the Congress. None of us will gain by constitutionally trying to put this House in the worst light.

Mr. Speaker, it seems to me that if we care about democracy and democratic institutions, that we ought to lower the rhetoric on this institution just one notch, because this is the premier legislative body on the globe. It is the cleanest and the least corrupted Legislature anywhere on the face of this Earth, and that is what we ought to understand.

Mr. Speaker, my parents fled the Soviet Union while it was still under Stalin. They fled a government that gave no one the right to speak out and gave no one the right but the few in the party to participate in the political system.

As dangerous as that was, we are in the same kind of danger if we only allow those with money and power to affect the political process in America.

What we need is a political system that gives the average voter more ability to feel that their voice is heard, and not just those who are most wealthy or those who are organized to the greatest degree.

The critics on the other side of the aisle say that we have not cut down on Democratic advantages in the system. Well, let me tell Members, it took some effort on my side to convince my colleagues to not take even more than we were taking from Republicans. In political action committee money, the Democrats on the majority received 53 percent of their dollars from those political action committees. We cut that to one-third. The Republicans got 41 percent on average from political action committee money. We cut that to one-third. We cut the Democrats more.

When you take a look at leadership committees, which are done away with in this bill, there are virtually none on the Republican side. We do away with them, and that only affects Democrats. We also limit how much money wealthy people can put into the system.

□ 1240

Do not stand before us and tell us that Members are somehow pure if they lock out political action committees, an act that most people feel would be unconstitutional—political action committees that range from unions and oil companies to the Sierra Club—and then turn around and say that if all the money comes from the board of directors of the big corporations that somehow a Member is pure.

Everybody knows the game around here. We stand up and announce we are not going to take PAC money, and then we write to all these corporations and say, listen, I do not take PAC money. I would like to get the board of directors of all of the companies to send me the money directly.

We had one Member the other day talking about how spending limits were bad. I could not figure this out. Then he said, "I have got $2 million in my account."

Of course, those who have access to wealthy people and wealth would like to have campaigns determined by a race for dollars.

The Magna Carta, which we have a copy of in the Statuary Hall, started the process by giving rights to people who had wealth and property. We got rid of the poll tax in this country be-

cause it restricted the involvement of the public to only those who had cash on hand. Do not make campaign finance reform contingent on raising money and only in your district, because then only those with wealth will have the ability to enter the political process.

On average, 80 percent of the money in campaigns is raised in districts by Democrats and Republicans. It is a phony issue.

But what it does in some districts, it precludes those who represent the poor, those who represent environmentalists against corporations like Exxon from being able to participate in the debate.

Let us not set up something we call reform that then skews it so only one side can enter the dialog and the debate of the campaign.

Different rules for the House and the Senate. We have different rules for the House and the Senate. We have a Committee on Rules. They do not. The State with the largest district has 52 congressional districts. The smallest in the House is barely a congressional district by any standard.

What we need to do is focus on a system that works for each of the Houses. Most of what we do is similar. We deal with the issue of PAC's. We do a little more in the House, frankly, because we limit it to one-third PAC's and one-third of the money can come from contributions of $200 or more and no more.

The Republican reform bill that was offered would have allowed a Member to raise $4 million from political action committees in one race. That is not my idea of reform.

We limit soft money. We limit independent expenditures. We limit the contributions from the wealthy, and that may be the most important innovation in the House bill.

Lastly, I would like to go back again to not what we have said here but what others have said about the work we have done, quotes from people who have written to us from newspapers across the country, from organizations that are committed to reforming the political process.

They have called this the most important reform bill that has been before the U.S. Congress. Let us not hope that entrance to heaven is based on perfection because I can guarantee my colleagues, there are not many of us or our constituents that would get in. But perfect cannot be the enemy of the good, and this is a major step forward in reforming the political process in this country.

From the New York Times and the Washington Post, from Texas to California, the papers that have looked at this legislation say, no, it is not perfect. They say it is the best thing we in elective Government have ever done, that this is a major step forward.

The groups outside the Congress that watch the reforms of Congress say the same thing, that these are major strides forward.

And lastly, when I asked the administration to participate in the debate, when a representative of the White House was in the conference committee room in our final day, I took even that opportunity to ask them to participate, as I did the minority members of the committee with their proposals. The White House declined to participate in a reform package of campaign spending.

The President, who gets over $200 million in public funds, says he is against spending limits, says he is against a bill that would limit spending and PAC's and soft money.

We have to work together, but we cannot respond to a President whose only answer is the veto pen, whether it is on unemployment compensation, on taxes, on health care, on education, and campaign finance reform. There is no national consensus on many issues, but where there is Presidential leadership, we can move forward.

The only thing we have heard from this President is no, and no, and no again. And that cannot be the answer for reform. We can work together, but we will not be bullied by this White House.

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

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

Mr. Speaker, I would remind the gentleman on the other side of the aisle that the President not only has offered a national health care plan, but he also signed into law an extension of unemployment benefits. I would hardly call those "noes."

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

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

I would first love to ask the gentleman from Connecticut how he can have a statistic that says that incumbents raise 80 percent of their money from their districts and yet he also quoted that the Democrats raised 53 percent of their money from PAC's. That to me, that does not fit.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, many of these political action committees do represent the workers and environmentalists in their district.

Additionally, if we take a look at the individual contributions, it is 80 percent of the individual contributions and probably as much as 90 percent of the political action committee money.

Mr. SANTORUM. Mr. Speaker, if the gentleman is going to say just because there happens to be a union member in the district that somehow or another that political action committee is in the district, that is a farce.

We are talking about where the money is coming from, from individuals, people who vote in our districts.

Just because someone maybe contributed $5 to a political action committee that in turn gave $5,000 to the candidate, that is hardly raising money in your district.

The point is that we need a system that focuses in on the people who live in the district. I won an election 1½ years ago, outspent 3-to-1. I raised more money from individuals in my district than the person who outspent me 3-to-1.

We did it with volunteers. That is what American wants. They are tired of these big money, $600,000 political action committee campaigns. They want people who are going to go out and talk to them, who are going to go on their doorstep or town halls and meet with them and see them and hear them. They want the people from the communities to contribute and support candidates. They do not want people from Washington giving big bucks down here to prop up candidates back home. They want the people to contribute at home who judge these candidates on what they are doing for the people in that district.

That is all we are trying to say on this side of the aisle. We are saying, "Don't continue the games down here. This is an incumbent protection plan."

The gentleman says, we are going to limit PAC contributions to $200,000. What a limitation, my colleagues. The average contribution from political action committees to Members of Congress, incumbent Members, is $213,000. Wow, we are going to cut back $13,000 on average. What a sacrifice. What reform. Wonderful.

We are really going after these folks. This is a joke. This is no reform. Two times today we are going to be debating bills that are called reform packages that do absolutely nothing to change the status quo, to do anything to address the concerns that the American public has with this institution.

We are guaranteeing incumbency, and then we are going to put new paint down on the Sergeant at Arms office and say we have cleaned it up. It is a joke. We are not doing anything today.

People are mad. What they want is real reform. What they are getting is a new coat of paint.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR], who has really led the effort for some time on campaign finance reform.

Mr. SYNAR. Mr. Speaker, being a Member of Congress is about making choices. When we are in session, we dutifully troop into this Chamber each and every day, sometimes a dozen times a day, and make a choice. And we are not unused to the process.

My fellow Representatives, do not shrink from the choice which faces us today. The choice goes to the very heart of representative democracy and that will underlie every subsequent time from this day forward.

□ 1250

It would be ironic, indeed, as the emerging nations of Eastern Europe slowly return power to their citizens, that this Congress which, for the dark days of Communist rule was the bright beacon of hope for those behind the Iron Curtain, is seen as moving away in the opposite direction.

We cannot be seen as countenancing a situation in which the wishes and wants of the people of our districts once again take a distant second place to the clangor and crush of the special interests and their awesome power of concentrated money to corrupt the system the Founding Fathers envisioned for this House.

If we reject campaign finance reform today, I do not know when we will be able to return here again. But I do know that the House of Representatives will be a diminished place, its ideals tarnished, and its noble origins betrayed.

To my fellow citizens, it has taken us a decade to get to this moment. If we truly are committed to beginning to rebuild the public confidence which is so necessary to the fabric of this democracy, let us accept this challenge today and pass this legislation. Then we can say that we have made this democracies more competitive, we have improved the access of its citizens to the democracy, and we have enhanced this democracy the way our Founding Father would have wanted it.

That done, we will have served this Republic, we will have served this institution, but most of all we will have served this country. I urge the Members' support.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, this is an insipid brew that has just enough "sip" in it that I will feel compelled to support it. But the public must understand that this reform package places greater restraint on the Senate than the House, on Republicans than Democrats, and at the same time continues a system that gives stark advantages to incumbents over challengers.

As has been referenced by the majority, this Congress has a great history; yet the fact of a distinguished history should not blind us to the clear need for reform today.

The American people are understandably frustrated. One reason this is the case is that Madison's creation, the U.S. Congress, had less turnover in the last decade than Lenin's fraudulent single-party parliament, the Supreme Soviet.

It would be an exaggeration to analogize Congress to any Soviet institution. But it might not be going too far to suggest that a Congress that is unwilling or unable to change, that serves up the status quo, is as vulnerable to citizen rebellion as King George's Parliament was two centuries ago.

It is no accident reelection rates have been in the 98-percent range in recent years. The House, which our Founding Fathers intended and expected to respond quickly to change, has been stultified by a campaign system that gives too many advantages to incumbents and too little opportunity to challengers.

PAC's turn upside down the nature of our democracy. They indebt candidates, especially incumbents, who by more than a 10-to-1 margin receive PAC contributions, to the interest groups that provide the resources to influence the electorate rather than to the voters themselves. They also nationalize rather than localize elections. One of the oldest truisms of government—all politics is local—is no longer valid. Candidates, especially incumbents, have in the last two decades tapped into a national fundraising spigot that causes rural representatives, for instance, to rely on organized labor and big business largess that has little in common with the economic interests of their districts.

If the trend toward more expensive races and thus heavier financial obligations for candidates is not curbed, Congress will become a legislative body where the small businessman, the farmer, the worker, and the ordinary citizen are only secondarily represented.

As for the poor, more than any other group in our society, they have the greatest vested interest in campaign reform. In a system where money buys access, the voices of the moneyless become muffled by the clanging coins of political action committees.

What is needed is a campaign reform agreement analogous to international arms control agreements. Just as reducing arms on a mutual basis enhances national security, reducing conflicts of interest advances the public interest. If business and labor can be reined in equally, the public debate can concentrate on the merits of arguments rather than the size of campaign war chests.

Lord Acton, the British statesman, immortalized his public service with the observation that power corrupts, with absolute power tending to corrupt absolutely.

It strikes me that a fitting corollary to the Acton dictum is the notion that even more corrupting than aspiring to power is fear of losing it. That is why Congress is so hesistant to reform itself. That is why, despite speeches to the contrary, every serious effort at campaign reform has been thwarted. That is why this year's efforts, in particular on the House side, are so lacking in substance.

A second, more limited, corollary to the Acton dictum is that the longer power is held by a single party in a legislative institution, the greater its abuse. Lack of competition induces arrogance of both subtle and no-so-subtle natures. It is this arrogance of power that is responsible for the collapse in public confidence in Congress. If one believes, as I do, that it is competition in the political environment that reins in excess, it is reasonable to conclude that ending PAC's, putting on stiff spending limits, is a responsible goal. Unfortunately, this bill doesn't do it. It is an exercise in cynicism that will invoke a presidential veto.

The strength of the American system is the institutionalization of change. What the country needs to go forward is for Congress to look backward and return to old-fashioned values. We need a new competitiveness, legislative checks and balances, not stultified incumbency; serious restraints on campaign spending and political action committees, not more self-perpetuating political IOU's.

Let's quit the quarter steps and dare stride to comprehensive reform: Containment of spending, the abolition of PAC's, restriction of donations to those who can vote for a candidate, with the possible exception of matching small contributions with public funds.

Campaign reform is the unfinished business of a Congress in disrepute. Let's get serious instead of remaining steadfast in fractious, hortatory, nonstarting efforts of the nature served up this afternoon.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I rise in opposition to the conference report.

This version of the bill, just like the earlier versions, fails to eliminate the built-in fundraising advantage held by incumbents.

Not a day goes by on Capitol Hill that a Member of Congress, or the staff, does not have some form of contact with a lobbyist who can influence PAC donations.

Is it surprising, then, that incumbents received more than 80 percent of all PAC contributions in the last election? Or that incumbents received more money from PAC's than from individuals in the last election?

If the majority of an incumbent's war chest comes from PACs, challengers will not be able to compete.

On the other hand, if most of a candidate's campaign funds were to come not from Washington, but from the district, the challengers would be on an equal footing with the incumbent.

If control of campaign financing were to be shifted from Washington to the real America, constituents would be more important than special interest groups. This place would be, in reality, the peoples' House.

It will not happen under this bill. Why not? Because this bill was drafted by good 'ole boys who were looking out for each other, who think of the House of Representatives as their own personal House. And they want to put up a barbed wire fence around that House.

I say it is time to unlock the front door and put out a welcome mat. Veto no, and then we can get started on a real reform bill.

Mr. WALSH. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this legislation is the ultimate free lunch long championed by congressional Democrats. The bill has plenty of benefits, or payments to candidates, but it is painlessly free from a funding source.

The Democrats receive kudos from Common Cause and the League of Woman Voters for including public funding in their bill. The Washington

Post commends the Democrats for providing public funding, or its equivalent in kind to candidates. The New York Times lauds the landmark legislation for its sensible public financing.

But the Democrats are reluctant to take credit for including public funding in their bill. Apparently, the Democratic leadership gained support from the conservative members of their caucus by promising that the bill did not contain public financing.

So, the Democrats want the credit for giving free money to politicians, but they do not want the responsibility for paying for it.

This bill is celebrated as a sweeping reform measure. However, none of the alleged reform in the bill will go into effect until estimated costs are offset by subsequent funding legislation, or a tax-raising bill.

Under the paygo restrictions of the Budget Enforcement Act, any increase in entitlement programs must be deficit-neutral. This bill sets the precedent for expanding entitlement programs with the stipulation that we'll pay for it later. The American people have had enough of this smoke and mirrors.

This conference report also includes a Sense of the Congress resolution that provides that the alleged funding source will not come from a general revenue increase, or from cuts in other programs, or from an increase in the Federal deficit. This would be comical if it were not so dishonest.

Funding for any Government program must come from either raising taxes, cutting other spending, or increasing the deficit. Magically, this conference report bill will do none of these unpopular things, but it will provide the popular benefits. This bill represents modern day alchemy—Democrat chemists have produced golden benefits for politicians, seemingly out of thin air. This is a miracle.

Just as Wimpy tells Popeye, "I'll gladly pay you on Tuesday, for a hamburger today," the Democrat leadership tells the American people that they will gladly find a funding source on Tuesday, in exchange for a public financing bill today. Old Popeye was smart enough to know that Wimpy was pulling a fast one, and the American people are smart enough to see through this free lunch scam.

While the inclusion of public financing is enough to force my opposition to the conference report, I also oppose the spending limits that are the cornerstone of this legislation. Spending limits will simply prevent a well-organized challenger from raising sufficient funds to overcome the numerous advantages enjoyed by incumbents.

Incumbents are already given the use of the frank, staff allowances, and media exposure which challengers do not enjoy. In the 1989-90 congressional cycle, Members of the House of Representatives spent $130 million on franked mail. By contrast, all of the challengers to these privileged incumbents spent a total of $37.9 million on their campaigns. How can a challenger compete when the taxpayers already provide incumbents with free mail that costs three times more than challengers spend in total.

By limiting the amount that a challenger can spend to compensate for these disadvantages, the Democrats protect their majority status in Congress. This conference report maintains advantages for incumbents, while limiting the support challengers are able to generate.

The Senate version of the bill prevented Senators from sending franked mass mailings during an election year. By including this provision, the Senate admitted that taxpayer-funded mass mailings in an election year are an unacceptable incumbent perk. By mistake, the original conference report applied this provision to the House, and yesterday, we came to the House floor to make sure that House Members were exempt from the franking ban. Apparently, franked mass mailings during an election year are an abuse on the other side of the Capitol, but they are a necessity on the House side. This is a very curious reform bill. How ironic that the only true reform was an error and was quickly corrected by the House Democrats.

In contrast, the Republican substitute that was defeated on the House floor last November would have required that a majority of a candidate's funds be raised from local district sources. Therefore, candidates would respond to their own constituents instead of special interests.

Second, we would have reduced the allowable PAC contribution from $5,000 per election to $1,000 per election, the same level currently imposed on individuals.

Third, we would have banned soft money contributions that are loopholes in the Federal election campaign law. The Democrat bill allows soft money from unions and maintains the widely used building fund loophole.

We all know that this conference report is going nowhere fast. President Bush clearly stated he would not sign a bill that contains public financing, spending limits, and treated the House and Senate differently. Well, this conference report contains all three objectionable elements and is headed for a certain veto.

Somehow, the Democrats think the American people support public financing and this bill represents a great campaign issue. Maybe they haven't seen the results of the other public financing program, the Presidential checkoff system. Last year, 19.5 percent of the American people elected to divert one of their tax dollars into the campaigns of Presidential candidates through the checkoff on tax forms. This is a clear referendum on public financing. The House should represent the will of the American people and reject this second public financing scheme.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. BROWDER], who has been of great assistance to us in fashioning this legislation.

Mr. BROWDER. Mr. Speaker, some people may get the idea that this is all a game, a political game of who can shout the loudest, about spending limits versus public financing, about bashing the Congress or bashing the President, about fair or unfair debate rules.

So let us be honest with ourselves and America. This particular bill is not going to become the law of the land. We will probably pass it and the President will probably veto it. But our action today, if not the final conclusive solution, is a critical step on the road to campaign finance reform. Today, with our vote, we will send a loud message about our dissatisfaction with the role of big money in congressional elections. As one of my homestate newspapers said:

> Campaigns are not just about candidates. They are also about ideas. With all that campaign money choking off any real challenges, the competition of ideas so necessary for new policies is strangled. And the policies we do get are molded far too much by the wants of the money men.

I urge support for the conference report and spending limits on congressional campaigns.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, this conference report is not campaign reform, it is welfare for politicians. Among the outrages included in this bill is a $200,000 taxpayer-financed slush fund for congressional candidates. The American people oppose their tax dollars being used to pay for attack ads and polls by overwhelmingly checking no each year on their tax forms when asked if $1 from the Treasury should go to Presidential campaigns.

The $1 billion in political welfare checks that this bill expends in the next decade will come from the Federal Treasury, which already faces an annual $400 billion budget deficit.

Mr. Speaker, this bill is another congressional rubber check. In recent Presidential elections, millions of taxpayer dollars have gone to convicted felon Lyndon LaRouche, racial extremists, and other bizarre candidates. If this bill passes, you can bet they will have slates of candidates in subsidized congressional races as well.

Mr. Speaker, enough is enough. We need real reform that does not bilk the American taxpayer. Vote no.

Mr. GEJDENSON. Mr. Speaker, I yield 3½ minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to make some general observations about this legislation which I intend to support. I do so knowing that it is far from perfect, but I appreciate the effort that has been made to bring this legislation to this point.

When we engage in this debate about campaign finance legislation, it is important for us to see this issue in historical context. When we do so, it is helpful for us all in this country today to realize that the whole issue of campaign finance reform is a relatively recent issue. As recently as 25 years ago the public had little idea as to who was financing congressional campaigns.

In fact, if we go back into Presidential history, no one really knows for sure, who financed Franklin Roosevelt. No one knows who financed Harry Truman. No one knows who financed Dwight Eisenhower. No one knows who financed President Kennedy. No one knows who financed his campaign in the West Virginia primary in 1960. No one knew who was financing Lyndon Johnson, and no one really knew for sure as recently as the Nixon years who was financing President Nixon.

□ 1300

I make these historical observations only to make the point that perhaps the single most important bit of information that the public has a right to know and is ultimately very helpful in determining who they want to support in a political race is to know where their financial support is coming from. I contend that whatever we do in this area should be done in such a way as to make sure that the public has full disclosure, so they know that your support is coming from labor unions, or bankers, or rubber workers, or farmers, or lawyers, or whoever is helping you. That is what people ultimately need to know.

I would just also observe that there has been a lot of lambasting of political action committees. Let us keep in mind that the PAC's, as we know them today, were originally a reform. They were a reform designed to reduce the influence of large contributions coming from very wealthy people in this country. The theory was we could get more people involved making smaller contributions to a pot of money that would be contributed to a candidate.

I ask my colleagues: How can we pretend that we are going to eliminate PAC's when the first amendment to the Constitution clearly guarantees our citizens the right to freely associate, it guarantees them the right to free speech and free press. How can we restrict that right? I don't think we can. And if we say we are going to eliminate a PAC that represents rubber workers, or farmers, or teachers, then are we not just a step from saying we do not like the philosophy of the Republican Party or the Democratic Party so, therefore, we are going to restrict their right of freedom of expression?

I would suggest to my friends that we would do this country a great service if we would spend a little bit of time trying to inform our constituents and the citizens of this great democracy about the fundamental rights they have as citizens, and to remind them that today in this country the political system, as crazy as this may sound, is probably cleaner, more open and providing our citizens with more information about who is supporting political candidates than ever before in history.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to our distinguished Republican conference leader, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding the time.

Ladies and gentlemen of the House, I would suggest that all of us should indeed beware of a bill described as a reform when we are talking about an item like campaign finance, an item that is most important to incumbents in the Congress who so desperately, above and beyond all else, want to get reelected. The public does know that this Congress has been run for the last 38 years by the same party and the Democrat leadership and the Democrats sponsoring this bill are concerned about campaign reform because they want to assure that campaign finance legislation moves in a fashion to ensure their reelection.

They had to correct their bill yesterday because they discovered a mistake in it. The mistake was it cut out their ability to use taxpayer funds to send mass mailings in the 12 months preceding an election. Free pictures—free promotional mailing—they did not want to lose that perk, indeed.

As they went forward with fixing the campaign bill, they now have designed a provision that calls for taxpayer financing of campaigns in the future. Essentially they are saying look, on the one hand we want to be able to use the perks around here for making sure we are reelected by way of mass mailings in-house, and beyond that we also want to create the grandest of perks and is that they want taxpayers to pay for our campaigns.

This bill, in the name of campaign reform, is nothing but a design to secure incumbent reelection, and the incumbents who care most are the liberal Democrats who run this place.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say today we are seeing the real Democratic Party machine in action after all of the talk about reform. What we have is a proposal to have a new House bank with a new line of credit for incumbents. It is a very simple system.

First you go to some centers of influence—Hollywood, New York—you raise the $250 apiece, and then you go to the taxpayers through the Treasury and you raise the matching money, and then you go to the political action committees and you round it all out. You did not have to raise a penny in the district you represent, did not have to raise a penny from the normal working Americans.

Or, you set up a framework where every law firm in Washington makes sure that its associates get in the habit of coming to your reception at $250 apiece so that the taxpayer will then match them, so then you can go back to the PAC that the law firms represent and you can raise all of the money in Washington. It is bizarre that in a period when we are talking about reform, in a period when we are talking about perks, that we are going to create a brand new system of financing by the taxpayer to give the incumbents a dramatic new amount of money to allow them to lean on the taxpayer without ever having to go home. Now you can just go down to your favorite special interest, raise the first unit of $250 from the individual, get the money from the Treasury, and then go back to get the PAC money and never leave Washington. It is the perfect Democratic incumbent protection account. Or it could be called the Law Firm Empowerment Act. Do all of your business with a handful of law firms. They will give you the cash on the personal side, and they will make sure their PAC friends give you the cash on the PAC side and the Treasury provides the rest.

It is an astonishing example of why 73 percent of the country are sick of the current system and want radical change, and it is no wonder that people like Jerry Brown survive and keep moving, because this is an atrocity.

Mr. GEJDENSON. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. ECKART). The gentleman from Connecticut [Mr. GEJDENSON] has 9½ minutes remaining and the gentleman from New York [Mr. WALSH] has 11 minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield myself 30 seconds to answer the last two speakers.

What we have is a system where the gentleman from Georgia in his own race had to raise $1.5 million. He went out and got $433,000 in PAC money. I wonder if the gentleman does not think the system would be improved if instead of having to raise $1.5 million he could run his campaign on $600,000? I would yield to the gentleman a part of my 30 seconds for a response. Does the gentleman not think it would be better instead of having to go out and raise $1.5 million?

Mr. GINGRICH. Actually, I do.

Mr. GEJDENSON. And raise $600,000 instead of that? We have a limit. We have no public financing.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, why is campaign finance reform important? The United States today is one of two nations in the industrialized world without a national health care system; the gap between the rich and the poor is growing wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry, and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one of the major reasons for that is that we have an absurd approach to campaign financing which, to a very large degree, allows wealthy people, and major corporations to buy and sell politicians.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly, it limits the amount of money that can be spent in an election. What this means is that wealthy people, and candidates who are representing big money interests, will no longer be allowed to outspend their opponents 5 to 1 or 10 to 1. What it means is that there will be a level playing field, with all candidates having a fair shot at victory, and that is a victory for democracy.

Second, this legislation limits huge soft-money contributions from both political parties as well as special-interest groups. This is a real step forward. For those of us, for example, who are fighting for national health care, there is a real concern that the AMA and the insurance companies will spend millions of dollars in independent expenditures in order to defeat us, and prevent changes to our collapsing health care system. This is absurd and undemocratic, and this legislation goes a long way toward eliminating that practice.

Mr. Speaker, if the President vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant, responsive political system which represents the needs of ordinary people.

If President Bush, who is himself a recipient of millions of dollars of campaign contributions from the rich and the powerful, and tens of millions of dollars of public funds throughout his political career, vetoes this vitally important legislation, then the American voters should be prepared to veto him in November.

□ 1310

Mr. WALSH. Mr. Speaker, I yield 4 minutes to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker and my colleagues, the majority's decision to bring this bill to the floor today is an example of bad timing unmatched since General Custer told his troops, "Hurry up, boys, or we will arrive late at Little Bighorn."

The House is lacerated with self-inflicted wounds, mocked and scorned by the American people for its insider excesses, and exactly at this historic moment, the Democrats tell us that what the taxpayer needs right now is the ultimate congressional insider's vision of campaign reform.

Does this bill really contain public financing? The League of Women Voters thinks so. They say the legislation would provide for the first time public financing for congressional elections. The New York Times has given its blessing to the Democratic bill, and that is like one establishment saluting another, and refers to sensible public financing.

The Democratic leadership, trying to please all factions, tiptoes around that question coyly whispering that only partial public financing is involved.

I leave it up to the philosophers and the lawyers to determine exactly when public financing is not public financing. But whatever it is, the Democrats will not tell us how they are going to pay for it. Maybe they want us to believe the tooth fairy will leave money under the pillows of candidates. Maybe we will all hit the lottery. Maybe the taxpayers will be gouged again. Maybe.

But why go on?

The majority used its muscle to force us to choose between two big opposing bills, instead of trying to find some kind of amicable middle ground.

PAC reforms, franking, local funding for campaigns, soft money, and spending limits, every one of those issues was denied a separate vote by the Democrats. Why not debate each one of those individually and have the decision rest with a majority vote of this House regardless of how it falls?

The majority, with a sneer that could have graced the lips of young Elvis, in effect said, "Our bill or no bill." No wonder the President is going to veto this measure.

You know as well as I do it is never going to become law. It is just a gesture. Even with the ground shifting beneath their feet, the majority cannot do anything but go through the same old motions.

In a way, that is kind of sad. Here the Democrats, the lords of the House for almost four decades, with their stewardship of the House under attack from all quarters, their confidence is in question, their ranks are in disarray, and yet they come back to us from conference with a bill that says to the American people, "Trust us insiders to take care of ourselves. We will figure out some way you can pay for it later."

This is exactly at the time that the American people are demanding participation and responsiveness, and the Democrats tell us they know best when it comes to campaign reform.

I tell you, the Big Daddy Democrats are striking again. I am certainly forced to vote against this conference report. I hope Members will join me in that opposition vote.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in very strong support of the bill on the floor. I think it is a major step forward toward the ultimate of reform which I would hope to be the elimination of political action committees and the very severe reduction of the amount of contributions we, running for Federal office, can take.

I want to take a moment to salute the gentleman from Connecticut who has waged a wonderful battle over these many months and his colleague, the gentleman from North Carolina as well, because I really think they have done credit to this body.

This bill does limit spending. It does reduce the influence of political action committees. It does curtail the use of soft money and the practice of bundling.

I would like to mention to those who disparage the idea of public financing. I think it is the only real hope we have of returning politics to the people. The people have been evicted from the center of the process by big money and big special interests and big political action committees. The only way to return them to the heart of the process is to encourage small donations and to encourage the use of public financing.

I certainly support the bill and commend the gentlemen.

Mr. WALSH. Mr. Speaker, I yield to the gentleman from Maryland [Mr. GILCHREST] for a unanimous consent request.

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that I go on the record as being against this bill. When I first ran my campaign, $300 that I earned went toward my primary victory, and I think public financing in all of its ramifications is not a good idea.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ECKART). This is a more than a unanimous-consent request. A unanimous-consent request must be confined to a simple request to insert a statement in the RECORD and may not include a speech without yielding to time.

Mr. WALSH. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. THOMAS], the leader of the Republican task force.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to compliment the gentleman for his long and arduous trip in participating in the task force, at least during the hearing stage.

As most of you know, Republicans were not allowed to participate in the structuring of the actual bill itself, nor were we able to participate in any meaningful way in the conference report.

I find it ironic, however, that the Democrats found a use for this gentleman from California, and his interest in the frank, to bail them out of one of the fundamental problems they have around here, and that is making mistakes. It was my pleasure to bail you out of a mistake you folks make in your conference report. What was the mistake? It accidentally treated the House and the Senate in exactly the same fashion.

They have been very, very careful to make sure that the House and the Senate are not treated in the same fashion in this bill.

You know, if this were only real reform, if all of the speeches that were being given about the bright new day was actually going to occur. But words are cheap, and we all know that the Democrats are not serious in the proposal that they are pushing to a veto.

Why? You have heard the Democrats talk about soft money, so-called sewer money, how bad it is. You would think that in the conference report soft money, money not eligible to be spent in a Federal election, would be banned. The truth? It is not banned. That portion that the Democrats tend to use more frequently is not banned. Union money is not banned. The so-called building fund using soft money is not banned.

The Republican proposal, on the contrary, banned soft money, no ifs, ands, or buts. It banned soft money.

If the Democrats were serious, they would ban soft money. They do not.

The Democrats propose to have the taxpayers pay for elections. Of course, not in this bill. There is no money in this bill. There is no provision for the requirement that money be present. It is a shell. It is an empty house. It is a gesture. It is for political reasons that they move this bill forward.

You know, folks say that there are only three things wrong with taxpayer-paid finances: First, the Democrats are not for it; second, Republicans are not for it; and third the people are not for it. But you have heard the Democrats stand up and say they are for it.

Let me tell you just 2 years ago, when an amendment was passed by a voice vote to include real taxpayer financing in the bill, the Democrats voted it down. The Democrats took it out of their bill.

Why? Because at that time they were trying to seriously fashion a package. Why in the world do they include it in this one? And remember there is no money in it. Because they know it is not going anywhere. They have fashioned it for political purposes so that the President will veto it and they have an issue.

They would much rather box with shadows than deal with substance, and that is what the American people are sick and tired of, and frankly we already have taxpayer-financed elections. Take a look.

□1320

This is a comparison, not of the incumbents' war chests, not of individual contributions to incumbents, not of political action committee money being sent to incumbents. Over on the far right, that $130 million is what you, the taxpayers, paid for franking by Members of Congress.

Take a look at the blue line. Not even $40 million possessed by all the challengers, both Democrats and Republicans from all sources. Yet they want to set up another structure that takes taxpayers' money to finance their election campaigns, when they are already overwhelmingly into the taxpayers' pockets for the frank.

Now, you are going to tell me that the frank is an essential communication device between Members and constituents, and that this is, after all, an appropriate thing for taxpayers to pay for. They should pay for mailings from Members of Congress. Take a look at the way in which Members mail.

Now, are you going to be shocked if I tell you that these low points in the cost of mailing occur in years in which there is no election? And are you going to be shocked if I tell you that the high points, including almost $80 million, $70 to $80 million in a single year is spent during the year in which there is an election? That this saw-toothed pattern of franking is based upon constituents' letters coming in and the Member mailing out in an ordinary fashion of communicating with the electorate?

You know it is hogwash. I know it is hogwash. They think they can fool you.

Yet again, the frank, that $130 million, that amount that completely wipes out any of the money the challengers now have, which is not even taken into consideration in their bill, is used for campaign purposes. And they stand up and tell you over and over again that what they are doing is because the American people want it done, that we want to control campaigns, that there is too much money being spent in the system. They complain about the time that is consumed because they have to go out and raise money.

Guess what? They spend literally all their time raising money outside their districts.

Why do we not do something real simple, like telling candidates they have to raise the money from the people in the districts they seek to represent?

And do you know what? You the American people agree. Take a look. Over 80 percent of the American people say yes, the bulk of the money should come from the district or at least the State.

Do you know how much is required to come from the district or the State in the Democrats' bill? Oh, you guessed it, zero. Not one dime.

The SPEAKER pro tempore (Mr. ECKART). The time of the gentleman from California [Mr. THOMAS] has expired.

Mr. WALSH. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. THOMAS of California. Not one dime, Mr. Speaker, needs to come from the people who participate in the election.

Now, why wouldn't the Democrats create a structure which requires Members and candidates to try to raise at least the bulk of their money, a majority of the money, from people in the district? Do you know why? Because that would be real reform.

And do you know that all of their committee chairmanships, and all of the power that they possess back here in terms of running the place, and all of the gavels in their hands that produce money from PAC's rushing to them to try to influence the decisions that they make, would not be worth as much if they had to go to the district and ask an ordinary person to give them money. They want to keep a stacked deck. They want their power concentrated where it is, in their positions in Washington and elsewhere outside their districts. They can go to New York, and let New Yorkers give them money, because they are powerful.

The American people want them to go back home.

The Republican proposal said a majority of your money needs to come from the district, local control of campaign finance.

If you want something radical, this is it. They do not want something radical. They do not want something real. They want a partisan political gimmick which they are going to move forward to the President.

Oh, listen to their words, listen to their pleadings. They want to do it, if it is possible, with your money. They certainly do not want to do it with the money of the people back home, where they would have to go, back home, and be accountable.

Mr. Speaker, I would ask my colleagues, please, if you want to get serious, let us sit down and talk. Let us talk about the taxpayers' money already being spent in campaigns through the frank. Let us include that in the total, so that the challenger has a real opportunity.

And fundamentally and most importantly, if you want real reform, let us let the people back home decide how much money should be spent in an

election. Let the people back home determine how much you get to spend. Let us have local control of campaign finance. Let us let a majority of the money come from the people who are, after all, going to vote for you. That is real reform. You ought to vote down this conference report.

REQUIRE LOCAL FUNDING OF CAMPAIGNS

	Good Idea	Bad Idea	Don't Know
Q. Require "bulk" of campaign funds to come from district or state?	80%	15%	5%
Q. Require 75% of campaign funds to come from district of state?	76%	16%	7%

Greenberg-Lake survey of March 3, 1990.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I believe that both sides of the aisle really want to add additional campaign reform. I would like to remind my colleagues to my left that 14 years ago this House was operated by a Democratic Congress and we did have campaign reform. Members from both sides joined in that reform; however, I must oppose this particular conference report, and I say that it is the most unusual conference report that I have seen since I have been in the Congress.

It seems as though the conferees agreed to disagree. The Senate would have their rules and the House would have its rules, and they are not identical by any stretch. There are partial franking limits on the Senate and partial franking limits on the House. I think they should be coincidental. They should be identical.

We do not limit or reduce the PAC contributions for the House. The Senate says they will reduce PAC contributions. I think we should operate under identical rules.

We have different percentages of limits that may be spent in a Senatorial or a House election. I know the dollars are different, but the percentages are also different. When we come to percentages, the dollar amounts, $600,000 for a House election, is quite a lot of money, and particularly when we are asking the taxpayers to pay for the House elections and we are not asking the taxpayers to pay for the Senate elections.

I really would hope, Mr. Speaker, that the reformers on both sides would go back into conference, talk over the possibility of a compromise and come out with a better conference report.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, this is a good conference report. This is a necessary reform. And I want to commend my colleague, the gentleman from Connecticut, for all of his hard work and diligence in bringing this product before us.

As a former secretary of the State for Connecticut, I believe this is an important opportunity for us to solve some of the major problems in the current campaign finance system. This bill sets up a system for voluntary spending limits to control ever escalating campaign costs, reduces the role of political action committees and steers the system toward smaller individual contributions, and curbs so-called soft money which is the biggest loophole in the system today.

Mr. Speaker, no bill is perfect. Over the last 100 years Congress has periodically risen to the challenge presented by emerging problems in the current system of the time and the public's disenchantment with those problems, and renewed itself and the public's faith by rising to the challenge and implementing reform. Now is a time for renewal. Now is a time for hope. It is not the time to vote against these important strides forward. It is not the time for a Presidential veto.

I urge all of my colleagues to vote for this conference report. Let us all vote for reform.

Mr. GEJDENSON. Mr. Speaker, it is a great privilege for me to yield the remaining time to the majority leader of the House, the gentleman from Missouri [Mr. GEPHARDT], who has worked with us in the field to make sure we could be here today with this piece of legislation.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 4 minutes.

Mr. GEPHARDT. Mr. Speaker, I listened with interest to my friend, the gentleman from California, who is an excellent debater and speaker, but I must say if I had his case I would do what he did, and that is try to confuse the issue.

The issue we all know here is how much money is spent on campaigns and how we can limit it, how we can get the amount of money to go down.

I do not think my friends want to talk about that on the other side, because I think they know they are on the wrong side of that issue, so they bring up other issues that are extraneous and irrelevant.

Dozens of newspapers and reform-minded civic organizations have endorsed this proposal because it replaces the foot race for financing with a competition of ideas. The New York Times has called this bill a breathtaking departure from the discredited business as usual. It is certainly that, and much, much more.

There are no subjects more susceptible to hyperbole and exorbitant rhetoric than the issue of campaign finance and the persistent belief that special interest contributions exert control over the legislative process.

I believe we serve with good people who want to do the right thing, and even as we disagree on basic matters of philosophy and principle, we reach those judgments independently and without the weight of improper influence.

But the contrary perception is deeply ingrained in the minds of the media and general public.

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Mr. Speaker, if this bill was nothing more than a symbolic effort to contest those perceptions, our debate today would be a charade. The reality, however, is damning enough, and that is why we must act by passing a good bill to solve a real problem.

The costs of financing and conducting campaigns are exploding. Fundraising and campaigning have become marathons without end.

Legislating, thinking, and serving our people at home have been reduced to a series of sprints. Our citizens feel isolated and locked out of the process, and we feel insulated from the authenticity of their experience. We should have ended this dollar chase years ago, but now we have an opportunity, I would say a special opportunity to act and to restore faith in our democratic system.

The centerpiece of this proposal, the strongest and most effective election reform in a generation, is a cease-fire in the proliferating arms race of campaign spending.

We limit PAC contributions to campaigns, we encourage contributions by average citizens, we limit the influence of wealthy donors, and we reduce the costs of communicating with our citizens through television. In short, these reforms are real reforms and they offer the country what I think our people deserve and want more truly competitive elections.

It is easy to talk about reform and change, it is easy to posture and politic, but the American people are wearied by those who give voice to their frustrations without taking the necessary actions to end them.

If you want to be obstacles to reform, if you want to identify with the special interests, if you are dedicated to business as usual, if you favor money over ideas, side with the President and his $100,000 givers and vote "no" on this legislation.

But if you believe the voices of average citizens should ring loudest, if you want to depart from the current system which favors incumbents, if you are truly ready for change and I mean substantial change, and if you are prepared to make government believable again, vote for this legislation. It is right, it is needed, it is time. I urge adoption of the conference report.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. ECKART). The time of the gentleman from Missouri [Mr. GEPHARDT] has expired.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the

gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, the need to reform the Federal campaign finance system is indisputable. But the decision whether or not to vote for this legislation is a close call.

The main objective of campaign finance reform should be to eliminate the opportunity for any donor to make a contribution to a candidate that is so large that it creates an actual or apparent obligation on the part of the recipient.

The soft money loophole in existing law is the principal means by which contribution limits can currently be evaded. Unlike the campaign finance bill that earlier passed the House and which I opposed, this legislation effectively closes that loophole, which is a significant achievement in itself and a strong reason to support the entire package despite its shortcomings.

The bill contains a number of other salutary features. It curtails the undue influence of independent expenditures in a practical manner, given the constraints of the first amendment. It restricts the ability of wealthy candidates to overwhelm their opponents financially, and it prohibits the use of franked mass mailings outside of our congressional districts.

However, the bill still has serious deficiencies.

It offers only nominal reform with respect to PAC's. Setting a $200,000 aggregate limit for PAC contributions will have little effect on most incumbents, who raise little more than that now. And the bill does not reduce the excessive $5,000 contribution limit per PAC. As a result, powerful incumbents would be able to raise their $200,000 PAC allotment with ease from a mere 20 PAC's, each of which could still contribute $5,000 for the primary and $5,000 for the general election. Each of those lucky PAC's would have more, not less, relative importance to the candidate than it does now.

While the spending caps in this bill are relatively generous, flexible, and voluntary, they still put a challenger at a relative disadvantage because no challenger has all the resources that an incumbent has, such as the franking privilege, Government office space, official staff, and routine access to the media. Nor do these spending limits take into account the enormous differences in the cost of running a campaign in different media markets.

Unlike most of my Republican colleagues, I do not oppose public financing of elections in principle. Public financing can play an important role in a well-thought-out program that limits the clout of the largest contributors and that does not give an undue advantage to incumbents. For this reason, the Democrats' unconvincing claim that this bill does not provide for public financing strikes me as disingenuous at best, and the suspension of its provisions until its sponsors can cook up a funding mechanism could well make this legislation an exercise in futility.

Nevertheless, this vote poses the important question of whether limited reform is better than no reform. To me it is.

I will vote for this bill today with the hope that it will become the basis for a better bill in the future.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I rise in opposition to the campaign finance reform conference report

Mr. Speaker, I support campaign finance reform, spending limits, limiting PAC contributions, eliminating franked mass mailings in an election year, prohibiting franked mail outside current districts, and limiting the influence of soft money.

I support and practice campaign reform. That is precisely why I cannot support this bill. This so-called reform means the public financing of campaigns. Americans already have tax policies which caused the current recession—we do not need an additional excuse to spend taxpayers' money.

Today's agreement will require taxpayer dollars to foot the bill. Certainly, it would be easier to vote for supposed campaign reform and pat myself publicly on the back. But it would be an injustice to my constituents to send them a tax bill next year for this righteous act.

Polls show only one in five Americans willing to publicly finance campaigns. It is foolish to believe that this percentage will increase to support this shortsighted goal of public financing.

Therefore, I urge my colleagues to join me in opposing this bill. Campaign reform makes a great headline, but this bill proclaims much and offers little.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I submit my statement for the RECORD.

Mr. Speaker, the American people have just been witnesses to an embarrassing spectacle—the 1992 New York Presidential primary.

Two candidates hurled seemingly endless strings of accusations at each other and managed to encourage almost one-third of the New Yorkers who voted in 1988's Democratic primary to stay at home this year.

The truly appalling fact is that the American people helped finance this farce through matching campaign funds for Presidential candidates. In my town meetings, I have met citizens who mentioned literally hundreds of things this country needs. Not one has included taxpayer subsidies for negative campaign ads in that list. But, if we pass this bill before the Congress today that's exactly what we will have in every congressional district in the country.

Even the archliberal American Civil Liberties Union opposes this legislation. The ACLU notes that "the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech." Worse than that, every member of this House knows the real goal behind this limitation on free speech—incumbency protection.

What do we really need in order to improve public participation in the political system?

Accountability and open debate in Congress. We also need the press to report the Members votes on a regular basis. Local funding, privately raised from each Members voters, to ensure candidates represent their constituents, not outside special interests.

Limitation on terms so that we have a citizen Congress, not a Congress of career politicians.

The majority's bill is simply food stamps for politicians. It fulfills the detached incumbent's wildest dreams of staying in office without having to earn the support of the people he or she represents; $200,000 of public funding for every member every election year, amounts to the ultimate perk.

The mass apathy and unwillingness to vote we have just witnessed in New York shows us that it's time to get serious about campaign reform. We cannot afford to become a Nation where good citizens are too disgusted to vote. But that's the road we're headed down when we detach average citizens from the campaign process and force taxpayers to finance elections.

Mrs. LLOYD. Mr. Speaker, I rise in support of the conference report on S. 3, the Congressional Spending Limit and Election Reform Act. This bill is a compromise which should afford every American greater access to the electoral process. It's not a perfect package but it does contain some elements which should go forth.

The conference agreement does not contain public financing which I strongly oppose. The bill is not funded through tax increases, increasing the deficit or taking money from other programs. None of the provisions of the act are effective until subsequent legislation is enacted providing a source of funds. The measure contains sense-of-the-Congress language that funds should not raise general revenues, cut Federal programs, or increase the Federal deficit. This is key language I strongly support.

Time and time again I have heard from Third District residents who feel shut out by the political system. They feel that high-priced campaigns have made it difficult for hard-working men and women, of limited financial means, to run for public office and make a real contribution to government. This has got to stop.

The American public wants to see spending limits put on campaigns and reforms made to campaign practices. This bill attempts to address these concerns. I hope that it will help bring more people into the system and encourage more viable candidates to run for public office.

The conference report controls campaign costs by establishing voluntary spending limits of $600,000 for House candidates per election cycle, and limits ranging from $950,000 to $5.5 million for Senate candidates, based on State population.

The bill limits the role of political action committees [PAC's] by curtailing PAC contributions to candidates. It provides that House candidates may raise up to one-third of the limit from PAC contributions, one-third in large individual contributions ranging from $250 to $1,000, and unlimited amounts of individual contributions less than $250 up to the election cycle limit.

Candidates who agree to spending limits will become eligible for up to $200,000 in matching campaign funds after raising a threshold of $60,000—10 percent of the election cycle limit—from individual donors. Only the first $250 of an individual contribution is matched. These provisions will be funded through sub-

sequent legislation providing a source of revenue.

The conference report also prohibits the use by political parties of unregulation soft money for Federal elections, and caps such spending through a state-by-state population formula. Soft money which may indirectly influence the outcome of Federal elections but which is raised and spent outside of Federal election law. The measure requires all State and some local party committees to report all receipts and disbursements in connection with a Federal election.

Bundling, which involves collecting and forwarding checks for a specific candidate by an intermediate, such as a political action committee or political party, is restricted. New restrictions are also placed on independent expenditures. These provisions close unfair fundraising loopholes and widely enhance disclosure of all money raised and spent on Federal elections.

There is a strong, growing sentiment among the American people that among the many reforms in the way the House proceeds with its business should be to change the way elections are conducted. I agree. Solid, strict campaign finance reform must be put in place. I urge my colleagues to join with me in supporting its passage.

Mr. WEISS. Mr. Speaker, I rise today in strong support of the conference report on S. 3, the Congressional Spending Limit and Election Reform Act.

Americans regard for this institution, and for their elected officials in general—hardly sterling in the best of times—has sunk to new depths. When people no longer trust in the integrity of those they have called forth to represent them, when the public sees the actions of our government as captive to private, parochial interests, the legitimacy of all that we do is called into question. When cynicism prevails, leadership becomes impossible.

The cloud of malaise that has descended over so much of American public life contains a silver lining, however, in that it offers us profound impetus for change. So powerful is this drive that across the Nation, Americans have shown themselves willing to abrogate their own constitutional right to choose their own representatives by succumbing to the siren song of the term-limits movement. Such measures, of course, merely attack a symptom, leaving the malady imposed by a convoluted, often corrupt system of campaign finance to fester and grow.

The bill before us today stands as the best chance we have had in years to improve the openness and integrity of our congressional elections. In this time of restlessness and discontent among our constituents, it is essential that we send this bill to the President's desk with enough votes to deter the veto that he has promised.

I have been an ardent and vocal supporter of campaign finance reform since I arrived in Congress 16 years ago. The act before us today, which includes public financing provisions similar to those instituted for Presidential elections in 1974, takes great strides to reduce the power and importance of money in congressional elections by curbing both the prerogatives of incumbency, and the ability of special interests to capture the loyalty of a Member. In 1990, the top spending House incumbent spent $1.5 million to hold his seat in Congress; sitting Members regularly outspend challengers by an average of 4 to 1. The mounting costs involved in a run for public office ensures that worthy challengers remain sidelined by the deep pockets of many incumbents. Meanwhile, sitting Members must spend night after night on the reception circuit, tin cups in hand, seeking the favor of Washington lobbyists.

The act before us today caps overall campaign costs at $600,000 for House candidates who accept the bill's voluntary limits, ensuring that challengers and incumbents will meet each other on equal terms. In Senate races, the ceiling ranges from $950,000 to $5.5 million, depending on the size of the State. Candidates will spend less time chasing money, and more time addressing the issues facing our country, and their communities.

This act will also curtail the influence of big, private interest money by limiting PAC and large donor contributions to no more than 20 percent of all funds raised by Senate candidates, and 33 percent in House races. At the same time, the injection of matching funds underscores the notion that an election truly is a public event, and a responsibility in which we all must share. Limiting the match to small, individual contributions of no more than $250, we will once again open the system to ordinary, working people. Wealthy candidates, meanwhile, would be forced to limit personal expenditures to no more than 10 percent of total general election limits.

Some of the more egregious and inventive efforts to sidestep existing Federal campaign laws would be eliminated under the new act. Loopholes allowing for the flow of bundled contributions and the back channels through which unregulated, unreported political soft-money flows will be closed. To guarantee the success of these steps, the bill expands disclosure requirements for campaign contributions, and sharpens the teeth of the Federal Election Commission by enhancing its enforcement authority.

Mr. Speaker, the American people have repeatedly expressed a will and a desire to reform the system by which we elect our leaders. The current climate of distrust and frustration stands as a warning to us all about the state of our democracy; it has also given us a lever to advance a critical reform that has been bottled up in this house for a decade and a half. I urge Members on both sides of the aisle to lend their strong support to this conference report, the most effective piece of campaign reform legislation we have seen in years.

Mr. PANETTA. Mr. Speaker, I rise in strong support of S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992. I would like to commend Chairman ROSE and Chairman GEJDENSON of the Task Force on Campaign Finance Reform for their leadership and work on this important legislation.

The integrity of the Congress is under attack from the administration, the press, and—most importantly—the voters. Many in this body have responded to these attacks by joining the bandwagon of Congress bashing. I believe this type of response is ultimately self-defeating and will haunt all in this body by further degrading the reputation of Congress.

Voters are frustrated with what they view as an insulated and unresponsive Federal Government. Voters are disillusioned by an electoral process which alienates them in favor of the wealthy donor and the special interests. It is my belief that the single most important step the Congress can take to restore voter confidence in the government and voter enthusiasm in the electoral process is to enact strong campaign finance reform legislation.

As such, I feel that it is unfortunate that the Congress and the President were unable to reach a consensus on an approach for campaign finance reform. In an election year, perhaps that is an unrealistic goal. I would hope, however, that both the Democrats and the Republicans would share the common goal of enacting real reform that will serve to restore the trust of the American people in government.

To restore this trust we must stop the rising costs of campaigns, limit contributions of special interest and the wealthy, and provide voters with a meaningful role in campaign fundraising. S. 3 achieves these goals.

First, S. 3 seeks to control campaign costs by establishing a voluntary spending limit of $600,000 per election cycle for House races. Capping campaign expenditures is perhaps the most important and long-lasting reform which the Congress can enact. The $600,000 limit will help stop the ever-increasing money chase for both incumbents and challengers, and level the playing field for challengers by allowing them to run competitive, even-matched races.

Second, S. 3 reduces the influence of special interests and wealthy donors in House elections by limiting amounts political action committees [PAC's] and large donors may contribute to House candidates. These limits will also serve to encourage individual participation in the campaign by bolstering the importance of small individual donors in House campaigns.

Third, the legislation helps level the playing field for challengers and reduce the time candidates spend fundraising by offering matching funds to candidates that abide by the voluntary spending limits. Matching funds will also encourage candidates to seek local, small donor contributions necessary to qualify for matching funds. This will provide candidates with the incentive to raise contributions from local, small donors without raising constitutional concerns by statutorily requiring in-district fundraising.

Incidentally, as chairman of the House Budget Committee, I would like to clarify that S. 3 does not violate pay-as-you-go procedures as it would not result in any direct spending. None of the benefits or other provisions of the bill would take effect until subsequent legislation is enacted to provide the necessary funding.

It is my hope that the bill's combination of the contribution limits and emphasis on small donor donations will serve to rejuvenate voters' participation and trust in our electoral system. While it is regrettable that this bill will not be passed with bipartisan support, I am very pleased by the Congress' progress on this important legislation. The passage of this legisla-

tion marks the first time for nearly two decades that the Congress has passed strong campaign finance reform legislation. If the bill is not enacted in this Congress, at a minimum it will provide us with a strong base to work from next year—hopefully with the participation of the Republican Members of Congress.

So I encourage my colleagues to join me in supporting the passage of S. 3. The House must act on this opportunity to show the American public that we hear their concerns, that we understand their frustration, and that we are serious about campaign finance reform. Let us turn the attention of the Congress and the American people forward through the adoption of this important reform legislation.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the conference report on S. 3. This bill, which is called the Campaign Spending Limit and Election Reform Act of 1992, is a sham. It's a hollow shell masquerading as reform. It's nothing more than a cynical attempt to pacify the public's well-justified demand for campaign reform, which has gone unheeded by this body for the past decade.

For proof of the lack of serious purpose behind this report, you need look no further than the provision that says nothing in the bill takes effect unless Congress passes subsequent legislation to fund it. What kind of reform is that—a dubious promissory note from Congress? And the reform that this promissory note will fund is nothing less than having the taxpayers pick up the tab for our reelection campaigns, or as the Democratic leadership prefers to call it, public financing, a scheme which has been rejected by the voters time and again.

Mr. Speaker, the public is fed up with Congress, and rightly so, for lining its nest with perks. Are we to enact yet another perk, direct taxpayer financing of our campaigns? I think not. The President has said he will veto this bill, and we should save him the trouble by defeating it here today.

What we need to do, as I said on this floor last December when we first considered this legislation, is to enact true campaign reform, as embodied in the substitute offered by the Republican leader, BOB MICHEL, which includes three key reforms: First, to require that at least half of a candidate's funds be raised from individual contributors living within his or her district; second, to cut the limit on political action committee [PAC] contributions from $5,000 to $1,000; and third, to ban so-called soft money contributions to State political parties.

Failing that, we should reject this proposal, which is a reform in name only.

Mr. KLECZKA. Mr. Speaker, I would like to take a few moments to share with my colleagues some thoughts on the campaign finance reform conference report we are now debating.

As a member of the task force which has been examining this issue for the past 12 months, as well as a member of the conference, I would first like to compliment the chairman, SAM GEJDENSON, and ranking member, BILL THOMAS, for all of their efforts in this very complex area of the law, as well as CHARLIE ROSE, chairman of the full House Administration Committee.

While the gentleman from Connecticut and the gentleman from California quite often had legitimate differences of opinion on how to approach this topic, I believe the task force successfully completed its mission of examining the countless suggestions as to how we can restrain the power of money as a force in our electoral process.

Mr. Speaker, when the task force held its first hearing last March, I stated that the goal of this process should be to craft a new system of campaign financing which will meet three goals. First, curtail the campaign money chase; second, reduce the influence of special interests; and third, stimulate vigorous campaigns. I believe this legislation meets these goals, and the conference report has my full support.

To say this bill has my support is not to say this is a perfect bill. This is not a perfect bill, and I doubt anyone, including the gentleman from Connecticut, would argue that it is. The most resounding lesson we learned from our Member Day hearings—during which every Member was invited to share their views with the task force—is that there are 435 people in this Chamber who are experts in campaign financing, each having their own ideas on how to improve the system.

Despite differences of opinion, it is clear that comprehensive reform with spending limits is long overdue. The measure before us is a solid first step. Since 1972, total expenditures in congressional elections has increased by more than 600 percent. During the last election cycle, average winning House candidates in competitive races had to spend more than $500,000. This high cost not only eliminates your average citizen from running for office, but it forces many elected officials to engage in perpetual fundraising.

Mr. Speaker, recently released census data shows that voter participation is continuing to drop. It has become clear that the large sums of money spent in congressional elections have created an appearance of corruption in the electoral process. The general public is falling under the assumption that dollars at a fundraiser are more important than their votes on election day.

The conference report's limit of $200,000 in PAC contributions and $200,000 in large contributions, for House elections, allows for competitive races while reducing the influence of special interest money.

Unfortunately, we are considerably restricted by the 1976 Supreme Court decision, Buckley versus Valeo, which ruled that limitations on campaign contributions and spending were constitutional only when voluntary. The only effective way to induce candidates to accept these limits, therefore, is to provide them with incentives—namely matching funds.

A system of spending limits and public financing is not some radical idea the authors of this bill thought up last week. This is the system which now funds our Presidential elections. It has also worked in elections for legislative, executive, and judicial seats in my home State of Wisconsin since the early 1970's. This system has helped reduce the influence of money on these elections.

Some of my colleagues are charging that a public financing system will be perceived as the ultimate in congressional perks—using taxpayer dollars to pay for their campaigns. Let me state very clearly, nothing could be further from the truth.

Nonpartisan groups such as the League of Women Voters, Common Cause, Ralph Nader's Public Citizen have all contacted me urging my support of public financing. Mr. Speaker, if SAM GEJDENSON somehow convinced Ralph Nader to support a bill which would use taxpayer dollars for incumbent benefits, he must be the most persuasive individual to ever step foot in this district.

Public financing is not an incumbent protection program, but the only way that truly effective campaign reform can be brought about in congressional races.

The President has already stated he will veto legislation containing public financing. I find this disturbing, given the fact he used taxpayer dollars and public financing to win in 1988, and will most likely accept public financing in 1992.

The public is justifiably concerned over the way elections are run in the United States. Low voter turnout and the extraordinary talk of limitations on the terms of Members of Congress signal the erosion of the confidence the American people have in our electoral process.

A vote for this conference report is a vote to restore this confidence.

A vote for this conference report is a vote to return congressional campaigns to barbecues and rallies and a $10 contribution from the guy down the street, rather than $500-a-plate breakfasts for special interests.

A vote for this conference report is a vote for fairness for incumbents, fairness for challengers, but most importantly, fairness for the American people.

I hope you will join me in supporting this legislation.

Mrs. BOXER. Mr. Speaker, today our Nation is awash in political cynicism and apathy. Americans are frustrated by the influence of big money in politics. Congress has a responsibility to rebuild the people's faith in our electoral system. I rise in support of the Congressional Campaign Spending Limit and Election Reform Act of 1992 which will be a giant step forward.

High costs are changing the way campaigns in this country are run. The costs of campaigns are rising faster than the rate of inflation. Aggregate costs of House and Senate campaigns have raised by four times since 1976. These high cost are discouraging talented people from running for office. And these costs are creating disgust and doubt among the voters. It would be tragic if only those capable of raising or giving their campaigns large sums of money were the ones running for office. And it's going that way.

Yet, those of us who wish to change the system are caught in a bind. To get into position to reform the system, we must get elected. And to get elected, we must raise money.

I have joined with one of my primary election opponents to challenge our third opponent to abide voluntarily by the provisions of this bill. This third opponent has declined. I urge my colleagues to issue similar challenges to their opponents. Let the voters know our real stand on the issue of campaign finance reform.

This legislation leads us in the direction of reform in several ways.

First, it places voluntary spending limits on campaigns. Just as we must control health

care costs, we must control skyrocketing campaign costs. Second, by limiting PAC contributions, we increase the importance of small donors, placing campaigns back in the hands of the American people.

Third, by limiting a candidate's own contribution to her or his race, we prevent wealthy individuals from buying races.

Fourth, this bill will limit the abuses of soft money in Federal campaigns.

Today, by voting for this landmark bill, we have the opportunity to rebuild the voters' faith in the electoral system. I truly believe that most of us run for office because we want to make a positive difference for our district, our State, and our Nation. Yet because of the system, people fear that our agenda is for the special interest money that comes into campaigns. This perception is debilitating to a democracy.

By voting "yes" for campaign finance reform, we move toward a better and brighter day for electoral politics.

Let me also speak for a moment as a woman who believes we need more women in the House and Senate. There is no doubt that the system as it is currently structured discourages many women from running for office because historically women have had a harder time raising the huge contributions. A vote for this bill is a vote to open the door to the many women who I believe are desperately needed in today's America.

Mr. BEILENSON. I rise in support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act, but I do so with the strong hope that this measure is only a first step toward enacting the more far-reaching changes that our campaign finance system really needs.

The gentleman from Connecticut [Mr. GEJDENSON], the gentleman from North Carolina [Mr. ROSE], and the other members of the House Administration Committee deserve a great deal of credit for the work they have done to get us where we are today on this difficult and complex issue. But, unfortunately, the product before us is far too modest. While it includes some important provisions—most notably, a curb on soft money—it does not do nearly enough to solve the major problems with our system: the large role of special-interest contributions, the high cost of campaigns, the huge amount of time candidates spend raising money, and the advantages the system gives to incumbents over challengers. Unless far more is done to solve those problems, we will not succeed in restoring public confidence in our electoral process and in Congress.

First, S. 3, which allows candidates to accept as much as $200,000 in political action committee [PAC] contributions per election cycle, does not do nearly enough to reduce the role of special interests in congressional campaigns. We ought to be eliminating PAC contributions altogether.

Second, the $600,000 voluntary per-cycle spending limit in S. 3 is too high, especially since that figure is augmented by the mailing discounts and the higher limit available to candidates who have close primary elections. It is possible for even the most highly contested elections to be waged without spending more than a few hundred thousand dollars, so a more reasonable limit would be $400,000 per cycle.

Third, S. 3 does not do much to reduce the amount of time candidates spend raising funds; and, by allowing candidates to accept $200,000 in PAC contributions, it virtually guarantees that incumbent candidates, in particular, will continue to raise money from Washington-based special interests rather than from the people they represent.

And, fourth—again, because a sizable amount of PAC contributions are permitted—this bill does very little to make House elections more competitive. PAC's gave 13 times as much money to House incumbents as to challengers in the 1990 elections. Unless PAC contributions are more tightly curbed—or better yet, completely banned—we will not have eliminated one of the key impediments to having more competitive elections.

Finally, as a strong supporter of public financing of campaigns, I am disturbed that this measure takes such a small step in that direction, and that its provisions for subsidies for candidates who accept spending limits are dependent upon enactment of a subsequent measure. I am further concerned that S. 3 severely limits our options for raising the funds needed to pay for the subsidies.

Mr. Speaker, S. 3 is an important first step toward reforming our campaign system. But this issue must not be put to rest with the passage of this legislation. I urge my colleagues to continue pursuing a better campaign finance system than the measure before us will produce.

Mr. MARKEY. Mr Speaker, I rise today in strong support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act. Passage of the conference report will ensure that the arms-race approach of spending in congressional campaigns comes to an end. By all measures, confidence in the political process and in public servants has dropped to record lows as the cost of congressional campaigns has skyrocketed and the importance of political action committees [PAC's] has increased. Only by dramatically changing the system, as S. 3 does, can we hope to reclaim the public's trust.

The combination of spending caps, restrictions on political action committee contributions, and public financing included in the conference report will create a system that will restore public confidence and trust in our political campaigns. Key to this transformation will be the coupling of voluntary spending with other reforms intended together to keep the cost of congressional campaigns within reason. Our constituents are disgusted by million dollar campaigns for House seats made necessary by the lack of comprehensive campaign finance reform. This legislation will keep spending under control. Furthermore, there will be real incentives both to adhere to the spending limits and to raise money through individual contributions, rather than by courting PAC's. The rise of PAC's, more than any other single factor, has led to public fury over the way in which we raise and spend campaign funds. I am pleased that the conference report will help reduce the role of PAC's but as one of a handful of Members who refuse PAC contributions altogether, I think it should be possible to go further as long as additional PAC restrictions are linked to other reforms. Finally, the bill deals effectively with the issues of independent expenditures, soft money and bundling. Mr. Speaker, the conference report is truly landmark legislation, deserving of our support, and its author, Sam Gejdenson, deserves our thanks for a job well done.

I am also pleased that S. 3 includes a requirement that Presidential candidates participate in debates as a condition of receiving public campaign funds—a provision I have advocated for years. This section was added by the Senate in an amendment offered by Senator Bob GRAHAM. Senator GRAHAM and I have offered the National Presidential Debates Act, which is identical to section 803 of the conference report, in both this and the previous Congress. The bill is currently designated H.R. 1112/S. 491.

Debates represent one of the few instances in a campaign when voters are able to hear from the candidates themselves, in their own words, rather than through the thicket of speechwriters, spin doctors, and journalists that too often shape public perceptions of the candidates. This year's Presidential primaries have once again shown debate viewers that regardless of how well coached or prepped a candidate may be prior to taking the stage, he or she is alone, unfiltered, and eye-to-eye with the voter once the debate begins. And that's the way voters like to judge candidates.

The public overwhelmingly wants real debates, but with each Presidential election they have become less of a sure thing. Debateless elections, like those from 1964 until 1976, could happen again.

When our constituents complete their 1991 income tax returns over the next week, fewer than ever will decide to check the box that directs $1 to the Presidential Election campaign fund. And we should not be surprised by their decision, when they see their money spent on negative campaign advertising and issue-less photo opportunities. If Presidential candidates are going to continue to take $100 million in taxpayer money from this fund to run their campaigns, then there ought to be some assurance that they will stand up on stage, face their opponent, and engage in a true discussion of the issues. The American electorate deserves no less.

Mr. Speaker, I urge my colleagues to support this excellent piece of legislation and urge the President to sign the bill.

Mr. RAY. Mr. Speaker, I rise today in support of S. 3, the Congressional Spending Limit and Election Reform Act.

I will vote for this bill today because I believe it is important to enact reform in our campaign and elections system. However, I want to state that I am adamantly opposed to any taxpayer funds being used to finance campaigns. This legislation does not include any reference to how it will fund any envisioned benefits. However, it does include language expressing the sense of Congress that funding should not provide for a general revenue increase, reduce spending for existing programs, or increase the deficit.

We have a $400 billion deficit, and we should not put in place a public financing system to elect Members of Congress. This legislation does not do So, and that is why I am supporting it.

Public financing is a fight which will be fought on another day. In the meantime, I be-

lieve it is important to put in place the reforms which this bill includes. It puts in place voluntary spending limits and limits on the contributions from political action committees. The bill increases enforcement authority of the Federal Election Commission and enhances disclosure of all campaign contributions and expenditures. These are positive changes which deserve our support.

Mr. Speaker, this is not a perfect bill, but it is a step in the right direction. I will vote for S. 3 today, but I am making my colleagues aware that I will not support public financing.

Mr. POSHARD. Mr. Speaker, I rise in support of the conference agreement on S. 3, for I see it as a modest step in the right direction to reform our system of financing campaigns.

There is no reform more needed in this country, to bring back the sense of respect and trust between those of us who are elected representatives and the people who sent us here, than campaign finance reform.

Congress is currently engaged in an effort to purge a variety of perks and practices which no doubt should be abolished. But I would suggest that campaign finance reform goes much further to correct the abuses of money and incumbency than any of those measures could ever hope to achieve.

I come here as a member who at one time accepted political action committee donations. I came to Congress and found that despite what I had told those groups about how I would vote on a particular bill, that vote might not be in the best interest of the country, based on the contents of the legislation and the needs of the nation at the time.

I found a system that wasn't working, and rather than living with it, I decided to try and change it, and have declined PAC contributions ever since. The limits on PAC contributions in this bill are worth supporting, and I think it's appropriate they apply regardless of whether a candidate accepts voluntary spending limits, but we can and should do much more to reduce the influence of special interest donations.

The voluntary spending limits included in S. 3 are still well above what it takes most people to win an election, and are still much more than the average challenger can manage to raise and spend. While a voluntary $600,000 limit is better than unlimited spending, again, we can and should do much more to reduce the influence of money on our campaign and political system.

I also do not see enough reform in the area of franking. I voted yesterday against sending this bill back to conference to correct a technical mistake, which had the effect of banning mass mailings of House members during an election year. That has been substituted by a ban against mailing into another congressional district, an outrageous practice which should have never been allowed in the first place, but a far better approach was the one mistakenly included in the bill. In fact, I have introduced legislation to go one step further, and eliminate newsletters altogether. If we're really serious about reform and eliminating perks, we'll cut out the hundreds of thousands of dollars available to incumbents to send out bogus newsletters.

Mr. Speaker, I have been a candidate for public office on several occasions. I have at times enjoyed a fundraising advantage, and I have been outspent many times over. In each circumstance, I found it really didn't make the difference. Of course, it's easier to run when you have greater financial resources. But when I talk about reform, I'm not suggesting candidates should spend no money at all. Candidates have a right, perhaps an obligation, to raise money from people who believe as they do on the issues. I simply think we can move away from the consultant dominated, television driven campaigns we see today, and revert back to the personal touch.

People are waiting to hear from us what we will do about educating their children, taking care of the sick and elderly, providing decent jobs and housing, and reducing the Federal debt which threatens our future.

My colleagues, I rise today in support of this bill because it is truly the kind of reform we need. We need to allow people with good ideas and the desire to serve to throw their hat in the ring and see what happens. But we should not rest on this achievement alone. More of us should, voluntarily, limit our spending and acceptance of special interest donations. More of us should, voluntarily, reject the supposed wisdom of consultants and negative campaigns and get back to telling the people what they deserve to know.

I have great faith in this body, in my colleagues with whom I am so privileged to serve. I know we have the capacity to achieve great things. I urge us to listen to the people of this country, who are crying out for reform, and follow their lead. This is a justifiable first step.

Mr. OLVER. Mr. Speaker, I rise today to strongly support campaign finance reform.

While people are angry at the abuse of perks, the central reform facing this Congress is campaign finance reform. While this bill is not perfect, there is agreement in both Chambers.

We need to restore people's trust in their government. Unemployment is back over 9 percent in my district in western Massachusetts. People are out of work, health care costs are crippling our small business, and education lags farther and farther behind our economic competitors. It is essential for politicians to put aside personal political interest and put the American people's interest first.

By limiting campaign costs and the influence and power of large wealthy contributors, by reducing the amount of time spent on fundraising and by guaranteeing a level playing field for candidates for Congress, this campaign finance reform legislation makes real changes in our political system.

Let's pass this bill and get on with putting the interests of the American people first.

The President should stop posturing about change and sign this bill. Political posturing, and empty rhetoric does very little in bringing about change. This bill controls campaign costs with some public financing. The President is opposed to public financing for congressional campaigns. Yet, once this presidential campaign is concluded, the president will be the single greatest benefactor of the public financing.

I am very pleased that restrictions against mass mailing into new congressional districts are in place. We were all elected to represent our present districts for a full term and its our duty to continue to communicate without constituents. Mass mailing into districts Member of Congress don't yet represent would merely be for political gain at taxpayer expense and that's wrong.

The time for real campaign reform is now, the American people want it and deserve nothing less.

Mrs. ROUKEMA. Mr. Speaker, I rise in reluctant opposition to the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992.

My opposition is truly reluctant because I firmly believe this outmoded system is badly in need of reform. While this legislation is an improvement on current law, it falls far short of what is necessary to end the ceaseless money chase that campaigns have come to represent and remove the perception of the people that the special interests run the Nation.

My record demonstrates a history of strong support of comprehensive campaign finance reform. Clearly, this system needs meaningful limits on political action committee [PAC] spending, restrictions on out-of-State contributions, and restrictions on so-called soft money, if not an outright ban. I heartily endorse the prohibition of soft money contained in the legislation before us. This legal laundering of campaign contributions through the State and local parties diminishes ability of everyday people to participate in the electoral process.

When we first considered this bill in the House last fall, it was hailed as the first comprehensive effort to set voluntary spending limits, restrict PAC contributions and provide public funding for campaigns in order to set a level playing field for challengers. However, upon further review, the bill lives up to few of these expectations.

I do agree that the public financing proposal contained in the legislation did represent substantial progress. However, the financing offered no flexibility to compensate for the inherent powers of incumbency. And most important, the financing mechanism was not a financing mechanism at all—just a concept with no direction as to where the Federal funding would come from. I cannot, in good conscience, endorse such a blank check for the taxpayers to pick up later. Finally, I would add the associated spending limits were across the board and ignores the stark differences in the cost of campaigning between geographic areas, that is, northern New Jersey versus the Midwest.

In addition, while the bill claimed to limit PAC expenditures, in practice it would have little effect. Under the legislation as passed, Members could receive no more than $200,000 in total PAC contributions per election. However, in a typical election, most candidates do not raise $200,000 from PAC's. I maintain that we should move toward real PAC reform by cutting individual PAC contribution limits from $5,000 per election to $1,000. We should also require that at least 50 percent of all money raised must come from a candidate's home State.

Finally, it is my conviction that the cost of campaigning is out of control. Special interest money is corrupting the system and is contributing to the gridlock in Congress. Unfortu-

nately, this being the election season, true comprehensive reform is not in the cards.

It is my intention to work with the leadership to enact comprehensive reform in the next Congress, well in advance of the next election. Unfortunately, in the present political climate, that goal is today beyond our reach.

Mr. STUDDS. Mr. Speaker, in an editorial in yesterday's paper, the Boston Globe wrote that today's vote on campaign finance legislation "will show whether all the talk about reform in Washington is serious."

The Globe is absolutely right. The public is angry, it is cynical. And rightfully so. Washington is perceived to be in gridlock, with the critical problems facing our Nation—the economy, health care, education—remaining unaddressed.

We cannot tolerate this state of affairs. One of the reasons I ran for Congress was to reform the seniority system, which valued longevity over competence. We were successful in changing that system, and we must make every effort now to make the necessary reforms in the way we operate that will allow us to effectively and efficiently perform our jobs.

Yes, we must change the way the House does business. Yes, we must streamline the way we set the Federal budget. This place is indeed in need of a variety of reforms, but unless we make drastic changes in our system of campaign financing, we will have missed a large part of the problem.

Americans have lost faith in the electoral process. They have concluded that the successful pursuit of public office is limited to those who are independently wealthy. And, to a growing extent, they are right.

Campaigns have become extraordinarily expensive. To pay for them, too many candidates are forced to spend a lot of their time chasing money, rather than focusing on—and solving—the critical problems facing our Nation.

If we are to restore the trust of the American voter, we must level the playing field. We must take action now to stop the rising costs of campaigns, to limit contributions from wealthy donors of all kinds and give small contributors a much more important role in campaign financing.

The bill before us today will do just that. First, it establishes a voluntary spending limit of $600,000 per election cycle. As an incentive to participate in the voluntary spending limits system, candidates would be given reduced postal rates for mailings to voters. All candidates would be entitled to lowest available television advertising rates.

Second, candidates who abide by the spending limits would be entitled to matching funds—matching contributions of up to $250 from individuals, to a maximum of $250,000. These matching funds would reduce the influence of special interests, cut down on the enormous time spent fundraising, and offer additional resources to viable challengers.

Third, the bill would limit PAC contributions and prohibit House candidates from accepting more than $200,000 from major donors—individuals who contribute over $250. And to prevent anyone from buying a congressional seat, it would bar candidates from donating more than $50,000 in personal wealth to their own campaign.

Mr. Speaker, this bill will help restore public confidence that Congress is representing the interests of those who elect them, not those with the deepest pockets. It will put campaign fundraising in its rightful place—an unavoidable chore, but not one that unconscionably detracts from the time we must devote to critical national issues and to addressing the needs of our constituents.

As an original cosponsor, I want to join with Common Cause, Public Citizen, and Citizen Action in urging my colleagues to support this conference report, to allow us to get on with the business of governing. And if George Bush vetoes this far-reaching, much-needed reform legislation, he will have to answer to the American people in November.

Mr. VENTO. Mr. Speaker, I rise in strong support of S. 3, the Congressional Spending Limit and Election Reform Act. This legislation is a major breakthrough in how congressional campaigns are conducted, and should be signed into law.

Not since the Campaign Reform Act of 1974 has Congress and the Nation had such an opportunity for meaningful reforms. The conference report before us combines many of the strongest elements of the House and Senate bills. Under the agreement, voluntary spending limits are established for House and Senate candidates. In addition, the legislation sets strict limits on the total contributions that a candidate can receive from special interest political action committees [PAC's] and from big-dollar individual contributors. Limiting independent expenditures, restricting soft money, and eliminating leadership PAC's are other important provisions in this landmark legislation.

Mr. Speaker, I have long advocated the philosophy that political campaigns should be the campaign of competing ideas and not the campaign of media sound bites. S. 3 will help to reestablish that guiding principle.

Frankly, this legislation is not perfect. I personally believe that the spending limit for House candidates established in this legislation is much too high. I would have preferred a lower limit. In my own State of Minnesota, a voluntary spending limit of $400,000 has been established for congressional elections. While my own campaigns have never even approached that spending amount, it is a more reasonable upper spending limit.

In addition, it is unfortunate that this legislation does not do more to address independent expenditures. These campaign expenditures by individuals or special interest groups are not limited by current law or by the pending legislation. This is the result of the unfortunate Supreme Court decision of Buckley versus Valeo. That decision overturned limits on independent expenditures and granted constitutional freedom-of-speech protections to the ability to spend money. I am certain that many of my colleagues have seen independent expenditures at work. Too often this type of campaign spending has been negative ads, attacking an individual candidate. Since this is an independent expenditure, the candidate's opponent is able to disavow any connection to these negative and often false ads. A new version of the independent expenditure is the puff piece that promotes an individual's candidacy. No matter whether positive or negative, these independent contributions can play a crucial and unfair role in campaigns. While the legislation before us does provide for greater disclosure on independent expenditures, further limits may be necessary before this loophole in campaign limits is exploited.

Mr. Speaker, I urge my colleagues to vote for this needed legislation. I believe that the reforms provided in this act are crucial to restoring public confidence in our electoral process and breaking the grip of apathy that marks modern-day elections. Hopefully, a strong vote today in support of campaign finance reform and the growing public outcry about the way today's campaigns are run will force President Bush to end his opposition to this legislation and to sign this crucial campaign spending limit bill into law.

Mr. CARDIN. Mr. Speaker, I rise in strong support of the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992.

The current high level of public cynicism and dissatisfaction with Congress has many causes, but none of us can doubt the failure to address major policy problems facing our country ranks high among those causes. Neither can we doubt the widely held public perception that the corrosive influence of special interest campaign contributions helps to explain the policy gridlock.

Those of us who have the privilege of serving in the House have a solemn responsibility to conduct ourselves in a manner which brings credit to the institution. Enactment of this conference report would significantly improve the public's confidence in Congress to solve the problems facing this country.

This conference report is a strong reform package. It would place firm but reasonable limits on the amount of money candidates could spend on campaigns. It would also place a premium on small, individual contributions.

Since the last major campaign finance reform, the amount of money spent by candidates running for Congress has risen dramatically—from $88.2 million in 1974 to $445 million in 1990. Successful candidates for Congress raised an average of $17,000 every month for 2 years prior to the election.

Contributions from political action committees [PAC's] and large contributors are each limited to one-third of the overall spending limit. To qualify for matching funds, candidates must raise $60,000 in contributions of $250 or less. In addition, only the first $250 of individual contributions is eligible to be matched. The cumulative effect of these provisions is to encourage candidates to seek small contributions from individual constituents.

The conference report includes several provisions I have advocated for some time. The conference report prohibits candidates from spending more than $500,000 during the general election period. This prevents candidates with tough primary contests from being significantly outspent in their general election. At the same time, candidates with tough primaries are free to spend whatever amount of money they feel is necessary, within the $600,000 limit. This will help put challengers emerging from tough primaries on an even footing with incumbents.

The conference report also provides matching funds to qualifying House candidates. Pro-

viding a limited and targeted amount of matching funds is a commonsense approach to addressing the serious public concern over the influences of large contributors and the constitutional restrictions of the Supreme Court's decision in Buckley versus Valeo.

The Congressional Campaign Spending Limit and Election Reform Act of 1992 would limit the spiraling costs of campaigns, lessen the impact of special interest groups through PAC's and large contributions, and infuse competition back into the system.

Mr. Speaker, I hope my colleagues will join me in supporting this legislation. The enactment of comprehensive campaign finance reform legislation will help stop the erosion of public confidence in our democratic system. The cost of congressional campaigns, the influence of special interests and large contributors, and the lack of competition in elections must be addressed. This conference report addresses all three issues.

Mr. CAMP. Mr. Speaker, the United States has a national debt of nearly $4 trillion, which is growing every day. To spend tax dollars on campaigns is irresponsible and a slap in the face to every American citizen. The campaign finance reform bill put forward by the Democrats, shows just how out of touch they are with reality. Taxpayers' hard earned dollars should not be used to pay for campaign bumper stickers.

We should be considering legislation that provides true reform—legislation that requires a larger share of campaign contributions to come from individual Member's congressional districts, closing loopholes that allow incredibly large contributions to be funnelled through national parties to candidates, and a prohibition on franked mail outside of a member's congressional district. Congress and candidates for Congress should not campaign on the taxpayer's dollar.

Mr. KOLBE. Mr. Speaker, I rise in opposition to S. 3, the conference report on campaign finance before us today. I'm afraid that the bill Democrats proudly claim paternity for is the child of scandal and unlikely to survive an expected veto.

The House bank and post office scandals have consumed this Chamber in recent weeks as well as coffee houses across this country. In this environment, everyone is grasping for reform measures large and small, with campaign finance an obvious target.

Would we be here today considering sweeping reform measures for campaign finance and House administration if the scandals of the last year had not happened? I doubt it. Republicans have been calling for reforms for years. Instead, what we and the American people have endured for the last half century is a majority party patronage system that says "don't rock the boat," "keep members happy at any price," particularly the party elite. Well the boat has been rocked and reform can no longer be ignored. It is essential. And it must be sweeping.

Yet, the campaign finance conference report is not reform. It remains a sham. Aren't the Democrats listening to the outcry from the public for real reform of perks and privileges? Even after conference, S. 3 remains an incumbent protection plan, requiring taxpayers dollars for campaigns, through disguised public financing provisions. This bill writes the biggest rubber check in history to finance campaigns for reelection—and I refuse to endorse any such proposal.

S. 3 imposes spending limits on House races that will disadvantage challengers. These limits ignore the vast differences between congressional districts. The agreement will thwart challengers by holding them to the same spending levels as incumbents, even though challengers need more money to overcome incumbent name recognition. These spending limits ignore the considerable advantage that incumbents have through the use of the frank, staff allowances, and free media exposure.

The agreement will inevitably require taxpayer dollars, because it requires enactment of future legislation to pay for the politicians' benefits in the bill. For House candidates, the agreement provides public financing in the reform of matching funds and reduced mail costs. Recent polling shows that over 70 percent of the American people strongly oppose public financing—and rightly so.

S. 3 conveniently continues the current high limits on PAC contributions for House races. The $200,000 PAC limit would only affect those House candidates receiving more than $200,000 from PAC, when the average candidate received $209,000 in PAC funds in 1990. In effect, it will be business as usual with respect to PAC contributions at a time when the American public is justifiably angry about the undue influence of PAC's and special interests.

My constituents want reform, but they want reforms which will restore competition to the political process, limit the power of incumbency, curb the power of special interests and effectively increase the role of individuals in elections. S. 3 does not meet these mandates. It is not reform—it is status quo.

Mr. PORTER. Mr. Speaker, I rise in opposition to this conference report.

The problem with this legislation is that it fails to address the problem of special interest money and negative politics. Moreover, it locks these problems in by indexing spending limits to inflation.

The $600,000 voluntary limit—indexed annually to inflation—is simply too much money. It does nothing to squeeze the professional marketers out of the election process. These marketers do their job effectively. But they view that job only as getting their client elected and they care not a whit for the fabric of our electoral system. It is the professional marketers who have turned negative politics—epitomized in the 30-second television attack spot—into a science. The unprecedented onslaught of negativism we are experiencing today has serious implications. The American people are left with the belief that no candidate is honest or capable. The result is that people are turned off by politics and become disinterested in and distrustful of government. This development does not augur well for the future of our democracy.

Many object to the notion of public campaign financing of any kind. But this objection does not acknowledge the reality of the Supreme Court's Buckley decision wherein mandatory campaign spending limits were held to violate the first amendment. As a result of this decision, the only way to control campaign spending is through voluntary limits and some form of incentive. My central concern with this legislation is not its use of a voluntary system, but its failure to implement lower spending caps. Good legislation introduced earlier this Congress in the House would have capped spending at $400,000 and reduced maximum PAC contributions to $1,000. Both these ideas make good sense and should have been included in this legislation. Unfortunately, neither is present. As a result, big money will continue to flow into campaigns to fuel the professional marketer's negative media campaigns. And taxpayers will be asked to foot part of the large bill for this attack on Democracy. With this I cannot agree and I for this reason I cannot support this legislation.

Mr. OWENS of Utah. Mr. Speaker, this is a day devoted to reform in the House of Representatives. We are taking important steps toward repairing both the credibility of the Congress and our own personal credibility. Campaign finance reform is decades overdue. And events of the last several months have accentuated the need for administrative reform of the House. These reforms are important. We need to enact them so we can move on with resolving the important issues which confront the American people daily—their jobs, incomes, access to health care, crime in their streets, the education of their children, the quality of their environment.

As my good friend from Connecticut, Mr. GEJDENSON, knows, I have long advocated a similarly balanced campaign finance reform plan with voluntary spending limits. I commend him and chairman ROSE for their diligence and commitment in keeping campaign finance reform at the forefront of the House's agenda. More than $3 billion was spent in 1990 on all elections in the United States. House and Senate races alone cost $450 million in 1990. Campaign costs are spiralling into orbit, but this bill brings them back down to earth. S. 3 represents real reform, and I urge my colleagues to support its passage.

Some, including our President, object to the limited public financing which is possible under this bill. For my part, I can think of few better bargains for the taxpayer than helping to wean the political system from the influence of special interests—and at the same time leveling the electoral playing field by granting challengers the financial opportunity to get their message across to the voters. Partial public financing of elections is nothing new, as President Bush must admit. It is somewhat disingenuous for the all-time leader in Federal matching funds to threaten a veto of a bill primarily because it contains a provision on public financing.

I am very supportive of the portions of the conference report that deal with the Senate as well, including the provision that limits personal spending of candidates to $250,000. The fact that the Senate already has at least 27 millionaires is not coincidental, but the natural outgrowth of the current election financing structure which encourages the participation of the very wealthy, to the exclusion of those with more limited resources. There's nothing wrong with being a millionaire—in fact, it is a burden I could bear—but it should never turn into a prerequisite for public service. The Sen-

ate recognizes this danger, and I commend that body for their foresight.

Mr. Speaker, even with these reforms, campaigns will still take far too much time and draw attention away from our legislative duties. I still contend that a constitutional amendment for 4-year terms for Congress should be given serious consideration. But under this bill, at least the perpetual campaign will be less burdensome and fairer to our challengers.

Reform of the House itself is also long overdue, as has become painfully obvious over the past few months. We don't need to debate whether all the recent criticisms of Congress have been justified or whether some have been overblown—there's surely been some of both. But the simple truth is that the people demand that we reform the Institution. And when they require it of us, we must respond. That is our job. My only complaint is that we have not devoted equal attention, energy, and emotion to resolving the great questions of the day, like health care, like education, like fiscal reform, like economic competitiveness. This would be a very different body if we would feel as compelled to work until three in the morning debating and resolving the health care crisis, instead of spending our time and energy bandaging self-inflicted wounds. The people should require that same firm commitment from us to dealing with genuine issues, Mr. Speaker. More importantly, we must require it of ourselves.

The substantive differences between the Democratic and Republican alternatives are minimal. Both give the minority significantly more power in the operations of the House. I join Norman Ornstein in calling for establishment of an independent commission to review congressional, executive, and judicial perks. This commission, which could include former Members of Congress and executive branch officials, representatives from the business community, labor, advocacy groups from all sides of the political spectrum, and ordinary citizens, would have the responsibility of determining which so-called perks are truly necessary to enable a Member to perform his or her duties, and which are merely outdated symbols of privilege.

Such an objective review cannot possibly come from within the Congress. Some Members will try to hold on to outdated symbols of privilege. Others will, for purely political reasons, say that any reform, even if legitimate, is not comprehensive enough. Only such an independent commission would be able to review perks in such an objective, nonpartisan manner, and such a review will hopefully have been completed by this year.

Let us keep in mind, Mr. Speaker, that today's campaign finance and administrative reform efforts represent important, but merely symbolic change. Absent changes in the rules governing the actions of Members, simple administrative changes will not suffice.

The intra-House rules governing the legislative process and the course of legislation should undergo major revision. Pieces of broadsweeping legislation, such as banking reform, energy policy, and wetlands policy are subject to so many committees and so many interests that substantive reform is impossible, the process stagnated. And new, fresh ideas—which abound in the Congress—take far too long to have an impact because of the power accrued by committee chairmen.

I have introduced a resolution which, if implemented, would amend the rules of the House such that committee chairpersons are limited to 8 years of service in that position. Diversity and innovative ideas already exist in the Congress—and I say that in the spirit of bipartisanship. This resolution, if implemented, would give more Members the authority to implement those ideas while ensuring that discipline within the committee and institutional memory in the Congress are retained. Though not a panacea, this or a similar measure should be a part of a broader, more comprehensive revision of House rules.

There might be some merit to a limitation on proxy voting. It could not be absolute, since other constituent and committee meetings often take place at the same time. But it might foster a richer debate and encourage participation if we set reasonable limits on the number of proxies that a committee could provide to a Member during a Congress.

We must also streamline standing committees and rules governing the referral of legislation. Yesterday, the Interior Committee on which I serve passed our part of the Energy bill—but seven other committees share jurisdiction. This is ridiculous. I have joined LEE HAMILTON and others of my colleagues in an effort to revise this unwieldy process.

Mr. Speaker, I hope today's debate will be a prelude to substantive debate on issues of true importance. Let's clean up the House, get our problems behind us, and, for Heaven's sake, move forward to the issues that touch all our constituents—health care, budget reform, energy policy, the economy, protection of the environment. We have expended enough time and energy on internal housekeeping. Now let's finally get on with our jobs.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to this conference report which purports to provide for campaign finance reform but which in reality is a fraud and a scam that does not make a single change to our Nation's campaign finance laws without the adoption of subsequent legislation.

This legislation is a travesty and one of the phoniest bills ever considered by this House. It is simply an attempt to manipulate the public into thinking that they are getting reform when all they are getting is a good sounding title for an empty legislative promise. Americans are and should be fed up with this abuse of power by the majority party in Congress.

I supported passage of the House bill on November 25, 1991, not because it was perfect, but because it kept alive debate on efforts to limit the cost of congressional campaigns. It gave the Senate, and House and Senate conferees, an opportunity to come up with an acceptable final package that would provide for true reform and strict spending limits.

But they either could not or would not bring us true campaign reform and we now have before us legislation that in section after section conflicts with its title and every stated objective. First, supporters of the bill say it provides for voluntary spending limits of $600,000, a level of spending which is far too high. Yet, in subsequent sections of the bill, it allows an additional $100,000 in campaign spending for candidates in runoff elections, an additional $150,000 for candidates who won closely contested primaries, $200,000 for attorney and accounting fees, and up to $52,500 for fundraising costs.

So in reality, a candidate, observing the voluntary spending limits in this campaign finance reform and spending limitation bill, can really spend up to $1,102,500 per election.

The sponsors of the bill also claim that one of the primary reforms in this bill is that it lessens the influence of political action committees, or PAC's. Still, it allows House candidates to accept $200,000 in PAC contributions, plus $50,000 for runoff elections, and another $50,000 for candidates who won close primaries. This means that the PAC spending limit is actually $300,000, a figure far too high and far more than I have ever accepted in an election cycle.

Another major so-called reform in this bill, and a provision I opposed during House consideration last year, is the public financing of congressional elections. This bill would allow congressional candidates to receive $200,000 per election from the already overtaxed taxpayers. And listen to this. In some cases, candidates would actually be eligible to receive up to $600,000 of the public's money for their campaigns.

But even if the limit was only $200,000, in a year in which 435 House seats were contested, the cost to the American taxpayers in just one election year could be as high as $174 million. This at a time when the national debt approaches $4 trillion.

Finally, the bill is silent on how to pay for the cost of public financing of congressional campaigns. Instead, it says that none of the bill's provisions take effect until such time as the Congress enacts legislation to pay for it. What a fraud. Where might the money come from? The majority party won't tell us. Might it come from the Medicare or Social Security trust funds? How about education or health care? We don't know what the majority party has in mind. How sad.

This is not a time for the Congress to be establishing new spending programs that will cost the American taxpayers hundreds of millions of dollars. It is a time for each of us to demonstrate fiscal restraint, not only during the consideration of legislation before this House, but in the conduct of our own campaigns.

Throughout my career, I have consistently maintained a self-imposed campaign limit on contributions and expenditures which is well below the levels suggested in this legislation. Instead, I have run true people-to-people campaigns in which I take my message directly to the voters, not through 30-second radio or television advertisements, but through personal appearances, speeches, and debates. This is how the voters can best learn what they want to know about my position on the issues, not what a slick campaign consultant, pollster, or television producer tells them what they want to know.

Mr. Speaker, this 102d Congress had a real opportunity to reform congressional campaigning to take the campaigns back to the people and provide for fiscal restraint. This legislation, however, fails in every way to meet this goal and the public's expectations. And even

worse, it tries to cover up the real truth about what this scheme does to the U.S. Treasury.

The American people are too smart. They will see through this attempt to deceive them. They know that what we are voting on is an empty promise, a charade, and a travesty. Those who support this legislation will have an opportunity to answer to the people they represent in just a few short months.

Mr. Speaker, if we want true reform, we should vote this conference report down today and send it back to the committee to start over. In the meantime, each Member of this House, and every candidate for Congress, can make their own personal commitment, as I have done year after year, to limit campaign spending and take their campaigns directly to the people where they belong.

Mr. REED. Mr. Speaker, I rise today in support of the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act. This bill is a step forward on the road to real reform of our current campaign process.

This legislation is a reasonable attempt to control out-of-control spending in Federal campaigns by setting spending limits for House and Senate candidates. The average cost of winning a House seat has doubled in 10 years to $410,000. When I talk to my constituents about the campaign process, time and again people tell me there is too much money in the election process. This bill recognizes these concerns and challenges candidates for Federal office to meet spending limits.

The measure before us also limits the influence of special interest money by putting a cap on the contributions of political action committees and wealthy individuals. These caps, together with the overall voluntary spending limits, will lessen the focus on money in campaigns and will encourage candidates to concentrate on raising small contributions close to home in their own States and home districts.

This legislation gets tough on one of the worst abuses of the current system: soft money. Campaign contributions meant to support Federal candidates are sometimes routed through State parties to avoid the restrictions of Federal law. State parties run legitimate and necessary campaign programs, however, funds directly benefitting Federal candidates should meet Federal standards. S. 3 achieves this objective.

This measure also prohibits House Members from using the frank for mass mailings outside of their current congressional district—an unfair election year advantage. This is a provision inspired by legislation introduced by Mr. THOMAS of California that I cosponsored and that has the support of many on both sides of the aisle.

This is not a perfect bill. I believe it should go farther in limiting money from special interest organizations. And I do not believe it should exempt legal and accounting fees, and funds spent on soliciting contributions. Spending limits must anticipate and include all costs.

But clearly, after years of trying, there is a bill on the floor that at the very least heads in the right direction. A broad coalition of nonpartisan, watchdog organizations such as Citizen Action, Common Cause, and the League of Women Voters supports this legislation. At a time when the public is crying out for reform, these organizations understand that this legislation represents a good beginning.

The President has threatened to veto this bill because he opposes spending limits. I hope that he hears the pleas of the people and has a change of heart. Campaign finance reform should not be a political football and spending limits are not a reason to veto the bill.

I urge my colleagues to take a step to control the skyrocketing costs of campaigns and support the conference report.

Mr. SANDERS. Mr. Speaker, the United States today is one of two nations in the industrialized world without a national health care system; the gap between the rich and the poor is growing wider every day; and while the salaries of the chief executive officers of the major corporations continue to soar, 10 million of our workers are unemployed, 5 million of our children go hungry and 2 million Americans sleep out on the streets.

Mr. Speaker, it is no secret that the President of the United States and the U.S. Congress do not represent the needs of ordinary Americans, and one of the major reasons for that is that we have an absurd approach to campaign financing which, to a very large degree, allows wealthy people and major corporations to buy and sell politicians.

Mr. Speaker, as Common Cause has recently said, the legislation we have before us today is not perfect—but it does constitute real and fundamental reform. Most importantly, it limits the amount of money that can be spent in an election. What this means is that wealthy people, and candidates who are representing big money interests, will no longer be allowed to outspend their opponents 5 to 1 or 10 to 1. What it means is that there will be a level playing field, with all candidates having a fair shot at victory.

Second, this legislation limits huge soft money contributions from both political parties as well as special-interest groups. This is a real step forward. When I ran for Congress in 1988 and 1990, as an Independent, not only did my opponent outspend me heavily, in terms of the amount of money attributed to his own campaign committee, but his campaign was helped additionally by hundreds of thousands of dollars from the Republican Party in terms of literature and polling which was not attributed to his own campaign finance statement. This is clearly true for elections all over the country. For those of us, for example, who are fighting for national health care, there is a real concern that the American Medical Association and the insurance companies will spend millions of dollars in independent expenditures in order to defeat us. This is absurd and undemocratic, and this legislation goes a long way toward eliminating that practice.

Mr. Speaker, if the President vetoes this legislation, as he threatens to do, then all Americans should understand that he is far more interested in maintaining the political oligarchy of the rich, which presently exists, than allowing for a vibrant, responsive political system which represents the needs of ordinary people.

If President Bush, who is himself a recipient of millions of dollars of campaign contributions from the rich and the powerful, and tens of millions of dollars throughout his political career of public funding, vetoes this vitally important legislation, then the American voters should be prepared to veto him in November.

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise in support of S. 3, the Congressional Campaign Spending Limit and Election Reform Act. The legislation before us today represents the most sweeping campaign reform since the changes made by Congress in 1974 in response to the Watergate scandal. This reform proposal is essential if we are to restore the faith of the American people in the election system and to get the skyrocketing cost of campaigns under control. Passage of this legislation will send a clear signal that this Congress is serious about reform, that we recognize that there are problems, and that we as elected officials have courage to make the changes that are needed.

Congressional campaign spending is out of control. Candidates winning a House seat in 1990 spent twice what they spent in 1980. Even worse, the cost of winning a Senate seat has more than tripled in the past decade. In order to keep up, candidates for Congress have been forced to raise ever increasing amounts of money, spending more and more time fundraising. Mandatory spending limits for congressional campaigns were passed by the Congress in 1974, but the Supreme Court struck down these limits as unconstitutional. It is for this reason that the 102d Congress is seeking to enact voluntary spending limits linked with incentives for candidates to stick to these limits.

S. 3 establishes voluntary spending limits for Senate candidates based upon the population of each State; ranging from $950,000 to $5.5 million. House limits are $600,000 per election cycle. In addition, the bill sets up limits on funding sources. Political Action Committee [PAC] contributions are limited to 20 percent for Senate candidates and 33 percent for House candidates. Large contributions from individuals are limited to 33 percent of the total spending limit for House Members and smaller individual contributions, less than $250, are unlimited up to the aggregate cap. These provisions will bring greater equity to fundraising sources placing increased emphasis on small, individual contributions.

S. 3 provides various incentives to candidates who agree to abide by the spending limits established in the bill. Lower postal rates, matching funding, and broadcast vouchers are all offered both as an incentive to control spending and as a way to help to reduce the real cost of running for Congress.

This legislation is drafted to ensure that we will not be throwing money at nonviable candidates. House and Senate candidates must reach a predetermined fundraising threshold before receiving matching funding. This is similar to the current requirement for Presidential candidates.

Mr. Speaker, I want to stress that this reform package is not funded through a tax increase. This proposal will not increase the Federal deficit, nor will money be shifted from other worthwhile programs to help defray the cost to candidates running for Congress. This legislation specifically states that none of these avenues is the appropriate way to help

pay for this much needed reform proposal. There are other financing options and they will be considered under a separate bill.

To close, let me quickly note some of the other important provisions in this bill. S. 3 cracks down on soft money. It increases Federal reporting requirements for candidates. This legislation provides for a prohibition on the bundling of contributions and eliminates leadership PAC's.

Mr. Speaker, the enactment of this reform package will dramatically alter, for the better, the way that congressional election campaigns are run. It will decrease the amount of money that is needed to run for Congress, it will increase the importance of small contributors in the process, and it will enhance the ability of all candidates to run for Congress by creating a level playing field. I urge my colleagues to vote in favor of this conference report. If you care about showing your constituents that you want to see the system changed and that you are willing to be part of the solution, you will vote in favor of this reform package.

Mr. GEJDENSON. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 161, not voting 13, as follows:

[Roll No. 77]

YEAS—260

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—161

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Barnard
Costello
Dannemeyer
Dingell
Dymally
Hertel
Levine (CA)
Martin
Russo
Smith (IA)
Wheat
Whitten
Yates

□ 1354

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ECKART). The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report in its present form?

Mr. WALSH. Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the conference report on the bill S. 3 to the Committee of Conference with instructions to the managers on the part of the House to include in the conference report the provisions of H.R. 3770 including:

1. The requirement that a majority of a candidate's contributions come from individuals residing in the candidate's district.

2. A limit of $1,000 on PAC contributions to candidates.

3. A total ban on soft money contributions to political parties.

And to further include the requirement that no taxpayer dollars may be used to finance congressional campaigns.

POINT OF ORDER

Mr. GEJDENSON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point order.

Mr. GEJDENSON. Mr. Speaker, I would make a point of order that the instructions exceed the scope of the conference report. It is clear that the requirement of in-district funding is beyond the scope of the conference report, and I would move that therefore the motion to recommit should be ruled out of order.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. WALSH] wish to be heard in opposition to the point of order?

Mr. WALSH. Mr. Speaker, I believe that this motion adds to the fairness of the conference report, and I would urge that it be added.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. WALSH] concede the point of order?

Mr. WALSH. Mr. Speaker, I do not.

The SPEAKER pro tempore. Does anyone else wish to be heard on the point of order?

Mr. HENRY. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The point of order is contested. The gentleman from Michigan [Mr. HENRY] is recognized on the point of order.

Mr. HENRY. Mr. Speaker, I want to be sure we understand what the point of order is and what the question is and what the contest is.

Mr. Speaker, my understanding is that the gentleman from Connecticut [Mr. GEJDENSON] objects to the motion to instruct because the motion contains a provision that would require that in order to get Federal taxpayer match, one would have to raise campaign funds in one's district.

Mr. Speaker, if I understand it, that is what the objection is.

Mr. GEJDENSON. Mr. Speaker, the objection is because it is beyond the scope of the conference. At this stage of the game to try to rewrite the whole conference is really in fact an attempt to kill campaign finance reform, at least at this session, in my perspective.

Mr. HENRY. Mr. Speaker, I would ask what is the point of order? It is simply a motion to recommit or refer back to the conference committee to address the issue as to whether or not in the existing legislation the proposal that the gentleman has put before us, not changing the taxpayer match at all, as I understand it, not changing any of the provisions relative to PAC limitations, is simply whether or not in order to get taxpayer match the moneys to be matched would have to be raised within our States and within our districts.

□ 1400

I just do not understand what the point of order is or the objection. I wanted to be sure the Speaker understood and the Members understood as they deal with the Speaker's ruling as to exactly what is at issue.

The SPEAKER pro tempore. (Mr. ECKART). Does the gentleman from Iowa [Mr. LEACH] wish to be heard on the point of order?

Mr. LEACH. Mr. Speaker, I do think this body ought to understand what is taking place here. The minority resolution talked about a $1,000 cap on PAC's. The House bill passed a $5,000 limit. The Senate bill passed a zero or up to a thousand, if the court threw it out.

So what the majority is attempting to do is stifle a very thoughtful amendment of the minority for real reform of the political action system and is using the Rules of the House against real reform. And there is nothing more germane to this bill.

The subject matter of this bill is containing political action committees. I think the public record ought to indicate it.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] is entitled to be heard on the point of order under the rules of the House. That does not entitle the gentleman to be heard on the merits of the bill.

If the gentleman has remarks to make, they should be confined to the point of order before the House.

Mr. LEACH. Mr. Speaker, there are two issues that this Member would like to make. One is that in his belief this is thoroughly and utterly germane.

The second point is how extraordinary it is that the party of alleged reform may or may not want to block real reform.

The SPEAKER pro tempore. (Mr. ECKART). The Chair is prepared to rule.

The gentleman from Connecticut makes a point of order against the motion offered by the gentleman from New York on the ground that the instructions therein exceed the scope of the conference.

The motion offered by the gentleman from New York proposes to instruct the managers on the part of the House to include in the conference report three features of a separate bill, H.R. 3770. Each of these three initiatives falls outside the matters committed to the conference as disagreements between the Senate bill and the House amendment thereto.

Therefore, under clause 3 of rule XXVIII, a conference report may not include a matter although germane that was not committed to the conference of either House.

In the opinion of the Chair, the instructions proposed in the motion offered by the gentleman from New York exceed the scope of the differences committed to the conference, and the point of order is sustained.

MOTION TO RECOMMIT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALSH. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WALSH moves to recommit the conference report on the bill S. 3 to the committee of conference with instructions to the managers on the part of the House to strip all sections from the bill that allow for public financing of subsidies of congressional campaigns, to wit sections providing for matching payments to candidates, voter communication vouchers, and reduced postal rate subsidies for candidates.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. WALSH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 243, not voting 12, as follows:

[Roll No. 78]

YEAS—179

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Billirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nagle
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Paxon
Pickle
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—243

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher

Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Savage
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Zimmer

NOT VOTING—12

Barnard
Costello
Dannemeyer
Dingell
Kennedy
Levine (CA)
Lewis (GA)
Martin
Russo
Smith (IA)
Whitten
Yates

□ 1420

Messrs. PARKER, NAGLE, CONDIT, GEREN of Texas, and SARPALIUS changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ECKART). The question is on the conference report.

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

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 165, not voting 10, as follows:

[Roll No. 79]

AYES—259

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yatron
Zimmer

NOES—165

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Myers
Nagle
Nichols
Nussle
Olin
Oxley
Packard
Paxon
Perkins
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—10

Barnard
Costello
Dannemeyer
Levine (CA)
Martin
Russo
Smith (IA)
Whitten
Wilson
Yates

□ 1439

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 3 just considered and agreed to.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2437

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. MCMILLAN] be removed as a cosponsor of my bill, H.R. 2437, the independent living services for the elderly blind.

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

There was no objection.

□ 1440

PRIVILEGES OF THE HOUSE—REQUIRING EXPLANATION OF CERTAIN ALLEGATIONS INVOLVING AD HOC COMMITTEE INVESTIGATING THE POST OFFICE OF COMMITTEE ON HOUSE ADMINISTRATION

Mr. DOOLITTLE. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 430) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 430

Whereas, pursuant to H.R. 340, the House directed the Committee on House Administration to investigate the operation and management of the Office of the Postmaster and;

Whereas, H.R. 340, required the committee to report its findings and recommendations no later than May 30, 1992 and;

Whereas, the chairman of the Committee on House Administration pledged before the House that the investigation would be handled equally by the majority and minority parties and;

Whereas, the chairman of the Committee on House Administration in a letter to the ranking minority members wrote that "decisions will be made by a majority of the Task Force" and;

Whereas, the Associated Press reported on April 9, 1992, an article that stated that a Member of the Committee had ordered aides/or committee staff to remove locks to a room and replace the locks where witnesses were being interviewed by members of the Ad Hoc investigating committee and;

Whereas, the integrity of House proceedings and the integrity of investigations must be protected from deliberate interference: Now therefore, be it

Resolved, That the chairman and vice chairman of the Ad Hoc Committee investigating the Post Office appear before the House by close of business on April 9, 1992 and explain the reported attempt to interfere with the ongoing investigation.

Resolved, That House again affirms the need for an expedited investigation into the Office of the Postmaster and condemns any attempt to interfere or impede this investigation.

The SPEAKER pro tempore. The Chair finds that the resolution does constitute a question of the privileges of the House, and the gentleman from California [Mr. DOOLITTLE] is recognized for 1 hour.

Mr. DOOLITTLE. Mr. Speaker, I wonder if the gentleman from Kansas [Mr. ROBERTS] could come to the well and shed some light on the incidents that transpired in the committee yesterday.

Mr. Speaker, I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, if the gentleman will yield, if the gentleman could ask me some specific questions, perhaps I could respond.

Mr. DOOLITTLE. Yes; I would like to do that.

Mr. Speaker, I would like to ask, is there any assurance the Democrats will allow the post office investigation to continue so that it may report its findings to the House?

Mr. ROBERTS. In discussing this matter with the chairman of the full committee, the gentleman from North Carolina [Mr. ROSE] and all members of the task force, we have resolved to go ahead. There are some differences, but we have resolved them. I think it is the intention of the task force, without question, to proceed along the lines of the resolution that was passed by the House.

Mr. DOOLITTLE. What was the reason given by the Democrat majority leadership on the committee for terminating the investigation yesterday?

Mr. ROBERTS. Well, obviously, when you have a task force investigation of this nature, you have strong differences of opinion. Obviously, you are going to have some discussions where skins wear a little thin.

I am from Dodge City, KS, and I am used to some rough and ready treatment. I understand that, but I think the two concerns were in reference to some reform discussions we were having in regard to current reform legislation, and then the sanctity of the investigation itself in regards to some alleged leaks; but having said that, let me say that hopefully those differences are resolved and we are proceeding.

Mr. DOOLITTLE. Mr. Speaker, in just a minute, I want to yield to the gentleman from North Carolina, but I would like to ask just one more question.

Can the gentleman tell us what actually happened? Did in fact the chairman order this staff to remove people from the room and change the locks?

Mr. ROSE. Mr. Speaker, will the gentleman yield to me? The gentleman is asking the gentleman from Kansas questions about me. Why not let me answer them?

Mr. DOOLITTLE. Mr. Speaker, I am happy to yield to the gentleman from North Carolina for purposes of debate only.

Mr. ROSE. Mr. Speaker, I have read this for the first time, the gentleman's resolution.

Let me say to the gentleman that the minority leader, the gentleman from Illinois [Mr. MICHEL], the Speaker, Mr. FOLEY, the gentleman from California [Mr. THOMAS], and I signed a letter to the Justice Department several days ago informing them that despite the objection of the Justice Department, that we were going to continue our investigation of the activities that took place in the post office by the continuation of the interview of witnessses.

We made it abundantly clear to ourselves, the six of us, the gentleman from Kansas [Mr. ROBERTS], the gentleman from California [Mr. THOMAS], and I, the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Washington [Mr. SWIFT], and the gentleman from Nebraska [Mr. BARRETT] that one of the things we were very concerned about was leaks.

In Saturday's Cleveland Plain Dealer, there was a paragraph that said that the paper had a task force memo. Now, that would certainly have been a leak if in fact they had a task force memo.

I asked the staff not to go forward with any more interviews of witnesses until we resolved that matter. I asked that they not interview anybody else.

Now, we were moving so fast that some of the staff was determined to go forward with those interviews. Somebody determined the best way to stop that was to lock the door.

The gentleman from California [Mr. THOMAS] scheduled a press conference where he was going to complain about the activity, as well he might have, but cooler heads prevailed. We got together. The six of us explained to one another our concerns.

I said that I am convinced for the time being that we do not have a leak problem and I am willing to proceed.

The gentleman from California [Mr. THOMAS] said, "Then I will call for the press conference," and we went back to our own business.

But if there is a leak in our task force or by our staff, the work of our task force is in jeopardy.

The gentleman from California [Mr. THOMAS] and I have worked very patiently together to try to make this thing work. He puts up with my questions and has been very fair to me, and I hope and believe that he thinks most of the time that I have been real fair to him.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, as in a marriage, you never want these sorts of things done in public. You would like to be able to do them in private, because you have joined together in a bipartisan structure.

This is an example of what happens when it is true bipartisanship; that is, you will have disagreements.

I hope that we do not have to air these in public.

However, I guess I actually thank the gentleman for allowing us to come to the floor and talk about this a little bit. But you will not get any specifics out of us other than to say that the chairman and I have entered into an agreement. He has honored the agreement, which is unique in this postplantation era, of not only saying that we are going to produce a bipartisan structure, and doing so in form, but by actually doing so in substance.

There are times in which we have to kind of work it out. It is not going to be all smooth. But who ever thought it

was going to be, if we are going to be precedent-setting in terms of shared power in an investigation, just like it could have been in the resolution that we are going to be discussing, when it was going to be shared power in a bipartisan oversight subcommittee?

But let me hasten to add, the structure that the chairman has entered into is a fair, truly bipartisan structure.

The structure we are about to look at in terms of the reform measure is phony. I would urge the gentleman to take a look at the so-called bipartisan structure in the measure that is going to come forward. Because in that one if there is a tie; that is, if the Democrats are on one side and the Republicans are on the other, it is elevated to some partisan structure to decide it.

In the task force that the chairman has agreed to, if there is a tie the issue loses, as in any other body. Therefore we have to work out our differences.

Unfortunately, sometimes they spill out into the open a little bit. We try not to have that happen.

The point that the House needs to know is that we are moving forward. As in any marriage, if it is to last, you have to talk out your differences.

The structure that we have here allows us to talk out our differences. The structure that is supposedly bipartisan, which is phony, does not allow you to talk out your differences. A tie moves it forward. There is no need to come to a resolution.

I would tell the gentleman that he saw the resolution of a conflict in action. That is not bad. That is not something that people should worry about. It is something that people should applaud. We came to a difference, we worked together, and we resolved it. We are moving forward. That is positive. That is good.

It is not going to happen under the structure that you are going to see in a minute.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Speaker, what was the question that the gentleman had for me? I would be happy to respond.

Mr. DOOLITTLE. Could the gentleman tell us what happened? I want to know what happened. The gentleman was there. What happened? Were the locks changed?

□ 1450

Mr. ROBERTS. We were going to proceed with the investigation as outlined by the gentleman from California [Mr. THOMAS] and as outlined by the chairman [Mr. ROSE]. It was 10 in the morning. There was a witness, there was a witness scheduled. We received a phone call from counsel indicating the investigation had been called off. However, we decided at that point that we would proceed with the investigation.

At that particular time, staff arrived from the chairman's office, indicating to us that the investigation had been concluded or terminated, and in fact that there would be a locksmith to change the locks on the doors.

At that particular time, we still made the decision to proceed with the investigation. Mr. THOMAS called the press gallery or called for a press conference at 11, the thought being if we were going to be removed from the investigation, that that might be a matter of some interest to the press, and at that particular time we all went over to the chairman's office to discuss this matter at some length.

As has been indicated, there was a difference of opinion in regards to what reform measures should be taken here in the House, how those reform measures applied to the post office investigation. I think that is to be expected in regards to the strong differences of opinion we have around here.

There also was a considerable discussion in regards to alleged leaks. I would tell the gentleman that, having been in the newspaper business, having been a working reporter, it is my experience that if something is leaked that is detrimental to any individual, that is a leak. If something is leaked and it is not detrimental to an individual but they think it is certainly within the realm of news, then it is not a leak. And there have been a great many stories in the press in regards to the bank, or the restaurant or the post office, with the working press actually doing their job, trying to shine the light of truth in the darkness.

It is because of those stories and because the public disclosure that we have had an investigation. It is because of that effort by a free press, if you will, that we have reached an agreement where we have a bipartisan investigation. And I can speak for every Member on the Republican side and this Member and our staff, the notes of that investigation stay in that room and are locked up. Any Members' notes go into their safe or they go into that lockup. And there has been no conversation on the part of any staff member or any Member to any newspaper in regards to the specifics of this investigation.

Now, having said that, you can detect I have a little blood pressure on this because every time there is an alleged leak and somebody gets wet around here, it is always the minority that is blamed. Usually, it is the other way around when we have a majority investigation.

So, I want to make the record perfectly clear that as far as I am able to determine, there has not been a leak, an alleged leak or any other leak. And I can also say that if there were leaks, for goodness sakes, it would not be the kind that has been in the press. The truth will come out at the conclusion of the investigation when the chips fall where they may. As the gentleman from North Carolina has indicated; when I took my special order and said we needed an independent investigation, he said we can do this within the House Administration Committee. We are trying to do it. There are problems. But as I have indicated before, we are trying to work them out.

We are proceeding even as I speak. I cannot speak to the specifics, will not speak to the specifics, but I can say I am encouraged by the chairman and my ranking member for putting together this task force. I think we will get to the bottom of it. We will let the chips fall where they may, and we will come with a report to the House so we can better effectively manage the post office and the operation of the post office.

So, from that standpoint I think we have made some progress.

Now I know, I am from Dodge City, we have Front Street, we have confrontations, we have face-offs. Shots were fired but no one was mortally wounded. There were some tempers and they flared.

As a Republican Member of this Congress, I do not like to be told by any staff member that I cannot proceed with an investigation. More specially, I do not like to be told that the door is going to be shut and the locks are going to be changed. I have a little feeling about that.

But I knew if I went over to the chairman and we talked about it in a rational way, we could settle the differences. We have done that, and the investigation is proceeding.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I had indicated to the gentleman from Pennsylvania, but I will yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding, and I will be very brief.

Mr. DOOLITTLE. This is for purposes of debate only.

Mr. ROSE. Mr. Speaker, I think I have said my part, and the gentleman from Dodge City has characterized it accurately from his perspective. There is just one thing I would like to clear up: From my perspective, the thing I was concerned about was not the contents of any investigation being revealed, because as far as I am concerned the subject matter of the story in the Plain Dealer was not the issue.

As far as I am concerned, my friend and my colleague, MARY ROSE OAKAR, is a fine Member of this House and she is not the subject of what we were investigating or talking about. But it was the fact that there was listed in that paper as having a memo from the task force. The contents of it was irrelevant. We have determined there was—

in our discussion there was no such memo. I certainly did not have one. They did not have one.

And when I, as the leader of the Democratic side of this task force, determined that we should bring the questioning of witnesses to a halt until that question was solved and the staff said, "No, we are not," I had no alternative but to take such action as I thought was required to stop the questioning of further witnesses.

Now we probably understand each other a little better, for the future, and I think we are going to be doing all right.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, just for the record, there is no staff memo, no staff memo was ever——

Mr. ROSE. That is right.

Mr. ROBERTS. At least to my knowledge, there has been no staff memo in regard to the issue that the gentleman has raised.

Mr. ROSE. Exactly right.

Mr. ROBERTS. So, consequently, any reference to that as far as the post office investigation is concerned is not pertinent and it is not right. And that is the sum of it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Ms. OAKAR. Mr. Speaker, will the gentleman yield to me, since my name was mentioned?

Mr. DOOLITTLE. I promised—I will yield, but first I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the thing that puzzles me, I guess, in this whole discussion is if all of this was worked out after there was the threat of the doors, to have the locks changed, why could we not have found all of this out in a bipartisan sense before those kinds of threats were on the table? It seems to me if we are going to have an investigation here go forward unimpeded, the thing that worries some of us is the fact that in the midst of something that was ongoing and that we though was being conducted in a bipartisan way, evidently an order was issued to clear the room and change the locks, and my concern about that is that if these matters can all be worked out, why would they not be worked out before such orders were issued?

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

Mr. Speaker, I am concerned about the fact that we have told the Justice Department that we are not going to stop interviewing witnesses, as they have asked us to do. We have not slowed down for 1 day. They said stop interviewing for 90 days. We have not slowed down for 1. The one thing we could do to hurt the Justice Department investigation would be to have leaks. And I do not want any part of anything with leaks.

So, when I see that and I ask the staff, the bipartisan staff, to stop interviews and they thumb their nose at me, I have no alternative but to take another action.

Now, if we all had telephones in our ears and the six of us were communicating quickly with each other, I am sure that they would have concurred for a momentary pause in the interviews. That got cleared up, and we went on. I do not think that will happen again in the future.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just want to follow up because, as I understood the situation, one of the people being thrown out of the room, potentially, was the vice chairman of the committee, who was attempting to be a part of the interview. Now, that does not sound to me as though there was very much attempt to do any consultation before this took place.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Speaker, well, as the vice chairman who was in the room, let me make it clear there would not be anybody throwing me out of that damn room. All right?

No. 2: What happened here is there were four members on the previous day present for the investigation and that particular witness. At the end of that presentation, there was considerable discussion, as there is among the task force members when we conclude our business, if somebody has a special concern or got a little blood pressure on an item, why, we bring it up.

□ 1500

Now that lasted about what; maybe 30 minutes, and it has been referenced to in these discussions. The gentleman from North Carolina [Mr. ROSE] was not present. One other member was not present. Most of us who were there at that particular meeting thought we had everything reconciled, no need to close it down, no need to change the locks, no need to get into allegations as to who is leaking what, why or wherefore, or the sanctity, or whatever. It was a surprise to the vice chairman; that is, this Member, at 10 o'clock to find that situation. But in fact Mr. ROSE had not had an opportunity to discuss all of that with the Members concerned, and there was concern. There is going to be differences of opinion as we go down this path.

So, I would say to the gentleman from Pennsylvania [Mr. WALKER] that, while it was very disconcerting there for a short period of time, and we got into short, jerky sentences, and adjectives and adverbs that I cannot repeat on the floor, that things were worked out, and they were worked out in good faith.

As the gentleman from California has indicated, if you have a marriage of this type, which is unique, sometimes it is a rocky road, but we are still on the road. I may file for divorce later.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I think one has to understand that when one says "bipartisan," if my colleagues will read the agreement, not only is it equal numbers in terms of the Members, that is, Democrat and Republican, but the staff is equal. This is unprecedented, and what happens is that some folks on our side of the aisle have new-found powers. They have never been able to exercise them before. And sometimes they get a little exurberant. On the other side of the aisle we have new-found jealousies that have never been checked by anybody before, and, as we get into these relationships, we are going to have to make adjustments.

Again, I have committed to the chairman, and the chairman has committed to me, that the press is not going to drive this. The outsider who wants to destroy the first truly bipartisan structure is going to destroy this opportunity. We are going to move forward.

Why is anyone surprised that we have some difficulty in this unique relationship in moving forward totally harmoniously? The point that people need to remember is we are moving forward. We will continue to move forward, and we will move forward together.

Ms. OAKAR. Mr. Speaker, will the gentleman yield to me?

Mr. DOOLITTLE. I yield to the gentlewoman from Ohio for the purposes of debate only.

Ms. OAKAR. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding to me.

I want to say to the gentleman, having served with him on the Committee on House Administration, I think he knows I respect him, and he asked the question, "Why, when there's three and three," and I agree with him that this task force should be three and three, and I was once part of it and declined to serve any longer. But what is the

rub with me personally is with not only leaks, but false leaks, lies, lies that are told to the press for whatever reason, and I do not know who did it, and I cannot prove it.

But I have to say to my colleagues that it is very disconcerting, not only to this Member, but it is equally disconcerting to those of my colleagues who are on a fictitious restaurant list that was leaked to the press that some members of the press still buy as an absolute truthful list that has ruined the reputations of people around here. There are very few things that people have in their lives besides their good name, and that to me is where the problem lies.

So, do not trivialize, and I do not mean this to the gentleman directly, but I would say to my friend, the gentleman from Kansas [Mr. ROBERTS], and my chairman and others about particularly the kind of talk that I heard about leaks, "Don't trivialize leaks. Identify the type you're talking about. If someone takes an oath, as the staff did, to not divulge any information, that person should be held accountable if he or she does, and the person who should hold that person accountable is the Member who hired that person."

But, second, that is bad enough if it is truthful. But if it is untruthful and it is a rumored leak, then that is malicious, and I think some people know a little bit about malice around this place, and so I thank the gentleman for yielding.

I hope that this task force which has been charged with the very profound duty, and there are 145 people who work at that post office, and most of them are very decent staff people. They do not deserve to have their reputations maligned because of some guerrilla warfare that is going on with some people, certainly not all, and that is not to say that it is partisan. I do not know who is doing it; OK? But I do not approve of it, and I think it is intrinsically evil and wrong.

Mr. DOOLITTLE. Mr. Speaker, I have been concerned; the reason I raised this question: There has been so many allegations about the House post office, the various investigations that are going on, when I read this newspaper article that really gave me cause for concern. It is a very unusual thing to have a hearing going on and staff people showing up attempting to change the locks and telling people the investigation is at an end.

I appreciate the explanation of the chairman and the vice chairman explaining their desire to make sure that things were done in a proper order. It still sounds like an odd set of circumstances.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. Mr. Speaker, I yield to the gentleman from Washington for purposes of debate only.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for yielding to me.

I think it is very important to know that the six of us who were working on this task force know each other and have worked together. The gentleman from Kansas, the gentleman from California in particular, I have worked with over the years. These are difficult issues.

All of our disagreements, incidentally, do not happen to be between Republicans and Democrats. There are some disagreements between Republicans, and there are some disagreements between Democrats. We are experienced people. We are working them out.

There is not the slightest question in my mind, and it seems to me there should not be the slightest question in anybody's mind on the other side of the aisle that the Republican representatives on this task force are perfectly capable of vigorously pursuing their interests and the interests of their party. They certainly have not give me any indication that they are going to do other than vigorously pursue their perspectives.

Now, when we talk about communication, it seems to me that short of going and making a legislative initiative such as this, if the gentleman wanted to know what was going on, he could have picked up the phone or walked across the floor and talked to the gentleman from Kansas [Mr. ROBERTS] or the gentleman from California [Mr. THOMAS], which I think would have saved the body a great deal of trouble. But what really disturbs me here is that under the guise of questioning, I think, whether the Democrats are doing the appropriate thing, it seems to me that intrinsically the gentleman is raising serious questions about the Republicans on the task force who I think are doing a fine job defending their perspective on the issue and that there is certainly no need for them to be hauled to the well of the House and quizzed about their ability to carry out their role, their responsibilities intelligently, and competently and vigorously.

Mr. DOOLITTLE. Reclaiming my time, Mr. Speaker, I have confidence on the Republican side that frankly it is not our side that controls access to the rooms and controls the procedure around here, and we do not run the House, and we did not run the post office, or the bank or these other things, and that is what gives rise for this concern.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think the gentleman from California [Mr. DOOLITTLE] makes a good point, and I have checked with the various Republicans in the course of the day, and none of them ordered the locks changed. So, I do not think that is a problem.

But let me say that, as my colleagues know, the gentleman, I think, has already managed to get the one resolved clause taken care of. We have had a good discussion about this. But what occurs to me is, out of the discussion of this, it is very important that the House does what the gentleman resolves in the second part of his clause, and that is that the House again affirm the need for an expedited investigation into the office of the postmaster and condemns any attempt to interfere or impede this investigation. I think in light of all of this that that would be a very useful thing for the House to have on the record, and I would urge the passage of the resolution simply to make certain that that resolved clause is entered into the RECORD of the proceedings today.

Mr. Speaker, I thank the gentleman from California [Mr. DOOLITTLE] for having yielded to me.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina for the purposes of debate only.

Mr. ROSE. Mr. Speaker, I say to the gentleman, if you're satisfied that we have adequately explained this matter to you, I have no problem in agreeing to the last paragraph.

Fair enough?

Mr. DOOLITTLE. That would be acceptable to us.

The SPEAKER pro tempore (Mr. MCNULTY). Does the gentleman from California [Mr. DOOLITTLE] yield back the balance of his time?

Mr. DOOLITTLE. Mr. Speaker, I would like to yield first to the gentleman from New York [Mr. SOLOMON].

□ 1510

Mr. SOLOMON. Mr. Speaker, I have listened carefully to this debate. I have been standing by to begin the leadoff debate on the so-called congressional reform package, the Democrat package, which is going to be laid before us in a few minutes.

I have noticed that this debate has drawn considerable attention in the press galleries and from others. I cannot help but look at the parallel between this debate and the resolution which we are going to be considering in a few moments.

As I read that resolution, I see that the Democrats give us a new House Director, who is really under the direction and control of the Democrat partisan Committee on House Administration. That is a cosmetic change. That is no real change.

The Democrat resolution, if you read through it, gives us a new inspector general, who is not independent but under the direction and control of the

Democrat partisan Committee on House Administration. The Democrats absolutely refuse to give us a 50-50 bipartisan Committee on House Administration that would deal with the administerial duties of operating this Congress.

Mr. Speaker, the Democrat resolution gives us a new bipartisan oversight subcommittee, which is really under the ultimate control of the Democrat partisan Committee on House Administration. They give us a new general counsel, now, listen to this, a new general counsel with unlimited assistance, all under the control of the Democrat partisan Committee on House Administration.

Mr. Speaker, I could go on and on and on in reading this, but I hope that those Members listening, will really pay attention to the upcoming debate. Because if we were to adopt the Michel substitute, which truly makes the administrative activities of this Congress bipartisan, we would never again get into this kind of crisis situation.

Mr. Speaker, we all know what is going to happen. We Republicans are going to be voted down on a party line vote and the House is going to be right back in the same position we were in yesterday. That means a year from now, or 2 years from now, we can expect to be subject to the same old kinds of scandals. I, for one, would be embarrassed to be a Member of this House if that is allowed to happen.

Mr. Speaker, I just wanted to call to the attention of Members the parallel between this debate and what we are about to debate about a half hour from now when the Democrat resolution comes up.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I want to thank the gentleman from California [Mr. DOOLITTLE] for all his questions. I would urge Members to vote in favor of the resolution, should the gentleman call for a vote. If the gentleman does not, I will certainly speak in favor of it.

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

Mr. Speaker, I would just like to indicate that in light of the comments of the gentleman from Washington [Mr. SWIFT], it is not my intent to admonish the gentleman from Kansas [Mr. ROBERTS].

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MURTHA). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 16, as follows:

[Roll No. 80]

YEAS—417

Abercrombie	Dellums	Hobson
Ackerman	Derrick	Hochbrueckner
Alexander	Dickinson	Holloway
Allard	Dicks	Hopkins
Allen	Dingell	Horn
Anderson	Dixon	Horton
Andrews (ME)	Donnelly	Houghton
Andrews (NJ)	Dooley	Hoyer
Andrews (TX)	Doolittle	Hubbard
Annunzio	Dorgan (ND)	Huckaby
Applegate	Dornan (CA)	Hughes
Archer	Downey	Hunter
Armey	Dreier	Hutto
Aspin	Duncan	Hyde
Atkins	Durbin	Inhofe
Bacchus	Dwyer	Ireland
Baker	Dymally	Jacobs
Ballenger	Early	James
Barrett	Eckart	Jefferson
Barton	Edwards (CA)	Jenkins
Bateman	Edwards (OK)	Johnson (CT)
Beilenson	Edwards (TX)	Johnson (SD)
Bennett	Emerson	Johnson (TX)
Bentley	Engel	Johnston
Bereuter	English	Jones (GA)
Berman	Erdreich	Jones (NC)
Bevill	Espy	Jontz
Bilbray	Evans	Kanjorski
Bilirakis	Ewing	Kaptur
Blackwell	Fascell	Kasich
Bliley	Fawell	Kennedy
Boehlert	Fazio	Kennelly
Boehner	Feighan	Kildee
Bonior	Fields	Kleczka
Borski	Fish	Klug
Boucher	Flake	Kolbe
Boxer	Foglietta	Kolter
Brewster	Ford (MI)	Kopetski
Brooks	Ford (TN)	Kostmayer
Broomfield	Frank (MA)	Kyl
Browder	Franks (CT)	LaFalce
Brown	Frost	Lagomarsino
Bruce	Gallegly	Lancaster
Bryant	Gallo	Lantos
Bunning	Gaydos	LaRocco
Bustamante	Gejdenson	Leach
Byron	Gekas	Lehman (CA)
Callahan	Gephardt	Lehman (FL)
Camp	Geren	Lent
Campbell (CA)	Gibbons	Levin (MI)
Campbell (CO)	Gilchrest	Lewis (CA)
Cardin	Gillmor	Lewis (FL)
Carper	Gilman	Lewis (GA)
Carr	Gingrich	Lightfoot
Chandler	Glickman	Lipinski
Chapman	Gonzalez	Livingston
Clay	Goodling	Lloyd
Clement	Gordon	Long
Clinger	Goss	Lowery (CA)
Coble	Gradison	Lowey (NY)
Coleman (MO)	Grandy	Luken
Coleman (TX)	Green	Machtley
Collins (IL)	Guarini	Manton
Collins (MI)	Gunderson	Markey
Combest	Hall (OH)	Marlenee
Condit	Hall (TX)	Martinez
Conyers	Hamilton	Matsui
Cooper	Hammerschmidt	Mavroules
Coughlin	Hancock	Mazzoli
Cox (CA)	Hansen	McCandless
Cox (IL)	Harris	McCloskey
Coyne	Hastert	McCollum
Cramer	Hatcher	McCrery
Crane	Hayes (IL)	McCurdy
Cunningham	Hayes (LA)	McDade
Darden	Hefley	McDermott
Davis	Hefner	McEwen
de la Garza	Henry	McGrath
DeFazio	Herger	McHugh
DeLauro	Hertel	McMillan (NC)
DeLay	Hoagland	McMillen (MD)
McNulty	Poshard	Smith (OR)
Meyers	Price	Smith (TX)
Mfume	Pursell	Snowe
Michel	Quillen	Solarz
Miller (CA)	Rahall	Solomon
Miller (OH)	Ramstad	Spence
Miller (WA)	Rangel	Spratt
Mineta	Ravenel	Staggers
Mink	Ray	Stallings
Moakley	Reed	Stark
Molinari	Regula	Stearns
Mollohan	Rhodes	Stenholm
Montgomery	Richardson	Stokes
Moody	Ridge	Studds
Moorhead	Riggs	Stump
Moran	Rinaldo	Sundquist
Morella	Ritter	Swett
Morrison	Roberts	Swift
Mrazek	Roe	Synar
Murphy	Roemer	Tallon
Murtha	Rogers	Tanner
Myers	Rohrabacher	Tauzin
Nagle	Ros-Lehtinen	Taylor (MS)
Natcher	Rose	Taylor (NC)
Neal (MA)	Rostenkowski	Thomas (CA)
Neal (NC)	Roth	Thomas (GA)
Nichols	Roukema	Thomas (WY)
Nowak	Rowland	Thornton
Nussle	Roybal	Torres
Oakar	Sabo	Torricelli
Oberstar	Sanders	Towns
Obey	Sangmeister	Traficant
Olin	Santorum	Traxler
Olver	Sarpalius	Unsoeld
Ortiz	Savage	Upton
Orton	Sawyer	Valentine
Owens (NY)	Saxton	Vander Jagt
Owens (UT)	Schaefer	Vento
Oxley	Scheuer	Visclosky
Packard	Schiff	Volkmer
Pallone	Schroeder	Vucanovich
Panetta	Schulze	Walker
Parker	Schumer	Walsh
Pastor	Sensenbrenner	Waters
Patterson	Serrano	Waxman
Paxon	Sharp	Weiss
Payne (NJ)	Shaw	Weldon
Payne (VA)	Shays	Wheat
Pease	Shuster	Williams
Pelosi	Sikorski	Wilson
Penny	Sisisky	Wise
Perkins	Skaggs	Wolf
Peterson (FL)	Skeen	Wolpe
Peterson (MN)	Skelton	Wyden
Petri	Slattery	Wylie
Pickett	Slaughter	Yatron
Pickle	Smith (FL)	Young (FL)
Porter	Smith (NJ)	Zimmer

NAYS—1

Washington

NOT VOTING—16

Anthony	Laughlin	Whitten
AuCoin	Levine (CA)	Yates
Barnard	Martin	Young (AK)
Burton	Russo	Zeliff
Costello	Smith (IA)	
Dannemeyer	Weber	

□ 1532

So the resolution was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3221

Mrs. COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3221.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

PRIVILEGES OF THE HOUSE—REQUIRING INVESTIGATION INTO ALLEGATIONS OF ILLEGAL HIRING PRACTICES IN THE HOUSE OF REPRESENTATIVES

Mr. RIGGS. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 431) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 431

Whereas recent press accounts have cited allegations of illegal hiring practices and ghost employees in the House of Representatives and;

Whereas such allegations violations reflect upon the integrity of the House of Representatives and;

Whereas the Code of Ethics for Government Services (H. Con. Res. 175, 72 Stat. Part 2, B 12) calls on each government official to: "Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties." and;

Whereas such allegations would constitute violations of Rule XLIII, clauses 8, of the Code of Official Conduct which states that "A member or officer of the House shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received * * *" Now, therefore, be it

Resolved, That the Speaker and Minority Leader shall appoint an ad hoc committee of an equal number of Democrats and Republicans under the jurisdiction of the Committee of Standards of Official Conduct to investigate the published reports and report within 90 days to the full House any violations of House rules.

Resolved, This ad hoc committee is authorized to appoint a special counsel to assist in this investigation and that the funds necessary for this investigation shall be provided by specific resolution.

The SPEAKER pro tempore. The Chair rules that the resolution does constitute a question of privilege.

MOTION OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table the resolution offered by the gentleman from California [Mr. RIGGS].

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

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 181, not voting 22, as follows:

[Roll No. 81]

AYES—231

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Guarini
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wolpe
Wyden

NOES—181

Allard
Allen
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Boxer
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moody
Moorhead
Morella
Morrison
Murphy
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Paxon
Penny
Petri
Porter
Pursell
Quillen
Ramstad
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wolf
Wylie
Yatron
Young (FL)
Zimmer

NOT VOTING—22

Barnard
Bryant
Costello
Dannemeyer
Dingell
Dymally
Hall (OH)
Laughlin
Levine (CA)
Martin
McHugh
Pickett
Ravenel
Russo
Smith (IA)
Vander Jagt
Weber
Whitten
Wilson
Yates
Young (AK)
Zeliff

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. MURTHA). The Chair will announce, Members should appear in 15 minutes so the House can proceed. Members are waiting until the last minute. The next roll call will last 15 minutes.

□ 1553

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURTHA). Are there additional Members who wish to cast their vote? Are there any Members who wish to change their vote? Are there Members who wish to change their vote?

The Chair will announce, in order not to inconvenience the vast number of Members, that the Chair is going to close the voting after a minimum of 15 minutes. The vast majority of Members vote on time, and a few Members consistently come in late.

Are there Members who wish to change their vote? Are there any Members who wish to vote or change their vote?

Let the Chair announce again that the Members who are coming in late

are inconveniencing the vast, vast number of Members, and the Chair appreciates the cooperation of Members.

All time has expired.

Messrs. MOODY, GLICKMAN, and BENNETT changed their vote from "aye" to "no."

Mr. LAROCCO and Mr. HARRIS changed their vote from "no" to "aye."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 423, HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 423) amending the Rules of the House of Representatives to provide for certain changes in the administrative operations of the House. The resolution shall be debatable for not to exceed one hour, to be equally divided and controlled by the majority and minority leaders. The previous question shall be considered as ordered on the resolution to find adoption without intervening motion except an amendment to be offered by Representative Michel of Illinois, consisting of the text printed in the report of the Committee on Rules accompanying the resolution, which shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto. All points of order against consideration of and against the resolution, and against the amendment are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 427 is the rule providing for the consideration of House Resolution 423, the House Administrative Reform Resolution of 1992. The rule provides that consideration of the resolution will be in the House. The rule waives all points of order against the resolution and against its consideration. The resolution will be debatable for 1 hour equally divided and controlled by the majority and minority leaders.

Mr. Speaker, the rule makes in order only one amendment to be offered by Representative MICHEL and debatable for 1 hour. The amendment is contained in the report accompanying this rule.

Finally, Mr. Speaker, the rule waives all points of order against the Michel amendment.

House Resolution 423 proposes major unprecedented reform of the administrative and financial operations of the House. This reform will bring the administration of the House up to professional standards. The resolution provides for the appointment of a Director of Nonlegislative and Financial Services who will be charged with running the daily nonlegislative and financial operations of the House.

The resolution also provides for the appointment of an independent inspector general who will be responsible for conducting audits of the financial operations of all the House officers. These reforms will ensure that the events that have placed a dark cloud over the House during the last year will not occur again.

Mr. Speaker, the majority party will today be accused of partisan tactics. However, I would point out that the resolution allows the minority party to take part in the selection of these two professionals by giving the minority leader veto power over their nomination.

The resolution takes bipartisanship one step further in that it establishes a financial oversight subcommittee with equal representation of majority and minority members to receive the inspector general's audits.

Mr. Speaker, the debate today will also include calls for legislative reform. Accusations will probably be made that the majority party is dragging its feet on matters relating to the reform of the legislative process. Some will claim that now is the proper time to consider major reform.

My response is that the Speaker and I have given Members of both parties our commitment to establish the Hamilton-Gradison Commission which will make an in-depth study of ways to allow the legislative process to function more smoothly.

All Members will agree that the process is very complicated. That is the main reason we should take a long constructive look at what steps could be taken to improve the process.

Mr. Speaker, yesterday during consideration of this matter in the Rules Committee, I emphasized that now more than ever, the American people are looking to Congress for help and relief from the problems that currently plague our society. These are problems ranging from untenable unemployment levels; to adequate research funding for AIDS; to finding ways to help those currently without health insurance face the crisis of illness. But instead of seeing legislative action on these pressing concerns, the American people grow weary and disgusted as they watch us squabble and position and point fingers on embarrassing internal housekeeping concerns.

The true damage caused by our flawed administrative procedures results in the continuing erosion of public confidence in elected leaders, and the lost opportunities for this House to act on the issues of the day because our Members are preoccupied with these embarrassing episodes.

We are not Members of a royal pedigree with a birthright to govern, complete with kingly perks and special privileges. We are regular men and women who are freely elected by the public to serve their interests and maintain their trust.

But due to distracting issues, such as those addressed in this reform package, we are prevented from serving the public's interest and maintaining their trust, that—sadly—has been eroding for years.

We have no one to blame for this current state of affairs but ourselves. And, quite frankly, I am tired of the senseless bickering and finger-pointing that has gone on in the last months—be it at our honorable Speaker, each other, the media, or even our spouses. For that kind of behavior gets us no closer to reform, but merely continues to distract this House from the business it must conduct.

Make no mistake about it—this reform package is a major step forward. It reflects thoughtful discussions by both Republicans and Democrats. It may not be what every one wants and it may not be as all-encompassing as some in this chamber might prefer; but it is, without a doubt, a major step forward. It will bring the House management into the 21st century and it will help this institution avoid the embarrassing, degrading and time-consuming espisodes that have taken up so much of this House's valuable time.

The flawed policies and perks that have been part of this institution for over a century are being phased out—and that's a good thing.

However, I hope with my whole heart that once these reforms are made this House will move onto the real business at hand—the stuff we were elected to do. Quite frankly, when you get down to it, whether or not we raise prices in the House stationary store or whether we ask H&R Block to manage this place makes no difference to the lives of the people we represent.

That is not to say that the American people do not want us to run a tight ship; they do. And I know they are frustrated as hell at the stories about the House disbursing office and the post office and other internal embarrassments.

But I would respectfully suggest that the American people are far more frustrated at this Government's inability to deal with issues that impact them. People are really hurting out there.

As important as this reform package is—and, believe me, it is important—

nothing we are doing today will put anyone to work; will provide anyone with health care; or will put anyone through school.

It is time to move on. I do not want this House to become mired for weeks and months on end with debate on internal housekeeping issues to the exclusion of all others.

I just hope that those who have talked about the House disbursing office and the House post office and other internal matters as if they were the defining issues of the century—will now take that same energy and passion and direct it towards addressing the urgent needs of the people of this country.

Where is the energy and passion to help the unemployed?

Where is the energy and passion on the health care debate?

And, today, just one day after the great athlete—Arthur Ashe—announced that he has the AIDS virus, where is the energy and passion to get adequate funding for AIDS research?

Mr. Speaker, I do not want this House to become a place where comparatively trivial issues are debated passionately and important ones not at all.

What we are doing today is very important. But it pales in comparison to the significance of the more pressing needs of our country.

Mr. Speaker, the American people are demanding change that goes beyond our internal housekeeping affairs. They need solutions to the problems that plague them. And to find those solutions—it will require this House and its Members to work long and hard. And let us not lose sight of that fact.

So, let us improve this institution with this reform package and let us continue to look at ways to make this place better.

But the House's principal concern should be issues that impact the lives of our constituents. And I sincerely hope that once we have dispensed with this very important legislation, we get back on track and do what we were elected to do.

I urge my colleagues to support this rule and the reform resolution so we can get on to doing what we were sent here to do and that is to serve the people.

□ 1600

Mr. SOLOMON. Mr. Speaker, I thank my good chairman for yielding the time.

Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is with some reluctance and a great deal of sadness that I stand up here and oppose this rule and the resolution that it makes in order. I say that in all sincerity because I had the privilege of serving with my chairman, the gentleman from Massachusetts [Mr. MOAKLEY] on the bipartisan leadership task force that was charged with developing a proposal to reform the operations of this House, reforms which we all so desperately want.

I can think of no finer group of men and women in this House than the 16 who comprised that group, from the Speaker himself to our Republican leader and all the rest of them. I know that both sides went into those negotiations with some suspicions about the motives and the agendas of the other side, but we all came out of those deliberations with increased respect for our counterparts in the other party and a realization that everyone had negotiated in good faith and good will; I really mean that.

Unfortunately, we did not come out of that task force with a bipartisan agreement, because there came a point when neither side would yield further for fear that they would lose the support of their respective party caucuses. Perhaps that is not too difficult to understand when we consider that the two parties were coming at this from really different perspectives.

To the Democrats, this was simply a matter of trying to make minimal changes that would take some heat off so that they could go home at Eastertime, coming up soon, and tell the people back home that they had fixed the problems that gave us the House bank scandal and the post office scandal. To Republicans, the administrative problems of this House are only a small part of a larger institutional problem that must be addressed now.

□ 1610

That is the breakdown of the legislative process and the growing procedural unfairness that has also come with 38 consecutive years of one-party control around here. And that happens when any party controls anything for 38 years. I am sure it happened under the Republicans years before that.

You know, we Republicans felt these were all part and parcel of the basic problem and should be addressed simultaneously with administrative reforms since this is probably the best window of opportunity for accomplishing some real reforms in the House.

Mr. Speaker, it is not enough to bring the House into the 20th century administratively if we do not design a streamlined legislative process to carry this Nation into the 21st century and address the real problems of the House.

And let us make no mistake about it because some people are under some kind of delusion around here. The American people are more concerned about our legislative performance, or lack of it, than how we run this place administratively.

Long before the bank and the post office matters burst onto the scene, this Congress had an abysmal public approval rating of under 30 percent. That was before the bank and before the post office scandal. And it has gone down since then even more.

The people were judging us on our job performance, which has to do with making laws, and they were correctly observing that we do a doggone poor job of it, for various reasons.

Mr. Speaker, this institution is in legislative gridlock for the simple reason that we have become so musclebound with all of our committees and our subcommittees, our select committees and thousands of employees stepping all over each other. All of this costs the taxpayers of this Nation $3 billion. Do you know how much money that is? That is $3,000 million. Do you know how much that breaks down per Member of Congress? About $6 million apiece.

Do you think we are worth that?

Mr. Speaker, this congressional bureaucracy has become so entangled with overlapping and duplicative jurisdictions and turf fights among our little fiefdoms that we cannot legislate ourselves out of a paper bag. And that is the real scandal around here.

Mr. Speaker, the Republican members of the bipartisan task force asked for one simple thing, and that is some ironclad linkage now between administrative and procedural reforms. Let us demonstrate to the American people that we are not only serious about running our Capital subway trains on time, but that we are just as interested and serious about running the national legislative agenda as well.

What did we get in that regard in this legislation? We got nothing but vague promises that they will discuss it. They, the Democrats, will discuss it. They will think about it, they will hold hearings on it and maybe 2 years from now, they will even vote on it.

Well, that is just not enough. It is not enough for me, it is not enough for any Member of this House, and it is certainly not enough for the American people.

The American people are not willing to wait around here for another 2 years to clean up our House. Mr. Speaker, while we do have a comprehensive proposal for administrative and procedural reforms in the Republican leader's substitute, which is made in order by this rule, we all know that the Democrats are not going to let us pass it. It is going to be voted down.

Mr. Speaker, you and the other Democrats refuse to even let us offer a few modest changes to demonstrate that we want to put this legislative train back on track. We asked, for instance, to have a bipartisan task force on legislative process reform to address the problems of our committees and to report back to this body by July 31 and give the House a vote on these recommendations by September 30, 6 months from now, before we adjourn. That was just rejected summarily on

grounds that we should not try to impose our will on the next House, even though that is exactly what we are doing, ladies and gentlemen, with this package we are passing today.

We asked for an amendment as a gesture of good faith now, today, to abolish proxy voting in committees. Proxy voting is the practice whereby a member can ghost-vote in committee by giving a piece of paper to another member.

Why is it wrong to have ghost employees and yet all right for Members of Congress, paid at $130,000 a year, to practice ghost voting? Mr. Speaker, what are we being paid for if it is not to attend to the legislative business we were sent here to do by the 575,000 people that we represent, to perform our jobs?

You know, in the private sector an employee would get docked in his pay for not showing up at work. And yet Members are encouraged by the rules of this House to paper over their absenteeism with proxies.

The majority party on the task force offered some vague hints about outlawing proxy voting to report measures from full committee. But is that proposal, is that proposal in the Democrat resolution? Pick it up over there, show it to me; it is not even in there.

Mr. Speaker, it might not be so bad if we could claim this resolution at least does half a job, which is that it adequately carries out real administrative reform of this House. But while we were tantalized with all sorts of promising concepts, and I was taken in by it—I am a little gullible and naive and I believe people—during our discussions, those were somehow lost when this was finally put in bill form on Monday of this week. To quote an ancient Greek proverb, there was "many a slip between the cup and the lip."

Mr. Speaker, we Republicans were initially encouraged in the task force by all the talk about a professional, competent and nonpartisan House administrator, about doing away with patronage and about having a tough, independent inspector general, which we demanded.

But when we finally got the actual draft language of this resolution 3 days ago, those noble concepts had vanished. Something had been lost between that cup and the lip, and we were left with a resolution that really just pays lip service to those concepts.

Not only did we find that the emperor had no clothes, but we found he had lost his teeth as well.

Mr. Speaker, I am not one to take up the time of the House on this rule by detailing all of the sins, of commission or omission, in the resolution. We will have time to do that during general debate.

Instead let me bring things back to this rule and this process to make my main point about this whole task force exercise. The task force is its own best proof that things are still broken around here and the majority has not learned one darned thing.

Here we are on this floor supposedly talking about institutional reform under a gag rule that does not allow Members on your side or this side to offer their amendments to a resolution which has not had the benefit of going through the normal committee process of hearings and deliberations. Nobody has sat on a committee that gave this resolution any consideration.

We are told instead that it is more important for us to pass something, pass anything, before Easter so that we can point to reform. Mr. Speaker, we can do better than this. We are capable of doing better than this. We have committees that were created to give us better than this. Unless we can pass the Michel substitute, which gives us real administrative reform and real legislative reform, we have once again booted away a golden opportunity. And that is not all that is going to get booted around here unless we start doing something about true reform.

So, Mr. Speaker, I urge Members to vote down this rule and, failing that, I hope we vote down the resolution.

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

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, even by the standard set by my friend from New York, we have just seen an unusual gap between rhetoric and reality. Let us take as an example the gentleman, bemused by the words, who says, "What is the difference between ghost voting and ghost employees?" The difference is, of course, enormous. And I think this stands as a good example of the degree of logical rigor that the other side is bringing to this debate.

□ 1620

Now the accusation of ghost employees made without the slightest shred of evidence on the other side earlier by those with a Dan Aykroyd fantasy who see themselves as ghostbusters, they argue that there were some ghost employees, but evince no evidence for it whatsoever.

Now a ghost employee is, of course, someone who gets paid not to work. Proxy voting is a different issue. No one seriously thinks paying someone who does not show up for work is the same as proxy voting, but it is an example of the kind of slipshod rhetoric that we are getting from the other side on this, that the gentleman would have made that kind of an analogy. Proxy voting is something very different.

The gentleman suggests that, when people vote by proxy, they are somehow absent from their duties. Most of us understand, and I have seen meetings when there were proxy votes being cast by Republicans and Democrats. I was in a meeting on the consumer bill the other day when one Republican was there and cast all the proxies for all the others. Were they off larking somewhere? Were they stealing the money or cheating? No. They were doing other things.

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

Mr. FRANK of Massachusetts. No.

The point is that the gentleman from New York, having set the precedent of having never yielded to me, for a while I will not yield. I will yield later.

Mr. SOLOMON. Just a minute. I yielded to the gentlemen all the time in the committee the other day.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman's record for inaccuracy, the gentleman from New York, is unbroken today.

The point is this: When people are voting by proxy, they are often at other committee meetings, they are meeting with constituents, they are on the floor of the House. I want to take this as an example of the accuracy of what we are being told today.

When the gentleman from New York [Mr. SOLOMON] says proxy voting means people are absentees and not working, people voting by proxy, he said, are taking money, and they are not doing their work for it.

Now, no one who understands the way this place works thinks that is true much of the time. Proxy voting occurs because there are multiple committee meetings. Proxy voting occurs when Members may be meeting with constituents, when they may be on the floor, when they may be in their districts meeting with people. The argument may or may not be a good one against proxy voting, but to equate people voting by proxy with people neglecting their jobs simply has no validity.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. I will yield first to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding.

I am just confused, and maybe he can help a little bit.

Mr. FRANK of Massachusetts. Yes, I understand it.

Mr. LEWIS of California. The gentleman can understand that.

I say to the gentleman, "Let's see. We're talking about proxy voting, and somebody probably related that to ghost voting or something, and that was disconcerting to you. I thought in the last vote we took care of the fact that you and your colleagues on that side of the aisle want to do nothing about ghost employees."

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, now this is again an example of the absence of any kind of logical coherence. What we had was a resolution that says, "We don't know about any ghost voting, but we read somewhere in the paper we shouldn't have any." It is already illegal, and what we said was, "If people came up with any allegations of it, that would be a different story."

The point that I made was when the gentleman from New York [Mr. SOLOMON] analogizes ghost employees, people who are fraudulently taking money, with proxy voting, we are seeing an example of illogic at its greatest.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. I say to the gentleman from Massachusetts, "You know, you just made my point, Mr. FRANK, because I think it's outrageous that someone would be back in their district while they are casting proxy votes here in Washington. I've never done that in my life, and I think this practice in outrageous."

Mr. SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], but the difference is this. The gentleman may think it is outrageous to be in the district when someone is also voting by proxy. I do not. I think efficiency is important. I think it is relevant for Members to be working as hard as they can on a lot of things. There are votes that go on in committee that are routine. There are duties in the districts. People have to sometimes miss votes on the floor of the House because there are pressing matters in the district. But to allow people to be voting in committees while they are also in the districts violates no principle of democracy I know of.

But I will also make this point. The point that I was alluding to was the point the gentleman from New York [Mr. SOLOMON] makes. To analogize fraudulently taking money for not working to being in your district, meeting with your constituents while voting by proxy, simply has no logic to it, and the proxy voting focus gets to what we have here. People who cannot gain the majority through the electoral process are trying to gain it through the procedural process. The fact is that not having proxy voting would either force a reduction in the extent to which Members would be available to meet with constituents, or it would require Members to cut down on the work they do.

The final point I would like to make is this: If the gentleman is correct, that proxy voting is somehow cheating people, we ought to be clear that it is equally indulged in by both sides. The fact is that proxy voting is indulged in by Republicans and Democrats. I do not think that Republicans, when they are voting by proxy, feel they are cheating people. They may feel it is a procedure they want changed.

This is an example of the kind of debate we have, an example the gentleman from California says, "Oh, you people don't want to do anything about ghost employees." If Members want to come forward with any evidence of ghost employees, it will be acted on. Instead what we have is the kind of McCarthyism which says, "I read something in the paper, I will offer no evidence, here we come forward."

What we have here is part of a diversion, and we will be able to discuss that for the rest of the afternoon.

Mr. SOLOMON. Mr. Speaker, I am tempted to yield to my good friend, the Democrat gentleman from Wisconsin [Mr. OBEY] to answer the gentleman from Massachusetts [Mr. FRANK] on proxy voting, but instead I yield such time as he may consume to the ranking Republican on the Committee on House Administration, the gentleman from California [Mr. THOMAS], to respond.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding to me. I do want to respond to my friend, the gentleman from Massachusetts [Mr. FRANK] specifically, not vaguely, and I do not want to analogize. I want him to pick up the resolution, and I want him to look at page 8, and I want him to look at line three. In that section is constructed a bipartisan Subcommittee of House Administration, and the decisionmaking process is thus, according to his resolution:

> Any matter that, by reason of a tie vote, cannot be resolved by the Subcommittee shall be reported to the Committee on House Administration * * *.

Mr. Speaker, I say to my colleagues, "Individually you people are OK. But collectively, when you come into this place after drinking the aphrodisiac of absolute power, you folks go whacko. Look at that single issue. Who do you think is going to swallow this placebo of shared power?"

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I am citing specific examples.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. The gentleman wants an opportunity to speak he is getting one. Let me finish my statement.

Nowhere in the world, in any parliamentary body, in any parliamentary rules, does a tie move forward to be decided by someone else.

In Jefferson's Manual, under which this House is run, a tie loses.

Robert's Rules of Order, a tie loses.

German Bundestag, a tie loses.

House of Commons, a tie loses.

The Boston downtown Rotary, a tie loses.

In the Security Council of the United Nations, a tie loses.

Nowhere in the world does a tie move on.

Mr. Speaker, this is a bipartisan subcommittee, and in a tie it moves on to the partisan full committee.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Nowhere, nowhere but in the palace of partisanship, in the Kingdom of Foley, does a tie move forward.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. The gentleman from Massachusetts [Mr. FRANK] wanted specific examples. I am giving him only one.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Mr. Speaker, I say to the gentleman, "I'll yield when I finish."

Is this the gentleman's idea of a meaningful debate, trying to continually and repeatedly say, "Mr. Speaker, will the gentleman yield?"

Mr. Speaker, I will yield when I am finished with my statement.

Mr. SOLOMON. Mr. Speaker, I do not want this time counted.

Mr. THOMAS of California. And I expect the Chair to defend my time. Who has the time, Mr. Speaker?

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from California [Mr. THOMAS] has the time.

Mr. THOMAS of California. Mr. Speaker, I say to the gentleman, "You stood up there and in your marvelous logic criticized us for not being on point. I am on point. Your resolution is phony. It's a sham." Now somebody is going to buy the argument that it is bipartisan, but the gentleman has set up a structure in which the bipartisan committee has a tie moving forward to a partisan structure. If the gentleman understands that, he understands that his resolution is phony in terms of a bipartisan structure. Nowhere does a tie move forward, nowhere but in the cockamamie thing those folks have established, trying to sell it as a bipartisan operation.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. No.

Now I yield to the gentleman because I have decided to yield to him.

□ 1630

Mr. FRANK of Massachusetts. Mr. Speaker, I hope the gentleman feels better now. The point I wanted to make is this.

Mr. THOMAS of California. Mr. Speaker, I reclaim my time.

Mr. Speaker, I will now yield to the gentleman from Massachusetts [Mr. FRANK] if he wants to carry on specific dialog about the phony resolution. Does the gentleman want to discuss the specifics over which I am speaking, or does he want to make cute statements?

Mr. FRANK of Massachusetts. Mr. Speaker, I do want to discuss the specifics, which is why I will wait until the gentleman from California [Mr. THOMAS] is through, so I can have a rational conversation.

Mr. THOMAS of California. Mr. Speaker, obviously the gentleman cannot have a rational conversation with someone else talking specifics. You have to wait until I am through so you can have it with yourself. That is an example of the absolute arrogance of power. The only time Democrats can have a rational conversation is with themselves. The only time they can have a bipartisan structure is when they have a fallback so there is a fail-safe partisan structure.

Do not think you are fooling anybody by this. This is stupid. Why are you doing it?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the point I wanted to make to the gentleman from California [Mr. THOMAS] before he was playing his yo-yo game was that in his response on specifics he was not responding to anything I asked for. I did not ask him for specifics about everything. He may have come into the middle of the conversation. I was responding when I talked about specifics, particularly as I made clear to the question of ghost employees.

So the gentleman's bravado about giving me specifics was a response to a question I never asked. I was not doubting that there were specifics in the resolution. Of course there are. There are specifics about which we disagree.

What the gentleman totally misunderstood was that my point was that we had had a lot of bravado about ghost employees with no specifics about that. So his response to me was wholly irrelevant to the question I posed.

Second——

Mr. THOMAS of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. No.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. My objection was to the gentleman from New York——

Mr. THOMAS of California. Will the gentleman yield? Will the gentleman yield?

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Massachusetts [Mr. FRANK] controls the time.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker.

Mr. THOMAS of California. Would the gentleman yield?

The SPEAKER pro tempore. The Chair would advise Members it does not meet with the decorum of the House for a gentleman when he knows, and asked for order himself, to then repeatedly raise the same question at another time after the Member controlling the time declines to yield.

Mr. THOMAS of California. Mr. Speaker, I would have enjoyed this speech earlier.

The SPEAKER pro tempore. The gentleman is out of order. The gentleman from Massachusetts [Mr. FRANK] controls the time.

Mr. FRANK of Massachusetts. Thank you, Mr. Speaker. The points I wanted to make were simply these.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. First, the request I made for specifics has nothing to do with the answer I got from the gentleman from California.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. Second, my point was that there was a total lack of logic in analogizing proxy voting, whether one likes it or not, with ghost employees.

Mr. THOMAS of California. Would the gentleman yield?

Mr. FRANK of Massachusetts. My time has expired.

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

Mr. Speaker, I cannot believe that I hear people standing on this floor defending proxy voting. I just wanted to show for the RECORD that we Republicans offered to ban proxy voting by an amendment we offered in the Committee on Rules last night. It was voted down on a party line vote, with all Democrats voting against banning proxy voting.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS], a member of the Committee on House Administration.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding. I am going to complete my statement, so if anyone wants me to yield, I am sorry, we are just not going to do that at this particular time.

Mr. Speaker, I hope we can bring some logical coherence to an effort to establish congressional reform.

I have got a horse that you can ride; an amendment that can be pertinent to what we are trying to do around here. I tried to offer the amendment and make it in order before the Committee on Rules as of yesterday, but, unfortunately, on a 9-to-4 vote it was not made in order.

I agree with the gentleman from Massachusetts [Mr. MOAKLEY] when he says that we must exercise passion and commitment to health care, to the unemployed, in my case to farmers and ranchers out in Kansas, all the regulatory burdens that are placed upon them. But I will tell the gentleman this: Every country elevator, every church, every meeting that I have attended, the No. 1 question is the faith and confidence of the American people in the institution of this Congress. So while it is an internal matter, while it is an inside-the-beltway matter, it has become the number one issue of concern on the hearts and minds of the American people, and we must settle it. We must achieve reform.

How to do that: Regardless of the problem, whether it has been the House bank, whether it has been the restaurant, whether it is the post office and the ongoing investigation in that regard, the one culprit that has come back time and time again is an outdated patronage system that does not work.

It is a sad, sordid tale. Perhaps ghost employees, I cannot comment on that, but ghost employees and Dan Ackroyd may or may not have worked in the post office, I can assure the gentleman from Massachusetts [Mr. FRANK].

Why can we not get rid of the patronage system? I had an amendment that would deal with the services of the House in 13 separate functions that should in no way have pertinence in regard to individual Members and the patronage system. We should not be involved with it.

My amendment would have saved $25.6 million and eliminated 1,015 patronage jobs.

The Speaker of the House has already indicated that the patronage days or the days of partisan patronage as controlled by the Democrat patronage committee are numbered, and it ought to be a House run in these particular functions by what you know, not who you know. There should be a degree of professionalism, at least some degree of being able to do the job. Not the case where we have determined we have illiterate people in the post office trying to sort the mail. How do you do that? That does not make any sense.

We can contract that out. We can do a very reasonable job. We have in the past with other functions of the House.

It is a reasonable amendment. All it would have done was to instruct the Speaker to go down these 13 functions and contract them out to the lowest and best bid. We get out of the patronage business. You do not want to be in the patronage business.

Before the Committee on Rules the gentleman from Massachusetts [Mr. MOAKLEY] said the happiest day in his life was when he got off the patronage committee. I wish I was off the patronage committee in regard to the Republican side. But the rule did not allow my amendment, and the rule should be defeated.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would like to simply say that I just heard the news that the gentleman from Minnesota [Mr. WEBER] had indicated he was not going to run again. I hope that is not true. If it is, I simply want to say that I think that this House is losing a number of tremendously qualified quality Members on both sides of the aisle. I think that given that fact we have a special obligation to debate this issue with profound seriousness. I hope that we can avoid turning this debate into a House version of the Clarence Thomas hearings. I just hope we will all be a little more sober today in dealing with this issue.

Mr. Speaker, having said that, let me say that before I came to the Congress my family ran a restaurant. If I had wanted to worry about running a restaurant, a barber shop, the carpenter shop, or anything like that, I would not have run for Congress in the first place. I would have stayed in my family's restaurant business in Wausau, WI.

But I think we were elected to deal with the public's business, and the public's business right now is attacking the economic, health care, job, and family security issues that they are all worried about.

So I think we have an institutional obligation to deal with these issues, to deal with them today, and move on to their business, rather than ours.

I think the resolution which we are going to be debating shortly will do that. The resolution does establish a very tight system to protect the financial integrity of this institution in terms of the supply and service agencies that we deal with.

That is the issue here today. The issue is whether we are going to assure that the support services of this House are going to be organized and overseen in a way which guarantees the financial integrity of this institution, and that is all we ought to be doing in this resolution.

Now, there are those on the Republican side who are suggesting that we ought to turn this also into a power issue so that we can redress the balance of power between different groups in the House.

□ 1640

That, too, is a legitimate issue. But in my view it ought to be handled in a different forum, and that is why we are suggesting the creation of the Hamilton Committee.

I just ask my colleagues to remember this: I was appointed by a previous Speaker, 16 years ago, to chair a commission to deal with the need for ethics reform in this House and the need for administrative reform. We passed that ethics reform in 1977, but then when we came back to this House to finish the job by proposing a House administrator, we proposed an administrator, an auditor. We proposed giving them the authority to eliminate all discount prices for perks around here.

We needed that to pass, but it did not pass. We got 160 votes for it on the Democratic side of the aisle, 113 voted against it. On the Republican side of the aisle, there were zero votes for it and 139 against it.

Now, there were a number of reasons for that. The minority did not like the way that the resolution was being handled. They wanted to drag in additional things, just as is the case today.

I ask my colleagues not to make the mistake that was made 15 years ago. Fifteen years ago when we brought that package to the floor, it was probably loaded up with too many items because we tried to attach the legislative reform items along with the financial reform items. And as a result, we lost the package.

If we had had that package, I am convinced that the House would not have gone through the excruciating embarrassment it has gone through the last month on these administrative matters.

So I think our obligation today is to put first things first. Our obligation is to do what we tried to do and lost on 15 years ago, reform the financial structure that oversees the administrative support system of this House and then move on in the next step in the creation of the Hamilton Committee to review the long-term power issues that divide us.

The issue today should not be the power issues. The issue today ought to be the financial integrity of the administrative support system of the House. That is what this resolution tries to focus on. It is proper to do so. It is necessary to do so, if we want to see progress.

I urge my colleagues to keep their eye on the ball. Do not make the mistake that was made 15 years ago.

Mr. SOLOMON. Mr. Speaker, I would like to point out that the Committee on Rules Democrats voted last night to not let us ban Congress from being exempt from the same laws that American citizens are on a party line 9-to-4 vote.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

A few minutes ago the House voted against an investigation of ghost employment in the House. Why does that relate to the bill that we have before us?

I would invite the Members to turn to page 4 of the bill and look at section 4 and discover that patronage is not eliminated in this bill. In fact, there is only one place in this bill that patronage is covered, and that is in the new director of nonlegislative services.

Other than that, all the patronage in the House is allowed to continue, in the Doorkeeper's Office, in the Sergeant at Arms Office, in the Clerk's Office, all of the places that are now suspected of having ghost employees will continue to be allowed to have ghost employees because the House voted a few minutes ago not to investigate it, and this bill allows it to continue.

Last night I went before the Committee on Rules and asked for an amendment, one simple amendment, to be put in this bill that would cover the rest of the offices under patronage. I attended every minute of every meeting of the task force.

In those meetings on repeated occasions, the Democrats, and particularly the gentleman from Washington, Speaker FOLEY, said, "I want to get rid of patronage. I want all patronage ended."

But when the bill came forward, that is not what they did. The bill only eliminated patronage in a narrow framework.

The broader framework of the other three constitutional officers is not covered at all.

I wanted to offer a simple amendment to cover everything. I was turned down, turned down flat on a party-line vote.

We do not have an open rule out here, and we have a badly flawed bill. This is not a reform bill. The Democrats have just proved to us a few minutes ago, they are not reformers. They want to keep the patronage system in place, and then want the patronage system to continue to employ ghosts.

I would suggest to the House that it is now time to turn down this package and get us a package that is truly bipartisan and is truly reform. We are not reforming the patronage system here, and we will not allow an amendment on the floor to reform the patronage system, and then we vote to continue to employ ghosts.

I think it is appalling. This is not any kind of reform that we can agree to at all.

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

Mr. Speaker, I would just like to call to the attention of the membership that the majority just notified me that there were not nine Democrats voting to continue to exempt Members of Congress from those laws the American people have to abide by. It was only eight Democrats instead. The gentleman from Tennessee [Mr. GORDON] was the only one that was not there voting against it. We cannot vote proxies in our committee. That is why.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. NUSSLE].

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

I had the opportunity to listen a minute ago to my friend from Wisconsin [Mr. OBEY] indicate about the

friend to all of us, the gentleman from Minnesota [Mr. WEBER], who has indicated he is not going to run again. I think we ought to dedicate this procedure and this process to those Members who are not running again because they are frustrated, Members like the gentleman from Minnesota [Mr. WEBER], Members like Senator RUDMAN, Members who are frustrated with this process.

But we cannot do it today because we have a closed rule. We saw what happened on the floor of the House just minutes ago when Members were not allowed to debate, to discuss, to discover, to have ingenuity, a new process. We are closed out.

I have got hundreds of letters. These are just the letters from outside Iowa. I cannot even carry the letters from inside Iowa down here of people who have come up with ideas for reform.

I have ideas for how to change this place, the people's House of Representatives. Yet the people up in the gallery, Mr. Speaker, the people back home listening cannot do anything about it because their representatives, like me, are closed out of the process.

I had four amendments, four, I thought, well-thought-out amendments given to me as ideas from Iowans. And the chairman of the Committee on Rules gave me the opportunity to at least discuss it at Rules. But I thought we also needed to at least have the opportunity to discuss it in the full House.

The four amendments were simple. Stop the special treatment of Congress. We also needed to have merit pay for Members of Congress. If we cannot balance the budget, we ought to have our pay cut.

The next one was just simply use a stamp instead of the frank, eliminate the incumbent advantage of the franking privilege.

The last one, my colleagues will love this one, is called "Go home." If we cannot get our business done here in Congress by the end of the fiscal year, September 30, we ought to go home. We ought to go home. And if we cannot, we ought to get our pay docked 1 day's pay for every day we stay here.

Those are just some ideas. There are many Members of Congress, both Republicans and Democrats, who want to participate. And yet we are closed out.

Vote against the rule. This is unfair.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we are not here today because of proxy votes, legislative quirks, or patronage. If we were here today about patronage, I would have to ask the question, who is doing the hiring at the White House? I do not think they are selecting anybody from the Democrat Congressional Campaign Committee over there.

Let me say this, we are here today about perks. And there was a good recent article in the Roll Call. Two things I think very important. No. 1, whenever there is pressure put on the Congress, the Congress turns into a bunch of wimps. Whenever, the microscope comes out, we have more self-righteousness than 10 TV preachers around here.

But the second thing I think is very important.

Legislative elected bodies of people never threaten any democracy or republic. But monarchs, kings and powerful individuals with excessive powers have knocked off a lot of them.

Now, I do not know about my colleagues, but I am here to serve constituents, and that means I cannot have a booth in the Rayburn rest room as an office.

□ 1650

It means I should have a parking place. I do not want to jump my car in the reflecting pool. It means we need a frank. We should not abuse it, but town criers do not cut it any more. Word-of-mouth is not going to service the people.

Article I, the first article of the Constitution, sets out the most important people in our democracy, the only people that cannot be appointed, and they are sitting in our seats. We are so important we are No. 1 in the Constitution, and we are the most important links to our people.

The only problem is, Congress does not act like it. Congress will give it up to the Chief Executive. He cannot carry out foreign policy. Show that to me in the Constitution. He cannot even appoint an ambassador without having it approved by the people. He cannot enter a treaty without having it approved by the people. We are the most important. I cannot serve my constituents from a phone booth.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, let me try to put some of this in perspective. The people of the United States have been watching what is going on in this House for months now. To me they are demanding openness and honesty and integrity. They have looked at the Democrats' mismanagement of the restaurant system in this House, the House Bank, that has hurt a bunch of Members. They are having the House Post Office investigated. I think we just set a record over the last few weeks of mismanagement that cannot even write bills that can come down to the floor and pass their own pieces of legislation.

The American people are looking for true reform. What do we get? It is just amazing to me. We get more bureaucrats, two new officers, with more staff. They are not eliminating any officers or staff. We are going to layer on some more. As one Member has already said, we are appointing two new scapegoats.

In fact, they even took out the very portion of authority for the inspector general that would have saved us from the bank, the performance audit. They took that out of their own bill. I guess they do not want performance audits around here.

It just amazes me. Why don't they just go to the existing officers they have now and say, "Do your job. If you need additional authority, we will give it to you, and then we will follow up to see that you are doing your job." That is what we are elected to do. That is what the leadership and the majority are elected to do.

What they want to do is another coverup. They want to keep their old boy network. We talked about keeping the old boy patronage. We have amendments to stop that. I had an amendment to stop the ghost voting. They want to keep their old boy abilities to allow Members to ghost vote through proxy systems. Members should go to work. They should go to the committees, participate and vote, sitting there. Yet they do not want us to have those kinds of amendments on this floor.

We should have the privilege to vote on each one of these issues individually, but they will not allow us to do that because they close the rules and gag the Members of this House.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

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

Mr. Speaker, I have just been informed by the ranking Member that this House of Representatives in 1992 has not seen an open rule. In all of 1992, all of the bills we have debated, we have not debated an open rule.

For those who do not understand what an open rule is, that means that we can come to the House, and a Member of Congress who is elected by the same number of people who elected all the people on the Committee on Rules cannot come to the House of Representatives in the well and offer an amendment to the bill that is here. They cannot offer a substitute. They cannot get a vote on what the people back in their districts would like to see done.

That is what an open rule is, to allow open debate, to allow amendments, to allow discussion. That is what open rules are for.

In 1992, we have had no open rules, none. And we wonder why we need reform. We wonder why the people on this side of the aisle stand here and scream and holler that we are not part of the process and that we do not get a chance. It is because we have no opportunity to debate the great issues of the day.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I do not know the gentleman that was just in the well very well, and I do not know how long he has been here, but I would remind him that as recently as 2 weeks ago we spent 2 days on this floor with a wide-open rule writing the Higher Education Reauthorization Act, and 365 Members of the House, and the gentleman, I presume, included, voted for it.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Michigan.

Mr. HENRY. Mr. Speaker, once again there was a preprinting requirement.

Mr. FORD of Michigan. A preprinting requirement? The gentleman made the flat statement he had never seen an open rule. All he has got to do is go back and read the rule.

Mr. SOLOMON. Mr. Speaker, there has not been one this year on the floor.

Mr. FORD of Michigan. You are on the Rules Committee. I don't mind debating you people when you tell the truth, but when you let a young man come up here and say——

Mr. WALKER. Mr. Speaker, I demand the gentleman's words be taken down.

□ 1700

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the words.

Because there was so much shouting and lack of decorum in the House the Clerk will report all the words that could be recorded.

The Clerk read as follows:

You are on the Rules Committee. I don't mind debating you people when you tell the truth, but when you let a young man come up here and say——

Mr. WALKER. Mr. Speaker, I withdraw my motion.

The SPEAKER pro tempore. The gentleman from Pennsylvania withdraws his demand.

The gentleman from Michigan [Mr. FORD] may proceed in order.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I rise in support of the rule.

Mr. Speaker, in recent years we have witnessed the embrace of democracy by people of the world from the Soviet Union, from Eastern Europe, to Latin America, Southeast Asia and to South Africa, and ironically, that embrace of democracy is occurring at the very time when a number of Americans here in this cradle of democracy are losing their faith in our basic democratic institutions, including our Nation's Congress. And as I sit here this afternoon listening to this debate, I must confess I am losing some of my faith as well.

A number of steps must be taken if we are to begin to restore the confidence of the American people. I know that, you know that; confidence in this institution, confidence in our ability to govern. Today we have the opportunity to take one of those steps, not all of the steps, not the last step, but a good first step, one that we should take.

I believe the reforms that are before us today, while they are long overdue, represent genuine change and incorporate some of the best ideas of both Democrats and Republicans.

Let me just also say I did not come here 10 years ago to enjoy the perks of Congress, I did not come here 10 years ago to proxy vote. I came here 10 years ago to help govern our Nation, and I think all of us came here feeling the same way. There is much that needs to be done. Availability and affordability of health care benefits, deficits that have reached $400 billion, stagnant productivity, a declining standard of living, dysfunctional families and schools where too little learning is taking place.

Let us pass this reform package today. But let us also pledge here and now that we will work together we will work together, for some reforms in the way we finance our campaigns, in the way we legislate through this House of Representatives. And while we do that, while we debate those issues, let us get back to work on the issues and concerns that brought me here and that brought each and every one of us here.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], who was a member of this bipartisan task force.

Mr. LIVINGSTON. Mr. Speaker, I just want to say that I totally agree with my friend who just addressed the House. He is absolutely right. We should be here trying to reform the procedures of the House of Representatives. Unfortunately, we are not. We are not. This bill, House Resolution 423, does not do it.

It could have. I was proud to have been named as a member of the task force to try to rewrite these rules and revise them. I felt deeply tarnished, and I felt like my integrity was impugned by the problems that this House of Representatives has faced over the last 6 to 8 weeks. We have the post office problems, we have the banking problems. I did not even bounce a check, but I go home and people say, "You're a crook."

Folks, I want to tell you we have problems, and it is important that we revise the rules. But this does not do it.

We had some good task force meetings. We came very close to agreeing. But finally when the chips were down the majority went back to their caucus and could not put a package together that their members would vote for, so they came back with this flimsy excuse for reform.

I want to tell Members that I believe that a change in this administration is needed. I believe it is needed, and this bill does make some steps toward changing the administration of the House. I agree with that. But it does not go far enough.

Whose fault is that? Whose fault were the problems of the administration? They are not the fault of Republicans because we have not run the House of Representatives or anything like it in 40 years. The Democrats have.

Now they have a broken system, and it seems to me that we ought to be working together to repair it. But the fact is this bill does not do it.

We offered some suggestions to try to improve the system. We had a whole package of proposals in the Michel amendment. We tried to narrow them down to about two or three, but they were not accepted. We tried to improve the checks and balances in the House, because we do believe that a two-party system, an active, conflicting two-party system will improve the overall level of performance of the House of Representatives and improve the integrity of the House of Representatives. But they did not want our improvements. So in the final analysis, they dictated to us what they were going to give us, and they wrote this bill which is inadequate.

As an example of what they gave us, I want to refer the House to "The Office of General Counsel." That says, "The Committee on House Administration shall provide for an Office of General Counsel in the House in a manner which shall ensure appropriate coordination and participation with both the majority and minority leaderships on representational and litigational matters." All we wanted was a co-equal voice in the Office of the General Counsel. We wanted to be warned ahead of time when legal problems came up that would affect all of us and affect our integrity.

What do we get? A namby-pamby paragraph with so many loopholes you could drive a battleship through it. That paragraph says absolutely nothing, and it is absolutely typical of this entire bill.

I want bipartisan change. But I think that you owe it to us to let us be part of that bipartisan change and take some of our suggestions and not dictate to us what we are supposed to like.

Mr. SOLOMON. Mr. Speaker, I yield the remainder of my time to the very distinguished gentleman from California, [Mr. DREIER], a Member and my colleague, the gentleman from Massachusetts, respects.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding the time and I appreciate the kindness.

Mr. Speaker, this bill is being touted as a measure which is going to reform

and open up this institution. As our colleague on the House Administration Committee, the gentleman from Kansas [Mr. ROBERTS] likes to say, sunshine is the horse that we are trying to ride here so that everyone can see what is going on. And the real tragedy is that we do have business as usual.

The gentleman from Michigan [Mr. FORD] was trying to claim earlier that we had an open rule on the education bill. Mr. Speaker, it was not an open rule. If we go back and look at 1977, only 15 percent of the rules that have come before this House have been restrictive rules. In this 102d Congress 64 percent of the rules which have come before this House are restrictive, and Mr. Speaker, not one open rule this calendar year until 2 hours ago, and we have yet to consider it here on the House floor. I am happy to say that the NASA rule up in the Rules Committee is going to be open. But the example that often is used as to why we should have restrictive rules is that legislation is so complex we cannot open it up on the House floor. Sometimes that may be apropos, may be apropos in the case of a very complex tax bill. But this bill in which we are trying to let every single Member have the opportunity to reform this institution is a closed and a restrictive rule.

We are trying to open up the institution, and yet we are preventing members from having the opportunity to amend it. We had a litany of very good, decent amendments offered by Members on our side of the aisle, freshman Members like the gentleman from Iowa [Mr. NUSSLE], who bring ideas from their constituents to the Rules Committee. And no, I do not think that every single idea should be able to have an amendment on the floor. But on a bill like this in which we are trying to open up this institution, it seems to me that we have very little choice other than to allow Members to do it, and tragically it is business as usual.

This measure, Mr. Speaker, appears to be doing nothing more than rearranging the deck chairs on the *Titanic*. We need to do everything that we can to open it up.

Oppose this rule and oppose this sham.

Mr. MOAKLEY. Mr. Speaker, for our last speaker to close debate, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I am proud to be a Member of the U.S. House of Representatives. Only 12,000 Americans in the history of this Nation have had this honor. And despite what has taken place in this city and on this Hill over the last few months in reference to this institution, I am still very proud of this opportunity.

I am saddened by what has occurred in this debate and what has occurred in the months preceding it. There is a divisive and venomous atmosphere here that is not just claiming Members of the majority party, but today claimed one of your more distinguished Members of the minority, VIN WEBER, a conservative with whom I disagree many times, but whom I respect very much.

This atmosphere which the newer Members and some of the older Members are engendering is not making this a better institution.

□ 1710

We were not sent here as Members of the House to count the silverware in the House dining room. We were sent here to be counted on issues like jobs and health care and education. I was sent here by a half a million people to fight for them, not to stand by the time clocks in the post office to see if the employees show up on time.

Let me say something about the people who work here: They have been discredited by this debate, and they should not be. For every one person who misuses his job on this Capitol Hill, there are hundreds who work very hard and are a credit to this institution, and we do not take a moment to recognize the fine work of thousands of men and women who work on Capitol Hill.

I introduced a bill several weeks ago with the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from California [Mr. MILLER] asking for a professional administrator. We have got it with this bill, and the minority has the veto power over that administrator. That is a step forward, a major step forward.

I hope we will put an end to this venomous atmosphere, the privileged motions that sound like the rankest form of McCarthyism. For goodness sakes, let us get down to business.

The people watching this debate have to wonder how we can generate this level of anger and interest over housekeeping responsibilities and ignore the basic issues that face this Nation. Let us put this important administrative reform behind us and get to work on the legislative agenda we were sent here to address.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today in support of legislation to initiate administrative reform of the U.S. House of Representatives. We should pass House Resolution 423 today in order to strengthen management of nonlegislative and financial services in the House.

There has been some mismanagement in Congress. We need some changes because there is no excuse for poor management. The resolution responds to the problem by putting in place a series of management reforms.

ADMINISTRATIVE REFORMS

The legislation creates a new position of Director of Non-Legislative and Financial Services. The Director will be a professional manager with extensive management and financial experience. The Director will be jointly appointed by the Speaker, minority leader, and majority leader to ensure that no partisan agenda is pursued in running the administrative affairs of the House. The Director will supervise a wide range of activities including salaries and benefits for Members and staff, House internal mail, and office furnishings and supplies.

The resolution also establishes the position of House inspector general, who will conduct audits of the financial operations of the director and elected House officers. This position will also be filled on a bipartisan basis through a joint appointment by the Speaker, minority leader, and majority leader.

The measure further abolishes the position of House Postmaster. Outside mail operations—including stamp sales—will now be managed by the U.S. Postal Service itself, which will set up substations in House office buildings.

The House will oversee these changes with a bipartisan Subcommittee on Administrative Oversight, composed of an equal number of Democrats and Republicans. This again will help to ensure that partisan politics do not undercut appropriate administration of the House. To that end, this arrangement must be bipartisan in fact and not just in name.

Moreover, the resolution authorizes the House Administration Committee to eliminate perquisites—perks, in accordance with directives of the Speaker.

THE REMAINING AGENDA

The resolution before the House provides useful authority but it leaves undone the pressing and immediate need to wipe out all perks right away. This is something on which the House must act with dispatch. I have already cosponsored several bills to accomplish this and will actively seek approval of these measures.

We have already closed the so-called House bank. We should also abolish patronage hiring; barber shops, beauty shops, and gift shops; and the chauffeur-driven cars for the Democratic and Republican leaders in Congress. We should also get rid of the Capitol physician and health care for public officials in military hospitals.

We must end these perks to show the public that we are serious about dealing with the Nation's business.

Congress must also move ahead with reforming its legislative operations. This is needed to expedite the public's business and to reduce costs for staffing and support services. If Congress is to lead the charge for overall reform of Federal management, it must set the example by improving its own performance.

For example, Congress must accept responsibility for poorly drafted legislation, which exacerbates and causes some management breakdowns. As a House Budget Committee report concluded, "a law, if it is to improve the political and economic well-being of the republic, must be based on sound managerial principles." To achieve this end, Congress should make appropriate investments in legislative drafting.

Moreover, Congress should not only pass better laws, it should stop passing needless bills. A recent Washington Post article pointed out that nearly 30 percent of all legislation enacted during the first session of the 102d Congress was for commemorative. Reform is needed to remove commemorative from Congress by passing appropriate legislation.

Finally, Congress should prune and simplify its own committee system. Too many committees and subcommittees compete with each other for jurisdiction over the same issues. I support efforts to bring about a comprehensive overall of legislative operations in Congress.

Even as Congress reforms its own administrative and legislative operations and eliminates perks, it must insist that the executive and judicial branches do likewise. The Federal Government has lost control of many programs. The result is enormous waste and reductions in essential services to users. Bold management reforms are needed for all branches so that the entire Federal Government can work more effectively and efficiently for the American people. These reforms should strengthen program management and program accountability.

But the bottom line today is passing this resolution to modernize House administration and moving ahead with the other reforms of Congress which I have outlined.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 159, not voting 18, as follows:

[Roll No. 82]

YEAS—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
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Hoyer
Hubbard
Hughes
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Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
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Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
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Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
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Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
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Miller (CA)
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Moakley
Mollohan
Montgomery
Moody
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Neal (MA)
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Nowak
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Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
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Payne (NJ)
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Pelosi
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Perkins
Peterson (FL)
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Pickett
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Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
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Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—159

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
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Lagomarsino
Leach
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Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
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McCollum
McCrery
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McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
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Moorhead
Morella
Morrison
Myers
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Packard
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Petri
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Ramstad
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Regula
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Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (FL)
Zimmer

NOT VOTING—18

Barnard
Bryant
Costello
Dannemeyer
Dingell
Dornan (CA)
Gingrich
Huckaby
Laughlin
Levine (CA)
Martin
Russo
Smith (IA)
Weber
Whitten
Yates
Young (AK)
Zeliff

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. Dornan of California against.

Mrs. JOHNSON of Connecticut and Mr. GILMAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GEPHARDT. Mr. Speaker, pursuant to House Resolution 427, I call up House Resolution 423 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "House Administrative Reform Resolution of 1992".

SEC. 2. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of officers) is amended—

(1) by striking "Postmaster,"; and

(2) by adding at the end the following new sentence: "The Clerk, Sergeant-at-Arms, and the Doorkeeper may be removed by the House or by the Speaker.".

SEC. 3. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to duties of the Clerk) is amended—

(1) in the first sentence by striking ", make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law,"and inserting a period; and

(2) by striking the second sentence.

SEC. 4. AMENDMENTS TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS

Clause 1 of rule IV of the Rules of the House of Representatives (relating to duties of the Sergeant-at-Arms) is amended by striking "; and keep the accounts for the pay

and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law".

SEC. 5. REPEAL OF RULE VI TO ELIMINATE THE POSITION OF POSTMASTER.

Rule VI of the Rules of the House of Representatives (relating to duties of the Postmaster) is repealed.

SEC. 6. AMENDMENT TO THE RULES TO CREATE THE POSITION OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LII

"DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

"1. The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

"2. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

"3. Subject to the policy direction and oversight of the Committee on House Administration, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

"4. Subject to the policy direction and oversight of the Committee on House Administration, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause.".

SEC. 7. TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

(a) IN GENERAL.—As soon as practicable, but not later than the ninetieth day beginning after the date of adoption of this resolution, the functions and entities specified in subsection (d) shall be transferred to the Director of Non-legislative and Financial Services.

(b) REGULATIONS.—The Committee on House Administration shall have authority to prescribe regulations providing for—

(1) the orderly transfer of the functional and entities specified in subsection (d); and

(2) such additional transfers of functions and entities specified in subsection (d) with respect to the Clerk, Sergeant-at-Arms, Doorkeeper, and the Director as may be necessary for the improvement of non-legislative and financial services in the House.

(c) Except as provided in subsection (d), functions and entities within the jurisdiction of the Committee on House Administration under rule X of the Rules of the House of Representatives may not be transferred to the Director.

(d) SPECIFICATION.—The functions and entities referred to in subsection (a) are: Office of Employee Assistance, Finance Office, pay and mileage of Members, House Information Systems, Office Furnishings, Office Supply Service, Office Systems Management, Placement Office, Special Services Office, Telecommunications, Telephone Exchange, Typewriter Repair, Barber Shop, Beauty Shop, House Restaurant System, Office of Photography, Inside Mail and Internal Mail Operations (including coordination with postal substations to be operated by the United States Postal Service), Guide Service, and Child Care Center, and the non-legislative functions of the Printing Services, Recording Studio, and Records and Registration.

SEC. 8. AMENDMENTS TO THE RULES TO CREATE THE OFFICE OF INSPECTOR GENERAL.

The Rules of the House of Representatives are amended by adding at the end the following new rule:

"RULE LIII

"OFFICE OF INSPECTOR GENERAL

"1. There is established the Office of Inspector General.

"2. The Inspector General shall be appointed for a Congress by the Speaker, the Majority leader, and the minority leader, acting jointly.

"3. Subject to the policy direction and oversight of the Committee on House Administration, the Inspector General shall be responsible only for—

"(A) conducting periodic audits of the financial functions under the Director of Non-legislative and Financial Services, Clerk, Sergeant-at-Arms, and Doorkeeper;

"(B) informing the Director or other officer who is the subject of an audit of the results of that audit and suggesting appropriate curative actions;

"(C) notifying the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party members of the Committee on House Administration in the case of any financial irregularity discovered in the course of carrying out responsibilities under this rule; and

"(D) submitting to the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration and to the Subcommittee on Administrative Oversight of the Committee on House Administration a report of each audit conducted under this rule.".

SEC. 9. SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT.

Clause 3 of rule X of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(j)(1) There is established a bipartisan Subcommittee on Administrative Oversight of the Committee on House Administration, to be chaired by the chairman of the Committee on House Administration. All of the members of the subcommittee shall be members of the Committee on House Administration, one-half from the majority party and one-half from the minority party.

"(2) The subcommittee shall receive all audit reports of the Inspector General and shall be responsible for providing oversight of the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and Inspector General.

"(3) Any matter that, by reason of a tie vote, cannot be resolved by the subcommittee shall be reported to the Committee on House Administration for its consideration. The Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Administration shall be informed by the chairman of the subcommittee of any such matter.".

SEC. 10. ADDITIONAL FUNCTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION.

Clause 4(d) of rule X of the Rules of the House of Representatives is amended—

(1) in subparagraph (2), by striking "Sergeant-at-Arms" and inserting "Director of Non-legislative and Financial Services";

(2) by repealing subparagraph (3); and

(3) by adding after subparagraph (2) the following new subparagraphs:

"(3) providing for transfers of functions and entities with respect to the Clark, Sergeant-at-Arms, Doorkeeper, and Director of Non-legislative and Financial Services as may be necessary for the improvement of non-legislative and financial services in the House; and

"(4) providing policy director for, and oversight of, the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and Inspector General.".

SEC. 11. ELIMINATION OF PERQUISITES IN THE HOUSE OF REPRESENTATIVES.

The Committee on House Administration shall, in accordance with directives received from the Speaker, take such actions as may be necessary to eliminate designated perquisites in the House.

SEC. 12. OFFICE OF GENERAL COUNSEL.

The Committee on House Administration shall provide for an Office of General Counsel to the House in a manner which shall insure appropriate coordination with and participation by both the majority and minority leaderships and representational and litigation matters.

SEC. 13. TRANSITION AND EFFECTIVE DATE RULE.

Notwithstanding the amendments made by sections 3, 4, and 5, until the functions and entities referred to in section 7(d) are transferred, those functions and entities shall continue to be the responsibility of the officer responsible for those functions and entities on the day before the date of adoption of this resolution. The amendments made paragraph (1) of section 2 and section 5 shall take effect when all of the duties of the Postmaster have been transferred.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 427, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. Speaker, 15 years ago, out of the reform commission process chaired by Congressman DAVID OBEY, the House of Representatives had an opportunity to alter radically the manner in which this body is organized and managed.

For several complicated and unfortunate reasons unique to that time, his proposal for a House administrator was not adopted by the House.

Had it passed, the sweeping reforms it envisioned would have stood this institution in good stead, and would likely have obviated the need for us to be here today.

In the wake of abuses and management inefficiencies that have arisen in the House restaurant, banking and postal services, it has become increasingly obvious to all of us that significant improvements in the organization, administration and supervision of nonlegislative functions were long overdue.

As a consequence of these developments, Members of the Congress from

both sides of the aisle developed and introduced a variety of important and worthy reform proposals. To consolidate and reach agreement on the best among them, the Speaker and the minority leader decided some weeks ago to appoint a bipartisan task force to fashion a consensus proposal.

Although we were not able to reach a final accord among all the Democrats and Republicans who served on this task force, the House Administrative Reform Resolution of 1992 represents, in my judgment, a series of far ranging and necessary changes in our operations on which there was broad agreement.

In our discussions, we did acknowledge some basic truths. We need to modernize our operations, make them more efficient and business-like, and provide for more aggressive and active oversight for the nonlegislative functions of the House.

We did agree that there was no need for partisan conflict over most basic management functions.

We did agree that the majority party could do a far better job in sharing responsibility over and information about many of the financial and institutional aspects of running the House.

We agreed, in the words of Speaker FOLEY, that the age of patronage was behind us, and that only the competence and the qualifications of workers should matter in the appointment of employees in these nonlegislative areas.

We agreed that some perquisites had accumulated over time that provided benefits to the few and burdens to the many, that they isolated and insulated Members from the experiences of average Americans, and that they should be abolished.

And most important, that since all Members suffer when the integrity and character of House operations are called into question, all Members should be represented in the selection of individuals who run the nonlegislative affairs of the House.

Those agreements, and other needed reforms, are before the House today in House Resolution 423, the House Administrative Reform Resolution of 1992.

The resolution proceeds from the premise that future problems in the operation of the House could be substantially avoided by the appointment of an individual to manage the nonlegislative functions of the body. And the selection of an inspector general who would have the authority to audit the financial operations of the Director and any financial operations of elected officers.

The resolution thus provides for the appointment of a Director of Nonlegislative and Financial Services.

The Director is to be jointly appointed by the Speaker, the majority leader and the minority leader, and that individual must have extensive management and financial experience.

Under the resolution, the Director, subject to policy direction and oversight of the House Administration Committee, would ultimately receive responsibility for the finance office, inside mail and internal mail operations, House information systems, office furnishings, office supply, office systems management, typewriter, the House restaurant system, telecommunications and telephone exchange, the barber shop and beauty shop, the nonlegislative functions of printing services, the recording studio, and the records and registration office, the office of photography, the guide service, and the House child care center.

One qualified person would receive responsibility for the orderly functioning of all of these operations.

Patronage appointments to these offices would be prohibited.

Beyond ensuring these services are well managed, the resolution establishes a process by which they will be regularly audited.

The resolution creates the position of House inspector general, charged with conducting audits of the financial operations of the Director, as well as of any remaining financial functions of elected House officers.

As with the Director, the inspector general is to be jointly appointed by the Speaker, the majority leader, and the minority leader.

Any audits performed by the House inspector general will be shared with the leaders of both parties, and reported to a newly created bipartisan House Administration Subcommittee on Oversight, which would be responsible for the inspector general's overall policy direction and oversight.

As I have described, the resolution makes groundbreaking changes in the responsibilities of the parties for the management of the House.

The Director and the inspector general receive their positions through coappointment; that is, their appointments are subject to the veto power of the minority leader.

The resolution orders the creation of the Bipartisan Administrative Oversight Subcommittee, consisting of an equal number of Democratic and Republican members, charged with providing oversight over the clerk, Sergeant at Arms, Doorkeeper, Director of Nonlegislative and Financial Services, and inspector general, with conflicts and deadlocks, should they occur within the Bipartisan Subcommittee, to be referred to a Leadership Management Committee.

New requirements are established for the sharing of information and audits.

The resolution goes farther; it orders the House Administration Committee to create an Office of General Counsel to provide for appropriate majority and minority party participation on representational and litigation matters of concern to the House.

To provide certainty and finality to the process of ending perquisites which have outlived their usefulness, the resolution provides authority for the House Administration Committee to effect the elimination of designated perks.

The resolution envisions a substantial change in the House's mail operations.

Specifically, the U.S. Postal Service will be brought in to take over the so-called outside mail postal operations, especially functions such as selling stamps and managing cash drawers.

So-called inside mail functions will be assumed by the Director of Non-Legislative and Financial Services. Consequently, the office of the House postmaster is being abolished.

The consolidation of the House's nonlegislative functions in the office of the Director necessarily means that the duties and responsibilities of the continuing, elected House officers will be altered.

The Doorkeeper, the Sergeant at Arms, and the Clerk will be restored to their historic and constitutional assignments.

Especially as these changes regard the offices of the Doorkeeper and Clerk, they reflect a determination by Members that our operations need to be modernized, and they in no way reflect upon the honor and effectiveness of the leaders of those offices.

The Members of this body have profound disagreements over principle, philosophy and the future direction of the country. Those disagreements are natural, and they will endure.

But there are two things upon which we can agree.

First, when the financial, administrative or managerial operations of this body do not function at the highest level expected by the public, all Members suffer along with the institution as whole.

Second, while there are clearly Democratic and Republican positions on all variety of legislative matters, there is no abiding partisan interest or advantage in managerial disputes over the functioning of offices like the paint shop or the House restaurant. Qualified individuals who are not responsible to half a million or more constituents should worry about those operations; we should not.

It is in the spirit of those ideas that this resolution is offered.

As a result of a constructive, ongoing national dialog on how we can improve the functioning of the legislative branch, our colleagues LEE HAMILTON and BILL GRADISON, joined by colleagues in the other body, formulated a resolution on congressional reform.

In spite of the fact our bipartisan task force did not complete its work, we did agree during those discussions to schedule the so-called Hamilton-Gradison resolution for House consideration.

Upon the adoption of that legislation, I know that many of the issues on how Congress could better function, involving the organization of committees and the review of our rules, will be fully discussed.

During debate on the substitute offered by my good friend the minority leader, I will address myself to the substance of some of the issues which ended up dividing Republicans and Democrats on the task force.

Pending that discussion, let me simply say that this task force process was useful. And I hope it opened some lines of communication between the parties that can be used again in the days and weeks ahead.

Over the last months, as difficult as they have been, I think we have learned that Republicans and Democrats, divided as we may be on issues, do have a common interest in protecting the integrity and reputation of the House of Representatives. I thank the members of the task force on both sides of the aisle for the contributions they made.

Before reserving my time, let me conclude with this thought:

Nearly 3 years ago, when Congressman TOM FOLEY was sworn in as our Speaker, her said, and I quote "We need to strengthen his House. I do not share the views of some that we should attempt to tear it down. On the contrary, I think we must strengthen and build it." He promised in his address to this Chamber as Speaker-elect, "to be responsible to the whole House and to each and every individual Member, undivided by that center aisle."

Against great odds, and in the face of much unfair criticism, the Speaker has kept his promise to us.

Exhibiting great decency and fairness, and displaying unfailing good humor, he has been a builder, he has been a reformer, and he has sought to preserve the character of Congress as an institution, even as he has navigated this body through some difficult and troubling times.

I think it is a measure of his personal strength, and his love for the Congress, that he has persevered throughout this process and brought us to the point that we could make some substantial, fundamental and, yes, even radical and revolutionary reforms in the way the House of Representatives is managed and operated.

If we fail, it will not be for his lack of vision or trying. If we succeed in this endeavor, it will be a testament to his fortitude. Because of his leadership, I think we will succeed.

□ 1740

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

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. THOMAS], who serves so ably as our ranking member on the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, I think people better understand that this is getting serious.

In the Associated Press: "A Federal grand jury alleged there has been a broad drug conspiracy at the House post office." An indictment has been made by the Federal grand jury for a drug conspiracy at the post office, the House post office, that post office run by the Democrats, that post office which apparently is to be cleaned up under this resolution.

The indictment of the House post office and the solution is supposedly contained within the pages of House Resolution 423. One of these solutions is, as the majority leader, the gentleman from Missouri [Mr. GEPHARDT] indicated, a bipartisan task force, a shared responsibility task force, that will assume oversight of this new, nonlegislative administrator.

A bipartisan subcommittee with a kicker, and I ask my colleagues, "You knew there was a kicker; didn't you?"

It could not be fairer. Democrats created it. My colleagues know it is not going to be equitable. They cannot stand it.

Listen. Federal indictments are coming down, and I say to my colleagues, "You are fools not to involve us in an institutional change. You are fools to put up a phony gimmick, and then think that we're going to participate in it."

Please understand what is in this resolution. It says, "a bipartisan subcommittee, equal numbers of Democrats and Republicans," but then the kicker. The kicker is that any tie goes to the full committee, which is a partisan structure.

I ask my colleagues, "Didn't you just know it?"

Rule I, clause 6, of the House Rules says that in cases of a tie vote the question shall be kicked to a higher authority? No. It says the question shall be lost. The Chair, under Deschler's and Brown's Precedents, may vote to make a tie and thus defeat a measure. A tie defeat a measure.

□ 1750

As I said earlier, in every parliamentary body in the world a tie loses. Anywhere in the world, a tie loses. In the German Bundestag, a tie loses. The House of Commons, a tie loses. Everywhere a tie loses but one place: in the palace of partisanship, in the kingdom of FOLEY, ties win.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, first of all I want to pay tribute to the gentleman from Wisconsin [Mr. OBEY] who had this idea about 15 years ago. I did not have the wisdom to support the proposal at that time, but I will tonight.

The second point I would make before I deal with my remarks is there is such extraordinary partisanship in this institution that no wonder the public believes that we cannot accomplish the common good, to deal with the problems and issues that they face. Hopefully this bill can be debated on its merits, as we try to improve the operations of the Congress so that we can get on to the people's problems.

This bill is an important first step to modernize the House, to make changes in the way we operate, so as to make it easier to deal with the very real substantive problems facing the country.

If a big institution like ours, or a company, city government, school system, a church, or whatever, does not have good operational or management systems in effect, then failures will result in operation.

Our Congress essentially has operated in the same way for decades, without making fundamental changes in our systems, and we now have operational failures. Clearly the House bank and post office and other things are to some extent the result of not having modern operational systems.

To put it into a context that maybe a lot of folks at home might understand, look at the failure of the *Challenger*, the space shuttle that blew up several years ago. Experts found that it blew up largely because of operational systems failures within NASA. A big organization like ours will fail if it is locked in gridlock; if it does not change with the times; if it does not have modern systems in order to keep it functioning well.

This bill will restore accountability. Someone will be in charge of the basic services here. With respect to many functions around here, no one now is in charge. No business could function that way, and neither can the U.S. Congress.

This will work, however, and I support it strongly, only if the Director, the Administrator, is given the clout and authority to do what he or she needs to do in that job, if the Director is not arbitrarily restricted by the officers of the House or Members of this body.

Second, the oversight of this officer and auditor by the Speaker's Office and the Committee on House Administration must not render the Director helpless to do the job.

Finally, the Director, which is authorized in this bill, should be encouraged to recommend further changes and revisions to the systems, including further mergers of House officers and reductions in staff, which will then be considered by the full House.

This is the first step in revolutionary reform, but only the first step. The next step, as the gentleman from Missouri [Mr. GEPHARDT] talked about, is to examine the legislative side of the picture, to look at the committee and subcommittee structures, to reduce

and make more efficient the size of this place, to examine the reasons for so many turf battles and jurisdictional fights which make it difficult to get substantive things done.

Process changes, which we are doing today, are very important, but only to the extent that they make the place work better so that substantive changes which affect people's lives can happen.

This bill is a means to an end. The means will modernize the systems so that the public can have confidence that this House is running honestly, competently, and effectively. It will help restore confidence that the House will work, that the trains will run on time. But the end is to do a proper job on issues like health care, energy, the environment, jobs, and reducing the budget deficit. That is why we are here. Hopefully these reforms will make it easier for us to do our job.

Above us there is a quotation from Daniel Webster. It reads as follows:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Mr. Speaker, I think that today we are doing that. Today we are attempting to perform something worthy to be remembered for generations to come, so that this House can do the public will and do it in a way that will give us and this country great honor.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I think we all know why we are here today. We are here because the people at home are frustrated. I can tell you I share their frustration with this entire process.

We are doing nothing more today than rearranging the deck chairs on a sinking ship. Let me tell you something. The people at home do not care about hiring administrators, changing the management of the restaurant, or giving new titles for old jobs.

They are saying to us, "Congress, you don't get it." What they want us to do is change the course of the ship.

They are frustrated when they find out that the very laws that we pass and impose on them, Congress is exempt from. The minimum wage, Fair Labor Standards Act, antidiscrimination laws.

What they are saying is, let Congressmen fill out the paperwork. Let Congressmen work under those wage and hour and hiring practice laws, under OSHA standards, and suffer the fines when the paperwork is late.

That is what they are telling us. Are they frustrated? You bet they are. They are frustrated when they see a Congress this very day, with a $400 billion deficit staring us in the face, adding that to a $4.2 trillion debt, tell the American people that you Democrats want them to finance your campaigns with their tax dollars.

The people are telling us, "You don't get it." You can pass all this so-called reform you want to and maybe some of it will help. But let me tell you something. Until there is a balanced budget amendment to the Constitution, a line-item veto, term limits to get some turnover in this place, campaign finance reform, the people at home are going to continue to be frustrated. And they are going to continue to tell you one thing: you just don't get it.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. ROSE], the distinguished chairman of the Committee on House Administration.

Mr. ROSE. Mr. Speaker, I want my colleagues to understand what this resolution does.

This resolution does reform the administration of the House.

It does require the appointment of an experienced and business-wise director.

It does require that employees of the director be fully qualified for their jobs.

It does require employees to be hired without regard to political affiliation.

It does require hiring practices which are nondiscriminatory.

It does require bipartisan oversight—so both parties are directly involved.

It does require the appointment of an experienced inspector general.

It does require that the minority participate in the selection of both the director and the inspector general—in fact it gives them a veto.

It does require the inspector general to conduct timely and thorough financial audits—so that the American people can have confidence in the integrity of the financial operations of the House.

It does require that any financial irregularities be referred immediately to the leadership of both parties, and a bipartisan committee.

It does require that perks be eliminated—and the House and Senate have already started that process.

It does require bipartisan coordination on legal matters relating to the House.

It does require the elimination of the office of postmaster of the House.

It does require the U.S. Postal Service to operate the stamp windows in the House—so they will be run the same as for our constituents.

It does return the remaining officers of the House to their traditional legislative roles.

And it does ensure the American people that we are serious about both the financial integrity and proper management of the operations of the House.

Mr. Speaker, if this is not real reform, then I do not know what is. Some of our colleagues say it goes too far—that the Members of the House lose control of the institution.

Some say it does not go far enough—that we need to distance ourselves from our surroundings.

I believe that this resolution does everything that could have been done in the short time that was available. It is responsive to the demands of the American people. And it is genuine reform.

There will be separate legislation dealing with thorough and comprehensive reform of both operational and procedural activities of both the House and the Senate. Today our concern is with the management and the financial procedures in the House. This resolution works, and works well.

While this resolution may not satisfy the minority party—largely because it doesn't address legislative procedures—I believe the resolution does go to the heart of the issue which the American people want us to address—and address right now—and that is the financial aid management integrity of the House.

When there is an important issue, such as this, which needs to be resolved, my inclination is to act on it—the sooner the better. As a member of the majority party, I believe we have the responsibility to act on behalf of the American public. Even if minority party refuses to go forward with us, it is the responsible thing to do.

So I urge the adoption of this resolution—which restores integrity, ends perks, and moves this institution forward—toward a bipartisan approach in operating the nonlegislative affairs of the House.

□ 1800

The SPEAKER pro tempore (Mr. DARDEN). The Chair will announce that the gentleman from Missouri [Mr. GEPHARDT] has 7½ minutes remaining, and the gentleman from California [Mr. THOMAS] has 25 minutes remaining.

Mr. THOMAS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to engage in a very brief colloquy with my friend and colleague, the chairman of the Committee on House Administration.

As the chairman knows, the Committee on Standards of Official Conduct, the only bipartisan committee in the House, has rules that say a tie vote loses.

The gentleman and I are currently serving on the Joint Bipartisan Task Force on the Post Office. Would the chairman indicate to me what happens in that truly bipartisan structure on a tie vote.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, the gentleman knows that we have agreed to agree on all the procedures of the bipartisan task force.

Mr. THOMAS of California. Mr. Speaker, and if there is a tie vote?

Mr. ROSE. Mr. Speaker, if the gentleman will continue to yield, nothing will happen until we agree by a majority vote.

Mr. THOMAS of California. In the Bipartisan Task Force on the Post Office, a tie vote loses?

Mr. ROSE. Mr. Speaker, that is right.

Mr. THOMAS of California. In the Committee on Standards of Official Conduct, a tie vote loses?

And in this resolution, a tie vote goes forward to a bipartisan committee. It is a sham. It is a phoney. The gentleman should be ashamed.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, this bill represents the most important reform measure taken up by this House in nearly two decades. It will place the day-to-day management of this institution on a nonpartisan, purely professional basis.

It will transfer the purely administrative functions from the elected officers of the House to a new director of nonlegislative and financial services which must be appointed with the full support of the minority leader. It will provide for a professional inspector general for the House, and inspector general with full authority to audit the financial operations of the administrator and all other officers of the House.

The inspector general also must be appointed with the full support of the minority leader. And it implements the elimination of perks.

It is a bill that is worthy of unanimous support. But what are we hearing today from the other side?

On the one hand, in negotiations they tell us if we just accept one or two small rule changes, disallowing proxies, maybe changing the committee ratio on the House Committee on Rules, that we would have their support.

On the other hand they say this bill is not really reform. Which is it?

Here is the truth. The Republicans are not really interested in reform at all. That is why they stonewalled every serious reform effort in the last two decades.

In 1977, we had before this institution a proposal and a recommendation by the gentleman from Wisconsin [Mr. OBEY], the Obey commission recommendations.

Let me read to my colleagues just a couple of the things that were in it that every Republican, 139 of them, voted against, including 40 sitting Members, the minority leader, the gentleman from Illinois [Mr. MICHEL], the gentleman from Michigan [Mr. VANDER JAGT], and Mr. QUAYLE.

The Obey commission would "create a professional House manager who will be in overall charge of planning, directing and coordinating all administrative support."

It would have established a position of comptroller, who would serve as the chief financial officer. It would instruct an administrator to raise prices to reasonable levels for auxiliary services. It would establish a new select committee on committees to study the committee structure.

It would abolish free plants, free framing. Greater public accountability for travel. And they stood in unison and voted against it.

Then we heard 2 minutes ago the distinguished gentleman from Washington take the floor and tell us, tell us, scold us for voting for a public finance reform bill, said we were taking public dollars. Not one Congressman in this institution now or in the past has done that. And the President of the United States, the President of their own party has taken tens of millions of dollars. Be real.

And if we need any further evidence today, any evidence, just look at the paper today, the headlines in the New York Times, "U.S. Jets Ferried Quayle for Golf."

Turns out that while the White House was posturing about ethics, DAN QUAYLE and Sam Skinner were commanding airplanes around the world to play golf and tennis. And of course, there is nothing new in this.

The chief of staff for the President, Mr. Sununu, we know about his travels, going to see his dentist in Boston, skiing in Colorado, stamp collections in New York. Who needs this?

Maybe my colleagues on the other side of the aisle feel that if we get our house in order, Republicans will have to get the White House and the Cabinet in order as well. And let me tell my colleagues, the issue of mismanagement does not stop at the White House. Remember all those months last summer during the recession when they were saying there was no recession, when they were saying it was no big deal?

Last week we got a clue of why they felt that way. Turns out the Labor Department forgot 4 out of 10 workers who lost their jobs during that period. They forgot about 650,000 people in this country who were put out of work. Talk about a government out of touch.

Stop the hypocrisy. Stop the posturing. Stop the political games. This is real reform. This is important reform.

Let us get it done. Let us reform the way we do business here, and then let us get down to doing something about this Republican recession.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I rise today in strong opposition to House Resolution 423 and in equally strong support of the substitute being offered by the distinguished minority leader, Mr. MICHEL.

The proposal being advanced by the majority, House Resolution 423, purports to be a reform measure. But it leaves a great deal to be desired.

For instance, under House Resolution 423, the Sergeant at Arms would still supervise the Capitol Police and other security personnel. And he or she would remain a member of the Capitol Police Board.

But nothing in House Resolution 423 suggests the Sergeant at Arms to be a well-recognized law enforcement professional.

To put it bluntly, that combination doesn't sound like reform. That combination smacks of a continuing cover-up.

As I have suggested before, the Sergeant at Arms should be a seasoned law enforcement pro. In fact, if House Resolution 423 passes, I will introduce a resolution calling for a search committee to identify and recommend such a person to the House.

But there will be no need for such a resolution if the House rejects House Resolution 423 and adopts the Michel substitute. The Michel substitute specifically proposes that the Sergeant at Arms should be a nationally respected law enforcement professional.

In addition, the Michel substitute calls for a chief financial officer for the House.

□ 1810

I would think that concerning the issue that has been discussed as to who has control, it is obviously clear that the minority party does not, since a vote does not fail if there is a tie vote. I think we would have learned better in recent months, because we are having an Attorney General investigate actions that will clearly be described in some quarters as possibly an embezzlement or the loaning of Federal funds without interest, both of which are serious felonies. Those who had acknowledge of the House bank's procedure from the GAO report may well have to answer to the inquiries, hopefully after they have consulted with their attorneys.

I think we should recognize that the blame will fall on the Democratic Party, because I think they were the only ones that had knowledge of those facts. So I would anticipate that you would learn from that lesson and not shoulder all of the responsibility. I do not understand why you choose to expose yourselves in such a way.

The average Congressman did not have that knowledge, but certain people did have knowledge of what was going on, which was clearly wrong under our felony statutes.

Mr. ROSE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, I have found that, clearly, it is the hardest

job, but it is still the highest honor a public servant can have.

I did not come here to run a post office or to run a barber shop or a paint shop. I came here to address the problems facing the people of my district and our country. But I also came here to upgrade the credibility of this institution. I find myself in the position where, in order to restore the credibility of this institution, I do have to deal with who is going to run the barber shop and the post office. I hope I never have to vote on this kind of issue again in my career.

The administrative officer position is an important one. It is reform and it addresses the issue of financial and administrative reform. This is important. It is reform that takes into consideration the wishes of the minority as well, for the minority leader will have a veto authority over the appointment of this particular person.

Let me just say something about the gentleman from Washington [Mr. FOLEY], our Speaker. He is a relatively new Speaker. He has a great understanding and affection for the House as an institution and as a living body as well, and this is important to have in our leadership. He is inheriting, as we are all inheriting, practices that have grown up over decades, if not over centuries.

President Lincoln once said that a house divided cannot stand. He was talking, of course, about our Nation during the Civil War. But these words are true for this institution here today, the U.S. House of Representatives, the people's House.

Other reforms, legislative reforms, can and will come, but this is the first of that series, clearly important. I urge the Members' support for this resolution.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, one of the best parts of being a Member of Congress is meeting with the young people from my district. They are excited about life—they see it as an unending adventure—and they look at this historic city, the U.S. Government, and Members of Congress with some admiration. I want that look to continue. It is up to us to make sure that it does. That is why I rise in support of the Michel substitute.

One of the standard questions I get asked by the young people I represent is, why am I a Member of Congress? It is a question every Member faces—why are we here and for what purpose do we hold the office of Member of the House of Representatives? If the answer is that we are in Congress to serve, not to be served, than we are on the right track toward restoring credibility for this institution.

These past weeks and months have been wrenching and unpleasant not only for us, but for our families and the American public. The problems we are experiencing are not new, they have been part of this institution for years. We may not have created these problems, but by not correcting them, we did allow them to grow and become further entrenched. For us as an institution, it is time to stop pointing fingers and looking for a scapegoat. Agreeing with the constituency that Congress is out of control may be politically correct, but it alone will not fix the problem. We have to work together. This is our opportunity to right a wrong, make positive and meaningful changes in the operation of this House and restore credibility to this institution. I think the Michel substitute does this.

Many of us have introduced legislation that may just be small pieces of congressional reform, but in and of themselves are worthy. For instance, I do not believe Congress should be above the law and I have introduced a resolution that it will be our policy to adhere to all past and future laws that we pass that affect the private sector and other Federal agencies.

As many know, I am also a strong advocate of national term limits and I will continue to promote legislation to this effect until it is heard on the House floor. We should at least have the debate.

I also do not believe in the endless perpetuity of the offices of the former Speakers at the expense of the American taxpayer. Therefore, I introduced a bill to limit this privilege to 3 years. I am honored that this measure was included in Mr. MICHEL's reform bill.

There are as many ideas for reform as there are Members of Congress. I do not see that as a problem—I see it as a positive start—a meeting ground for all of us to share our ideas, listen to one another and make decisions that are good for this institution as a whole.

When we accomplish major reform in this House, I feel confident that the young people who look to Congress for motivation and inspiration will once again put their faith in this institution and its ability to serve—rather than be served. And that is really why we are here. Please support the Michel substitute.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR], who worked hard to get here.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I speak to an average of one school per week and hope that we can offer some hope of change to young people who are becoming so cynical about this institution. This body is responsible, as has been said here, for things great and major, but the young people recognize that we cannot be honest in the great things if we are not honest in the little things.

A closed rule on this major legislation is a fraud. We have shrouded this debate in the beginning in an area that does not reflect positively on debating what is necessary to change this institution, and it goes downhill from there.

The majority party now has total control of the House restaurant, the House post office. It had total control of the House bank. Under this legislation it will continue to have total control of the entire institutions of this House. That is not reform. That is the status quo.

I support the Michel substitute, and urge the Members to do so.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, we have heard a lot of talk about the procedures, and I happen to be in favor of the Michel substitute. I think it is a good piece of legislation.

But I do not think the American people for a minute are particularly interested in just the internal reforms that we make here. I think what they are really upset about is the lack of performance when it comes to jobs for Americans, relieving the burden on families, doing something to reduce the burdens on businesses that are struggling to make a profit.

We in the House of Representatives, controlled by the Democrats for 38 straight years, every committee chairman, every Speaker controlled by them, we have not done anything meaningful in this regard except to make matters worse.

□ 1820

People then see incidents like the House bank or the House post office where we have indictments today and they wonder what are these people doing to justify what we pay them. People are upset. They deserve true reform, and true reform is not going to come with the measure before us, and I urge its defeat.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, the gentleman from Oregon just came up here and said, "I hope that I never have to vote on the issue of institutional reform again." I would suggest to the gentleman from Oregon that he vote no on this proposal being put forth by the Democrats, because if he votes yes, I guarantee if he has any tenure in this House of Representatives he will be back here again to vote on institutional reform, because there is really nothing substantive in the changes.

Sure, we have a couple of new officers around here that are supposed to clean

things up that we have some say in. But after we have the say, we go on and it is business as usual. I mean we have a say in the initial appointment of someone we probably have never heard of. But once the person is put in that position, it is back to normal, nothing changes.

We have a bipartisan committee which, as the gentleman from California [Mr. THOMAS] has already said is nothing more than a partisan committee in bipartisan clothing. Nothing changes under this reform. We will be back to the same old thing. All we have is a House that is structurally deficient, and we put on a new coat of paint to make it look good.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS.].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time and thank him for his hard work on this proposal.

It is interesting to note in reading this proposal that the proponents of it, the House Democrats, are all but tacitly admitting that our current hiring practices are not up to legal standards. That is particularly ironic in light of the vote that we had just a little bit earlier to table my privileged motion that would have commenced a special investigation in the House into allegations of illegal hiring practices and further allegations of ghost employees.

Here they are actually describing their proposal as revolutionary. Are they serious? Get real. If you want to talk about revolutionary reform, read the words of the Revolutionaries themselves, the Federalist Papers, Hamilton and Madison. We have a long way to go before we reform this House and make it once again the House of the people.

Let us be clear about one other thing. The Democrats are here for one reason and one reason only. They can stall no longer. It took an ever-widening House bank and post office scandal and insistent pressure from our side of the aisle just to get them here to the table, and now that they are here we see evidence of bad faith negotiations, and frankly we have a very watered-down proposal that will not take us near far enough to make the Congress and the House of Representatives responsible and accountable to the American people again.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS].

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

Mr. Speaker, I am rising in support of the Michel substitute and in opposition to the Democrat reform package. The gentleman from Oregon [Mr. KOPETSKI] said he did not come here to run a post office, barber shop, or House restaurant. We should take the Democrat reform plan and go forward to more important issues.

I agree with that last part. As a matter of fact, as I said before during the debate on the rules, I had an amendment that would have ended the current patronage system and would have contracted out the many administrative functions, the so-called services of this House, that by the way involves over 1,000 people. We should not be involved in that business.

My colleague from Kansas [Mr. GLICKMAN] said he supported the Democratic reform package to get us out of the bank, restaurant, and post office swamps, and he hoped that we could do it without partisanship. I hope so too. But the gentleman from Kansas [Mr. GLICKMAN] went on to say that the House administrator would work only if he or she had the clout, the independence, and the professionalism that would do the job, and that is the problem. You folks have the answer you want to hear, but you do not have the problem defined. The problem is you select your House officers every 2 years. You have told them what to do. You have asked them to do their job and then saddled them with a patronage system that is out of control and does not work, and we have a mess on our hands. I am talking about the total House.

We have a rather sordid and shabby record. Mr. Rota, Mr. Russ, despite their shortcomings, did exactly what Members told them to do, exactly what Members told them to do and also tried to run the police force and the post office. When the bad stuff became public, you shot them in the back.

I tell you what; if you appoint some hapless administrator in charge of the current patronage swamp without serious reform, structural reform, I do not think I would apply for that job, at least not without a flak jacket or a rearview mirror.

The Michel substitute represents real reform. The current Democrat plan just continues the current business as usual with an administrator on top.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. MCCRERY]

Mr. MCCRERY. Mr. Speaker, I go back to my district in Louisiana almost every week. I go to Lion's Club meetings, Rotary, Kiwanis Club, VFW, American Legion meetings, I hold town meetings, and no matter how much I may try to paint the Democrats as the cause of the problems in our Nation's Capital, it just does not take. The people in my district do not know or do not care that the Democrats have controlled the U.S. House of Representatives, lock, stock, and barrel for nearly 40 years. They do not know or do not care that that control means that the Democrats control all administrative functions of the House, functions like the House bank, the House restaurant, the barber shop. They do not know or do not care that that control by Democrats for 40 years means that all of the committees of the House are controlled, indeed stacked by the Democrats, that all patronage is controlled by the Democrats, that committee staffing is shamelessly stacked in favor of the Democrats in Congress. They just do not know or they do not care.

Mostly, they just want the mess cleaned up. They want Congress to do something positive and constructive.

We had a chance to work together to clean up the mess, to do something on a bipartisan basis, to do something constructive. Eight good Democrats and eight good Republicans have been meeting as a group, trying to develop a bipartisan approach to total reform, administrative and legislative, of the House of Representatives. I am told that the group was very close to agreement. But for some reason, that agreement was not pursued by the Democrats in their legislation. The Democrats' legislation is only partial reform and not much reform at that. It does not reform the legislative process at all. It continues a high level of patronage and it creates an inspector general with no teeth. Well, you need more than gums to clean this place up.

Mr. Speaker, the people in my district may not know or may not care that the Democrats have controlled the House for 40 years, but they are going to continue to hear it, because after this lame attempt at reform, the Democrats will continue the tyranny of dictatorship on the Hill, and maybe, just maybe, the people will one day recognize that fact, will care, and will do something about it. Then maybe the mess will be cleaned up and something positive and constructive will be done in this city.

Mr. THOMAS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, as my friend from Wisconsin [Mr. OBEY] said earlier, when the likes of DENNIS ECKART and VIN WEBER say enough is enough, that ought to be a message to each and every one of us. To me it is a personal loss because they are both classmates and friends. To this institution and to this country it is an even greater loss because of the contributions and the quality of gentlemen like them.

But, unfortunately, House Resolution 423, which is in front of us, probably tells us more about why they are leaving than anything else.

□ 1830

If Members have listened to the rhetoric thus far, some of our speakers have suggested that it was not what you say, it is how loud you can yell it here in the well of the House.

I had a father who spent 12 years on the local school board. The last few years he was president, and he said on

controversial issues if you do not have at least a consensus, you cannot move the issue.

I am startled and disappointed that for something as important as the future integrity of this House where we had a task force of eight Democrats and eight Republicans, when there was an absolute total partisan division, that the Democratic leadership would choose to move this forth, because I think that says more about the commitment to bipartisanship than I wish it would.

The second concern that I have had all along is that to simply create a new level of patronage bureaucracy in the House to administer the present levels of patronage bureaucracy does not seem to make a lot of sense. Yes, to their credit, we are going to eliminate most of the post office, but we are going to keep some parts of it, and we are going to take other responsibilities of the present House officers and move them into this new chief financial officer. And, mark my words, ladies and gentlemen, when we get to legislative appropriations, they are going to be down here asking for more money, because they are going to need it for the additional staff that was created as a result of this particular resolution.

Third, and perhaps most important, I would like to follow the concerns raised by the gentleman from California [Mr. THOMAS] when he talks about partisanship as a result of this resolution. There has been a lot of talk here in this debate that the Speaker, the majority leader, and the minority leader are going to appoint all of these new positions, but do not kid yourself 1 second. Read the resolution. Read page 3, lines 19 and 20, and I am going to quote from the resolution where it says, "The director may be removed by the House or by the Speaker."

Ladies and gentlemen, listen to that. You say the minority leader has an equal right in appointing these bipartisan officers? Well, who are you kidding? The Speaker interviews and chooses, the majority leader speaks and interviews and chooses, and then they say, "Well, minority leader, will you go along and get along with us on this one," and once the person is appointed, the only person that nonpartisan officer answers to is the Speaker. The majority leader cannot remove him. The minority leader has nothing to say in removing a person for malconduct.

I wish, I deeply wish you would take this resolution back and start over again on a bipartisan basis.

Mr. THOMAS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I sat a moment ago and listened to the majority whip ranting, but he fails to see the solution to a very simple problem. It is that this is called the House administration reform bill, not what the President is doing.

It would take merely business 12 hours to come up with an administrative control and accountability. The bill offered by the gentleman from Illinois [Mr. MICHEL], amendment, is asking for an inspector general to oversee fraud, waste, and abuse, and that is what the American people want. They want us to clean up our act and take a look at it.

The public does not expect us to work as a power broker to shoot the blame for the administration, and they mentioned that the minority leader would have the veto power. The President has veto power, but he is almost powerless over this House floor, and so with the minority leader itself.

We had the bank coverups, the post office coverups, and, yes, the Sandinista coverups, and the gang of 7 has turned to a gang of 70, and we are going to bring that up just as well.

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes and 50 seconds, to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, my colleagues, when I was asked to participate in the reform task force, I was quite hopeful that maybe, just maybe, just one time in the 10 years that I have been here we could get together on an issue that did not infringe on the legitimate rights of the Democratic majority to set a political agenda, because they have the majority number of votes. I hoped we could get together on a truly bipartisan basis to deal with some of the problems that plague this institution and that have eroded the credibility and confidence of the men and women that we serve in the institutions of democratic government. I was hopeful that we could accomplish something along that end. I was hopeful that both parties could walk away with something they were both proud of and still scratching their heads saying, "We probably gave in a little bit too much to the other side," an old-fashioned political compromise. I was hopeful that we could reach an agreement between the parties, not on a political agenda, not with a legislative agenda, but simply on how we as Republicans and Democrats together conduct the people's business in the House of Representatives.

We failed. We failed for a lot of reasons. It is painful. It is disappointing. It is frustrating.

This House does not belong to the Democratic leadership. It does not belong to the Democratic Party. And, for that matter, it does not belong to us on the Republican side of the aisle either.

You all refer in your speeches to this chamber as the People's House, and in truth and in fact and in history, that is exactly and precisely what it is and what it should be. But when we had the opportunity over the past 2 or 3 weeks to come together just to discuss how we operate the House of Representatives, not a social agenda, not an economic agenda, just simply getting together to decide how we operate the House, we could not agree.

I have to tell you that I think it smacks of arrogance. It smacks of a party that has been in control too long. I am talking to you, honestly knowing that I have personal and political friends on the Democratic side of the aisle with whom I have worked. We have identified problems affecting people and communities, and we have worked together to solve them. So I know what bipartisan is, because you have been it with me and I have been it with you. But this reform package is not bipartisan. This is not bipartisan.

Everything in this partisan package gets channeled back to the Committee on House Administration, and when Republicans said simply share, share the responsibility, give us coequal status since we are going to be held accountable as Members of the institution, not as Republicans or Democrats, but as Americans, as proud elected officials who under attack from all quarters. We said share with us the enormous responsibility not on an economic agenda, not on a social or political agenda, just share with us the responsibility to run, to operate, to conduct the affairs of the people's House. You said no.

I have heard the word "unprecedented" used much too often. It is not unprecedented or magnanimous for the Democratic leadership to suggest to the gentleman from Illinois [Mr. MICHEL] or whoever the minority leader would be in future years that he or his successor could exercise a veto over the individual that the House will appoint to conduct its affairs. You want us to give you credit for something you should have done a long time ago. There is nothing political in that appointment and we should have a role in appointing that person. It is for us to get together, not as Republicans or Democrats, but as Americans with a collective responsibility to operate the affairs and conduct the affairs of this institution in a bipartisan way. You failed to give us the chance for meaningful and bipartisan reform.

I serve on that task force with men and women whom I respect, whom I have supported in legislative action. I know what bipartisan is.

But Mr. Speaker, there is a troubling attitude in this chamber. You have basically said it Republicans, "Let them eat cake. We will give them what we think they should have."

You have the majority, Mr. Speaker, but it is not a monopoly. It is not your House of Representatives. I represent as many Democrats as I do Republicans. When I tell you I am concerned about proxy voting, I am telling you

that my Democrats who elect and support me do not want a fistful of paper on the hands of some committee chairman, do not want a fistful of paper to reject an idea that I am promising. The Republicans and Democrats I represent want the power of a better idea to defeat the legislation or approach that I have taken, but they do not want a fistful of paper to do it.

They want an inspector general that has the independence and authority to audit and to investigate this institution, not the figleaf you have offered. A title does not an inspector general make. This official will be subservient to the Democratic leadership. It's business as usual and that is precisely what got us into trouble and brought this institution and its members into disrepute in the first place. My Democrats wanted an aggressive watchdog, a pit bull, and you have given us a toothless lapdog.

The SPEAKER pro tempore. (Mr. MURTHA). The time of the gentleman from Pennsylvania [Mr. RIDGE] has expired.

Mr. THOMAS of California. Mr. Speaker, I yield the balance of our time to the gentleman from Pennsylvania.

Mr. RIDGE. It could have been bipartisan, Mr. Speaker. We are not trying to affect the prerogatives that you have, legitimately have as the majority party, but you failed. You may have taken upon yourselves again exclusive control of the vestiges of power, but you failed the people. You may enjoy an inside the beltway victory, but you failed the people. You failed the Democrats in my district. you failed the Republicans. You failed the American people.

Mr. ROSE. Mr. Speaker, I yield the remainder of our time to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I was a member of the bipartisan committee, and I can hardly recognize it from what we have been hearing here today. The fact is that our charge was to come up with a House Administrator and to deal with perks, and we did it, and we did it in a spirit of bipartisanship, the likes of which I have not seen since I have been here. This is the first experience I had in sitting down around the table, talking over the things in the House that I thought we had gone into with extremely good faith, and I am sorry that my colleagues on the other side do not agree with that. It was an effort, and I think has achieved the elimination of politics and patronage from the administration of the House support operations, and it is unprecedented, in that it has never been done before in the 203 years of history of this House.

Mrs. LLOYD. Mr. Speaker, I rise in support of House Resolution 423, which makes a number of important reforms in the administrative structure of the House.

These reforms represent genuine change and should substantially improve the management of house operations. This is what the American people have called for. Many of our constituents believe that Congress has lost touch with them, and that we no longer understand their everyday needs and frustrations. Passage of this bill should follow us to work together, move forward and address the issues and concerns facing the Nation.

There are those who would like to take this genuine attempt at administrative reform and turn it into a partisan debate. This does not serve this Nation or this Chamber well. We have to stop the posturing and political games and get back to work.

This measure could not be more timely. I've been hearing from many folks in the Third Congressional District who feel betrayed by the Government. They think the Congress is out of touch with the working men and women of this country who sent them here. They feel that congress is above the law and they resent it. They want their congressional representatives to play by the same rules they live by. I agree wholeheartedly.

Clearly, more needs to be done to increase the respect and credibility of the Chamber. That's why this bill is so important. It comes on the heels of a letter I wrote to Speaker FOLEY on March 20, formally urging him to implement badly needed congressional reforms.

My letter stated, in part, that "we must institute new management of House operations. This is essential to restore confidence in this institution. The American people are calling for changes in business as usual around here. This is the people's house and reforms must be made." I am very pleased that such steps are being taken today.

This legislation will change for the better the way the business of the House is conducted.

First of all, the bill creates a Director of Non-Legislative and Financial Services, and transfers administrative and financial responsibilities from elected House officers to this new Director. The resolution calls for the Director to be someone with "extensive management and financial experience."

The measure establishes a position of House inspector general, charged with conducting audits of the financial operations of the director and any remaining financial functions of elected house officers. The inspector general is required to report the results of all audits to leaders of both parties, as well as to a bipartisan House Administration oversight subcommittee.

The bill abolishes the position of the House Postmaster. In my letter to the Speaker of March 20 I stated that "we must make sure that reported improprieties in the Post Office are fully and vigorously prosecuted by outside forces if necessary." I am pleased that the House Post Office is being abolished and the investigation of its activities pursued. The U.S. Postal Service will set up substations on Capitol Hill to process mail.

The resolution establishes a bipartisan subcommittee on administrative oversight within the House Administration Committee, similar to that called for in the Hamilton-Gradison concurrent resolution I cosponsored last year and urged the Speaker to put in place.

This subcommittee would be composed of an equal number of Democrats and Republicans and is charged with providing oversight of the clerk, Sergeant-At-Arms, doorkeeper, Director of non-Legislative and Financial Services, and inspector general. All audit reports of the inspector general must be provided to this subcommittee. This subcommittee is necessary to bring about bipartisan change and show that Congress is willing to consider improvements in how it works.

The measure also authorizes the House Administration Committee to take necessary action to eliminate House perks. Members of Congress should have no privileges not available to the American people. We must do away with congressional privileges which are unnecessary and unjustified.

No one would disagree that the time for congressional reform is now. The challenge that faces us is to reform Congress in a responsible manner. This bill is a good first start. I urge my colleagues to join with me in supporting its passage.

Mr. KOLBE. Mr. Speaker, I rise in opposition to House Resolution 423, the majority's plan to reform our House because, quite simply, it stops short of the goal line. What House Resolution 423 does is place a Band-Aid over an institutional wound when surgery is needed.

The questions of reform, anti-incumbency and political change are inextricably linked in the minds of our citizens. Let's make no mistake; the bulk of voter anger belongs on the doorstep of the Democrat Party that has controlled the House for 56 of the last 60 years. This institution has grown and developed under a majority party patronage system that has said, "don't rock the boat," "keep Members happy at any price," particularly the party elite. Well, the boat has been rocked. The American people are demanding change. And only sweeping reforms will mute the cries of public ridicule.

The sad fact is that had the House bank and post office scandals not occurred, we most likely would not be here today trying to correct the ways of an institution that has gotten so far out of step with the American people. Majority party patronage can no longer be the rule of the day. The Democrats have missed the point of reform because the plan presented by the majority deals only with the administration of the House. But real reform must go to the heart of what this body is all about; it must reform the way we manage legislation. It must be fundamental.

Republicans have been calling for administrative and legislative reform for years, reform that would guarantee the existence of open debate, budget accountability, organizational control, and discipline. The Michel substitute incorporates these reforms. Managerially, this includes creating a chief financial officer who would have all financial and managerial responsibilities including the power to audit and investigate. It would eliminate the Doorkeeper and Postmaster offices and transferring Doorkeeper duties to the Clerk of the House. The Sergeant at Arms would be a nationally respected law enforcement professional, with accountability to both the Speaker and minority leader.

Legislatively, Republicans propose slashing committee staffs by 50 percent, applying certain worker safety and antidiscrimination laws

to the House, abolishing select committees, and requiring that the membership on each committee and subcommittee reflect the ratio of majority and minority Members in the House overall at the beginning of each Congress. Most importantly, we proposed to eliminate the nefarious practice of proxy voting in committee and to increase minority representation on the Rules Committee to reflect proportional numbers in the whole House.

Predictably, the majority would not accept any of these reform measures.

Republicans, and their constituents, have much to offer the political process. Yet, over the last 38 years of Democratic control of the House, our views have been effectively ignored. House Resolution 423 has proved no different.

Don't be fooled by the rhetoric. The reforms in House Resolution 423 will not fundamentally change the way we do business in this institution.

Mr. BACCHUS. Mr. Speaker, I rise in support of House Resolution 423. This resolution is a real beginning toward the fundamental and much more comprehensive reform that we need of the entire legislative process. It is a positive step toward ensuring the proper financial management and operation of the House of Representatives.

The next step must be the adoption of House Concurrent Resolution 192, the Hamilton-Gradison resolution, to establish a bipartisan committee to streamline and modernize the committee structure of the Congress to better reflect the needs and realities of our country today. The Hamilton-Gradison resolution will allow us to take a careful, deliberative approach toward implementing the many needed reforms that are not included in House Resolution 423. I vote today for this resolution with the understanding and with the assurance of the Speaker and the leadership of my party that we will be voting also as soon as possible on House Concurrent Resolution 192. I support many of the reforms included in the Michel resolution, but I believe the deliberative, bipartisan initiative envisioned by the Hamilton-Gradison resolution is by far the better approach.

Mrs. BOXER. Mr. Speaker, I rise in support of House Resolution 423, the House administrative reform bill.

It has become abundantly clear that, while many of us were trying to focus on issues like choice and child care, the House and its facilities were being operated in a manner that was, to put it charitably, unprofessional. These unprofessional operations have come to reflect on each and every one of us.

At a time when many of our constituents are hurting, the time has come to act.

The bill before us now makes several critical, overdue reforms. Among them are the creation of two positions to ensure that the financial affairs of the House will be managed in a professional, nonpartisan manner:

It establishes a Director of Non-Legislative and Financial Services, so that we can finally place control of House financial matters in the hands of a professional; and

It establishes a position of inspector general for the House, so that House financial operations will be subject to professional audits.

I would like to emphasize that appointments to these positions are to be made jointly by the Speaker, the majority leader, and the minority leader, ensuring that the minority will have veto power over candidates for these jobs.

This bill also takes the critical step of authorizing the House Administration Committee to eliminate congressional perks.

As strongly as I support reform, I cannot support the Republican substitute. The Republican substitute goes beyond reform in attempt to win for the Republicans battles they have been unable to win at the ballot box. Among other things, the Republican amendment would eliminate the Select Committee on Children, Youth and Families, and the Select Committee on Hunger. These two committees have played a key role in fighting for—and winning—important changes in our Nation's priorities. Together, these committees have educated Washington—and the Nation—on the importance of the WIC Program and made WIC funding one of the highest priorities for Congress and, I believe, the White House. It also eliminates the Select Committees on Narcotics and Aging, which are addressing some of the most critical problems facing our society.

Mr. CAMP. Mr. Speaker, the Democrat's so-called reform legislation is not a serious attempt to address the desperate need for reform. This bill is just a bandage to cover a gaping wound, when we need critical emergency surgery. It is simply political cover for the misdeeds of a party which has run the House of Representatives for most of the last 40 years. Changing the way this body operates will take more than minor administrative adjustments.

We need to do more. The American people want structural change in the way this institution operates and they deserve it. Mere managerial changes are not enough. More bureaucracy doesn't mean more effectiveness.

The Republican plan is the plan that makes improvements in conducting the business of this House. This body should get out of the business of running a post office and conducting investigations into its own conduct. There should be an inspector general to conduct independent, and I underline independent, audits and investigations of the operations of this body.

We need to set an example. We need to spend less on ourselves as an institution. Reducing spending on committees and making changes in the procedures of the House will help this body operate more effectively for the people who elected us to serve. We have a job to do and let's get it done.

Mr. EWING. Mr. Speaker, I oppose the so-called House reform legislation offered by the majority because it contains little more than cosmetic changes which will not alter the very fundamental problems in the House of Representatives. These changes are simply cosmetic and will not reform this institution.

One major problem with Congress is that only a handful of very powerful chairmen have strict control of the House. The fact that they are unwilling to make any real changes is illustrated by the fact that this reform legislation itself is being considered under a closed rule which allows only one amendment. No other Members are allowed to offer amendments to this legislation. We cannot try to change this legislation. This is a terrible way for a legislative body to work, and this is a fundamental problem with the House of Representatives. We cannot adequately represent our constituents.

The reason we cannot amend this legislation is because the Rules Committee, which dictates how legislation will be considered by the House, is controlled by the majority party by a ratio of 2-to-1, plus 1. It is a small clique of very powerful senior Members. It represents all that is wrong with the House, a small number of senior Members hold virtually dictatorial power. This so-called reform legislation does nothing to change the status quo. The makeup of the Rules Committee should reflect the makeup of the House, but again those few who wield power do not want to give up their throne.

The reform legislation sponsored by the majority party, in an attempt to make this proposal look bipartisan, creates an oversight House administration subcommittee of equal representation for both parties However, unresolved issues in that body would be referred to the full House Administration Committee, which certainly is fully controlled by the majority party. This is not true reform. Again we see that those in power are trying to create the appearance of reform without actually changing how the House is managed.

Mr. Speaker, this legislation is grossly inadequate. It is a cosmetic change, and will do little to truly change the very serious problems in how this House is run.

The SPEAKER pro tempore. (Mr. MURTHA). It is now in order to consider the amendment printed in House Report 102-490.

For what purpose does the gentleman from California [Mr. THOMAS] rise?

Mr. THOMAS of California. Mr. Speaker, I ask unanimous consent to present for the minority leader the amendment in the nature of a substitute.

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

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS OF CALIFORNIA

Mr. THOMAS of California. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THOMAS of California: Strike all after the resolving clause and insert the following:

TITLE I—CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND CERTAIN OTHER REFORMS

Subtitle A—Chief Financial Officer Amendments to the Rules of the House and Related Provisions

SECTION 101. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of Officers of the House) is amended—

(1) by striking "Doorkeeper, Postmaster,"; and

(2) by adding at the end the following new sentence: "The individual chosen for election

as the Sergeant-at-Arms should be a nationally-respected law enforcement professional.".

SEC. 102. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to the duties of the Clerk) is amended—

(1) by striking ", make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law." in the first sentence and inserting a period; and

(2) by amending the second sentence to read as follows: "He shall cause to be announced at the door all messengers from the President and the Senate and, when requested by the Speaker, visitors to the floor of the House during joint meetings or joint sessions of the two Houses. He shall superintend the House document room and the Publications Distribution System (the folding rooms), the cloakrooms of the House and the telephone service available to Members therein. He shall supervise the pages that serve the House and various other facilities to Members.".

SEC. 103. AMENDMENTS TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1 of rule IV of the Rules of the House of Representatives (relating to the duties of the Sergeant-at-Arms) is amended by striking "; and keep the accounts for the pay and mileage of Members, Delegates, and the Resident Commission from Puerto Rico, and pay them as provided by law".

SEC. 104. AMENDMENTS TO RULES V AND VI TO ELIMINATE THE POSITIONS OF DOORKEEPER AND POSTMASTER AND TO CREATE THE POSITION OF CHIEF FINANCIAL OFFICERS.

Rule V of the Rules of the House of Representatives (relating to the duties of the doorkeeper) and rule VI of the Rules of the House of Representatives (relating to the duties of the Postmaster) are amended to read as follows:

"RULE V

"CHIEF FINANCIAL OFFICER

"1. There shall be elected, by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for—

"(A) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(B) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(C) keeping the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(D) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(i) keeping full and accurate accounts of the disbursements of the contingent fund of the House,

"(ii) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico,

"(iii) paying the salaries of officers and employees of the House, and

"(iv) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuant of law or order of the House.

"(E)(i) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations;

"(ii) based on such review, providing periodic recommendations to the Speaker and the minority leader with respect to the Rules of the House;

"(F) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(G) reporting to the Speaker and the minority leader—

"(i) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(ii) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(H) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(i) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(ii) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(iii) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(I) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority; and

"(J) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(K) directing, managing, providing policy guidance for, and conducting oversight of, financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and implementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4. (a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LI.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.

"RULE VI

"HOUSE POSTAL SERVICES

"The Chief Financial Officer shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, Delegates, the Resident Commission from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail."

SEC. 105. CONFORMING AMENDMENT TO RULE XIV RELATING TO DECORUM AND DEBATE.

Clause 7 of the rule XIV of the Rules of the House of Representatives (relating to decorum and debate) is amended by striking "and Doorkeeper".

SEC. 106. OVERSIGHT REFORM.

Rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

"7. (a) By March 1, of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

"(b) No primary expenses resolution for a committee may be considered in the House unless and until it has adopted and submitted to the Committee on House Administration an oversight plan for the Congress involved.

"(c) After consultation with the majority and minority leaders, the Committee on House Administration shall report the plans to the House, together with its recommendations and those of the majority and minority leaders, to assure coordination between committees.

"(d) The Speaker is authorized to appoint ad hoc oversight committees for specific tasks from the memberships of committees with shared legislative jurisdictions.

"(e) Each committee shall include an oversight section in this final activity report at the end of a Congress.".

SEC. 107. MAKING THE COMMITTEE ON HOUSE ADMINISTRATION BIPARTISAN.

Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(3)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided 2(m) of rule XI, except that either the chairman or rank-

ing minority party member of that committee may authorize and issue subpoenas under that clause.".

SEC. 108. EQUALITY OF MAJORITY AND MINORITY PARTY REPRESENTATION ON THE SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS.

The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

SEC. 109. TASK FORCE ON REFORM OF THE HOUSE OF REPRESENTATIVES

Not later than 10 days after the date on which this resolution is agreed to, the Speaker shall appoint a task force for the purpose of recommending institutional reforms necessary to restore public confidence in the House of Representatives. The task force shall—

(1) be composed of 10 Members of the House of whom 5 Members shall be appointed upon the recommendation of the majority upon recommendation of the minority leader; and

(2) report its recommendations to the House not later than the end of the One Hundred Second Congress.

SEC. 110. LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES.

No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

SEC. 111. LIMITATION ON INITIAL HOUSE OF REPRESENTATIVES APPROPRIATIONS FOR FISCAL YEAR 1993

In the second session of the One Hundred Second Congress, it shall not be in order to consider in the House any measure containing an appropriation for the House, if the measures provides appropriations for that purpose for any period after March 31, 1993.

SEC. 112. INSPECTOR GENERAL.

The Speaker, upon the recommendation of the majority leader and the minority leader, acting jointly, shall appoint an Inspector General for the House. The Inspector General shall—

(1) receive and investigate complaints from employees of the House with respect to fraud, waste, and abuse in the nonlegislative operations of the House, if such complaints assert the existence of a violation of law, a violation of the Rules of the House, mismanagement, gross waste of funds, or abuse of authority; and

(2) report the results of such investigations to the Speaker, the majority leader, and the minority leader.

Subtitle B—Office of the General Counsel

SEC. 121. ESTABLISHMENT.

There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Office".

SEC. 122. ACCOUNTABILITY.

The Office shall be directly accountable to the Leadership Group, composed of—

(1) the Speaker of the House of Representatives;

(2) the majority leader and minority leader of the House of Representatives;

(3) the majority whip and minority whip of the House of Representatives;

(4) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and

(5) 2 Members of the house to be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader.

SEC. 123. PURPOSE AND POLICY.

The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—

(1) impartiality as to issues of policy to be determined by the House of Representatives; and

(2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

SEC. 124. SPECIFIC APPROVAL REQUIREMENTS.

(a) APPROVAL BY RESOLUTION.—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives:

(1) Entering an appearance before any court.

(2) Filing a brief in any court.

(3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) APPROVAL BY THE LEADERSHIP GROUP.—The following activities of the Office require prior approval by the Leadership Group:

(1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.

(2) Work other than in the routine course of business of the Office.

(c) SPECIAL RULE.—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office, officer, or employee.

SEC. 125. GENERAL COUNSEL.

The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

SEC. 126. STAFF.

With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval of the Leadership Group.

SEC. 127. COMPENSATION.

(a) GENERAL COUNSEL.—The General Counsel shall be paid at a per annum gross rate fixed by the Leadership Group, but not more than the rate payable for positions at Level III of the Executive Schedule, under section 5314 of title 5, United States Code.

(b) STAFF.—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, United States Code.

SEC. 128. EXPENDITURES.

Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

SEC. 129. TIME SHEETS.

The attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.

TITLE II—LEGISLATIVE PROCESS REFORMS

SEC. 201. HOUSE SCHEDULING REFORM.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"11. (a) At the beginning on each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include (1) target dates for the consideration of specified major budgetary, authorization, and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, 5-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays, and other recesses; and (4) the target date for the adjournment of that session.

"(b) The Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week.".

SEC. 202. TREATMENT OF VETOED BILLS.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following:

"11. Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill.".

SEC. 203. MULTIPLE REFERRAL OF LEGISLATION.

Clause 5(c) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in se-

quence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate."

SEC. 204. PRESENTMENT OF BILLS TO THE PRESIDENT.

The Rules of the House of Representatives are amended by adding at the end the following:

"RULE LII.

"PRESENTMENT OF BILLS

"Not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate, in the case of a bill originating in the House of Representatives, the bill shall be presented to the President.".

SEC. 205. COMMITTEE RATIOS.

(a) Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct which shall be constituted as provided for in subparagraph (2). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

(b) Clause 6(f) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force, or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

SEC. 206. SUBCOMMITTEE LIMITS.

(10) Clause 6(d) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(d)(1) Each standing committee of the House (except the Committee on the Budget) that has more than 20 members, shall establish at least 4 subcommittees; but, in no event shall any standing committee (except the Committee on Appropriations) establish more than 6 subcommittees.

"(2) No member may serve at any one time as a member of more than 4 subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee which is established for a period of longer than 6 months in any Congress.".

SEC. 207. PROXY VOTING BAN.

Clause 2(f) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

SEC. 208. OPEN MEETING.

Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking the colon in the first sentence and all that follows thereafter and inserting the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters.".

SEC. 209. MAJORITY QUORUMS.

Clause 2(h)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.".

SEC. 210. REPORT ACCOUNTABILITY.

Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for and against reporting, and the names of those Members voting for and against, shall be included in the committee report on the measure.".

Clause 2(l)(2) of rule XI of the Rules of the House of Representatives is further amended by adding at the end the following:

"(C) With respect to each nonrecord vote on a motion to report any bill or resolution of a public character, the names of those members of the committee actually present at the time the bill or resolution is ordered reported shall be included in the committee report.".

SEC. 211. COMMITTEE DOCUMENTS.

Clause 2(l) of rule XI of the Rules of the House of Representatives is amended by redesignating subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and by inserting after subparagraph (5) the following new subparagraph:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), of such print, document, or other material shall contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings, or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee.".

SEC. 212. SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS.

The first sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking the matter in parentheses and inserting the following: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by a vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)".

SEC. 213. PERMITTING INSTRUCTIONS IN MOTIONS TO RECOMMIT.

The second sentence in clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking "nor" and all that follows thereafter and by inserting the following: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been submitted).".

SEC. 214. RESTRICTIVE RULE LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.".

SEC. 215. LIMITATION ON SELF-EXECUTING RULES.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion, amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the Members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration.".

SEC. 216. BUDGET WAIVER LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives (as amended by sections 214 and 215) is amended by adding at the end the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, unless

the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.

"(3) It shall not be in order to consider a resolution which waives all House rules except by a vote of two-thirds of those Members voting.".

SEC. 217. COMMITTEE STAFFING.

Clause 5 of rule XI of the Rules of the House of Representatives is amended by redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and by inserting at the beginning the following new paragraph:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year, and any such resolution shall be privileged.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8) For the purposes of the One Hundred Third Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 50 percent of the total committee staff personnel employed at the end of the One Hundred Second Congress.".

SEC. 218. COMMEMORATIVE CALENDAR.

Rule XIII of the Rules of the House of Representatives is amended by redesignating clauses 6 and 7 as clauses 7 and 8, respectively, and by inserting after clause 5 the following new clause:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House.".

SEC. 219. AUTOMATIC ROLL CALL VOTES.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit.".

SEC. 220. APPROPRIATION REFORMS.

Clause 2 of rule XXI of the Rules of the House of Representatives is amended by striking the second sentence of paragraph (c) and by amending paragraph (d) to read as follows:

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period in excess of 30 days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) The provisions of clause 2(l)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported.".

(b) Clause 2 of rule XXI of the Rules of the House of Representatives is amended by inserting after paragraph (d) the following new paragraph:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of 30 days or less unless such measure only provides appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or enacted for the preceding fiscal year.".

(c) Clause 3 of rule XXI of the Rules of the House of Representatives is amended by inserting ", and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law" before the period.

(d) Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives is amended by striking "(other than continuing appropriations)" and inserting in lieu thereof "(other than continuing appropriations, except as provided by clause 2(d) of rule XXI)".

(e) Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order, except by a vote of not less than ⅗ of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2 of rule XXI against the consideration of any short-term, continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in a long term, continuing appropriation measure as defined therein if that provision has not been previously considered and agreed to by the House.".

SEC. 221. RECONCILIATION LIMITATION.

Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. (a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Committee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or to raise revenues or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

SEC. 222. AUTHORIZATION REPORTING DEADLINE.

Rule XXI of the Rules of the House of Representatives (as amended by section 221) is

amended by adding at the end the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year.".

SEC. 223. PLEDGE OF ALLEGIANCE.

Clause 1 or rule XXIV of the Rules of the House of Representatives is amended by inserting after the second order of business the following new order of business (and by redesignating succeeding orders accordingly):

"Third. The Pledge of Allegiance to the Flag.".

SEC. 224. SUSPENSION OF THE RULES.

Clause 1 of rule XXVII of the Rules of the House of Representatives is amended by inserting "(a)" after "1". and by inserting at the end the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered.

SEC. 225. DISCHARGE MOTION.

Clause (4) of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "When 100 Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session.".

SEC. 226. INCLUSION OF VIEWS WITH CONFERENCE REPORTS.

Clause 1 of rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that Member. All such views so filed by one or more Members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such view was not made as provided by this paragraph.".

SEC. 227. INTELLIGENCE COMMITTEE OATH.

(a) Clause 1 of rule XLVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.'.

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and the Congressional Record.".

(b) Clause 5 of rule XLVIII of the Rules of the House of Representative is amended by adding at the end the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of the signing or within 30 days after the adoption of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any Member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each such person taking this oath, which shall be subscribed to by such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.".

(c) Clause 7(d) of rule XLVIII of the Rules of the House of Representatives is amended by inserting "or the oath required by clause 1(d) of by clause 5," after "paragraph (c)" and by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the Member shall not be given access to classified information.".

SEC. 228. ENHANCED RESCISSION AUTHORITY.

(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1992, report legislation granting the President enhanced rescission authority with respect to any budget authority not authorized by law. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days of continuous session of Congress (as defined by section 1011 of the Impoundment Control Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to 2 hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 229. BIENNIAL BUDGET-APPROPRIATIONS PROCESS.

The Committee on Rules is directed to conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multiyear authorizations, and to report its findings and recommendations to the House not later than December 31, 1992.

SEC. 230. APPLICABILITY OF CERTAIN LAWS TO THE HOUSE.

(a) It is the policy of the House that the laws of the United States set forth in subsection (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply to the Executive Branch.

(b) Not later than June 30, 1992, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subsection (a):

(1) The National Labor Relations Act.

(2) The Occupation Safety Act and Health Act of 1970.

(3) The Equal Pay Act of 1963.

(4) The Age Discrimination in Employment Act of 1967.

(5) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

(6) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

(7) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity).

(8) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) The Committee on Rules shall, not later than 10 legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which im-

plements the policy referred to in subsection (a) and which encompasses all the laws referred to in subsection (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 231. EQUITABLE COMMITTEE STAFF RATIOS.

Effective at the beginning of the One Hundred Third Congress, except as provided in sections 107 and 108, the ratio of majority party to minority party staff positions, consultants, details, and funding for each committee of the House of Representatives shall be the ratio of majority party to minority party Members of the House of Representatives.

SEC. 232. ELIMINATION OF CERTAIN SELECT COMMITTEES.

(a) SELECT COMMITTEE ON AGING.—Clause 6(i) of rule X of the Rules of the House of Representatives is repealed.

(b) ADDITIONAL SELECT COMMITTEES.—The Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control shall cease to exist upon the adoption of this resolution.

(c) TREATMENT OF RECORDS AND FILES.—The records, files, and materials of the select committees referred to in subsections (a) and (b) shall be transferred to the Clerk of the House.

SEC. 233. APPLICATION OF INFORMATION DISCLOSURE REQUIREMENTS TO CONGRESS.

(a) IN GENERAL.—Effective upon the enactment of this section into permanent law, notwithstanding any other provision of law, and subject to the amendment made by subsection (c), the provisions of section 552 of title 5, United States Code (popularly known as the "Freedom of Information Act"), shall apply to the Congress.

(b) CONFORMING AMENDMENT.—Effective upon the enactment of this section into permanent law, section 551(1)(A) of title 5, United States Code (relating to the exclusion of the Congress from, among other matters, laws requiring the disclosure of public information), is amended to read as follows:

"(A) except as that term is used in section 552, the Congress;".

(c) LIMITATION AMENDMENT.—Effective upon the enactment of this section into permanent law, section 552 of title 5, United States Code (relating to the disclosure of public information), is amended by adding at the end the following new subsection:

"(f) In the case of an authority of the Government of the United States (as that term is used in section 551(1) of this title) who is a Member of the House of Representatives or the Senate, this section shall not apply to information that is related to casework or consistent correspondence.".

SEC. 234. LIMITATION ON THE DURATION OF PAYMENTS OF EXPENSES OF FORMER SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—The period for which expenses of former Speakers of the House of Representatives may be paid shall end 3 years after the date of the expiration of the term of office as Representative of the former Speaker involved, except that, in the case of a former Speaker who is receiving such expenses on the date of the enactment of this Act, the period shall end 3 years after the date of the enactment of this Act.

(b) DEFINITION.—As used in this section, the term "expenses of former Speakers of the House of Representatives" means the office, allowance, and other expenses provided for former Speakers of the House of Representatives under House Resolution 1238, Ninety-first Congress, enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-1 et seq.).

SEC. 235. PROHIBITION ON FRANKED MASS MAILINGS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OUTSIDE THEIR CONGRESSIONAL DISTRICTS.

(a) AMENDMENT TO TITLE 39.—Effective upon the enactment of this section into permanent law, section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out ", except that—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof a period; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected.".

(b) OFFICIAL FUNDS LIMITATION.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives outside the congressional district of the Member.

SEC. 236. REQUIREMENT THAT LEGISLATION ADJUSTING PAY FOR MEMBERS OF CONGRESS BE CONSIDERED SEPARATELY.

Section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(o) LEGISLATION ADJUSTING MEMBERS' PAY TO BE CONSIDERED SEPARATELY.—It shall not be in order in the House of Representatives to consider any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members of Congress if the bill of resolution contains any item which does not relate to adjusting Members' rates of pay.".

SEC. 237. LEGISLATIVE BRANCH APPROPRIATIONS TO BE FOR ONE YEAR ONLY.

It shall not be in order to consider in the House of Representatives any measure appropriating amounts for the legislative branch of the Government if such measure permits any such amount to remain available for obligation beyond the end of the fiscal year for which such amount is appropriated.

SEC. 238. ONE ATTORNEY IN THE OFFICE OF THE PARLIAMENTARIAN TO BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER.

Notwithstanding section 3 of House Resolution 502, Ninety-fifth Congress, agreed to April 20, 1977, as enacted into permanent law by section 115 of Public Law 95-94 (2 U.S.C. 278b), or any other law or other authority, at least one attorney appointed by the Parliamentarian under that section shall be appointed upon the recommendation of the minority leader.

SEC. 239. ROTATION OF CHAIRMANSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

Clause 6(c) of rule X of the Rules of the House of Representatives is amended by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) In the case of the Committee on Standards of Official Conduct—

"(A) the chairman elected under subparagraph (1) shall only be for the first session of a Congress; and

"(B) at the beginning of the second session of a Congress, one of the members of that committee shall be elected its chairman for that session by the House from nominations submitted by the minority party caucus or conference.".

SEC. 240. EACH RULE OF THE HOUSE TO BE AGREED TO BY SEPARATE RESOLUTION OF THE HOUSE.

In adopting the Rules of the House of Representatives in the One Hundred Third Congress and any subsequent Congress, each rule shall be agreed to by separate resolution of the House.

Mr. THOMAS of California (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes, and a member opposed, the gentleman from North Carolina [Mr. ROSE], will be recognized for 30 minutes.

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

Mr. THOMAS of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], a member of the task force.

Mr. ROSE. Mr. Speaker, will the gentleman defer to me so I may yield time to the gentlewoman from New York [Ms. SLAUGHTER] to allow her to complete her statement?

Mr. SOLOMON. Mr. Speaker, I defer to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, recent events involving the Sergeant at Arms' bank and the post office have shown the need for professional management and businesslike personnel policies. In addition, we have the responsibility to spend every dollar wisely and efficiently.

In this resolution, the House creates a Director of Nonlegislative and Financial Services. The mandate we give the holder of this new position is to sweep the House clean of waste, and inefficiency. The Director will be responsible for providing in the most cost-efficient manner the support services any large organization needs: from paying the employees to ensuring that the phones work.

The resolution provides that the Director have extensive managerial and

financial experience. And more than that, it provides that both the majority and minority parties must agree on the selection of the person to fill this post. This will ensure that only relevant experience and skills will count, not the politics of those who apply.

The goal of removing politics from employment decisions is also mandated in the resolution for all employees hired by the Director. Only the applicants' fitness for the job will count.

And this reform effort doesn't stop there. This resolution sets up an Office of Inspector General to audit the financial operations of the House support operations.

The Inspector General will be directed by a new bipartisan Subcommittee on Administrative Oversight of the House Administration Committee. The subcommittee will have equal representation from each party. In addition, all the Inspector General's reports will go not only to the Speaker and majority leadership, but also, simultaneously, to the minority leader and ranking minority members of the House Administration Committee.

All these provisions add up to a bold and totally bipartisan approach to managing House support services. An independent, professional manager will be carefully watched by an independent, and nonpartisan auditor. Both will be overseen by a subcommittee with equal representation from both parties.

We know that these innovations are not enough to solve all the problems of the House. We are committed to moving beyond these important administrative changes to examining how we could better organize our core legislative functions and expedite the business of the House. We are committed to assuring real changes.

It is far easier, and perhaps more politically advantageous, to stand outside and carp about Congress. It is far more difficult to take responsibility and build anew. But history will judge all of us harshly if we do not take this opportunity to start afresh.

Mr. Speaker, I urge my colleagues to join in this first revolutionary and bipartisan step toward revitalizing the House. Vote for House Resolution 423.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON], our ranking member on the Committee on Rules, who has been an outstanding member of this task force.

Mr. SOLOMON. Mr. Speaker, I thank the Republican leader for yielding this time.

Mr. Speaker, George Bernard Shaw once said that, "The best reformers the world has ever seen are those who commence on themselves."

Mr. Speaker, if we use that simple litmus test today on these two alternatives, there can be no doubt that the Michel substitute is far and away the best reform—indeed, the only real reform—because it commences on ourselves.

The Democrats' package, on the other hand, is a feeble attempt at House reform that really does not begin to do the job of overhauling this institution the way it really needs to be done.

Instead, the Democrats' thin little nine-page resolution is an attempt to give the majority cover from the scandals that have been laid at their doorstep.

But, Mr. Speaker, it is all pretty transparent: The Democrats are trying to paper over the problems of this House with cellophane siding. Not only is it easy to see through, but it is just as fragile—it is bound to be ripped away by another storm of scandals in a year or two, and how embarrassing that is going to be all of us. Is that the kind of cover Members really want?

The Michel substitute, on the other hand, rejects the cellophane siding approach to House reform and instead calls for major restoration, from the basement to the attic, from committee room to committee room.

It recognizes and exterminates the termites of corrupt power that have been eating away at our foundation for the past four decades, and rebuilds this House on a strong and solid new foundation.

The Michel substitute is far superior to the Democrats' vague outline because it gives us a detailed plan for both administrative and procedural reform of this House which is so badly needed.

The Democrats give us a new House Director, who is really under the direction and control of the Democrat partisan House Administration Committee; they give us a new inspector general who is not independent but under the direction and control of who?—the Democrat partisan House Administration Committee; they give us a new bipartisan oversight subcommittee that is really under the ultimate control of who?—the Democrat partisan House Administration Committee. Nothing has changed, and they give us a new general counsel, with unlimited assistance. Think of all the jobs that creates for all the new young Democrat lawyers in town. Who is really in charge of all this? The Democrat partisan House Administration Committee.

Keep in mind that this is the same Democrat partisan House Administration Committee which was supposed to have been preventing these scandals in the first place.

So, Mr. Speaker, where is the change? Where is the reform? All we are doing in the Democrats' package is to rearrange the jokers in the same old House of cards.

The Michel substitute, on the other hand, abolishes two existing offices of the House and creates a Chief Financial Officer with real powers, and real teeth, accountable to the bipartisan leadership. That is teeth.

It gives us a bipartisan House Administration Committee to oversee House operations rather than a partisan one to cover them up. That is teeth.

It gives us a real inspector general with authority to investigate waste, fraud, and abuse, not just another House Administration Committee auditor. That is real teeth.

Mr. Speaker, I could go on; but finally, let me say that while the Democrat package is silent on the real scandal of this House, the breakdown in the legislative process, the Michel substitute gives us comprehensive House procedural reform by reducing subcommittees and staff, abolishing joint bill referrals, and abolishing proxy voting. Right now, Members can be back home in their district casting proxy votes here in Washington. Finally, the Michel substitute brings the House under the same laws we impose on our constituents.

□ 1850

Members, let us be true reformers by commencing on ourselves today. Let us cooperate, let us adopt the Michel substitute. It is real reform.

SUNDRY MESSAGES FROM THE PRESIDENT

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

HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. ROSE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I get awful tired of the partisan games that go on around this House and on this issue; I have seen them for 15 years. As I said earlier in the debate, 15 years ago, in the middle of the Hays affair, I was asked by the then-Speaker to chair a commission which brought forth an ethics reform package, which this House passed on a bipartisan basis.

Then I was asked to bring forward an administrative reform package, and that package wound up recommending the creation of a House administrator to oversee the House services, recommended a House auditor, and recommended an end to cut-rate prices for perks, everything from haircuts to you name it.

It recommended the reestablishment of the Committee on Committees to review the committee structure in this House. It recommended the creation of a Fair Employment Practices panel. It recommended creating maternity and sick leave for our employees.

It was beat for two reasons. On the Democratic side the Democratic Party

split. We got 160 votes for the package, we got 113 against it. The 113, I presume, in the main, voted against it because they did not want to see us give up the old ways.

And the second reason we got beat was that on the Republican side of the aisle we got absolutely no help. We had 139 votes against the package and zero votes for it. In those days they had a lot of argument just as the Democrats did, but in the end what it meant is that they preferred to have a partisan debate rather than a bipartisan solution. So, we lost the bill.

I am convinced if that reform package had passed, we would have not seen the scandals in this House that embarrassed this institution in the last year.

Now we have a second chance, and we have resurrected those reforms. This package recommends the creation of an administrator—I do not care what you call him, that is what he is going to be—for support services; an inspector general or auditor, I do not care what you call him, again the function is going to be the same. And the reform is that the minority leader is given an absolute veto of who occupies those positions. Now, if the minority does not like the way they have been handled, if you do not think they have done a decent job, the minority leader does not cooperate on the reappointment of that individual, and he is out.

Therein comes the reform; therein comes his independence.

But, again, what we are seeing today is that we are again seeing that the minority would prefer to turn this issue from an issue of financial reform into an issue of who has what power.

Now, the public does not care who has what power. They want to see us correct the problems that have embarrassed the institution and then they want to see us move on to deal with their health care problems, their education problems, their jobs problems. And that is what we ought to do.

I regret very much that we are not going to have the support of the minority party in supporting these very tough and very meaningful reforms. But I do want to make one observation, because there has been a lot of talk about responsibility around here, including the responsibility of the Speaker.

I want to read one paragraph from our report of 15 years ago. We were trying to explain the necessity of giving the leadership more power over the support services in this House, and we said this:

> Ironically enough, however, whatever his actual power, the public and the press will generally hold the Speaker accountable for anything and everything related to the administrative system. This may not be defensible logically, but the Speaker's importance and public prominence are such that politics inevitably conquers logic. Politically, the Speaker will be held accountable for performance even though he may be more the prisoner of events than their master.

I would suggest those words were prophetic and they indicate the situation we are in today because the Speaker, frankly, inherited an old system and this is the device by which we change that old system and bring it from the Stone Age into the 20th century.

Now, I just want to say one other thing. I deeply regret the partisanship that has plagued this debate. I do not think it is constructive, I do not think it is helpful. I think we need to quit playing politics on this issue and get on to the business of dealing with the problems facing the country. I just have to say one more thing; it is not just the Speaker who is held accountable if we do not make these reforms, it is all of us.

So, I would ask the minority, do not do what you did 15 years ago, do not prefer a partisan debate to a bipartisan solution. I would ask the Members of the majority, do not fail in your duty this time to pass this package. If we get no help from the minority, we have to do it on our own, but we have to do it.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], who also served on the bipartisan task force.

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I would tell my friend who just preceded me that I also regret this has turned into a partisan wrangle. I would like to have been here to be part of a joint solution, not bickering about inadequate reform. But that is what we have here. We have a package that went oh, so far, and came oh, so close to a genuine bipartisan reform package, and then all of a sudden, because the Members of the majority side could not deliver the votes on their side, they backed up and went the other way.

You know, I think it is significant that this very day the Justice Department has returned an indictment against an employee of the House of Representatives. According to the wire services, one of the people in the post office was indicted as a coconspirator to distribute cocaine.

That is just symptomatic of the lousy administration that has gone in this House of Representatives for oh, so long. Why has it gone on? Have the Republicans been to blame for the problems of administration? They have not played a scintilla of a role. The Democrat side of the aisle has to accept responsibility for the bank and for the post office and for every other agency that has been poorly run.

So, we are here today, trying to hammer out what was to be a bipartisan solution to the administrative and other problems that confront the House of Representatives.

I suggest to you that the problems are not solely administrative. They are administrative and procedural.

Yes, the bill that is before the House will go maybe a little bit toward improving the administration of the House, but it will not do much to solve the real underlying problems of this House of Representatives, the ones that make this place so patently unfair.

The fact that this bill would emerge under the circumstances that it has shows that this is a patently unfair place.

The majority party controls the House Administration Committee, and all but one of the subcommittees under this bill, so it is not a change. The majority party will still be the final arbiter of appeal if there is a dispute on the one evenly split subcommittee, whether governing the bank, the post office, the folding room or any other office.

The majority partly represents 60 percent of the vote in the House of Representatives, the minority party, the Republicans, represent 40 percent. Yet, on the Committee on Rules which governs every piece of legislation that hits the floor of the House, the Democrats make up 70 percent of the membership, while Republicans are 30 percent of the membership. With a 9-to-4 vote in Rules, Republicans do not have a prayer of getting anything on the floor, if they ever wanted to.

Finally, we talk about proxy voting. For the people who do not understand what proxy voting is, it is very simple: A chairman of a committee or a subcommittee could be sitting there with a stack of papers in his hand.

□ 1900

The room could be filled with Republican members and it would not matter because the chairman would have the pieces of paper, or proxies, to outvote all of the Republicans in the room, no matter what the debate was, no matter what the merits were, no matter what the contingencies of the legislation may have been.

So I would hope that the Members of the majority would look at the Michel package. It is not too late. We can do it tomorrow. We can do it next month. Sit down and pick out what is good from the Michel package that they can accept, and let us go a little bit further toward truly bringing out a bipartisan package of meaningful reform.

If that does not happen, then this bill that we have before us is not worth the paper it is written on, because it is going to do no good and we are going to be facing another scandal in another few weeks or months or years.

Mr. Speaker, I hope that Members will vote this down, and let us bring back something that counts.

Mr. ROSE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MICHEL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Pennsylvania.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 2 minutes.

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding. I regret that I have only been given a short period of time.

Mr. Speaker, when I cast my vote against this measure tonight I want my constituents to know that I am just as concerned with the reformation of the procedures of this Congress as I am sure every Member is. But if we examine the provisions of this measure tonight, we will find that what this measure calls for is the elimination of one office, moving back into that office a career post office personnel, removing no other officers of the House, creating two more offices of the House, and those two offices I am sure under the legislation will be paid over $100,000 each per year.

Mr. Speaker, they will want staff. They will be in here in the next 2 years asking for $2- or 3 million each, space in the office buildings, and vehicles to operate with.

Mr. Speaker, I say to the formers of this measure, if the Clerk of this House is capable of doing his job, we need not create additional jobs. If the Clerk of this House, if the Sergeant at Arms of this House, if the Doorkeeper of this House, are not capable of performing their tasks, then let us call upon them to perform those duties. We would not be in this difficulty had they done so during the past years.

Mr. Speaker, the only other provisions in this measure are the selection of a bipartisan subcommittee of the Committee on House Administration. We all know from service on committees that each committee selects its own ratio. The Committee on House Administration can create that committee now. We do not need the expense of creating another subcommittee. The chairman of the Committee on House Administration is here. He could do that. He could accomplish that without legislation.

Mr. Speaker, when we talk about the elimination of perks, we do not need this act to be spending millions of dollars tonight and tomorrow creating new offices of the House to eliminate the perks. The Speaker has taken it upon himself and the chairman of the Committee on House Administration has taken it upon himself to regulate and eliminate some perks. I think we could continue in that direction very well.

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of the Michel amendment.

Mr. MICHEL. Mr. Speaker, I am happy to yield 3½ minutes to the distinguished gentleman from Nebraska [Mr. BARRETT].

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

Mr. Speaker, I rise in support of the Michel substitute, and urge each of my colleagues on the majority side to slap yourself in the face, and wake up, and smell the coffee.

Democrats have held the majority in the House for 38 consecutive years. You've been at the helm, but obviously asleep at the helm for some time, and the ship has run aground.

Scandals under your watch have disgraced the House, and still you apparently are not convinced that major reforms are needed now.

The public demands no less. And if we are going to get any work done on the real bread-and-butter issues effecting our constituents, we can demand no less of ourselves.

The door was opened for real reform when the Speaker and the minority leader appointed our 16-member bipartisan task force. As a member of that task force, I know that our side came to the table with high hopes that a bipartisan reform package could be developed.

In fact, we were ready to support a reform package that was something less than the Michel substitute, if only the majority would have agreed to meet us half way.

Our requests were few and reasonable: Delineate the independence and accountability of the new House officers; appoint a bipartisan, independent House counsel; make only two or three immediate legislative changes, with only a commitment for a task force for more extensive reforms later; and call an immediate vote on the Hamilton-Gradison resolution.

But our willingness to do some real horse trading, was not enough and, Mr. Speaker, you slammed that door shut again, and have brought up a resolution that only takes the first, small steps toward House reform.

The Democrat resolution puts a couple of new, warm bodies in place with impressive new titles, but avoids outlining their responsibilities to ensure their independence and accountability, to both the majority and minority. And the resolution makes no attempt to change the way we legislate.

On the other hand, among its legislative reforms:

The Michel substitute would eliminate proxy voting. So my Democrats colleagues vote no, and tell your constituents that they sent you to Congress to represent them, by filling out a piece of paper and giving their vote to another Member to cast.

The Michel substitute would change the ratio of the Rules Committee. So, my Democrat colleagues, vote "no" and tell the voters that if their opinion differs from that of the majority leadership of the House, tough. We'll continue to operate under closed rules, that shuts out debate and amendments from the other side of the issues.

The Michel substitute would require the full House Administration Committee to have an equal number of Democrats and Republicans. So, my Democrat colleagues, vote "no" and tell your constituents that it is business as usual—that the internal operations of the House that effect all Members alike, should continue to be a partisan affair.

And I dare you, my Democrat colleagues, to vote "no" on the Michel substitute, and tell your constituents that there is no need to have a system of accounting and reporting in place, to avoid future bank and post office scandals.

With such a poor record plaguing Democrat stewardship of the House, one would think that the majority would be as anxious as the minority to enact reforms to restore your reputation and that of the House.

Today you have the chance to do just that, by voting yes for the Michel substitute for real reform.

Mr. ROSE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say I got sent here by the people of Colorado to do the people's business and not the House's business. They are upset about how some of the House business has unraveled, and in fact, of late, after all the shrieking and noise we have heard, I go home and I introduce myself in speeches saying, "Please don't tell my mother I am a politician; she thinks I am a prostitute."

People are trying to make it sound like we are the worst creatures around. Part of that is because we are not doing the people's business because they have got us tied in knots.

Mr. Speaker, this is the way to go. Tonight we are going to fix the problem and move on to the people's business, and that is what we should be doing. If there is a partisan way to run the electrical shop, to run the plumbing shop, to run the restaurant, the paint shop, and everything else, let me know what it is.

Mr. Speaker, what is this? If we came in here and demanded 40 percent or more of the White House plumbing shop, the White House electrical shop, running the airplanes when Sununu was abusing them, you would be yelling "partisan."

Now, come on. You have got veto power over this. There is veto power, and we know how important that is. We have an inspector general to make sure this never messes up again, and we know how important that is.

But the other parts of the reforms coming from the other side could really damage this democracy. If you do

away with proxies, you make the precedent for doing away with absentee ballots when people go to the polls. I think every State in the Union allows absentee ballots because they realize there may be times that people could not vote on election day.

Mr. Speaker, let me also talk about the different ratios we hear over here. They want different ratios on the committee.

If you want a higher ratio, elect more Republicans. That is how you get a higher ratio. But if we went into the White House and demanded higher ratios on the same percentage that we won in the Presidential election, you would think we were crazy.

Mr. Speaker, let me conclude by saying the other thing that Republicans do in their substitute is kill four of the important committees that do the people's business: the Committee on Drugs, the Committee on Hunger, the Committee on the Elderly and Aging, and the Committee on Children, Youth, and Families. No, they do not want to deal with that. We can do away with those committees, and we are going to spend all our time debating how to run the plumbing shop, the electrical shop, and everything else.

□ 1910

This administrator is the way we should go. Tonight we will fix this, and let us move on to the business we were sent here to do.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. HENRY], who also served on the bipartisan task force with great distinction.

Mr. HENRY. Mr. Speaker, as I reflect on the situation of the House, I am reminded of the television ad where the frail lady calls out: "Help me! I've fallen, and I can't get up."

The differences between our parties, is that we have different remedies as to how we can best get back on our feet. Your Democratic majority believes that a partial restructuring of the administrative functions of the House is adequate to the challenge of the day. Our Republican minority believes that the problems of this institution reach much deeper.

We are all tired and wearied by the onslaught of public criticism and the internal fratricide of these last months. In my heart, I want to lay down my arms and call for peace. But peace at any price, Mr. Speaker, will not do.

For 38 years, your party has controlled this institution. You own it. You run it. And you bear responsibility for it. You've had power over this body far longer than Fidel Castro has run Cuba. And under the watch of your party, power has grown arrogant. The institution has become overly bureaucratized. Governance has become fragmented. And now you come to the minority, asking us to share in granting absolution for the practices which have put the Congress in a political freefall.

Three years ago, we faced a similar crisis in confidence in this institution. And your Democratic leadership said "I'm sorry, it won't happen again." Once again, Mr. Speaker, the House is in a state of political crisis. And the Democratic leadership says: "I'm sorry, it won't happen again."

The reforms you propose are fine as far as they go. The problem is, they simply do not go very far. To simply say to the American people, once again, "I'm sorry, it won't happen again, now that we have an 'administrator for nonlegislative affairs' watching over us, "does not reach deep enough into the practices for which we now suffer the political indictment of the American people.

The Democrat proposal is worthy of David Copperfield. It is a master of illusion. You have turned your back on those of us who sought to bargain with you in good faith in the effort to really restructure what is wrong with this House. And let me warn you that when you go home for your Easter recess, there will be no "hallelujahs" being shouted in our hometowns over this attempt at masking what is fundamentally wrong with this House. And there will be no political resurrection from the grave of political ignomy which now holds us all in its grasp.

Next November, you will wish you had listened to those of us in the minority who wished to use this opportunity to put the House back in order. And next January, I predict there will be somebody else sitting in the Speaker's chair—somebody who understands that politics as usual is no longer enough.

Mr. ROSE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the failure we have in our Government is a failure to address the critical issues of the day: health care, universal college education, and putting people back to work.

The failure here is that the minority does not want to resolve the operational issues of the House. There was agreement on that. What the minority wants is to be able to have the tyranny of the minority over the majority.

This side of the aisle is against quotas, except for when it comes to Republican Members of Congress.

Now, we got 46 percent of the vote in the last Presidential election. If we walked down to the White House and said, "Give us 46 percent of the staff, give us the ability to not let the Departments make any decisions unless the Democrats get half the decision-making on EPA regulations and all the other actions" they would say that is silly. The President won the election. He gets to win the policy decisions from the White House.

We are the majority here. The responsibility for getting a bill through the floor is the majority's.

Let us take a look at what the minority does with its power. Remember the October Surprise? Ronald Reagan's campaign chief, the accusation that he cut a deal with the Iranians to make sure that the hostages did not get out till after the election?

Well, the minority is blocking the funds so that we can do the investigation. So what would happen if we gave the minority the ability to veto every legislative issue? What would happen is even more gridlock.

Mr. Speaker, the disruption is understandable. They do not want to hear the truth about the issues. On the issues they are on the wrong side; on health care, on education, on putting people back to work. And that is why they want a diversion.

Let us move forward on this and come back after the recess and find proposals from our Republican colleagues to put Americans back to work and get a job.

Mr. ROSE. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, the first task of this 102d Congress was to consider the most difficult of all questions to come before this body; namely, would the brave young Americans of our Armed Forces be placed in harm's way to defeat the aggression of a third world thug?

It has been widely observed that the debate over that momentous decision was one of this Chamber's finest hours. Regrettably, we have fallen far from that lofty plateau.

The question before us today is how to restore the credibility of this great institution of democracy. In 15 months, this body of sincere and devoted men and women has turned from struggling with the most important question it can confront to cleaning up an intramural mess that has stained the one institution that is the cornerstone of our system of representative self-government. The people to whom we are responsible watch with justifiable dismay. Instead of seeing their elected Representatives confronting and solving important problems facing our Nation and affecting every American, they see finger pointing as if the political campaigns of the fall have begun and are being conducted on the floor of this House.

It is time that partisan political posturing be set aside. There is an appropriate time and place for partisanship later this year. The time is not now. The place is not this Chamber.

This is the time and this is the place to do the people's business as each of us swore when we took the oath of of-

fice. The resolution before us is an important first step in reforming the administration of this body.

And should be passed. But, it will not substitute for an honest response to the escalating crises of budget deficits out of control; education for the next generations that follow; the resuscitation of a sick economy; a choking trade imbalance; and the development of a health care system that is affordable and accessible to all Americans.

Restoring public confidence in this House demands more than reorganizing administrative offices.

Our credibility rests not on form but on our willingness to confront issues of our day critical to the strength of our Nation and essential to the future of our children.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], who served so ably, again, on the bipartisan task force and daily does a very herculean job in keeping the House in order.

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

Mr. Speaker, fairly or unfairly, the public has come to see this institution as a house of ill repute. Sadly, in this resolution the Democrats seek not to fire the prostitutes but to hire a couple of new madams.

And if that sounds a little bit harsh, then let me take my colleagues to the resolution that they have brought to us and tell them what the problem is.

If we take a look at page 4 in their resolution, what we find is that they are not really ending patronage in the House. Instead, they are simply ending patronage in one aspect, the new Director's office; and they are allowing the Doorkeeper, the Sergeant at Arms, the Clerk, and other to keep their patronage.

So we are not really reforming anything there.

If we go through the resolution, we will find that their checks and balances system leaves a lot to be desired, too. Get this for a checks and balance system. Under this resolution—and I would refer my colleagues to page 8 of the resolution—under this resolution the chairman of the Committee on House Administration reports to the chairman of the Committee on House Administration and then informs the chairman of the Committee on House Administration that he has reported to the chairman of the Committee on House Administration.

□ 1920

Now there is a check and balance system that should make every reformer feel good. I mean, we have one guy on here who simply shuffles papers across his desk, and we are all supposed to feel good about the process. Yet that is precisely what the legislation says.

I think we need to look at the details of the proposal to understand how bad it is.

The Republicans did want something done about an inspector general. We wanted a real inspector general. We wanted a fiscal watchdog. What did we get? We got a housebroken puppy, because in this particular resolution this housebroken puppy could ask the Committee on House Administration whether he can conduct an audit, and then, having gotten their permission, he can conduct the audit only under their oversight to make certain that he does not do anything that might get in the way of the political problems of the Democrats.

That is not exactly what most of us would call an inspector general or a fiscal watchdog, yet that is what is in this resolution.

We asked about a House counsel to make certain that the legal matters of the House take place in a bipartisan sense. What did we get? We got a House counsel that is held by the Committee on House Administration and can only give to the minority those things which are appropriate, understanding that when the present counsel of the House was asked recently about why he did not inform the minority about these matters before the House Committee on Post Office and Civil Service, he said he was not legally obligated to do so.

He is not legally obligated to do so in this document, either. He is only going to have to do what the Committee on House Administration regards as appropriate.

I have heard a number of Members come here today to tell us to quit playing politics on this issue and get about the real issues facing the country. These are the same people who brought us the October Surprise investigation, the partisan October Surprise investigation.

Mr. ROSE. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, today the House of Representatives should enact legislation to create a Director of Non-Legislative and Financial Services, an inspector general, reform the House post office, eliminate additional perks, and establish a bipartisan Administrative Oversight Subcommittee to improve the internal operations of the U.S. House of Representatives.

We have an opportunity today to enact significant reform in the way the U.S. House of Representatives conducts its business.

Others have described and will describe during this debate the details of the proposal.

None of us thinks it is perfect. All of us can find additional things to do or things to leave undone.

But that is the nature of democracy.

In a country of 250 million people—or in its representative legislative body of 435—none of us can expect to have everything exactly the way we want it.

Only in a dictatorship can someone expect something to be precisely as he or she would want it, but then it is only one person who is in that position.

But most pertinent to me in the debate tonight, let us set aside partisanship. Let us objectively evaluate this proposal against the current system.

The issue is not proxy voting. We will have ample opportunity to address that when we go forth with the Hamilton-Gradison process.

I have been a legislator for nearly 12 years now, and in my experience, the key question is: "Is this procedural change better than the system it replaces?"

Not—is it perfect from my personal point of view? Not can it be improved upon? But instead, the question is: is it better?

Clearly, it is. And as legislators, our duty today should be to support this long-overdue reform.

Mr. ROSE. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding time.

Mr. Speaker, one of the unfortunate aspects of this debate is that the American public does not get the opportunity to see us working in committee, where we are much more rational, much less vindictive, much less partisan. Men and women of good will trying to do best by their country and by this institution.

It is unfortunate that we then come to this floor and act out a very partisan disagreement. The American public wants this problem solved.

I rise today in strong support of House Resolution 423. I was a member of the bipartisan task force that sat down with our colleagues on the other side of the aisle with mutual respect, with civility, and for the most part, with general agreement, to draft administrative improvements. Yes, there was a desire to go further. I sat down at the table in good faith and in hopes that we could indeed work together.

Members of this House, I believe this proposal is a very substantive one that moves us forward to do what we all want to see done. This proposal professionalizes the administration of the nonpolitical facets of the House of Representatives. I think we want to keep that on a bipartisan basis.

I do not think there is anybody that really believes this is a bad proposal. There are clearly those who believe it does not go far enough, that it ought to deal with other facets of the administration of this House.

I have heard some Members in the most animated of tones come to this House today in this debate. Yet when we were in the room and on this floor, as we walked out of the meeting, said to me, "STENY, we need to work out some things. Can we talk about these things in the future? We really need to

do that." I understand there may have been political problems with saying, "We will talk about some of these in the future."

There are some things that have been talked about I agree with them on. But I will not go into for instances at this time.

Mr. SOLOMON. I was waiting for that.

Mr. HOYER. I know you were. I thought I did not want to go down that track right yet. But I am going down that track, because I want to see this House run, as I said when we had the problem at the post office, as well as we can possibly have it run.

Then I want to debate with you a vigorously as I know how on policy questions. That is what we ought to be talking about: health care in America for every American; the education of every child in America so we can be competitive with the rest of the world, when we know our kids are not getting the kind of education they need; on environment; on energy; on infrastructure; on the agenda that the American public wants their House working on. Let us move on with that.

This, I believe, takes us a very significant step forward. I congratulate the chairman and the Speaker for their leadership.

The SPEAKER pro tempore (Mr. MURTHA). The Chair will announce that in its opinion the gentleman from Illinois [Mr. MICHEL] has the right to close debate.

Mr. ROSE. Mr. Speaker, I would ask the Chair how much time we have remaining.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. ROSE] has 12½ minutes remaining, and the gentleman from Illinois [Mr. MICHEL] has 11½ minutes remaining.

Mr. ROSE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the legislation.

I want to commend the leadership on a good job. Clearly, the administration reform bill is not all that we must do to reform the nonlegislative operations of the House—but it is a big step in the right direction. We need professional management to better oversee the operations of this institution. This individual—appointed by both the Democratic and Republican leadership—can help to identify reforms in the various services here on the Hill ranging from the Capitol Police to the interoffice mail.

These services can and must be run more efficiently—and in some cases out-dated services must be eliminated.

I also applaud the provision in this bill which will turn back to the U.S. Postal Service the responsibility to handle mailings on Capitol Hill. That's as it should be.

More reforms must come but this proposal is a good start. I urge a yes vote on House Resolution 423.

Mr. ROSE. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, somebody once said that in a legislative body the role of the minority is to become the majority. I think we are seeing good evidence today that that admonition is being fully practiced by our friends of the Republican side of the aisle.

That is exactly, by the way, what their position was in 1977 when the gentleman from Wisconsin [Mr. OBEY], a foresightful gentleman who has already spoken at some length and with eloquence, brought before this body a similar concept of an administrator. It was sponsored, by the way, by our Speaker, the gentleman from Washington [Mr. FOLEY], and it was opposed unanimously by the Republicans. They took the same position then that they take today, and that is that they do not want to share in the burden or the blame of running this institution, and why should they? They are the minority. The minority's job is to become the majority, and they use every opportunity they have to win that battle.

I think we understand that. Perhaps some of us on this side do not understand it as well as others. Maybe we have not served in the minority capacity in prior legislative service. Some of us have.

I think we all understand that we get as much as we can in negotiation, and if we do not get a little more, we come back and try again. I understand the strategy of our minority here.

I think we dealt in good faith with people on this task force who were never in position, really, to make the kind of deal that was acceptable in the middle of a legislative session to the majority. Given the temperature in the Republican conference, it certainly was not likely that any sort of compromise would be readily agreed to there. That is why legislative bodies deal with these issues at the beginning of a session.

I think it is most important that we understand that the gentleman from Washington, Speaker FOLEY, and the leadership of the Democrats in this House of Representatives have embraced publicly the Hamilton-Gradison proposal that would study needed reforms, because within it lies perhaps the outlines of some changes in the way this institution functions. And I believe in the content of the incoming Congress, which is going to be a volatile institution, those suggestions may well be in some form brought before us for adoption.

□ 1930

But had we had the foresight in 1977 to have the kind of administrative structure in place that we did not have in recent months, we could well have avoided problems in our governance. We would not be embarrassed as some of us are, we would not be seeing some of our better Members on both sides of the aisle throwing it in, calling it a day and walking away from legislative service. Not enough of us had the foresight in the Democratic Party to agree with the recommendations of the gentleman from Wisconsin [Mr. OBEY] and of course, Republicans did not have a position once again that would permit compromise on something even as basic as the administrative aspects of this body.

But we have taken the step to pursue, this time with a full Democratic majority, some steps that need to be taken. We do indeed need to share the burden, the blame, and the responsibility for running this institution in a bipartisan way. And so I urge defeat of the Michel substitute and enactment of the task force recommendation to establish an inspector general and the nonlegislative administrator. Let's put an end to patronage and vote "aye" on final passage.

Mr. MICHEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. LEWIS], chairman of our caucus and also a member of our bipartisan task force.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding the time.

We are on the floor of the House this evening to discuss the hopes for fundamental reform in the House for no light reason. At this moment in our history, the House itself is at a crossroads. The public is well aware of the fact that the House has been wracked by scandal, problems relating to the way this House is run internally. These scandals have cast a shadow that indeed threatens the survival of many an incumbent because of the way the House has been run, dominated by a Democrat majority for some 38 years. Clearly their power, has gone to the point where essentially many would describe it as a corrupt administration.

The House bank scandal is no small scandal. It does not reflect well upon this institution. That which has taken place in other parts of our organizational side reflects poorly upon the people's body. We come here to talk about reorganization and reform to avoid another scandal.

I became a member of this bipartisan task force in hopes that the crisis itself would provide a very narrow window of opportunity for real change. Over a couple of weeks we rolled up our sleeves and went to work hoping that we could reach an agreement on some real and substantive change of a bipartisan nature. A week ago tonight we were very close to dealing with important items beginning to address procedural reforms. We were very close to some basic procedural change. Unfortunately, it was those changes that the Speaker could not see himself going forward with, and because of that, tonight we have a partisan presentation of a facelift, only a Band-Aid which gives no assurance whatsoever that the

current situation will not lead to another major scandal somewhere else.

I would like to spend a moment talking about just one of those reforms that we were about that is very important and critical to the future of the people's body. Within our initial discussions we talked about the prospect of eliminating, at least partially, a thing called proxy voting. The public will better know it as a thing called ghost voting. I was astonished today on the floor to hear one of my respected colleagues from Massachusetts say to us that he saw nothing wrong with leaving a proxy in a committee while he was home in his State. To suggest that it is all right to ghost vote when we all know our constituents send us to this body because they cannot be here, they asked us to serve in committee, to listen to testimony, participate in debate and represent their interests. Our constituents know that bills are written in committee and the public expects us to cast our votes during the process. But the way this House is run instead, the Democrats often win an issue by casting pieces of paper, proxies by ghost members who may be home in their districts or somewhere else of their choosing. Nevertheless, we are beyond the point where we could reestablish the credibility of this institution. When the majority believes it is OK for someone to be a ghost instead of a real Member elected by the people to listen to the issues and represent their views in Congress.

The House is in disrepair, my friends. The scandal before us is the way the people's House has been run. It is time we changed the way this House is being run.

Mr. HOYER. Mr. Speaker, will the gentleman yield? Did the gentleman receive any absentee ballots in the last election?

Mr. LEWIS of California. If the gentleman will yield me 30 seconds I will be glad to respond.

Mr. HOYER. I do not have any time.

The SPEAKER pro tempore (Mr. MURTHA). The time of the gentleman from California [Mr. LEWIS] has expired.

Mr. ROSE. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is fortunate that the Oscars have already been given, because my colleagues, in their attempt to portray their absolute shock that people actually vote by proxy when they have been doing it themselves for all of these years, would have qualified.

Mr. Speaker, one of the things we heard earlier today was that the minority leader's power under the majority resolution will not amount to much. One of his own colleagues said, "Well, he would just go along to get along," a shocking denigration of the minority leader. The suggestion was that well, he would appoint or vote to appoint this person and have no further control. The appointments are renewed every 2 years and the minority leader has the right fully, with or without cause, on any basis whatsoever, to withhold consent every 2 years. The notion that that does not mean anything is the most unfair denigration of the minority leader I have heard. To suggest that when you say to him that he will have an absolute right to say yes or no to who shall be the director of nonlegislative services and the inspector general every 2 years, that that means nothing, no one takes that seriously.

Members have suggested, Mr. Speaker, that power corrupts, and sometimes it does. But do Members know what else the absence of power can do? It makes people very cranky, and that is what we have here. Our colleagues on the other side have actually called this a substitute because you know what it is a substitute for, it is a substitute for winning elections.

We have heard over and over again that we have controlled the House for 38 years. How? By inheritance? Did we find it here?

Their problem they have made clear. The American people time after time after time do not vote for them in sufficient numbers, and they are unhappy about that. I understand that. That is not fun. But it is not a constitutional right to win an election.

The problem has been that with a lack of power comes irresponsibility. They do not want to talk about the merits of the issues. That is why we have an overblown focus on proxy voting, people who vote by proxy and then act as if it is a terrible thing. This is the party that would not vote for the budget, and most of the Republicans would not vote for a budget, including the President's budget. This is the party where the President sent up an RTC bill last week, and they overwhelmingly voted against it. This is the party that has gotten so unused to being constructive that when a bill comes forward and says the minority leader has absolute assent freely to be given, freely to be withheld every 2 years as the basis for whether or not we get these important officers, they say that does not mean anything because they have forgotten how to be useful. They resent being asked to be useful.

Mr. Speaker, we have here Members who are unhappy that they have lost elections. I am sorry for them, but it does not drive my vote.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

HOUSE ADMINISTRATIVE REFORM RESOLUTION OF 1992

Mr. ROSE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the majority leader.

□ 1940

Mr. GEPHARDT. Mr. Speaker, as other speakers have said, this is good reform. It is reform that was achieved in a bipartisan way about how we will manage the nonlegislative services in this place. It is not the end of reform. It is the beginning.

We said in the meetings that we were willing and wanting to talk about legislative reform as well. We are. We are going to proceed on that track with the Hamilton-Gradison motion, but tonight, to go forward with many, many, many more reforms that the minority is asking, almost a wish list that they would bring in an organizing period for the House is simply unreasonable. It would change the result of the election, and I do not think anyone believes that we are able or prepared to take on all of those questions tonight.

I urge Members to vote for the very, very important changes that are here.

The gentleman from Wisconsin [Mr. OBEY], as was said, tried to do these changes in 1977. I voted with him for them. I wish our friends on the minority had been with us on that day or night, whenever it was, and we could have passed them, because if we had passed them, we would not be here tonight talking about these matters, and maybe we could have spent time talking about the legislative solutions that our friends on the minority tonight want to talk about.

This is real reform. This is real power sharing on very important functions of this House, and it is a beginning. It is a beginning that will lead to other meetings, other discussions, other negotiations, and other reforms in the days ahead.

I urge Members to vote against the Michel substitute and to vote for this resolution.

Mr. MICHEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding his time to me.

Mr. Speaker, I rise in support of the Michel substitute.

Mr. Speaker, today we are voting on what has been labeled a campaign finance reform bill. Unfortunately, for the voters in my district, what we are voting on is a publicly financed, incumbent protection bill. The conference report on H.R. 3750 and S. 3 would alter the system of financing House congressional campaigns. More specifically, it would set a $600,000 voluntary spending limit for House races in primary and general elections. Candidates agreeing to obey this limit would get benefits, including cutrate postage and up to

$200,000 in public financing doled out to match the first $200 of each individual contribution. In addition, this bill would place a $200,000 aggregate cap on how much a candidate could accept from political action committees and a $200,000 aggregate cap on individual contributions of more than $200.

The bill before us today does not even address the issue of its own cost. How typical: It passes the buck for us to consider at another time. How will we pay for the estimated $1 billion that this measure will cost over the next 10 years? In this time of fiscal crisis, our financial needs in the areas of education, health, and housing certainly outweigh the need for the incumbent politician. For these reasons, I cannot support the conference report on this bill.

While I believe that fundamental and important changes are needed in campaign financing, I am concerned about certain provisions of this measure including giving politicians cheaper political advertising rates and subsidizing the cost of postage for candidates. I simply cannot endorse such measures which make it the responsibility of the taxpayer to provide for an entitlement program for politicians. It is my understanding that over 70 percent of the American people are strongly opposed to public financing because tax dollars may be distributed inequitably, or worse yet, end up paying for negative campaign ads.

I do support the substitute bill which was offered by the distinguished minority leader, Mr. MICHEL of Illinois, during the original debate of this bill. This substitute would have required candidates to raise at least half of all their campaign money from people living in their own district. Certainly, the majority of campaign dollars should be raised within the State in which the candidate resides. An accurate reflection of the voter's intentions can easily be distorted by an inpouring of outside money. In addition, this measure would have cut the amount a single PAC could give a candidate from $5,000 per election to $1,000. This measure would both effectively reduce the role of special interest and enhance the role of individuals in financing campaigns. This substitute will be rejected.

I am also interested in other issues of campaign reform, not addressed by H.R. 3750 or the substitute. Specifically, I am concerned about the amount of time which is used for the purpose of fundraising for congressional elections. One solution, which I support, is to strengthen political parties by increasing the amounts they may spend on behalf of congressional candidates. This source of funds would permit legislators to spend less time fundraising, would ensure that challengers have greater financial resources, and would limit the role of special economic interests in elections.

Lastly, I am supportive of measures which require full disclosure of all funds spent by political parties, labor unions, corporations, and trade associations which are used in Federal elections. Disclosure requirements should also apply to independent expenditures with disclaimers on media presentations. To my mind, this is the best method to discourage the use of campaign dollars as influence selling.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, my colleagues, one of the truly bipartisan reforms that we were on the verge of accepting in the bipartisan task force, and it did have real bipartisan sponsorship, was a congressional inspector general similar to that imposed by Congress on departments and agencies in the executive branch. It is a piece of legislation that I have authored and have been promoting for the past few months. I know its contents, its purpose, and its impact. As I said, it enjoyed bipartisan support.

I would tell you, Mr. Speaker, that while the Democratic package names an individual as inspector general nothing else has been added from my bill. It is very similar to the children's story about the emperor who has no clothes. No matter what you say about this position, it has been stripped naked of any real authority. It may be called an inspector general, but he has none of the authority I wanted him or her to have when I drafted the legislation.

We are engaged in the debt today because we had problems with the House bank, the House post office, and the Members' dining room. There is nothing in this legislation that would give the inspector general the independent auditing and investigative authority to have done anything differently, with these peripheral institutions, than was done in the past.

I would tell my colleagues that the inspector general, that I wanted and this institution desperately needs, was an independent nonpartisan watchdog, a pit bull. The Democratic leadership has given us a toothless lap dog.

There is one thing worse than no reform. That is the charade, the pretense, the illusion of significant reform where none existed. I wanted to support this reform package, but without a real inspector general with real independence and authority, I can not.

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

Mr. ROEMER. Mr. Speaker, I rise in support of House Resolution 423.

Mr. Speaker, I rise today in strong support of the bill, House Resolution 423, House administrative reform. In the wake of the recent events which transpired at the House bank, the need for reform of Congress' administrative procedures is clear. The status quo at the House of Representatives is simply not acceptable to me, my constituents, or to the taxpayers of this country. We must restore credibility to this institution and restore confidence among the people we serve.

House Resolution 423 makes significant changes in the existing administrative structure of the House in order to improve the management of nonlegislative and financial functions, and ensure strict accountability for such operations. The resolution establishes a new House position, the Director of Nonlegislative and Financial Services, who would be appointed jointly by the Speaker, the majority leader and the minority leader, and have responsibility for the operations and financial services in the House of Representatives.

The resolution also establishes an Office of the Inspector General, who would be appointed jointly by the Speaker, the majority leader and the minority leader, and who would be charged with conducting audits of the financial operations of the House, and reporting any irregularities or abuses resulting from audits.

The legislation also abolishes the position of the House postmaster. Internal mail operations would be handled by the new Director of Nonlegislative Affairs and Financial Service, while the outside mail operations would be run by the U.S. Postal Service.

Mr. Speaker, the American people are losing confidence in our ability to govern. We need to institute real reform in Congress. While I support the legislation before us today, I believe that we should use this opportunity to push forward further congressional reforms. I am a cosponsor of Representative HAMILTON and GRADISON's bipartisan resolution which calls for a review of our current system and recommends drastic reforms to improve and strengthen the legislative operations of the Congress. Similar reorganization efforts were undertaken in 1946 and 1970, and recent events in the House clearly indicate that review and reform of the current system is long overdue.

Mr. Speaker, I believe that House Resolution 423 represents a good beginning in the process of much needed congressional reform. I urge my colleagues to support this first step in restoring Congress' credibility with the American people, and to remain resolute in pursuing further substantive reform this year.

Mr. ROSE. Mr. Speaker, I yield the balance of our time to the Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, this is the most far-reaching reorganization of the nonlegislative activities of the House of Representatives in the history of this country. There is no precedent, to my knowledge, of such a sweeping change in the administration of the nonlegislative services that exist in this institution for the benefit of all Members.

Frankly, it comes to me as a bit of a surprise to hear some of the debate reflecting opinions about this resolution which I did not hear in the constructive, even cordial, discussions that we had over a period of 2 weeks' time. It is very surprising for me, for example, to hear Members suggesting that the independent inspector general is not truly independent, that he is some kind of a lap dog.

In fact, the inspector general is given the responsibility of auditing not only the Nonlegislative Services Director but all the officers of the House and to do so as an appointee of the Republican leader, the Democratic leader, and the Speaker jointly. It is very hard for me to imagine that the leaders of the Re-

publican and Democratic parties and the Speaker could not agree on a person who would have, by that very reason, enormous independence.

The resolution, for the first time brings together under the newly created Director of Nonlegislative Services, virtually every nonlegislative service that this House provides to Members. Again, why would one not want to see the modernization, the efficiency, and the review of these activities improved in the way that this bill does?

In fact, during our discussions which were begun at the request of the distinguished Republican leader, it was my sense that we had, if not perfect, virtual agreement on the terms of this resolution as it refers to the inspector general, the Director of Nonlegislative Services and the other features that deal with the management and operation of the House.

It was the wish of the Members on the other side, however, to go into questions of rule changes and legislative changes that we felt were beyond the scope of the immediate need to bring legislation making administrative reform to the floor that led to these discussions not being fruitful in the end. As for House Resolution 423, this is a bill that, I think, reflected a very, very strong consensus from Republicans as well as Democrats as to where the House should go in providing efficient business like management of its nonlegislative operations so that, in those areas no Member, Republican or Democrat, would have to worry that this House was being conducted with anything but the highest integrity and efficiency. That is what Members deserve. They do not get elected to come here to be a management committee for this institution. They come here primarily to deal with the public's business, with education, and health, and the other critical issues that are facing the Nation as we go forward into the next decade.

This is a sound bill that can be voted on proudly by Members in either party, and in both parties, and I strongly urge all Members to come together and give it your support.

We attempted to enact reform in 1977, and many Members still here are proud that they supported that effort then. Let us finally achieve it now. Let us put this problem of management behind us. Let us put the House on a sound basis of management and operation, and then we will be able to direct our energies where they should rightly be, to the business of the people of this country.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to House Resolution 423 and in support of House Resolution 419, the Michel substitute.

Mr. Speaker, I rise in opposition to House Resolution 423 and in support of House Resolution 419, the Republican substitute.

Mr. Speaker, the American public is fed up with excuses about the mess in Congress, as well they should be. The Democrats have controlled this House with an iron fist for 38 years; 38 years of Democrat rule have led to this mess. With an arrogance born of power, the Democrat majority has run roughshod for decades over the concept of democracy and bipartisanship. Now the chickens are coming home to roost.

A cosmetic facelift is not going to satisfy the American public. You have been found out. The press will no longer look the other way. The only action that will satisfy the public is a thorough house cleaning, a quick dusting will not do it. We need to institute real reforms, institutional reforms, legislative reforms. Changing the nameplate on the door, or firing a few people, is not the answer. The reforms have to be built in, permanent, irrevocable. That's why we need to vote for the Michel resolution. It's the only choice for real reform.

Mr. MICHEL. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker and Members of the House, in preparing my remarks for tonight, some lines of poetry half remembered from my school days came back to me: "For of all sad words of tongue or pen, the saddest are these." 'It might have been!' "

I am reminded of the remarks of the distinguished gentleman from Louisiana who said it so eloquently earlier during the course of this debate, and that is the tragedy that confronts the House today: What might have been.

At one time the Democratic majority could have reformed out of principle. Today they are forced to reform out of panic. At one time bipartisan reform of the House would have been a sign of renewal. Today the majority's attempt at reform is correctly seen as a sign of remorse.

□ 1950

On January 3, 1989, as Speaker Jim Wright was sworn in, I said to this House:

* * * It is my belief that this 101st Congress is one that should deal right up front in a bipartisan and comprehensive way with reforms * * *.

Six months later, on June 6, 1989, when we swore in the new Speaker, Mr. FOLEY, I said to all my colleagues:

Today we have that rare, most precious and improbable of gifts—a second chance for comprehensive, bipartisan institutional reform that will set the course for a new century.

I must say that I was somewhat taken aback when I was hissed in this very Chamber by some Members of the majority for making just that statement.

Let us face it. The recent House scandals have brought us to this juncture. I was first told about the bank scandal in the form of a list of Members and the number of bounced or overdraft checks in the latter part of 1989.

I said then and continue to strongly believe the existence of such a list was outrageous, I sent it back without going beyond the first page, with the suggestion that all offending Members be notified of their overdrafts and that if it were my call, they would all be summarily cut off from the use of the bank.

I was later told the problem was solved. Guidelines would be implemented; but they were dropped on the doorstep of the Sergeant at Arms and nothing was done. No oversight. Nobody minding the store. And look how much disgrace it brought upon the House and the problems for Members on both sides of the aisle. Incomprehensible.

When I think in terms of a dear friend this afternoon who announces that he will not run again, a bright future in this House.

A year later when the next audit revealed that indeed nothing had been done, we were outraged and expressed ourselves so. Unfortunately, time passed and still nothing was being done to correct the situation.

Finally I sent to the Speaker a proposed question of privilege, asking the Ethics Committee to investigate and focus on the disclosure question and political campaign use. The Speaker agreed on jointly acting on a revised resolution, which was ultimately adopted by this House.

I waited until the committee acted to examine their work and listened to their recommendations, and of course, by next week that scenario will have played itself out.

Again last year the majority was told of problems in the House post office. We in the minority were kept in the dark until just before it was to be made public by the press.

I do not get those GAO reports, as the minority leader. We ought to change that, and that is one of the reforms that ought to be fundamental, that if there is real bipartisanship around here, we get coequal treatment on matters of that importance.

The Postal Service investigated and found that many postal regulations had not been followed, and there were in fact indictable offenses committed by employees of that facility.

Members were told at that time corrective actions were going to be taken.

Months later, we found again that nothing had been done. Where was the House Administration Committee that was to be overseeing this mess?

Eventually, and predictably enough, the House walls came tumbling down all around this place, and now at long last our Democratic friends are attempting to jump on the bandwagon of reform; but what is at the heart of this debate is not just one scandal, it is indeed stewardship, not only at the top,

but through our ranks. It has to be that way, because we rely so much on support around here.

It is the way the majority discriminates in the legislative process, quite frankly, that to us is the biggest scandal of all.

My colleagues have said it so eloquently time after time during the day in the course of the rule and general debate, and yes, in the deliberations on this substitute. This very bill is being debated under a closed rule, the very symbol of inequity.

My Democratic friends said the Republicans wanted them to give up their rights as a majority. They said we were being unreasonable.

Is it unreasonable to ask for fair representation on the House Rules Committee, which is the traffic cop for legislation around here? Is it unreasonable to ask that committee ratios of Members and staff reflect the actual makeup of the House? Is it unreasonable to ask that the General Counsel's Office be headed by a constitutional scholar, independent of political judgments, but with deputies for the two parties?

Is it unreasonable to ask that the Congress be subject to the same rules, regulations, and laws we impose legislatively upon the American people?

We did not expect the majority to accept every procedural reform we proposed, but sadly, they could not accept even one, not one.

It has been stated many times in our discussions that the proposals the Democrats have offered are unprecedented. We are supposed to be grateful for that, but unprecedented is not enough.

These are unprecedented times, Mr. Speaker and my colleagues, in which the public is demanding extraordinary actions.

If Republicans control the House of Representatives in the 103d Congress, we intend to have a bipartisan committee on House Administration, and a majority-minority membership of 9 to 6 on the Rules Committee. We ask nothing that we ourselves are not willing to abide by if we were in the majority.

Mr. Speaker, you have before you the Republican blueprint for House reform, and you have my word that if given the opportunity we will implement these reforms.

I ask you to support our substitute that not only addresses the problems of administration, ministerial, and financial responsibilities around here, but also addresses the real procedural reforms necessary to put this House back on the right track once again.

I hope you will support the resolution. I am not all that enthused about what kind of support we are going to get from the majority side in view of the kind of things that have been said during the course of the debate, and if it should go down, well, obviously it bears out our frustration. These very limited changes in nonlegislative services, while being an improvement, oh, so minuscule in form, are woefully short of the real comprehensive reform that we espouse on this side. So if it comes to that point on final passage, quite frankly, yes, I want to be for those minuscule things that may help to bring us together here administratively, but again to express our utter frustration at being closed out from doing the kind of things that would bring about broad comprehensive reform.

Frankly, on final passage, this Member will take a walk.

Mr. Speaker, I include a copy of my resolution, material relating to and correspondence regarding reform in the RECORD.

H. RES. 419

Resolved,

TITLE I—CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND CERTAIN OTHER REFORMS

Subtitle A—Chief Financial Officer Amendments to the Rules of the House and Related Provisions

SECTION 101. AMENDMENTS TO RULE II RELATING TO THE ELECTION OF OFFICERS OF THE HOUSE.

Rule II of the Rules of the House of Representatives (relating to the election of Officers of the House) is amended—

(1) by striking "Doorkeeper, Postmaster,"; and

(2) by adding at the end the following new sentence: "The individual chosen for election as the Sergeant-at-Arms should be a nationally-respected law enforcement professional.".

SEC. 102. AMENDMENTS TO RULE III RELATING TO THE DUTIES OF THE CLERK.

Clause 3 of rule III of the Rules of the House of Representatives (relating to the duties of the Clerk) is amended—

(1) by striking ", make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House, keep full and accurate accounts of the disbursements of the contingent fund of the House, keep the stationery account of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law." in the first sentence and inserting a period; and

(2) by amending the second sentence to read as follows: "He shall cause to be announced at the door all messengers from the President and the Senate and, when requested by the Speaker, visitors to the floor of the House during joint meetings or joint sessions of the two Houses. He shall superintend the House document room and the Publications Distribution System (the folding rooms), the cloakrooms of the House and the telephone service available to Members therein. He shall supervise the pages that serve the House and various other facilities to Members.".

SEC. 103. AMENDMENT TO RULE IV RELATING TO THE DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1 of rule IV of the Rules of the House of Representatives (relating to the duties of the Sergeant-at-Arms) is amended by striking "; and keep the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and pay them as provided by law".

SEC. 104. AMENDMENTS TO RULES V AND VI TO ELIMINATE THE POSITIONS OF DOORKEEPER AND POSTMASTER AND TO CREATE THE POSITION OF CHIEF FINANCIAL OFFICER.

Rule V of the Rules of the House of Representatives (relating to the duties of the doorkeeper) and rule VI of the Rules of the House of Representatives (relating to the duties of the Postmaster) are amended to read as follows:

"RULE V

"CHIEF FINANCIAL OFFICER

"1. There shall be elected, by not less than two-thirds of Members voting, a quorum being present, the Chief Financial Officer of the House.

"2. The Chief Financial Officer should have appropriate education and training, have demonstrated an ability to manage large and complex administrative activities and resources, and have experience that is relevant to the management of the financial operations of the House.

"3. The Chief Financial Officer shall be responsible for—

"(A) reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and minority leader respecting these operations;

"(B) conducting periodic audits of the financial operations of the House, simultaneously sending audit reports to the Speaker and minority leader, and making these audit reports available to the public;

"(C) keeping the accounts for the pay and mileage of Members, Delegates, and the Resident Commissioner from Puerto Rico, and paying them as provided by law; and

"(D) carrying out all other financial functions and operations that were exercised by the Clerk before the date of the adoption of this rule, including, but not limited to—

"(i) keeping full and accurate accounts of the disbursements of the contingent fund of the House,

"(ii) keeping the stationery account of the Members, Delegates, and Resident Commissioner of Puerto Rico,

"(iii) paying the salaries of officers and employees of the House, and

"(iv) making or approving all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives in pursuance of law or order of the House.

"(E)(i) reviewing existing and proposed rules of the House to determine the effect of such rules on the economy and efficiency of the financial operations of the House, taking into consideration the need to prevent fraud, waste, and abuse in such operations;

"(ii) based on such review, providing periodic recommendations to the Speaker and the minority leader with respect to the Rules of the House;

"(F) keeping the House fully and currently informed of any instance of fraud, waste, or abuse, or any other serious deficiency in the financial operations of the House, including corrective actions taken or recommended;

"(G) reporting to the Speaker and the minority leader—

"(i) any such instance that, because of its particularly serious nature, requires immediate attention; and

"(ii) any lack of cooperation by a Member, officer, or employee of the House that inhibits the carrying out of the responsibilities of the Chief Financial Officer;

"(H) not later than October 31 of each year, submitting to the House with respect to the financial operations of the House in the preceding fiscal year a report of the activities of the Chief Financial Officer, including—

"(i) a description of significant problems, abuses, and deficiencies in the financial operations of the House, the recommendations made, the corrective actions completed, and the corrective actions uncompleted;

"(ii) a summary of matters the Chief Financial Officer referred to the Committee on Standards of Official Conduct and the actions which have resulted from such referrals; and

"(iii) a summary of each recommendation by the Chief Financial Officer to the Speaker and minority leader under these Rules;

"(I) receiving and investigating complaints from employees of the House with respect to fraud, waste, and abuse in the financial operations of the House, if such complaints assert the existence of a violation of law, a violation of these Rules, mismanagement, gross waste of funds, or abuse of authority; and

"(J) developing and maintaining an integrated accounting and financial management system for the House, including financial reporting and internal controls to provide performance measurement, cost information, and integration of accounting and budgeting information; and

"(K) directing, managing, providing policy guidance for, and conducting oversight of, financial management personnel and operations, including preparation of a 5-year financial system plan, development of financial management budgets, recruitment, selection and training of personnel to carry out financial management functions, and implementation of asset management systems, such as cash and credit management, debt collection, and property and internal controls.

"4. (a) In carrying out clause 3(I), the Chief Financial Officer may not disclose the identity of a complaining employee without the consent of the employee, unless the Chief Financial Officer determines such disclosure is unavoidable.

"(b) Any intimidation of, or reprisal against, an employee of the House by an employing authority because of a complaint made by the employee is a violation of rule LI.

"5. In accordance with policies and procedures approved by the Committee on House Administration, the Chief Financial Officer shall appoint such employees as may be necessary for the prompt and efficient performance of the duties of the Chief Financial Officer under these Rules. Such employees shall serve at the pleasure of the Chief Financial Officer.

"RULE VI

"HOUSE POSTAL SERVICES

"The Chief Financial Officer shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, Delegates, the Resident Commission from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail.".

SEC. 105. CONFORMING AMENDMENT TO RULE XIV RELATING TO DECORUM AND DEBATE.

Clause 7 of the rule XIV of the Rules of the House of Representatives (relating to decorum and debate) is amended by striking "and Doorkeeper".

SEC. 106. OVERSIGHT REFORM.

Rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

"7. (a) By March 1 of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

"(b) No primary expense resolution for a committee may be considered in the House unless and until it has adopted and submitted to the Committee on House Administration an oversight plan for the Congress involved.

"(c) After consultation with the majority and minority leaders, the Committee on House Administration shall report the plans to the House, together with its recommendations and those of the majority and minority leaders, to assure coordination between committees.

"(d) The Speaker is authorized to appoint ad hoc oversight committees for specific tasks from the memberships of committees with shared legislative jurisdictions.

"(e) Each committee shall include an oversight section in its final activity report at the end of a Congress.".

SEC. 107. MAKING THE COMMITTEE ON HOUSE ADMINISTRATION BIPARTISAN.

Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(3)(A) One-half of the members of the Committee on House Administration shall be from the majority party and one-half shall be from the minority party.

"(B) In the case of the Committee on House Administration, subpoenas may be authorized and issued as provided by clause 2(m) of rule XI, except that either the chairman or ranking minority party member of that committee may authorize and issue subpoenas under that clause.".

SEC. 108. EQUALITY OF MAJORITY AND MINORITY PARTY REPRESENTATION ON THE SUBCOMMITTEE ON LEGISLATIVE APPROPRIATIONS.

The membership of the Subcommittee on Legislative Appropriations of the Committee on Appropriations shall be divided equally between the majority party and the minority party. Staff positions for the subcommittee shall be divided in the same manner.

SEC. 109. TASK FORCE ON REFORM OF THE HOUSE OF REPRESENTATIVES.

Not later than 10 days after the date on which this resolution is agreed to, the Speaker shall appoint a task force for the purpose of recommending institutional reforms necessary to restore public confidence in the House of Representatives. The task force shall—

(1) be composed of 10 Members of the House, of whom 5 Members shall be appointed upon the recommendation of the majority leader and 5 Members shall be appointed upon recommendation of the minority leader; and

(2) report its recommendations to the House not later than the end of the One Hundred Second Congress.

SEC. 110. LIMITATION ON REPROGRAMMING OF FUNDS IN THE HOUSE OF REPRESENTATIVES.

No funds may be reprogrammed or otherwise transferred between appropriation accounts of the House of Representatives without the written approval of the Speaker and the minority leader of the House of Representatives.

SEC. 111. LIMITATION ON INITIAL HOUSE OF REPRESENTATIVES APPROPRIATIONS FOR FISCAL YEAR 1993.

In the second session of the One Hundred Second Congress, it shall not be in order to consider in the House any measure containing an appropriation for the House, if the measure provides appropriations for that purpose for any period after March 31, 1993.

SEC. 112. INSPECTOR GENERAL.

The Speaker, upon the recommendation of the majority leader and the minority leader, acting jointly, shall appoint an Inspector General for the House. The Inspector General shall—

(1) receive and investigate complaints from employees of the House with respect to fraud, waste, and abuse in the nonlegislative operations of the House, if such complaints assert the existence of a violation of law, a violation of the Rules of the House, mismanagement, gross waste of funds, or abuse of authority; and

(2) report the results of such investigations to the Speaker, the majority leader, and the minority leader.

Subtitle B—Office of the General Counsel

SEC. 121. ESTABLISHMENT.

There is established in the House of Representatives an office to be known as the Office of the General Counsel, referred to hereinafter in this title as the "Office".

SEC. 122. ACCOUNTABILITY.

The Office shall be directly accountable to the Leadership Group, composed of—

(1) the Speaker of the House of Representatives;

(2) the majority leader and minority leader of the House of Representatives;

(3) the majority whip and minority whip of the House of Representatives;

(4) the chairman and ranking minority party member of the Committee on the Judiciary of the House of Representatives; and

(5) 2 Members of the House to be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the majority leader and one of whom shall be appointed upon the recommendation of the minority leader.

SEC. 123. PURPOSE AND POLICY.

The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House of Representatives on matters directly related to their duties, other than matters committed by law, rule, or other authority to the Office of the Parliamentarian, the Office of the Legislative Counsel, the Office of the Law Revision Counsel, the Legislative Classification Office, the Congressional Research Service, the Comptroller General, or the Office of Fair Employment Practices, or to another office, officer, or employee of the House of Representatives. The Office shall maintain—

(1) impartiality as to issues of policy to be determined by the House of Representatives; and

(2) the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

SEC. 124. SPECIFIC APPROVAL REQUIREMENTS.

(a) APPROVAL BY RESOLUTION.—Unless approved by unanimous vote of the Leadership Group, the following actions of the Office require prior approval by resolution of the House of Representatives:

(1) Entering an appearance before any court.

(2) Filing a brief in any court.

(3) Representing any Member of the House of Representatives in any contested matter that will result in formal legal proceedings.

(b) APPROVAL BY THE LEADERSHIP GROUP.—The following activities of the Office require prior approval by the Leadership Group:

(1) Preparation of any legal memorandum or other item of legal research that requires more than 4 hours of preparation time.

(2) Work other than in the routine course of business of the Office.

(c) SPECIAL RULE.—In carrying out any action under this title, the Office, in the case of any matter that affects an area of responsibility committed to another office, officer, or employee referred to in section 123, shall consult the office, officer, or employee involved and coordinate such action with the office officer, or employee.

SEC. 125. GENERAL COUNSEL.

The management, supervision, and administration of the Office are vested in the General Counsel, who shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives, acting jointly, without regard for political affiliation and solely on the basis of fitness to perform the duties of the position. The General Counsel shall serve at the pleasure of the Leadership Group.

SEC. 126. STAFF.

With the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, the General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office, except that not more than 4 attorneys and 3 other employees may be so employed and at least one attorney in the Office shall be appointed upon the recommendation of the minority leader. Any individual employed under this section may be removed by the General Counsel, with the approval of the Leadership Group.

SEC. 127. COMPENSATION.

(a) GENERAL COUNSEL.—The General Counsel shall be paid at a per annum gross rate fixed by the Leadership Group, but not more than the rate payable for positions at level III of the Executive Schedule, under section 5314 of title 5, United States Code.

(b) STAFF.—Members of the staff of the Office shall be paid at per annum gross rates fixed by the General Counsel, with the approval of the Leadership Group or in accordance with policies and procedures approved by the Leadership Group, but not more than the rate payable for positions at level IV of the Executive Schedule, under section 5315 of title 5, United States Code.

SEC. 128. EXPENDITURES.

Subject to appropriation and in accordance with policies and procedures approved by the Leadership Group, the General Counsel may make such expenditures as may be appropriate for the functioning of the Office.

SEC. 129. TIME SHEETS.

The attorneys and professional staff in the Office shall maintain regular, written records of the time expended on legal matters, consistent with generally accepted practices in private law firms. Such time records shall be maintained on forms and according to procedures established by the General Counsel, and shall provide for the recordation of time allotted to legal work in increments of no more than one-quarter hour. The time records shall be reviewable by the Leadership Group and may not be made public other than by direction of the Leadership Group or resolution of the House.

TITLE II—LEGISLATIVE PROCESS REFORMS

SEC. 201. HOUSE SCHEDULING REFORM.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"11. (a) At the beginning on each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include (1) target dates for the consideration of specified major budgetary, authorization, and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, 5-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays, and other recesses; and (4) the target date for the adjournment of that session.

"(b) The Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week.".

SEC. 202. TREATMENT OF VETOED BILLS.

Rule I of the Rules of the House of Representatives is amended by adding at the end the following:

"11. Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill.".

SEC. 203. MULTIPLE REFERRAL OF LEGISLATION.

Clause 5(c) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate.".

SEC. 204. PRESENTMENT OF BILLS TO THE PRESIDENT.

The Rules of the House of Representatives are amended by adding at the end the following:

"RULE LII.

"PRESENTMENT OF BILLS

"Not later than the tenth calendar day beginning after the date upon which a bill has been agreed to in identical form by the House of Representatives and the Senate, in the case of a bill originating in the House of Representatives, the bill shall be presented to the President.".

SEC. 205. COMMITTEE RATIOS.

(a) Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct which shall be constituted as provided for in subparagraph (2). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

(b) Clause 6(f) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force, or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

SEC. 206. SUBCOMMITTEE LIMITS.

(10) Clause 6(d) of the rule X of the Rules of the House of Representatives is amended to read as follows:

"(d)(1) Each standing committee of the House (except the Committee on the Budget) that has more than 20 members, shall establish at least 4 subcommittees; but, in no event shall any standing committee (except the Committee on Appropriations) establish more than 6 subcommittees.

"(2) No member may serve at any one time as a member of more than 4 subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee which is established for a period of longer than 6 months in any Congress.".

SEC. 207. PROXY VOTING BAN.

Clause 2(f) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

SEC. 208. OPEN MEETINGS.

Clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by striking the colon in the first sentence and all that follows thereafter and inserting the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters.".

SEC. 209. MAJORITY QUORUMS.

Clause 2(h)(2) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.".

SEC. 210. REPORT ACCOUNTABILITY.

(a) Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for and against reporting, and the names of those Members voting for and against, shall be included in the committee report on the measure.".

(b) Clause 2(l)(2) of rule XI of the Rules of the House of Representatives is further amended by adding at the end the following:

"(C) With respect to each nonrecord vote on a motion to report any bill or resolution of a public character, the names of those members of the committee actually present at the time the bill or resolution is ordered reported shall be included in the committee report.".

SEC. 211. COMMITTEE DOCUMENTS.

Clause 2(l) of rule XI of the Rules of the House of Representatives is amended by re-

designating subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively, and by inserting after subparagraph (5) the following new subparagraph:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), of such print, document, or other material shall contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays, and public holidays) prior to its being made public.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings, or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee.".

SEC. 212. SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS.

The first sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking the matter in parentheses and inserting the following: "(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by a vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)".

SEC. 213. PERMITTING INSTRUCTIONS IN MOTIONS TO RECOMMIT.

The second sentence in clause 4(b) of rule XI of the Rules of the House of Representatives is amended by striking "nor" and all that follows thereafter and by inserting the following: "nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been substituted).".

SEC. 214. RESTRICTIVE RULE LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.".

SEC. 215. LIMITATION ON SELF-EXECUTING RULES.

Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on Rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion, amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the Members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration.".

SEC. 216. BUDGET WAIVER LIMITATION.

Clause 4 of rule XI of the Rules of the House of Representatives (as amended by sections 214 and 215) is amended by adding at the end the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.

"(3) It shall not be in order to consider a resolution which waives all House rules except by a vote of two-thirds of those Members voting.".

SEC. 217. COMMITTEE STAFFING.

Clause 5 of rule XI of the Rules of the House of Representatives is amended by redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and by inserting at the beginning the following new paragraph:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year, and any such resolution shall be privileged.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and complied with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8) For the purposes of the One Hundred Third Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 50 percent of the total committee staff personnel employed at the end of the One Hundred Second Congress.".

SEC. 218. COMMEMORATIVE CALENDAR.

Rule XIII of the Rules of the House of Representatives is amended by redesignating clauses 6 and 7 as clauses 7 and 8, respectively, and by inserting after clause 5 the following new clause:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House.".

SEC. 219. AUTOMATIC ROLL CALL VOTES.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. The yeas and nays shall be considered as ordered when the Speaker puts the ques-

tion upon final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit.".

SEC. 220. APPROPRIATION REFORMS.

Clause 2 of rule XXI of the Rules of the House of Representatives is amended by striking the second sentence of paragraph (c) and by amending paragraph (d) to read as follows:

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period in excess of 30 days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) The provisions of clause 2(l)(3)(B) of rule XI shall apply to any 'general appropriation bill' as defined in subparagraph (1).

"(3) For the purposes of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported.".

(b) Clause 2 of rule XXI of the Rules of the House of Representatives is amended by inserting after paragraph (d) the following new paragraph:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of 30 days or less unless such measure only provides appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriations measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or enacted for the preceding fiscal year.".

(c) Clause 3 of rule XXI of the Rules of the House of Representatives is amended by inserting ", and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law" before the period.

(d) Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives is amended by striking "(other than continuing appropriations)" and inserting in lieu thereof "(other than continuing appropriations, except as provided by clause 2(d) of rule XXI)".

(e) Clause 4 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order, except by a vote of not less than ⅗ of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2 of rule XXI against the consideration of any short-term, continuing appropriations measure as defined therein; or which waives the provisions of clause 2 of rule XXI against, or denies amendment to, any provision in a long-term, continuing appropriation measure as defined therein if that provision has not been previously considered and agreed to by the House.".

SEC. 221. RECONCILIATION LIMITATION.

Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. (a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Committee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or to raise revenues or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

SEC. 222. AUTHORIZATION REPORTING DEADLINE.

Rule XXI of the Rules of the House of Representatives (as amended by section 221) is amended by adding at the end the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year.".

SEC. 223. PLEDGE OF ALLEGIANCE.

Clause 1 of rule XXIV of the Rules of the House of Representatives is amended by inserting after the second order of business the following new order of business (and by redesignating succeeding orders accordingly):

"Third. The Pledge of Allegiance to the Flag.".

SEC. 224. SUSPENSION OF THE RULES.

Clause 1 of rule XXVII of the Rules of the House of Representatives is amended by inserting "(a)" after "1." and by inserting at the end the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered.".

SEC. 225. DISCHARGE MOTION.

Clause (4) of rule XXVII of the Rules of the House of Representatives is amended by inserting after the fourth sentence the following new sentence: "When 100 Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each Member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session.".

SEC. 226. INCLUSION OF VIEWS WITH CONFERENCE REPORTS.

Clause 1 of rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that Member. All such views so filed by one or more Members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such views was not made as provided by this paragraph.".

SEC. 227. INTELLIGENCE COMMITTEE OATH.

(a) Clause 1 of rule XLVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.'.

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and the Congressional Record.".

(b) Clause 5 of rule XLVIII of the Rules of the House of Representatives is amended by

adding at the end the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of the signing or within 30 days after the adoption of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any Member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing 2 copies to each such person taking this oath, which shall be subscribed to by such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.".

(c) Clause 7(d) of rule XLVIII of the Rules of the House of Representatives is amended by inserting "or the oath required by clause 1(d) of by clause 5," after "paragraph (c)" and by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the Member shall not be given access to classified information.".

SEC. 228. ENHANCED RESCISSION AUTHORITY.

(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1992, report legislation granting the President enhanced rescission authority with respect to any budget authority not authorized by law. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days of continuous session of Congress (as defined by section 1011 of the Impoundment Control Act of 1974) after the date on which the President's special rescission message is received.

(b) If such legislation is not reported by the committees named above by the date specified, the committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to 2 hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 229. BIENNIAL BUDGET-APPROPRIATIONS PROCESS.

The Committee on Rules is directed to conduct a complete and thorough study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multiyear authorizations, and to report its findings and recommendations to the House not later than December 31, 1992.

SEC. 230. APPLICABILITY OF CERTAIN LAWS TO THE HOUSE.

(a) It is the policy of the House that the laws of the United States set forth in subsection (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply to the Executive Branch.

(b) Not later than June 30, 1992, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subsection (a):

(1) The National Labor Relations Act.

(2) The Occupational Safety Act and Health Act of 1970.

(3) The Equal Pay Act of 1963.

(4) The Age Discrimination in Employment Act of 1967.

(5) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

(6) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974).

(7) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity).

(8) Chapter 39 of title 28, United States Code (relating to an independent counsel).

(c) The Committee on Rules shall, not later than 10 legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which implements the policy referred to in subsection (a) and which encompasses all the laws referred to in subsection (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1992, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.

SEC. 231. EQUITABLE COMMITTEE STAFF RATIOS.

Effective at the beginning of the One Hundred Third Congress, except as provided in sections 107 and 108, the ratio of majority party to minority party staff positions, consultants, details, and funding for each committee of the House of Representatives shall be the ratio of majority party to minority party Members of the House of Representatives.

SEC. 232. ELIMINATION OF CERTAIN SELECT COMMITTEES.

(a) SELECT COMMITTEE ON AGING.—Clause 6(i) of rule X of the Rules of the House of Representatives is repealed.

(b) ADDITIONAL SELECT COMMITTEES.—The Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control shall cease to exist upon the adoption of this resolution.

(c) TREATMENT OF RECORDS AND FILES.—The records, files, and materials of the select committees referred to in subsections (a) and (b) shall be transferred to the Clerk of the House.

SEC. 233. APPLICATION OF INFORMATION DISCLOSURE REQUIREMENTS TO CONGRESS.

(a) IN GENERAL.—Effective upon the enactment of this section into permanent law, notwithstanding any other provision of law, and subject to the amendment made by subsection (c), the provisions of section 552 of title 5, United States Code (popularly known as the "Freedom of Information Act"), shall apply to the Congress.

(b) CONFORMING AMENDMENT.—Effective upon the enactment of this section into permanent law, section 551(1)(A) of title 5, United States Code (relating to the exclusion of the Congress from, among other matters, laws requiring the disclosure of public information), is amended to read as follows:

"(A) except as that term is used in section 552, the Congress;".

(c) LIMITATION AMENDMENT.—Effective upon the enactment of this section into permanent law, section 552 of title 5, United States Code (relating to the disclosure of public information), is amended by adding at the end the following new subsection:

"(f) In the case of an authority of the Government of the United States (as that term is used in section 551(1) of this title) who is a Member of the House of Representatives or the Senate, this section shall not apply to information that is related to casework or constituent correspondence.".

SEC. 234. LIMITATION ON THE DURATION OF PAYMENTS OF EXPENSES OF FORMER SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—The period for which expenses of former Speakers of the House of Representatives may be paid shall end 3 years after the date of the expiration of the term of office as Representative of the former Speaker involved, except that, in the case of a former Speaker who is receiving such expenses on the date of the enactment of this Act, the period shall end 3 years after the date of the enactment of this Act.

(b) DEFINITION.—As used in this section, the term "expenses of former Speakers of the House of Representatives" means the office, allowance, and other expenses provided for former Speakers of the House of Representatives under House Resolution 1238, Ninety-first Congress, enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 (2 U.S.C. 31b-1 et seq.).

SEC. 235. PROHIBITION ON FRANKED MASS MAILINGS BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OUTSIDE THEIR CONGRESSIONAL DISTRICTS.

(a) AMENDMENT TO TITLE 39.—Effective upon the enactment of this section into permanent law, section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out ", except that—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof a period; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected.".

(b) OFFICIAL FUNDS LIMITATION.—The Committee on House Administration of the House of Representatives may not approve any payment, nor may a Member of the House of Representatives make any expenditure from, any allowance of the House of Representatives or any other official funds if any portion of the payment or expenditure is for any cost related to a mass mailing by a Member of the House of Representatives out-

side the congressional district of the Member.

SEC. 236. REQUIREMENT THAT LEGISLATION ADJUSTING PAY FOR MEMBERS OF CONGRESS BE CONSIDERED SEPARATELY.

Section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(o) LEGISLATION ADJUSTING MEMBERS' PAY TO BE CONSIDERED SEPARATELY.—It shall not be in order in the House of Representatives to consider any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members of Congress if the bill of resolution contains any item which does not relate to adjusting Members' rates of pay.".

SEC. 237. LEGISLATIVE BRANCH APPROPRIATIONS TO BE FOR ONE YEAR ONLY.

It shall not be in order to consider in the House of Representatives any measure appropriating amounts for the legislative branch of the Government if such measure permits any such amount to remain available for obligation beyond the end of the fiscal year for which such amount is appropriated.

SEC. 238. ONE ATTORNEY IN THE OFFICE OF THE PARLIAMENTARIAN TO BE APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER.

Notwithstanding section 3 of House Resolution 502, Ninety-fifth Congress, agreed to April 20, 1977, as enacted into permanent law by section 115 of Public Law 95-94 (2 U.S.C. 287b), or any other law or other authority, at least one attorney appointed by the Parliamentarian under that section shall be appointed upon the recommendation of the minority leader.

SEC. 239. ROTATION OF CHAIRMANSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

Clause 6(c) of rule X of the Rules of the House of Representatives is amended by inserting "(1)" after "(c)" and by adding at the end the following:

"(2) In the case of the Committee on Standards of Official Conduct—

"(A) the chairman elected under subparagraph (1) shall only be for the first session of a Congress; and

"(B) at the beginning of the second session of a Congress, one of the members of that committee shall be elected its chairman for that session by the House from nominations submitted by the minority party caucus or conference.".

SEC. 240. EACH RULE OF THE HOUSE TO BE AGREED TO BY SEPARATE RESOLUTION OF THE HOUSE.

In adopting the Rules of the House of Representatives in the One Hundred Third Congress and any subsequent Congress, each rule shall be agreed to by separate resolution of the House.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1992.

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

DEAR MR. SPEAKER: I am aware of your desire to quickly bring to the Floor legislation that would create the position of House Administrator.

While I recognize the crisis of confidence in the House that has caused such a move, I want to take the opportunity to tell you, before a vote is taken, of my opposition to any such proposal without careful study and analysis. We would like to help solve the problems of the institution in an institutional way. But, the scandals of the last year demand that we make fundamental changes in the way this institution operates. I am not convinced that a newly-created House Administrator would make those changes.

I am, quite frankly, distressed that at this crucial time the Majority is bringing before the House such an important measure without a series of hearings. Yes, the entire system of House administration needs reform—but what is needed is sweeping reform. Let me suggest such an alternative.

My plan will remove the patronage that has brought us to this tragic state. In its stead will be competence and professionalism.

We currently have five elected officers of the House of Representatives: The Doorkeeper, the Postmaster, the Sergeant at Arms, the Clerk, and the Chaplain.

I would propose that we eliminate the Offices of the Doorkeeper and the Postmaster. The Office of the Doorkeeper is responsible for guarding the doors to the House. This function should be fulfilled by the Sergeant at Arms.

The Office of the Postmaster oversees the House Post Office. That function should be replaced by a professional postal operation.

Over the 38 years of total Democratic control of every aspect of the House, the functions of the Officers of the House have grown beyond their original legislative intent. I propose that they return to those original functions.

The Sergeant at Arms should be in charge of protecting the House Members, their staffs, and the Capitol and House Office buildings. He should have no financial role whatsoever.

I propose that we hire a nationally respected law enforcement professional as the Sergeant at Arms to carry out that role.

The Clerk should only be in charge of legislative activities: Making sure the Journal is kept, making sure the votes are tallied correctly, and making sure amendments are in order.

The Clerk should not have control over the financial activities of the House. There should be a clear demarcation between financial and legislative roles within the House.

Instead, a Chief Financial Officer of the House should be created to carry out those financial functions such as paying the Members, balancing the books, and disbursing health insurance. These would be the activities of the CFO.

It has been traditional to have the Majority Caucus nominate and elect all the Officers of the House.

My proposal would change that system.

I would remove the partisanship by requiring a two-thirds vote for the appointment and subsequent re-appointment of the Chief Financial Officer.

We must radically change the management of this House. A House Administrator may look good, but it doesn't go to the real heart of the problem.

I understand why the Majority wants to move quickly on this matter, but I must question the wisdom of acting too hastily.

Instinctively adding another layer of bureaucracy to an already over-bureaucratized House is no solution.

We need careful, long-term reform of this House, and I am doubtful that the hasty, partisan appointment of a House Administrator will achieve that goal.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 1992.

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

DEAR MR. SPEAKER: Our recent conversations about the need for comprehensive and bipartisan reform in the House of Representatives have been useful in providing a starting point for such reform. Media reports about public reaction to recent House scandals make it clear that our mutual desire to help the institution we love must move forward quickly. I want to take this opportunity, therefore, to suggest a means by which reform can advance on an efficient and responsible bipartisan basis.

My proposal is that both of us should choose several representative members from our respective sides of the aisle to form a bipartisan panel, chaired by the two of us, in which the issue of House reform can be examined and discussed in its complex entirety. While we cannot guarantee that the panel will reach agreement on all issues, we can at least find out where we do agree and narrow the areas of disagreement. If such a plan seems useful to you, as I hope it does, please let me know and we can then choose our members and proceed immediately.

Before we meet, however, there is one point on which I would like to get your commitment. You may recall that during our conversation about reform, I proposed that the House should have a chief financial officer, and that such an officer should be chosen by a two-thirds vote of the House. As I said, the creation of the post of chief financial officer of the House is absolutely necessary as the foundation upon which other reforms can be built. The two-thirds vote would help convince the American people that we in the House are not conducting "business as usual" but are committed to a new path for the House. I believe your agreement to such an idea before our panel meets would help me to communicate to our members the seriousness and the bipartisan nature of this movement toward reform.

Mr. Speaker, once again I want to assure you of my support for true, comprehensive, bipartisan reform of the House of Representatives, and of my pledge to do all I can to cooperate with policies and plans that reflect that ideal.

Sincerely,

BOB MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 24, 1992.

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

DEAR MR. SPEAKER: As we seek to begin a process that can lead to comprehensive House reform, it is clear that such reform cannot be arrived at immediately or instituted in a piecemeal fashion. The problems facing the House today have been in existence for quite a long time. What we need is serious thought and reflection to be brought into the discussions.

We have tried to examine the problem, set goals for reform, examine resistance to change and propose possible solutions for reforms. Enclosed is our work product which I share with you in the desire that it form the basis for any future discussions.

Sincerely,

BOB MICHEL,
Republican Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 1992.

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

DEAR MR. SPEAKER: Our Bipartisan Task Force discussions on House reform have been frank, useful and in many instances constructive. Because of your insistence to bring a reform package to the Floor before the Easter recess, we want to tell you where we think we are.

For the record, Republicans have not been increasing the playing field but rather narrowing it in hopes of reaching an agreement. While there has been progress towards incorporating some of the Republican ideas the devil remains in the details. As we discussed yesterday, the legislative language must be made more explicit in several areas.

We lament the fact that the majority could not bring themselves to make the purely administrative Committee on House Administration bipartisan. The only non-legislative committee of the House with oversight functions of the entire House operations can, we believe, be made bipartisan with little or no sacrifice of the majority's prerogative.

The change you made to have tie votes of the Oversight Subcommittee subject to appeal to the full committee is a significant departure from your previous offer and in our mind dramatically lessens the significance of even having a bipartisan oversight subcommittee. What incentive will there be for this subcommittee to reach any type of bipartisan agreement when any deadlock will go to the full committee or even the joint leadership group? Having an appeal to the joint leadership group does not resolve the problem since the idea was to force the subcommittee into a bipartisan compromise.

We appreciate your willingness to agree to the need for an Inspector General but we believe legislative language assuring his independence is necessary.

We also believe the responsibilities of the Director of Non-legislative and Financial Services should require development and maintenance of an integrated accounting and financial management system for the House; improving the economy and efficiency of our operations as well as prevent possibilities of waste, fraud and abuse. We believe the language in our resolution, H. Res. 419 accomplishes these goals.

Any proposal must specifically move to end all non-legislative support services patronage. Your proposal eliminated patronage in the office of the Director of Non-legislative and Financial Services but we believe more inclusive language is appropriate.

With respect to the Office of General Counsel, the language presented yesterday falls far short of the mark. Even if you do not want to agree to the creation of a separate Office as we proposed, there is still more than enough justification to delineate the purposes and policies of the current Office as well as who they would be accountable to.

Our side further requires, at a minimum, a position of equal status with access to the information and operations of the Office.

As we have represented many times in our private discussions, any true reform cannot focus solely on administrative or managerial aspects of the House. We believe our legislative procedures and process to be equally in need of reform.

Last night in the spirit of compromise and in an effort to reach agreement in accordance with your timetable, we had our staff communicate to you our minimum requirements for reform at this time.

We believe it is necessary for us to formally transfer these proposals in addition to the previous discussions.

We agree to drop the joint appointment power by the Speaker, Majority and Minority Leaders for the Director of Non-legislative and Financial Services and the Inspector General.

We insist on either a ban on proxy voting in full committee or creation of a 9-6 Rules Committee membership, and agreement that:

The Solomon Task Force on Reform report to party caucuses by July 31; and

The House vote on Hamilton-Gradison this week; and

Language clarifying the minority counsel position, clarifying the responsibilities and reporting authority of the Inspector General and Director of Non-legislative and Financial Services, and clarifying the appeal process to the Joint Leadership Group or the Committee on House Administration.

Your staff transmitted back to us that there was no way you could agree to any such proposal.

With your insistence on action this week, it is clear to us that we need not meet any further unless you will reconsider the proposal as we presented.

We hope there is adequate opportunity for each Member to express themselves fully on these important issues when reform is considered on the Floor.

It has been stated many times in our discussions that the proposals you have offered are "unprecedented." These are unprecedented times Mr. Speaker in which the public is demanding extraordinary actions. If Republicans control the House of Representatives in the 103rd Congress, we intend to have a partisan Committee on House Administration and a majority-minority membership of 9-6 on the House Rules Committee. We ask nothing that we ourselves are not willing to abide by if we were in the majority.

Sincerely,

BOB MICHEL.
JERRY LEWIS.
BOB LIVINGSTON.
PAUL HENRY.
JERRY SOLOMON.
BOB WALKER.
TOM RIDGE.
BILL BARRETT.

HOUSE REFORM PROPOSALS SIDE BY SIDE

	Republican	Democrat
Reform goals	Want managerial and procedural reform.	Want only administrative reform
Chief Financial Officer.	CFO would have all financial responsibilities (payroll, vouchers, travel, pension) and management (office supply, property supply, furniture shops, barber and beauty salon, folding room), as well as power to audit and investigate.	Call CFO the Director of Non-legislative and Financial Services. Would have same responsibility except for audit or investigation powers.
Appointment of CFO.	Elected by two-thirds vote of House.	Appointed by unanimous vote of Speaker, majority and minority leaders.
Inspector general.	Create inspector general to conduct independent audits and investigations.	Added inspector general concept—has audit authority.
Doorkeeper and postmaster.	Eliminates both positions	Retains Doorkeeper, eliminates postmaster.
Sergeant at Arms.	Takes away all financial duties, assigned only security duties.	Same.
Clerk	Takes away all financial duties, returns to original legislative role.	Same.
House Administration Committee.	Full committee and Appropriations Subcommittee on Legislative Branch to be bipartisan.	Only Oversight Subcommittee on House Administration to be bipartisan. Tie votes in subcommittee get referred to full committee.

HOUSE REFORM PROPOSALS SIDE BY SIDE—Continued

	Republican	Democrat
Office of General Counsel.	Constitutional scholar as Chief Counsel, appoints Democrat and Republican deputies, legal advisory group approval required before action taken on behalf of House, Need approval of full House to file briefs and make court appearances.	Creates minority counsel position, appointment by minority leader "in consultation with the General Counsel," language in resolution restricts role of minority counsel.
Reprogramming of funds.	Joint approval between Speaker and minority leader.	Through legislative appropriations process.
Other reform proposals.	Ban proxy voting, committee ratio reform, staffing and rules changes, enhanced rescission authority, biennial budgeting, reconciliation reform, discharge petition reform, imposing laws on Congress that it has imposed on the private sector, limiting franked mail outside districts, limiting funds for former Speakers, and creating bipartisan task force to review other rules for reform.	No similar proposals.

MICHEL REFORM BILL, SECTION BY SECTION

TITLE I CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND OTHER REFORMS

Section 101 Amendments relating to the Elections of officers of the House: Eliminates the office of the Doorkeeper and the Postmaster. The Sergeant-at-Arms should be a nationally respected law enforcement professional.

Section 102 Amendments relating to the duties of the Clerk: Removes various financial responsibilities from the Clerk and gives them to the new Chief Financial Officer.

Duties of the Doorkeeper are transferred to the Clerk (announcing messengers from the President and Senate, superintend the House document room, cloakrooms of the House, telephone service, and supervise pages).

Section 103 Amendment relating to the duties of the Sergeant-at-Arms: Removes accounts and pay responsibilities from the Sergeant-at-Arms and transfers those responsibilities to the Chief Financial Officer.

Section 104 Chief Financial Officer: Creates the office of Chief Financial Officer. The Chief Financial Officer is elected by a two-thirds vote of the House.

Chief Financial Officer shall be responsible for reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost-effectiveness of its operations, and providing periodic recommendations to the Speaker and Minority Leader respecting these operations.

The Chief Financial Officer shall conduct periodic audits of the financial operations of the House, keep accounts for the pay and mileage of Members, and carry out all other financial functions and operations that were exercised by the Clerk.

The Chief Financial Officer shall superintend the post office in the Capitol (he may contract with the U.S. Postal Service to run the operations).

Section 106 Oversight Reform: By March 1 of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

Funding will not be provided to committees until they have submitted their oversight plans.

Section 107 Bipartisan Representation on Committee on House Administration: Committee on House Administration would have

equal representation of majority party and minority party members.

Section 108 Equality of Majority and Minority Party Representation on the Subcommittee on Legislative Appropriations.

Section 109 Task Force on Reform of the House of Representatives: Creates a 10 member Task Force (5 Members appointed upon the recommendation of the Majority Leader and 5 appointed upon the recommendation of the Minority Leader) to propose institutional reforms necessary to restoring public confidence in the House of Representatives.

Section 110 Limitation on Reprogramming of Funds in the House: No funds may be reprogrammed without the written approval of the Speaker and the Minority Leader.

Section 111 Limitation on Initial House of Representatives Appropriations for Fiscal Year 1993: The Fiscal Year 1993 Legislative Branch appropriation bill for the House shall expire on March 31, 1993.

Section 112 Inspector General: Mr. Speaker, Majority and Minority Leaders appoint an Inspector General who shall conduct audits and investigations.

Subtitle B—Office of the General Counsel

Section 122 Accountability: The Office shall be directly accountable to the Leadership Group composed of the Speaker, Majority Leader, Minority Leader, Majority Whip, Minority Whip, the Chairman and Ranking Minority Member of the Committee on the Judiciary, and two members appointed upon the recommendation of the majority and minority leaders.

Section 123 Purpose and Policy: The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House on matters directly related to their duties.

Section 124 Specific Approval Requirements: The Office shall seek prior approval by resolution of the House regarding entering an appearance before any court, filing a brief in any court, or representing any member of the House in any contested matter that will result in formal legal proceedings.

The Office must seek the approval of the Leadership Group where preparation of any legal memorandum or other legal research which requires more than four hours of preparation time.

In carrying out any action where the matter affects an area of responsibility committed to another office, officer, or employee, the Office shall consult and coordinate such action with the office, officer or employee.

Section 125 General Counsel: The General Counsel shall be appointed by the Speaker from among individuals recommended by the Majority leader and the Minority Leader, without regard to political affiliation.

The General Counsel shall serve at the pleasure of the Leadership Group.

Section 126 Staff: The General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office. At least one attorney in the Office shall be appointed upon the recommendation of the minority leader.

TITLE II LEGISLATIVE REFORM

Section 201 House Scheduling Reform: Requires the Speaker to announce the legislative program for the year including target dates for consideration of specified major budgetary, authorization, and appropriation bills. The Speaker must also indicate weeks during which the House will be in session, weeks set aside for District Work Periods and the target date for adjournment.

Section 202 Treatment of Vetoed Bills: Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill.

Section 203 Multiple Referral of Legislation: Ends joint referrals.

The Speaker must designate the committee of principal jurisdiction.

Section 204 Presentment of Bills to the President: Sets a time certain (10 days) for bills to be presented to the President.

Section 205 Committee Ratios: The membership of each committee, subcommittee, must reflect the ratio of majority to minority party Members of the House at the beginning of the Congress.

Section 206 Subcommittee Limits: Each standing committee that has over 20 members may establish at least four subcommittees but not more than six.

Section 207 Proxy Voting Ban: Eliminates proxy voting in committee and subcommittees.

Section 208 Open Meetings: Meetings are to be open unless "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or would otherwise violate any law or rule of the House."

Section 209 Majority Quorums: A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.

Section 210 Report Accountability: On a roll call vote to report a bill or resolution, the names of those voting for and against, are to be included in the committee report on the measure.

Section 211 Committee Documents: Committee documents are to either be approved by the committee or subcommittee prior to public distribution with appropriate opportunity for minority views and supplemental information, or else the document must contain a disclaimer that the document "may not necessarily reflect the views of [the committee] members."

Section 212 Same Day Consideration of Rules Committee Reports: There must be a two-third vote for same calendar day consideration of Rules Committee reports, or subsequent calendar day of the same legislation day.

Section 213 Permitting Instructions in Motions to Recommit: Prohibits any rule or order which would prevent the motion to recommit from being made as provided by clause 4 of rule XVI, including a motion with amendatory instructions.

Section 214 Restrictive Rules Limitation: A bill could not be considered under a closed rule unless the Chairman of the Rules Committee announced on the House floor four legislative days prior that less than an open amendment process might be recommended by the Committee.

Section 215 Limitation on Self-Executing Rules: Self-executing rules would have to be adopted by a two-third vote.

Section 216 Budget Waiver Limitation: It will not be in order to consider any resolution reported from the Committee on Rules which waives any specified provision of the Budget Act unless the committee report includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies.

Section 217 Committee Staffing: Reduces committee staffing for the 103rd Congress by 50%.

Section 218 Commemorative Calendar: Creates a Commemorative Calender. Objections by two or more Members may remove the bill from the Calendar.

Section 219 Automatic Roll Call Votes: On any appropriation bill, or other measure providing revenue, or adjusting Members pay, the yeas and nays will be considered ordered.

Section 220 Appropriation Reforms: A continuing appropriations bill shall not exceed 30 days, shall reflect the lesser amount of the House passed, Senate passed or conference agreement or enacted for the preceding fiscal year. Such bill must contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law. A 3/5 vote is required to waive the provisions of clause 2 of rule XXI against the consideration of any continuing appropriation measure.

Section 221 Reconciliation Limitation: A reconciliation bill shall not contain provisions which are not related to achieving the purposes of the directives to the committees. Amendments which achieve greater savings than those directed of a committee shall be made in order.

Section 222 Authorization Reporting Deadline: It will not be in order to consider any bill or joint resolution authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15.

Section 223 Pledge of Allegiance: The second order of business shall be the pledge of allegiance.

Section 224 Suspension of the Rules: The Chairman of the committee of jurisdiction must request the measure be considered under suspension of the rules. Any bill which authorizes over $50,000,000 in any fiscal year shall not be made in order under suspension of the rules.

Section 225 Discharge Motion: When 100 Members have signed the motion to discharge, the Clerk must print in the Record the names of Members signing the motion.

Section 226 Inclusion of Views with Conference Reports: Any conferee shall have three calendar days to file supplemental or minority views.

Section 227 Intelligence Committee Oath: Each member of the Intelligence Committee shall take an oath not to disclose any classified information.

Section 228 Enhanced Rescission Authority: The Committee on Rules and the Committee on Government Operations shall report legislation granting the President enhanced rescission authority. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days.

Section 229 Biennial Budget Appropriations Process: Committee on Rules is directed to conduct a complete and thorough study of a biennial budget and appropriation process.

Section 230 Applicability of Certain Laws to the House: Legislation must be reported to the House to implement: the National Labor Relations Act; the Occupational Safety Act and Health Act; the Equal Pay Act of 1963; the Age of Discrimination in Employment Act of 1967; Section 552 of title 5, United States Code (Freedom of Information Act); Section 552a of title 5 (Privacy Act of 1974); Title VII of the Civil Rights Act of 1964; Chapter 39 of title 28 (independent counsel).

Section 231 Equitable Committee Staff Ratios: The ratio of majority party to minority party staff positions shall reflect the ratio of majority party to minority party Members of the House.

Section 232 Elimination of Certain Select Committees: Eliminates the Select Committees on Aging, Hunger, Narcotics and Children, Youth and Families.

Section 233 Application of Information Disclosure Requirements to Congress: Brings Congress under the Freedom of Information Act.

Section 234 Limitation on the Duration of Payments of Expenses of Former Speakers of the House of Representatives: Former Speakers are authorized three staff positions for no more than three years.

Section 235 Prohibition on Franked Mass Mailings by Members Outside their Congressional Districts.

Section 236 Requirement that Legislation Adjusting Pay for Members of Congress be Considered Separately.

Section 237 Legislative Branch Appropriations to be for One Year Only.

Section 238 One Attorney in the Office of the Parliamentarian to be Appointed Upon the Recommendation of the Minority Leader.

Section 239 Chairmanship of Committee on Standards of Official Conduct shall Rotate with each New Session.

Section 240 Rules of the House must be adopted by Individual Roll Call Votes.

ANALYSIS

I. STATEMENT OF THE PROBLEM

The Administrative operations of the House of Representatives are a direct byproduct of the structure and culture that have developed over time. The institution has grown and developed under a majority party patronage system. The incentives and the rewards associated with that system clearly say "don't rock the boat", "keep members happy at any price", particularly the party elite. Any organization will face significant problems if its internal development is too far out of step with its size and needs. The greater the degree of difference between scope and operation needs and the development of its management systems, the greater is the probability for major problems. Our view is that this organization functions on an ad hoc basis, which makes it easy to blame problems on other people or levels in the organization.

The Institution is marked by the following:

A. Culture: poor performers are tolerated; managers avoid conflict; productivity and effectiveness are loosely defined; patronage.

B. Roles and Responsibilities: are not clearly defined; lack independent responsibility; lack accountability.

C. Planning: no formal planning process exists; no clear management goals and objectives.

D. Budget and Accounting System: the ad hoc budget process is only an "exercise"; accounting information available is often inaccurate or incomplete; the accounting system is undeveloped; very few internal controls are in place.

E. Organizational Control: a diffuse system with too many bosses; management control is often ineffective.

F. Communication: poor communication with members, particularly those in the minority; majority party dominates rather than by concurrent majority.

G. Performance Evaluations: ad hoc review with no standards, no goals by which to measure effectiveness; only positive feedback is given; little effort is made to improve performance.

II. GOALS OF ANY REFORM EFFORT

Planning and implementing any changes in the overall capabilities of an enterprise, in order to increase its effectiveness, requires a clear statement of goals. Rather than addressing organizational problems in a piecemeal manner, one must think about the organization as a whole.

Therefore the goals of this "new" Administrative structure should: be managerial under a participative-bipartisan style of leadership; promote increased accountability; have a decentralized system of responsibility with strong managers; professionally oriented; not patronage oriented.

Mr. RINALDO. Mr. Speaker, I rise in strong support of the minority leader's substitute reform package, and I urge my colleagues on both sides of the aisle to adopt it.

At no time since I was first elected to the House 20 years ago have I seen the public so disgusted with the Federal Government. Back in the early 1970's, it was the executive branch that was under fire. Now, however, it is this institution with which the public is unhappy. Many of our constituents see us as completely out of touch with the serious problems they have to contend with—unemployment, the failure of businesses, the growing economic and social strains on families, and an American dream that seems increasingly out of reach for many working people. They look at this Congress, and they see an institution which has done virtually nothing about the Federal budget deficit, the need for better access to health care, or any of the other major issues that we were elected to confront and resolve.

For far too long, this House has operated under a system of perks and patronage that has tended to cushion Members from reality. The monopoly on power that has been enjoyed by one party in this House for almost four decades has enabled them to ignore any and all calls for changes in the way we do business. Accountable to no one, the majority leadership has let go of the reins of management and gone to sleep in the driver's seat.

The justifiable public outrage over the scandals involving the House bank and the embezzlement and drug trafficking that were allowed to take place at the House post office should provide a wake-up call. The public demands and expects to see real changes made in the way Congress operates.

The majority's reform plan is a step in the right direction, particularly with regard to the hiring of a qualified professional to handle the financial affairs of the House. We need to eliminate the system under which political proteges and cronies of the leadership have been permitted to build their own little empires.

The majority's plan does not go far enough, however, in eliminating the bloated bureaucracy that has developed in the House. The distinguished minority leader has offered an alternative that would eliminate highly compensated House officers whose functions should be handled by the new chief financial officer and the Clerk of the House. The minority leader's plan would get rid of excess committee staff and allocate staffing more equitably between the majority and minority. The explosion in the number of staffers, particularly on committees, has been justly criticized as contributing to the rapidly escalating cost of running Congress. Committee membership and staffing would also have to be in proportion to the ratio between the majority and minority in the House. The operation of the Rules Committee would be reformed, so that Members have the opportunity to actually read legislation before it is considered on the floor and to prevent the routine waiver of Budget Act restrictions on new spending.

We need to give the public back a legislative institution in which they can take pride. This is supposed to be the greatest legislative body in the world, and yet we appear to be powerless to get our own House in order. If we cannot even get rid of waste and abuse in our own operations, what hope do we have of eliminating the $400 billion Federal budget deficit? I urge the majority as well as my minority colleagues to support this sound and far-reaching plan to thoroughly clean House and restore the faith of the American people in their Representatives.

Mr. REED. Mr. Speaker, I rise today in support of House Resolution 423, House administrative reform, a proposal that will make long overdue changes to the way Congress operates.

This bill will create the position of Director of Nonlegislative and Financial Services to have operational and financial responsibility for such internal House services as the finance office, office furnishings, and records and registration. This legislation also establishes the Office of Inspector General to conduct periodic audits of financial operations of the House.

For my constituents in Rhode Island, today's actions may not seem particularly revolutionary: It is only sound logic to hire someone with significant accounting and managing experience to provide greater management and oversight of House operations.

My constituents also know something else: Discipline begins at home. If we as a Congress are going to have the discipline, strength and courage to tackle the difficult issues that face this country today—creating new jobs, reforming the health care system, providing college tuition assistance for middle-class families—Congress is going to have to get its own House in order first.

It will be a shame if such simple and essential reform does not receive the support from my colleagues on both sides of the aisle. It would be an even greater mistake to attempt partisan exploitation of the public's dismay with Congress as a whole. Such exploitation only sends a signal that the people's representatives in Congress are more concerned with playing politics than attending to the Nation's business.

It's not too late to take necessary steps to reform the Congress. But we must act today. I urge my colleagues to support this important reform package.

The SPEAKER pro tempore (Mr. MURTHA). All time has expired.

Pursuant to House Resolution 427, the previous question is ordered.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. MICHEL].

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

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 159, nays 254, not voting 21, as follows:

[Roll No. 83]

YEAS—159

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (FL)
Zimmer

NAYS—254

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NOT VOTING—21

Barnard
Costello
Dannemeyer
Dingell
Dornan (CA)
Dwyer
Dymally
Laughlin
Levine (CA)
Martin
Mollohan
Morrison
Oakar
Rostenkowski
Russo
Smith (IA)
Weber
Whitten
Yates
Young (AK)
Zeliff

□ 2017

The Clerk announced the following pairs:

On this vote:

Mr. Dornan of California for, with Mr. Dymally against.

Mr. Zeliff for, with Mr. Barnard against.

Mr. Young of Alaska for, with Mr. Yates against.

Mr. TORRES changed his vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

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

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 269, nays 81, answered "present" 64, not voting 21, as follows:

[Roll No. 84]

YEAS—269

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ray
Reed
Regula
Richardson
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—81

Allard	Gradison	Packard
Applegate	Grandy	Paxon
Archer	Hammerschmidt	Perkins
Armey	Hancock	Porter
Baker	Hastert	Ravenel
Bentley	Hefley	Rhodes
Boehlert	Herger	Ridge
Brown	Hobson	Roberts
Bunning	Hopkins	Roth
Callahan	Horton	Roukema
Camp	Houghton	Saxton
Clinger	Hyde	Schaefer
Coleman (MO)	Inhofe	Schiff
Combest	Ireland	Sensenbrenner
Crane	James	Shuster
Cunningham	Kasich	Skeen
Davis	Lagomarsino	Smith (NJ)
Dickinson	Lent	Smith (OR)
Dreier	McCandless	Snowe
Edwards (OK)	McEwen	Stearns
Ewing	Meyers	Stump
Franks (CT)	Miller (OH)	Thomas (WY)
Gallegly	Molinari	Vucanovich
Gallo	Moorhead	Walsh
Gekas	Myers	Weldon
Gilchrest	Nichols	Young (FL)
Goss	Oxley	Zimmer

ANSWERED "PRESENT"—64

Allen	Gingrich	McDade
Ballenger	Goodling	McMillan (NC)
Barrett	Green	Nussle
Barton	Gunderson	Pursell
Bateman	Hansen	Riggs
Bereuter	Henry	Rohrabacher
Bilirakis	Holloway	Ros-Lehtinen
Bliley	Hunter	Santorum
Boehner	Johnson (CT)	Schulze
Broomfield	Johnson (TX)	Shaw
Burton	Klug	Smith (TX)
Campbell (CA)	Kolbe	Solomon
Chandler	Kyl	Spence
Coble	Leach	Taylor (NC)
Coughlin	Lewis (CA)	Thomas (CA)
Cox (CA)	Lewis (FL)	Upton
DeLay	Lightfoot	Vander Jagt
Doolittle	Livingston	Walker
Fawell	Lowery (CA)	Wolf
Fields	Marlenee	Wylie
Fish	McCollum	
Gillmor	McCrery	

NOT VOTING—21

Barnard	Hertel	Russo
Costello	Hughes	Smith (IA)
Dannemeyer	Laughlin	Weber
Dingell	Levine (CA)	Whitten
Dornan (CA)	Martin	Yates
Dwyer	Michel	Young (AK)
Dymally	Morrison	Zeliff

□ 2038

The Clerk announced the following pairs:

On this vote:

Mr. Dymally for, with Mr. Dornan of California against.

Mr. Barnard for, with Mr. Zeliff against.

Mr. BROOMFIELD and Mr. MARLENEE changed their votes from "nay" to "present."

Messrs. GONZALEZ, EMERSON, and RITTER changed their vote from "nay" to "yea."

Messrs. HEFLEY, PAXON, and CRANE changed their vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4364, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-497) on the resolution (H. Res. 432) providing for the consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, communications, construction of facilities, research and program management, and inspector general, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRIVILEGES OF THE HOUSE—REQUIRING COUNSEL TO THE CLERK OF THE HOUSE RECUSE HIMSELF FROM LEGAL REQUESTS OF DEPARTMENT OF JUSTICE REGARDING INVESTIGATION OF THE OFFICE OF POSTMASTER

Mr. WALKER. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 434) requiring the counsel to the Clerk of the House recuse himself from the any and all legal requests made by the Department of Justice concerning its investigation into the office of the postmaster, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster; and

Whereas, the investigation of criminal conduct includes allegations of the sale of narcotics, the embezzlement of public funds, and obstruction of justice by employees and or officers of the House; and

Whereas, allegations have been made publicly that officers of the House or employees may have engaged in obstructing justice by delaying or impeding an investigation by the Capitol police into alleged improprieties in the Office of the Postmaster; and

Whereas, public allegations have been made concerning conduct of the counsel to the Clerk of the House and the investigation by the Capitol police; and

Whereas, the Code of Conduct requires "* * * employee * * * shall conduct himself at all times in a matter which shall reflect creditably on the House of Representatives"; and

Whereas, the allegations of illegal activities and of obstruction of justice impugn the integrity of the House; and

Whereas, the counsel to the Clerk of the House or any employee or officer of the House should refrain from potential conflicts of interest; and

Whereas, the Clerk of the House is authorized to receive judicial writs, warrants and subpoenas and thereby be involved with the specifics of any legal proceedings including the investigation by the Department of Justice: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to recuse his counsel from receiving, reviewing or drafting of any, and all, writs, warrants, subpoenas, and documents requested from or issued by the Department of Justice surrounding the legal proceedings on the criminal investigations of the Office of the Postmaster. The Clerk of House is further directed to instruct his counsel to refrain from participating in discussions with other employees or officers of the House with any matters with respect to the Department of Justice criminal investigation into the Office of the Postmaster.

□ 2040

The SPEAKER. The resolution constitutes a statement of privilege.

Mr. GEPHARDT. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay the resolution on the table.

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

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 170, not voting 25, as follows:

[Roll No. 85]

YEAS—239

Abercrombie	de la Garza	Hughes
Ackerman	DeFazio	Hutto
Alexander	DeLauro	Jefferson
Anderson	Dellums	Jenkins
Andrews (ME)	Derrick	Johnson (SD)
Andrews (NJ)	Dicks	Johnston
Andrews (TX)	Dixon	Jones (GA)
Anthony	Donnelly	Jones (NC)
Applegate	Dooley	Jontz
Aspin	Dorgan (ND)	Kanjorski
Atkins	Downey	Kaptur
AuCoin	Durbin	Kennedy
Bacchus	Eckart	Kennelly
Beilenson	Edwards (CA)	Kildee
Berman	Edwards (TX)	Kleczka
Bevill	Engel	Kolter
Bilbray	English	Kopetski
Blackwell	Espy	Kostmayer
Bonior	Evans	LaFalce
Borski	Fascell	Lancaster
Boucher	Fazio	Lantos
Boxer	Feighan	LaRocco
Brewster	Flake	Lehman (CA)
Brooks	Ford (MI)	Levin (MI)
Browder	Ford (TN)	Lewis (GA)
Brown	Frank (MA)	Lipinski
Bruce	Frost	Lloyd
Bryant	Gaydos	Long
Bustamante	Gejdenson	Lowey (NY)
Byron	Gephardt	Luken
Campbell (CO)	Gibbons	Markey
Cardin	Glickman	Martinez
Carper	Gonzalez	Matsui
Carr	Gordon	Mavroules
Chapman	Guarini	Mazzoli
Clay	Hall (OH)	McCloskey
Clement	Hamilton	McCurdy
Coleman (TX)	Harris	McDermott
Collins (IL)	Hatcher	McHugh
Collins (MI)	Hayes (IL)	McMillen (MD)
Conyers	Hefner	McNulty
Cooper	Hertel	Mfume
Cox (IL)	Hoagland	Miller (CA)
Coyne	Hochbrueckner	Mineta
Cramer	Horn	Mink
Darden	Hoyer	Moakley

Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—170

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Billirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (FL)
Zimmer

NOT VOTING—25

Annunzio
Barnard
Costello
Dannemeyer
Dingell
Dornan (CA)
Dwyer
Dymally
Early
Foglietta
Laughlin
Lehman (FL)
Levine (CA)
Manton
Martin
Morrison
Russo
Smith (IA)
Swift
Waxman
Weber
Whitten
Yates
Young (AK)
Zeliff

□ 2059

Mr. HUBBARD changed his vote from "yea" to "nay."

Mr. ALEXANDER and Mr. POSHARD changed their vote from "nay" to "yea."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2100

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4617

Mr. FAWELL. Mr. Speaker, as chief sponsor of the bill, H.R. 4617, I ask unanimous consent to have the name of the gentleman from Illinois [Mr. PORTER], at his request, removed as a cosponsor of the bill, H.R. 4617.

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

There was no objection.

OLDER AMERICANS ACT AMENDMENTS OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That it shall be in order for the Speaker on Thursday, April 9, 1992, to entertain a motion to suspend the rules to dispose of the Senate amendment to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native American Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN]; and pending that, I yield myself such time as I may consume.

Mr. Speaker, H.R. 425 is simple and straightforward. It authorizes the Speaker on Thursday, April 9, 1992, to entertain one motion to suspend the rules and consider the Senate amendment to H.R. 2967, the Older Americans Act.

Passage of H.R. 425 will allow for the expeditious consideration of the House amendment to the Senate amendment to H.R. 2967 which consists of compromise language developed by the House and Senate Committees of jurisdiction in lieu of a conference committee.

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

Mr. Speaker, as the gentleman from Tennessee [Mr. GORDON] has stated, this rule authorizes another suspension day. The rule would allow the Older Americans Act to be brought up with the possibility of a House amendment that would modify the Social Security earnings test. Bringing this bill up under suspension, Mr. Speaker, would not allow the minority our motion to recommit. I believe this issue is too important to come up under suspension. I disagree with this procedure. However, it is something that the leadership has agreed on and, therefore, I will not oppose it.

Mr. Speaker, the version of the bill that will be brought to the floor today reflects the agreement worked out between Members of the House and Senate on the Older Americans Act in November of last year. H.R. 2967 authorizes older Americans programs through fiscal year 1995. It provides $2 billion in fiscal year 1992 for programs providing preventive health care for the elderly, increased services to poor and minority elderly; and training and counseling for those desiring to care for elderly family members in their own homes.

I do want to point out that the rule provides for a House amendment to the Senate amendment to the bill. It would improve Social Security benefits for working senior citizens by nearly doubling the retirement earnings test for persons age 65 through 69 from $10,200 under current law in 1992 to $20,000 in 1997. The amendment would also improve the benefits for widows age 80 and over who were under 65 when their husbands died or who were affected by the widow's limit.

Mr. Speaker, again, I disagree with the procedure under which this legislation is being brought to the floor but I will not oppose the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER], the ranking member of the Committee on Ways and Means.

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

Mr. Speaker, this is indeed a very unusual rule. We had a suspension day earlier this week and now we have a rule that provides for the suspension of one bill only. It further provides, not knowing what would be in the amendment, carte blanche authorization to add new language to the Senate bill. The Senate bill that came over has

complete repeal of the earnings limitation, which I believe would be healthy for this country and very, very good for senior citizens; but now this new amendment that has been constructed, after the Rules Committee met, is put before us today without full debate, without amendment, without a motion to recommit, and on suspension.

There is significant controversy on the content of this bill as the new amendment changes it. I will be talking about that if we get to the substance of the bill; but in the meantime, I think it denies the House its rightful opportunity to fully debate this bill, debate the amendment, debate a motion to recommit, and fully understand what we are doing.

Mr. Speaker, I hope we will defeat this rule so that we can come back with open debate to fully discuss the merits of the items that are in this bill and have an opportunity to change them.

So Mr. Speaker, I urge a "no" vote on the rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule which will permit us to continue a vital and important program which has served millions of senior citizens in this country—the Older Americans Act of 1965.

The act has meant nutrition for seniors in need and support services including legal assistance, housing assistance, and in-home care. The act has meant an opportunity for this Nation's senior citizens to live out their golden years in dignity.

Mr. Speaker, we must not turn our back on this critical program. Our delay imperils services this Nation's seniors depend on.

I urge my colleagues to vote in favor of the rule and give the House the opportunity to serve those who have given so much to this Nation—America's senior citizens.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

□ 2110

Mr. GOODLING. Mr. Speaker, like Chairman FORD, I take this time during the rule because I will be giving my 20 minutes to our ranking member on the Committee on Ways and Means, since the fight is with the Committee on Ways and Means and not with those of us who did our job on the Committee on Education and Labor.

But, Mr. Speaker, today we have an opportunity to reassure the aging community that our commitment to providing services to senior citizens is still as strong as ever.

For many months, we have been working on a House/Senate agreement on the Older Americans Act, which provides many important, beneficial services to senior citizens.

If you don't think seniors in your district appreciate this act, talk to them. Homebound seniors will tell you of the wonderful person who helps them get to the grocery store, or the doctor's office, or the person who brings them meals several times a day. They might talk about the congregate meals program or the activities they participate in at their local senior center. Others might tell you how the low-cost or free services provided through their local area agency on aging helped them with home repairs or something as simple as taking out their storm windows and putting in their screens in the Spring.

These services allow senior citizens to remain in their homes longer and enjoy continuing independence. They let them know they are still a vital part of their community.

Many of the changes outlined in the House/Senate agreement will improve and expand services to seniors. I am particularly pleased to see a provision requiring the commissioner to participate and provide leadership within the Federal Government regarding the development and implementation of a national community-based long-term care program for older individuals. As my colleagues know, I have a long-term care proposal and the main thrust of my proposal is to keep senior citizens in their homes and in their community as long as possible, partially by using programs supported by the Older Americans Act. Needless to say, I am delighted to see this provision.

One of the major changes in law contained in this agreement is not even related to the Older Americans Act. It is, however, very important, particularly to low-income senior citizens who must work to supplement their Social Security income. I am speaking, of course, of the change in the Social Security earnings test. Under the agreement worked out by the Ways and Means and Senate Finance Committees, by 1997, senior citizens will be able to earn up to $20,000 without having their Social Security income subject to an offset. This provision will provide many senior citizens with just cause for celebration.

In closing, I would be remiss if I did not mention the fine services provided by the Area Agencies on Aging in York, Adams, and Cumberland Counties in my congressional district. I have often telephoned their offices to see how I can best respond to a letter from a senior constituent requesting help. More often than not, I am told, "No problem. Give us the information. We can handle it."

Mr. Speaker, enactment of this agreement will help insure our Nation's senior citizens will continue to receive high-quality services from their local area agencies on aging. I urge its passage.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Speaker, I normally do not rise in opposition to rules here. But when it involves the budget and it involves adding $7.3 billion to the deficit, I am obligated to rise in opposition to the rule and to the procedure proposed here in putting it on suspension.

I do not question the merits of the legislation, certainly with regard to the Older Americans Act, and even with regard to some of the benefit increases that are provided here with regard to senior citizens. But I am obligated to question whether or not we ought to provide these benefits without paying for them. To do this is to break faith not only with the budget agreement but with the pay-as-you-go requirement as well as our obligation to protect the Social Security trust fund.

This proposal violates the budget agreement. When we set the budget agreement in place, we put Social Security to the side, but we developed a point of order in the budget agreement that said we cannot raid the Social Security trust fund because our fear was that if you set Social Security aside then all kinds of efforts would be made to take money out of the fund. So we have a point of order.

Mr. Speaker, that point of order would be waived by this procedure by putting it on suspension. In addition to that, we are putting something on suspension that violates normally what we have on suspension. We normally provide bills on suspension that involve $1 million. So, we allow that to happen.

This is a $7.3 billion ticket here that we are putting on suspension.

Second, it violates the pay-as-you-go requirement.

The leadership on both sides has been very good about saying to this House that we ought not to move anything to the floor unless it is paid for. And every day there are chairmen here who face the challenge of trying to move legislation to the floor and finding ways to pay for it, whether it is unemployment insurance or unemployment compensation, whether it is health care, whether it is higher education.

The chairman of the Subcommittee on Higher Education fought strongly to try to find ways to pay for that bill so it could be brought to the floor.

There were issues related to hunger, the Mickey Leland hunger bill is being held in the Committee on Ways and Means because they are having a hard time finding ways to pay for it. In addition to that, we are looking at child welfare being held up, the jobs bill, trying to find ways to pay for that.

Right now as we speak, there is an effort to achieve $5.7 billion in savings on rescissions. That is going to involve a lot of pain in this institution as we try to find savings.

Are we going to say forget all of that, forget all of that effort and simply go ahead and add $7.3 billion to the deficit without worrying about how it is going to be paid for? What a terrible signal that sends to this institution, to the chairmen, to the committees and to the country.

Third, we have an obligation to protect the Social Security fund. The purpose of protecting the Social Security fund now is so that these working families who retire later on have some benefits. That is the purpose of the Social Security fund. And to suddenly rob those benefits and spend them now is to undercut the security of the Social Security trust fund itself.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield briefly to the gentleman from Michigan, Mr. TRAXLER.

Mr. TRAXLER. I thank the chairman for yielding.

Mr. Speaker, if I understand our procedure in connection with the Social Security fund, what we are doing is, we are borrowing from the fund to pay current expenses, we are putting IOU's in the cashbox, not money from Social Security taxes. We are borrowing the money to pay for the operation of Government. It's the President, the Congress, they take the Social Security funds, the taxes and apply them to operating the Government and an IOU is put in the trust fund and future generations of Americans after 2015 are not going to have the money there to pay their Social Security with or without this bill. The gentleman will agree with that, will he not?

Mr. PANETTA. The gentleman is correct.

Mr. TRAXLER. I thank the chairman.

Mr. PANETTA. The purpose for which we have fought time and time again when we passed the Social Security reforms, is to insure that those trust funds would be there. To do this not only violates the point of order, it violates the commitment we made to protect those funds.

My friends, there are a lot of lectures in this institution about the need to deal with the deficit, and there are a lot of proposals to try to deal with the deficit, whether it is a balanced-budget amendment, line item veto or other proposals. But there is only one way you deal with the deficit: It is to make the tough choices. I know this is a tough choice, I know this is a tough vote. We spend a lot of time, we have spent a lot of time today talking about reforms, talking about perks, talking about management, but there is only one signal that the American people really care about, and that is whether or not we have the courage to make the tough choices.

Please make the right choice by voting against this rule. It is right for the budget, it is right for the deficit, and it is right for all of the American citizens both young and old.

Mr. QUILLEN. Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman from Tennessee for yielding this time to me.

Mr. Speaker, it is interesting tonight to sit and listen to the arguments on both sides of the aisle. Sometimes I think roles must be reversed. Let me tell you a couple of things.

First of all, I have been a proponent of the repeal of the earnings test for 4½ years, and many people, many years before that, have worked in this chamber on that. I have always said that I was willing to sit down with the Committee on Ways and Means and the chairman of the Committee on Ways and Means and work out the differences, not for pure repeal but there has to be a middle ground.

I have done that. Let me tell you a couple of things about what this bill does. This bill doubles the earnings limit on Social Security from $10,000 to $20,000.

□ 2120

It is not greens fees for the rich. It is not something for doctors who are very, very wealthy. It is for working-class people, working-class seniors, that have to work to make a living, that have not had the luxuries over their life of raising a family by the sweat of their brow. They did not have the ability to make pensions or, maybe, investments, or all those things that many people enjoy once they reach age 65. People have to work in McDonald's and Sears & Roebuck, and they have to work down at the corner flower shop to make things go for themselves in today's economy.

So what we do here is we raise, we double, the limit on the earnings test for working people. The second thing we do is, we take all the revenue that is created by this, the increase in income taxes, the increase in FICA taxes and any other taxes, and we put them back in the trust fund, and I say to my colleagues. "That's the first time to my knowledge that that's been done."

So, the thing that we are violating pay-go, that we are violating the agreement, just does not wash.

The third thing that we do is, we come in with a dynamic study and say, "If this does pay for itself, the Treasury will report back to us every year for the next 5 years and tell us if it makes money or, heaven forbid, if it doesn't make money."

But I believe it will create money. It will create wealth in this country.

The third thing it will do is it will help people who need the help, people who right now are earning $10,000, and they get $7,000 in Social Security, and all of a sudden they are up against the envelope of earnings, and, once they go over that $10,200, all of a sudden they are hit with a marginal tax because they are penalized $1 out of every $3 of Social Security they get. They are penalized at a marginal tax rate of 56 percent, 56 percent, twice the amount that millionaires pay.

My colleagues, the earnings test is not a repeal. It is an increase to the earnings test. It is something that is needed. It is something that is needed today. It is something that is needed by our senior citizens, and I ask that we have our colleagues' support to move this legislation so that we move it now, and let us not wait any longer.

Mr. Speaker, we have reached a milestone in the evolution of our efforts to give desperately needed tax relief to working seniors by liberalizing the Social Security earnings limit. Never have we been so close to achieving freedom to work for older Americans.

The need for progrowth economic policies is more important now than ever. We need to encourage, not discourage, older Americans who want to work and contribute to society now if we want to see the economy begin expanding again. Raising the limit on the earnings test is one of the most critical steps Congress needs to take to jump start the economy, because continued penalizing of seniors who need to work is simply unsound economic policy and unfair social policy.

The Social Security earnings test is a Depression-era relic that discriminates against senior citizens who wish to work after they reach retirement age and begin to receive Social Security benefits. Under earnings test limits for 1992, seniors aged 65 to 69 who make more than $10,200 a year lose $1 in Social Security benefits for every $3 they earn over that limit. For a senior earning only $10,000 a year, that will mean an effective 56-percent marginal tax rate—nearly twice that of millionaires. That is just not fair.

No other demographic group in the country is so blatantly discriminated against; no other group faces such obstacles when they attempt to become productive and financially self-reliant.

We don't reduce Social Security benefits for those seniors receiving unearned interest or dividend income. Why should we penalize those seniors who want, or more important, who need—to remain in the work force to supplement their income?

We as a nation can no longer afford to inhibit an entire group of people from remaining active in the labor force. The goal of remaining competitive in the global market demands that we reform our labor laws to meet the challenges of the future. Liberalizing the antiquated and discriminatory Social Security earnings test is one very large step American can take to achieve this.

Thank you, and I yield back the balance of my time.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for yielding.

Mr. Speaker, the gentleman has been a premier leader in the House on the subject, and I want to associate myself with his remarks.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI], the distinguished chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, there comes a time in every debate where we are watching the proverbial mother-in-law ride over the cliff with the brandnew Cadillac. I think we are at that point here. Either we are going to increase the deficit by $28 billion, as proposed by the Senate, or we are going to increase the deficit by $7.3 billion. That is what the negotiations with the leaders of the opposition, or the leaders of the minority, surrounding this bill have been about.

On three separate occasions, I have offered a bill which addressed the points that the gentleman from California [Mr. PANETTA] makes. I have offered bills which would have paid for the liberalization of the retirement test. There are at least two ways to finance these benefits. One, we could raise payroll taxes on working Americans; that would pay for the provision of this program, or we could raise taxes on senior citizens by taxing their Social Security benefits, and that would pay for the program. The alternative we are debating here is whether we are going to accept a $7 billion hit or a $28 billion hit.

Now what we are trying to do here, in my opinion, is work out a compromise with those proponents of the earnings test of limitation who are satisfied with raising the level to $20,000 over a 5-year period for our senior citizens. The biggest argument made here is not over the retirement test but is whether or not we are going to provide $3 billion for poor widows at the age of 80. That is what the argument here is. The Senate amendment does nothing for elderly widows. The issue here is not whether or not we can agree on a $20,000 limitation; it is whether or not we are going to give poor widows $3 billion.

There is nobody in this Chamber, I repeat, nobody in this Chamber, that can compare their record to mine concerning efforts to bring balance to the Federal budget. The Committee on Ways and Means for the last 12 years, as long as I have been the chairman, has paid for every bill that it has reported. That is why, when the Budget Act took place in 1990, I was thrilled that George Bush recanted on his no-new-taxes pledge, his "Read my lips" pledge. We simply have to raise money if we are going to provide services for people of this country.

So, Mr. Speaker, we are trying to satisfy the demands of senior citizens who want a more liberal program, that want to be able to earn more money.

I say to my colleagues that it is not my President who made that pledge. It is not my President that is worried about a $28 billion hit if what we are proposing tonight fails. It is the minority's President, and, if they push us too far, we will give them the $28 billion hit. As a matter of fact, we will also go the full way on helping widows. We will give widows a full $5 billion benefit increase, and we will give them a $33 billion hit.

As far as I am concerned, I have negotiated honorably with Members on the other side, and I think those gentlemen and ladies that I have negotiated with are honorable. But we had better figure out how we are going to get together to run this country. The American people out there are getting darned tired of us sitting here and bickering about every nickel and every dime, about the check kiting scandal, but not about whether we are servicing our people.

Let us get off our duffs here and take care of senior citizens. We must do, in my opinion, what is necessary to compromise, and that is what this legislation stands for: Compromise.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding this time to me, and let me just say to start with that I think bringing this bill under suspension is a lousy way to go about it. But lifting the earnings test, in my considered opinion, is probably one of the greatest things we can do for people in this country.

Mr. Speaker, it is unfair for people who have to try to earn a living to live under this rule. Nobody can live a worthwhile life with their Social Security, and so they have got to try to earn money somewhere else.

I do not know how many of my colleagues know this, but I was in the manufacturing business for 50 years so far—40 years; let us put it that way—and every year that I have been in business I have had people come to me and say, "I'd like to continue to work this year, but I can't stand the additional taxes that I am going to have to pay," and just this last year in my own company I had an individual who had already reached 65 and wanted to continue to work, but he says, "Why should I pay 56 percent? I'll come back and see you next year, and, if you like it, if you like me, I'd love to have you back."

I went through a cafeteria line in Hickory, NC, and there were four little old ladies standing by the cafeteria line, and I just brought this up, this earnings test, to those ladies, and they said, "Please, can you get rid of it? We can possibly work until maybe July, August, or September, and then we've got to quit, and we can't live off of what Social Security pays us. We need to be allowed to work, and yet everything we earn is going to be charged a 56 percent tax."

As my colleagues know, this is absolute destruction to the best working people that we have got in this country today. The best trained workers we have got are the elderly, and, if they want to work, they should be allowed to work.

We have set up a system in this country today that is destructive, completely destructive, of people that would like to work for a living after they reach the age of 65, and this estimated cost in my opinion is an absolute joke.

If we sat down and figured it out, we do not do anything in this place except examine things in a static situation. GAO cannot figure out anything except how much it is going to cost, and we do something. They do not look on the other side of it and the fact that the number of people that would love to work, that would continue to work, and they will pay income taxes, more income taxes. They will pay more Social Security taxes, and they will be allowed to live the life that they can afford.

□ 2130

What we have got now is a very destructive system as far as the elderly are concerned, and I think we should allow the people that are the best qualified people in this country to continue to work.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, I want to rise in support of the conference report. I, too, have been a supporter of outright appeal. This certainly is a step in the right direction. I think it is very appropriate we do this on the Older Americans Act.

Mr. Speaker, I commend the statement of the gentleman from North Carolina.

Mr. Speaker, I am disappointed we do not have before us, as part of this reauthorization of the Older Americans Act, language to outright repeal the Social Security earnings test. My commitment to repeal notwithstanding, I am pleased that Congress is at least acting to dramatically ease the burden of this unfair income restriction.

Under current law, those persons between 65 and 69 years of age and working can earn only $10,200 and still receive their full Social Security benefits. Because of the earnings test, for every $3 a senior citizen earns over that amount, his or her Social Security benefits are reduced by $1—in effect, seniors still

working are subject to a surtax of 33 percent. According to some sources, this earnings surtax, combined with Federal, State, local, and other Social Security taxes can result in a marginal tax rate of some 70 percent for those seniors still in the work force. This is the highest marginal tax rate paid in America. And it is being paid by senior citizens.

The language before us will nearly double the amount senior citizens ages 65 through 69 can earn without penalty, raising the limitation from the current $10,200 to $20,000 in 1997. While I would have preferred complete elimination of the earnings limitation, this certainly is a positive step.

Frankly, I believe it outrageous that our current system penalizes older Americans who want to continue to work past the age of 65, and I will continue to fight, in spite of this effort to ease the earnings test, for outright repeal. Federal law that discourages any segment of our society able and willing to take an active and productive role in the workplace is discriminatory and therefore objectionable. In the case of the earnings test, Federal law is also seriously out of step with the economic realities that confront older Americans when the bills come due every month. Paying for the basic necessities of life—food, electricity, transportation, is a struggle for many seniors, not to mention the economic devastation many face as a result of unanticipated illness and astronomical health care costs.

Some have argued that a repeal of the surtax will result in a revenue loss to the Treasury. Those projections, however, do not take into account the fact that some 700,000 seniors would enter the work force if the unfair limit were repealed. These seniors would earn additional money and generate billions of dollars worth of goods and services, and would pay additional taxes—directly into the Social Security trust fund.

These programs are of vital importance to the well being of America's seniors, providing, in addition to nutrition, social services, and job opportunities, the invaluable benefits of dignity and independence. Our goal in the House, throughout the reauthorization process, has been to ensure that America's older citizens continue to be well served by the Older Americans Act. The language to modify the Social Security earnings test is a welcome addition.

Again, I urge my colleagues to support this effort.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, if I had the choice I would love to be able to do away with the whole test. But you have to be able to take what you can get in this place, and I am willing to take what I can get.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I listened to the frustration of the gentleman from California [Mr. PANETTA], and there is no greater frustration I feel than to have a bill passed out of the House on September 12 with 385 votes in favor and none against, and because on the other side they have no germaneness rule, to take and have an amendment that has nothing to do with the basic thrust of the bill, the Older Americans Act, which, incidentally, has in its reauthorization contained many improvements that are really desperately needed by the seniors of our country.

To take this and do this was bad enough in itself. But then to bring it back over here to ask for the people who have jurisdiction over that particular issue to try to work out a compromise, as the gentleman from Illinois [Mr. ROSTENKOWSKI] has said, whether from a $28 billion deficit to a $7.3 billion deficit, I think is a great tribute to the gentleman from Illinois [Mr. ROSTENKOWSKI] to be able to do that.

The point is the authorization ran out last year, last September. Here we are still trying to get an older Americans' bill out.

When are we going to get it out? Or are we going to get it out at all? If we talk about, as the gentleman from Illinois [Mr. ROSTENKOWSKI] said, the frustrations across this country of us not being able to do our business, this is a good example of it. We have not been able to do the business of the seniors because of this amendment that is stuck on there by the other side.

Mr. Speaker, I am for the rule because the rule at least moves us forward. The rule at least moves us to a point where we can get the reauthorization of the Older Americans Act, which is desperately needed.

The other issue is something that our committee and our jurisdiction had nothing to do with. But in my personal opinion, I share the belief that many do, that the cap should be raised. The cap has not been raised in a long time. The fact is that a lot of these people paid into this premium, thinking at some point in time they were going to receive a benefit. Then they were told that that amount of money that would be received would only be a subsidy to anything they provided for themselves.

Mr. Speaker, let me tell Members something. There are a lot of poor people in this country living off of a pittance they are getting. They are not working and are not able to make it. Those that are able to find employment and go ahead and work and then have what we intended it to be, a subsidy, the Social Security be a subsidy, then they are penalized if they make over a certain amount.

Mr. Speaker, I am sure that no one in this country believes that anybody making $20,000 is living in grand style, even with that which they get from Social Security. I really believe it is time to move forward and raise the cap and at least move this bill to the point where we can get the Older Americans Act reauthorized.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, a lot of people have worked very hard to get us to the point where we are tonight, where we can actually take a meaningful vote on the Social Security earnings limitation. But two Members definitely deserve to be singled out, the two gentlemen from Illinois, the chairman of the Ways and Means Committee [Mr. ROSTENKOWSKI], and the gentleman from suburban Chicago [Mr. HASTERT], who crafted, put together, the compromise that we are here on.

Mr. Speaker, there are 277 Members of this body who in the course of last year have recognized the need for us to deal with this anachronism and have cosponsored legislation for us to do so. The legislation we are dealing with here tonight is not what we cosponsored, but it is as good as we can get. And it is good.

Mr. Speaker, I do not want to deal too much with the implications of raising the limitation to $20,000 because I think there is an even more important element in this bill. We can, by the passage of this legislation, force the green eye-shade people who work in this Government, your green eyeshade people in CBO and our green eyeshade people in OMB, to look at the way the world really works.

Mr. Speaker, they do not realize, they do not believe, that if people work, they contribute to the economy. They do not realize and they do not believe that if people work they pay taxes. They do not realize and do not believe that contributing to the economy and paying taxes raises revenues for the United States.

Mr. Speaker, this legislation forces them to look at the world in the way it works. We say to them: We are raising this earnings limitation, and every dime in extra revenue to the Internal Revenue Service that is raised as a virtue of this legislation goes into the trust fund and has to be accounted for to the Congress, and you have to conduct a study. You have to determine by a study what the effects on a change in human behavior will be if you let people work and what the effect will be on our economy and what the effects will be upon revenues to the United States if you just let them go and just let them work.

Mr. Speaker, put your imaginative mind to work. Think about how we can change the way we do business around here, if we can get the green eyeshades to stop looking at photographs and start looking at moving pictures; to stop looking at things as they were and start looking at things as they can be.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am inclined to agree with the gentleman from Arizona [Mr. RHODES]. Is the gentleman telling us that OMB should not be given a lot of deference in its estimates of things around here?

Mr. RHODES. Mr. Speaker, reclaiming my time, I believe I said there were green eyeshades on both parts.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I do not often rise in opposition to rules, but this evening I find myself in the position where I believe I have to. The reason I say this is because we are clearly violating the budget agreement that we entered into several years ago.

This body just several weeks ago voted not to tear down the walls in the budget agreement. I joined the majority of this body in taking that vote. I am glad we did that.

It is very easy for us to sit here this evening and splash out $7½ billion on senior citizens in this country. There are many provisions of this bill that I like. I think some things need to be done to deal with needy widows in this country and some adjustments perhaps need to be made in the earnings test.

But I believe as the chairman of the Committee on the Budget has eloquently stated earlier this evening, that we have to make choices. We have to figure out how we are going to pay for these changes.

Mr. Speaker, there is no one from OMB, there is no one from CBO, that tells us that these changes will not in fact increase the deficit.

So the question before us tonight is a very simple one: Are we going to stick to the agreement and say that we are going to pay as we go as we have agreed to, or are we going to set that agreement aside because we are talking about senior citizens?

Mr. Speaker, let me just share something with my colleagues. During the 1980's, do you know how many times we raised Social Security taxes in this country? Keep in mind these taxes hit that younger worker that is going to McDonald's, and we tax that person's first dollar of income. Do you know how many times we raised the Social Security tax?

I went back and checked today. We raised the amount of taxable earnings subject to Social Security tax during the 1980's 11 times. Eleven times!

□ 2140

We did it every year, my friends. And then do my colleagues know what we did with the Social Security tax rate? We raised that seven times, seven times. We increased the Social Security tax rate 20 percent during the 1980's.

These are the taxes, my friends, that hit middle income America, hit the working poor every day all across this country.

For some reason we seem to ignore that. We do not want to acknowledge that the $7.3 billion that we are about to splash out on 60,000 senior citizens in this country is coming out of the pockets of McDonald's workers and young Americans.

I am just suggesting to my friends here this evening that we should find the courage, once in a while around here, to pay the bills.

I know how politically popular it is to just go ahead and spend more money, splash it out there as we leave town for the Easter recess or Passover recess. I know that is very popular. But for goodness' sake, let us stick to the budget agreement that we have entered into. Let us pay the bills.

I would just say to the chairman of the Committee on Ways and Means, I appreciate what he did. The other body passed on a voice vote, a voice vote, a $27 billion change in our Social Security laws. And we wonder why the American public is upset with us.

That is why they are upset with us, because they do those kinds of ridiculous things on a voice vote. And we are doing it here this evening on suspension.

As far as I am concerned, we have a choice to make this evening. It is a very simple one. Are we going to continue this fundamentally immoral fiscal policy of spend and borrow or are we going to say no? I hope we find the courage to do what is right and say "no" until we find a way to pay for the changes.

I urge my colleagues to say "no."

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I am fond of pointing out to my seniors that they have a great relationship with their children and a genuine affection because they and their grandchildren have a common enemy. The amendment that is made in order by this rule reflects that common enemy. It is our responsibility to not make mistakes. And for us to deal with this subject tonight, dealing with our senior citizens and their grandchildren with no more knowledge than we have about this deal is a mistake.

This is not the right time. This deal, irrespective of what it does to the Older Americans Act which has laid here since last February, and how many of my colleagues remember what was in it, now perpetuates an unjust, inequitable treatment of seniors by this rule and inevitably increases the deficit and taxes on our children. This rule gives us what is conservatively, and most often by CBO incorrectly, underestimated increases in the deficit of at least $7 billion, the largest piece of which is alleged to give benefits to poor widows that they do not now have. That is not true.

Poor widows today get the benefits they would get under this bill currently, under SSI, at no tax to the Social Security trust fund.

What this thing will do is to give those same benefits to all widows at the expense of the trust fund.

If we pass this rule, we are putting ourselves in a position where we must make a vote that will be a mistake. Either we are going to vote to perpetuate injustice to our seniors, we are going to vote against a bill that would end that injustice to our seniors, we are going to vote to increase the deficit, we are going to vote to increase taxes on the grandchildren of those seniors, or we are going to vote to redefine Social Security from a benefits program to a means-tested entitlement program. That is what it was not intended to do.

I say vote "no," let us save ourselves the embarrassment.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I intended to use this time to talk about a bill that I am pleased to say, after 11 years of working on it, the Elderly Abuse bill, is in the Elder Americans Act.

I want to thank the gentleman from California [Mr. MARTINEZ] for passing that bill. There are 1.5 million elderly who are abused, and we worked very hard on that.

But I will be darned if I am going to sit here and listen to the Members who are saying that when I correct inequities toward women, somehow we cannot afford it.

I want to tell my colleagues, and I testified yesterday before the committee of the gentleman from Indiana [Mr. JACOBS], the Social Security system unintentionally, nonmaliciously discriminates against every woman in America, and that includes widows.

Now, I thought last year we took Social Security off budget. So you fellows who say we are contributing to the deficit when we are spending the money within that trust fund that is $376 billion in surplus on inequities toward women and 2 out of 3 people who are on Social Security are women, we should really, let us view it as a pay-as-you-go.

Spend the money that is in surplus. And what we are doing is spending a few billion to correct an inequity. We give those women more spending power. That will regenerate the trust fund. They are going to spend the money and create new jobs.

So I want to tell my colleagues something, it is not just widows who are discriminated against. What about the people who have their pensions offset because they are a public employee and see Social Security reduced? Who do we think they are? Women.

Vote for the rule. It is the right thing to do.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS.]

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

Eventually we are going to be passing this piece of legislation. There will

not be very many negative votes when the final bill comes up for final consideration.

When it does, there will be many benefits conferred on our senior citizens, which we owe to them and which they expect, and that is right to do.

Among those provisions is one that is very near and dear to my heart and grew out of an incident that occurred in my district where the spectacle of a 90-year-old lady, who was being forcibly evicted from her residence was cast across the Nation on evening television and in newspapers and was horrible to contemplate.

One of the features for which I received a tremendous amount of help from the gentleman from California [Mr. MARTINEZ] and the gentleman from Michigan [Mr. KILDEE] and the gentleman from Pennsylvania [Mr. GOODLING] would take a giant step toward preventing forever that horrible spectacle of an elderly person being forcibly evicted from one's residence.

That is the kind of provision which will compel all of us in the final analysis to vote in favor of the reauthorization of the Older Americans Act, notwithstanding the argument and debate that we will have and will continue to have on the money portion of this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, columnist Robert Samuelson this week describes "The dilemma of democracy as * * * the hard tasks * * * to maintain a crude balance between popular pressures and * * * national interest." This describes our dilemma today as we consider the Senate amendments to the Older Americans Act.

When the House took up the Older Americans Act last year, I supported the reauthorization wholeheartedly. The programs in this act are programs that touch people's lives directly and do much to enhance the status of our senior citizens.

The Senate added to the bill a highly popular provision that would totally eliminate the so-called Social Security earnings test for retirement benefits. While I have favored a liberalization of the earnings test—as ultimately agreed to by the conferees—my support has always been contingent on honest financing of the provision.

That is not the case. This provision—costing $7 billion over 5 years—is not paid for. Why should we accept this provision with a coy wink at the budget act when we have asked other equally worthy groups to wait? I can't believe that those older Americans who would benefit from the liberalization provision would want to pass on the payment for this benefit to their grandchildren.

So, we must make a choice—perhaps an unpopular choice. But I believe it is in the interest of all Americans to vote against the amendments unless or until they are paid for.

□ 2150

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

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

I do not frequent the well of the House often, Mr. Speaker, and I do so with great reluctance tonight. I do it more in sorrow than in anger, but not a very large difference between the two. I am genuinely offended by how we come to be in the posture we are in on this late hour on the last day before recess, dealing with an amendment to a bill passed unanimously in this House last year, because contending forces have come together and put together some kind of an arrangement, the real nature of which I know not and the Members know not, but this is the opportunity by which that arrangement gets tucked into something that has unanimous support in this House to do. That offends me.

If people believe that this subject matter is so good, why can they not bring it from the committee as a bill and let me and others make our choice as to whether or not it is good? Do not cobble things together, seizing strategic moments, as we do repeatedly in this body, to the detriment of this body so continually.

We would not need to pass this rule suspending the rules if we were not violating the budget summit agreement. There would be no occasion for doing that which we are asked to do if that were not the case. There would be no occasion to do it if we were not violating the pay-as-you-go provisions. That is the very reason we are asked to vote for this rule, to suspend the rules. Why else would they dare to do such a thing when, by nature, putting it on a suspension calendar, it also calls for a two-thirds majority?

Do not cobble together for political pandering what you are cobbling together without giving me and all the Members of this House the opportunity to deliberate on the merits of what is being done. Let it stand on its own footing. Do not take advantage in this cheap and shoddy way that they are going about doing this, even if it needs to be done.

The distinguished chairman on the Committee on Ways and Means, and I thank him, saves us apparently at least $19 billion by what he describes as a compromise. Well, thanks a lot. But he is still admitting $7.3 billion of additional deficit that he has not told us how it will be financed.

I can go and look my senior citizens in the eye and say to them, "Would you rather have a little bit more in the earnings test, even if it meant that your children and grandchildren will be deprived of their Social Security benefits when they reach your age?" I think they would agree with me that we ought to defeat this rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in opposition to the rule and in opposition to the motion, if it comes to that. I oppose the rule because of the reasons you have heard.

Normally we limit suspensions around here to maybe $1 million, maybe $100 million, but $7.3 billion? I don't think we have ever done that before on a suspension in the 16 years that I have been here.

On the substance, this is painted as an aid to hard-working low income people who do not make much on Social Security and have to work. Baloney. Do not believe that. Of those people in this country on Social Security earning below $15,000 a year, if those are the people we would consider needy, only 1 in 20, 1 in 20, has earnings above the exempt amount.

On the other hand, if the earnings limit is raised to $20,000, as this measure would do, 50 percent of the net benefits would go to families with incomes above $42,000 a year.

We should not kid ourselves; this is not a measure to help poor, struggling working-class people who have retired and are collecting modest Social Security benefits. Most of the benefit of this proposal will go to people earning over $42,000 a year, and to do that we will put the Social Security trust fund $7.3 billion in debt and raise that money eventually from the backs of middle-income people and low-income people, sons and daughters and grandchildren of ordinary people so those at the high end can get this benefit.

I think it is unconscionable to do this, to follow this procedure. I think it is unconscionable to do this as a matter of policy.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the rule for the Senate amendments to the Older Americans Act Amendments of 1991.

The House Senate agreement contains several significant provisions of importance to our seniors. In particular, I draw attention of my colleagues to the importance of the provisions providing preventive health care for our elderly. Our Nation continues to be burdened by preventable illness, injury and disability. 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.

Additionally, the Senate amendments contain another vital provision, an increase in the Social Security earnings test cap from $10,200 to $20,000. Currently seniors lose $1 for every $3 which they earn over the income cap.

I was pleased to have introduced a measure which will provide all of these services. My bill, the Comprehensive Preventive Health Care Act of 1992 (H.R. 4092) provides periodic health exams, screenings and services under the Medicare program, the Federal Employees Health Insurance Program, the Department of Veterans Affairs Medical System, and through a demonstration project involving 50 of our Nations Health Clinics. I was therefore gratified that this compromise version of the Older Americans Act contains preventive health care.

Additionally, and even more significantly, the Senate amendments contain a particularly vital provision, an increase in the Social Security earnings test cap from $10,200 to $20,000. Currently senior citizens lose $1 for every $3 which they earn over the income cap. While that was an improvement over the previous 1:2 reduction, that present reduction still translates into a draconian tax rate of 33 percent upon our Nation's seniors * * * a tax rate that our seniors are little able to afford.

Our seniors already bear too heavy a financial burden. This coupled with the fact that seniors have continually stressed their desire and need to return to work underscores the need to revise and repeal the anachronistic earnings test.

Our Nation's senior citizens are highly productive, skilled, knowledgeable, reliable and eager to work, at a time that our Nation is experiencing a shortage of workers in many industries; shortages which our seniors can help to alleviate.

Furthermore, today's labor situation is significantly different from the industrial society of the early 20th century. In particular, our seniors are able to meet the increasing demand for service oriented workers, and they enjoy working.

Raising the earnings test cap to $20,000 will remove the disincentive forced upon our Nation's seniors to return to the workforce. Furthermore, this amendment will provide many benefits to our Nation such as increased tax revenues, and alleviating the depression and loneliness that often accompanies the later years in one's life.

Moreover, I would like to note a study prepared by the National Center for Policy Analysis and the Institute for Policy Innovation which finds that as the earnings limit is increased, net Federal Revenue also increases. Allowing seniors to return to work would reduce not increase the Federal budget deficit.

With well over 200 Members of Congress currently in favor of revising the earnings test, we have the opportunity and the moral obligation to accept the Senate amendments and thereby helping our Nation's seniors.

Finally, this measure includes a requirement that the administration convene a White House Conference on Aging in 1993 to examine the important and difficult issues confronting our Nation's elderly.

Accordingly, I urge my colleagues to support these Older American amendments.

The SPEAKER pro tempore. (Mr. KLECZKA). The gentleman from Tennessee [Mr. QUILLEN] has 5 minutes remaining, and the gentleman from Tennessee [Mr. GORDON] has 6 minutes remaining.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am for this bill. I was going to follow the advice of my friend, the gentleman from Minnesota, and practice my coy wink, but it is hard to do with contact lenses.

I am not a great friend of the budget agreement. I have often found myself in disagreement with CBO and OMB.

For instance, particularly, say, OMB, when we wanted to take some more money out of the unemployment compensation trust fund, because we had some money in there, and pay unemployment compensation to people who need it, and many of you argued that that would be for the economy, I thought that was a good thing to do.

The same reasoning applies to this bill. I am going to vote for it. I do think we have a surplus in the Social Security trust fund and it would be a good thing to get this money out to people.

I do want to remind my friends that disregard of the OMB view of the budget agreement is not a cold water tap that can be turned on and off.

□ 2200

I am for the bill. I am voting for it. I am a cosponsor. I think older people who go out and work deserve consideration.

But they are not the only people in this country who deserve consideration, and those who vote with me today in favor of needy older people, in favor of this good proposal, in favor of the good work that was done on the Older Americans Act, I will be fascinated when they get up to explain why the same logic does not apply when we deal with unemployment compensation, and when we deal with other social needs. I hope we are not going to be establishing by this vote a hierarchy of needy elderly who get help, and the needy who are unemployed get the back of our hands. If we are going to say to the green eyeshades that we have a superior public policy sense when we take into account the overall economic effect, let us not let it be confined to one particular group.

I think this is fair. I think it is good for society and good for the economy. But I also think there ought to be some minimum consistency in what we do.

And I must say to some of my friends on the other side, their advocacy of this bill seems to be at variance with their opposition to bills that are similarly structured. I am for this, but I am for the other analogs as well.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, some people call it the Older Americans Act, some people call it senior citizens. Back in San Diego we call it chronologically gifted folks. But however you put it, I would hate to have someone tell me when I reach 65 that I am no longer productive.

And they pay a Social Security tax when they work like we do, they get taxed on their actual Social Security check, and then are either taxed on $1 to $3 or $1 to $2 based on how much they make all the way up to $9,700.

Senior citizens actually improve the quality of life. Many of them contribute to their children's education and their grandchildren's education. They pay into the general fund. When they work they actually help pay for some of the original Social Security dollars that they are getting, so the drain on the general fund or the tax burden is not as high I think as indicated.

I am going to support removing the earnings test, and I would like to remove all the earnings tests if it was possible.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise tonight, proud of the work we have done here to help our Nation's seniors, and committed to seeing this bill pass the House.

I see the seniors of Connecticut every week, I hear them talk about their concerns, about the difficulty of living on fixed incomes, about the strains this recession places on them, and about the soaring costs of prescription drugs and health care that they cope with daily.

These are people who deserve our help and respect. They have made great contributions to this country and have brought us victorious through two world wars and the cold war.

This bill helps hard-working, productive seniors—people who are struggling to survive. In an effort that is long overdue, this bill modifies the so-called earnings test, which has for so many

years penalized seniors who have to continue to work to earn a living.

These are not people with comfortable retirements or easy lives. These are people who scrimp every month to make ends meet. People who often can't afford to fill the expensive prescriptions that might keep them healthy. By modifying the earnings test, we let seniors keep the money they work so hard for, instead of penalizing earnings over $10,000.

This bill also helps the poorest group of seniors—widows over 80—through a modest increase in their Social Security benefits. That small amount of money will make a large difference to many elderly women living on the margins.

Mr. Speaker, we ought to measure ourselves as a nation by how we treat our senior citizens. This bill will go a long way toward proving how much we care for those who have cared so much for us. Vote to pass the rule, and vote to pass the conference report on the Older Americans Act.

Mr. QUILLEN. Mr. Speaker, we all know that we have to do something for our elderly citizens. Actually longevity is increasing for our citizens throughout the country. This is a good bill and I favor eliminating the earnings limitation altogether. I think it is sad indeed when a husband died before his spouse reaches 65 and now she is 80, and we cannot lend a helping hand.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, this bill is about putting Americans to work. That is what it is about, putting people over 65, who are not millionaires, to work. On behalf of whom? On behalf of themselves and their families and the United States of America. These are highly productive, often extremely skilled people who we need in the work force.

Now listen to this: In 1930, 54 percent of people over 65 were working, and the average life span was under 60 years old. Today, 16 percent of people over 65 are working even though people are living longer and they are living healthier longer. So many seniors don't work because they don't want to face punitive taxes on their effort. So they quit work after they reach the limit and deprive the system of needed FICA and income tax revenue. They just collect Social Security with no added return to the treasury.

The projected deficit increase is based on a static model which does not incorporate the earnings for general revenue and for Social Security taxes that these people will bring to the system when they work past the earning limit. Is it not amazing that this high tax rate of about 56 percent is double that on millionaires, and so you can earn $200,000 in interest and dividends and get your full Social Security, but if you work and make $11,000 you pay a 56 percent tax rate on every dollar above $10,000. It makes no sense.

The idea is to generate employment, to generate economic activity, to put people to work on behalf of themselves, their families and their country, and that is exactly what raising this income limit does. I support this rule and I urge my colleagues to do likewise.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule. The words that come to me are "here we go again."

How many of us truly believe that this $7.3 billion we are talking about that is coming out of the trust fund is really not coming from our grandkids? In this body 267 of us say we want a balanced budget constitutional amendment.

Pay as you go must become a sacred rule in this body, not a political slogan if there is going to be any future whatsoever for our grandchildren.

This is another seniors versus grandkids issue. We are spending in this body $12,000 for senior citizens and less than $900 on the kids. It is time we start making balance.

I will vote for this compromise if we pay for it, but we must pay for it. We cannot continue to borrow on our grandkids' future and expect this country to have a future.

Mr. QUILLEN. Mr. Speaker, I yield my final 1½ minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, it would be quite fitting if repeal of the Social Security earnings test had been included in reauthorization of the Older Americans Act Amendments of 1991. I am sorry that the conferees removed Senator MCCAIN's amendment and instead increased the limit on the amount of outside income seniors receiving Social Security may earn. But that is certainly better than the present situation.

What better way to help our senior citizens to achieve the goals of this legislation than by offering them the opportunity to have the same chance for economic freedom that is afforded to all other pension recipients?

I have long supported total repeal of this outdated law which is counterproductive in nature. It not only prevents Social Security recipients from earning extra money which most people on fixed incomes need to make ends meet, but it deprives the U.S. economy of the additional income tax which would be generated by these elderly workers. I think it is long overdue that Congress be allowed to vote on repealing this discriminatory law.

The benefits of repealing this unjust law would be immediately evident to working seniors. The improvement in our Nation's economy, which would result from repealing the Social Security earnings test, would also be another positive end result of taking such action. Unfortunately, we will not have such an opportunity today. Despite the fact that conferees chose to modify the McCain amendment by raising the ceiling on the outside income seniors can earn, I remain optimistic that eventually the Social Security earnings test will be repealed entirely and that we will afford older Americans the economic rights and freedoms to which they are entitled.

As I previously stated, I fully support the goals of the Older Americans Act and believe the repeal of the earnings test would only have strengthened our commitment to the elderly.

□ 2210

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Speaker, I rise today in support of the Older Americans Act amendments. These amendments will help update the Older Americans Act, enacted in 1965, that is the major vehicle for the organization and delivery of social services to senior citizens. These amendments will help improve the lives of our seniors in areas related to income, health, housing, long-term care, and transportation. While there was broad agreement on the merits of these provisions, both Houses of Congress were locked in a bitter disagreement over a Senate provision to repeal the earnings test—a position that I have long supported.

An estimated 750,000 senior citizens lose some or all of their benefits because they work and bump up against the earnings test. Those workers aged 65 to 69 forfeit $1 for every $3 they earn above $10,200 this year. This law is a disincentive to work and it is discriminatory. Equally disheartening, it denies our economy of the productive work of skilled, experienced workers. Hence, the pressure on Congress to repeal the earnings test was intense. Seniors from all over the country contacted their representatives and forced the recalcitrant Members of the House to relent and agree to a limited reform of the earnings test. While I would have preferred a complete repeal of this law, the compromise legislation is a good start. It will help thousands of seniors take home more of their hard-earned money.

This legislation will improve the Social Security benefits for working senior citizens by nearly doubling the retirement earnings test from $10,200 under current law in 1992, to $20,000 in 1997. Critics of such reform have argued that it would deplete the Social Security trust fund. In response to these types of arguments I drafted a bill, that was included in the current agreement, that helps solve this problem and thus helps make reform legislation fiscally sound, a vital goal at a time of record budget deficits. I believe that as the earnings test is increased, many senior citizens will increase their work efforts, bringing in substantial new income tax revenues. My legislation directs that these new revenues be deposited in the Social Security trust fund, off-

setting the funds lost from reform of the earnings test, and ensuring the continued solvency of the trust fund for future generations.

By including the provisions of my bill, the bill before us guarantees that the fiscal soundness of the Social Security trust fund will not be imperiled by the extension of the cap on the earnings limit. The summary sheet prepared by the Ways and Means Committee notes that the cost of lifting that cap is $3.8 billion; but I wish to note that when my provision is fully implemented, the actual cost will be zero. The Department of Treasury is instructed to create a formula to ensure that all of the gain in revenue from the income tax, and Social Security withholding tax, from the additional earnings by seniors be placed in the Social Security trust fund. This increase will more than offset the payment of additional Social Security benefits. It may even result in a net increase in the Social Security trust, which would be helpful in offsetting the loss to that fund from the unrelated part of this bill extending benefits to certain surviving spouses.

I would like to thank Congressmen HASTERT, ARCHER, and MICHEL for including my bill in their efforts to reach agreement on the earnings test. Indeed, I would like to pay a special tribute to the work of Congressman DENNY HASTERT for his tireless efforts on behalf of our seniors. His skill in developing a coalition of over 218 supporters of a bill to repeal the earnings test forced opponents in the House to agree to a bill which is morally right and economically sound.

Mr. GORDON. Mr. Speaker, I yield 1 minute, the remainder of my time, to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

In my short political career, I have found that if you give respect to your constituents, they will give respect back to you.

The truth is a yes vote on this rule and on final passage raises the deficit $7.3 billion. It is irresponsible to do that and not pay for it.

Not one senior citizen that I know would vote yes for this bill if they knew my children and your children, your grandchildren and my grandchildren are going to pay for it.

I urge the Members to do the right thing here at this late hour. Vote no on this rule, and if you have to vote no on final passage, it is the right, it is the responsible, it is the fiscally responsible thing to do.

The SPEAKER pro tempore (Mr. KLECZKA). All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 139, not voting 26, as follows:

[Roll No. 86]

YEAS—269

Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Anthony
Applegate
Atkins
AuCoin
Baker
Ballenger
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Bruce
Bunning
Callahan
Camp
Campbell (CA)
Cardin
Carr
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Coughlin
Cox (CA)
Coyne
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Doolittle
Dorgan (ND)
Downey
Eckart
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hobson
Hochbrueckner
Holloway
Horton
Houghton
Hubbard
Huckaby
Hunter
Inhofe
James
Jefferson
Jenkins
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
LaFalce
Lagomarsino
Lancaster
Lantos
Leach
Lehman (CA)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Machtley
Markey
Marlenee
Martinez
Mavroules
McCandless
McCloskey
McCrery
McDade
McGrath
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Perkins
Peterson (MN)
Petri
Pickle
Poshard
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schumer
Sensenbrenner
Serrano
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Vander Jagt
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wyden
Wylie
Yatron
Young (FL)
Zimmer

NAYS—139

Abercrombie
Allen
Andrews (ME)
Andrews (TX)
Archer
Armey
Aspin
Bacchus
Barrett
Barton
Bateman
Bellenson
Bennett
Bereuter
Bliley
Brewster
Browder
Brown
Bryant
Burton
Bustamante
Byron
Campbell (CO)
Carper
Chandler
Clay
Clinger
Collins (IL)
Condit
Conyers
Cooper
Cox (IL)
Cramer
Crane
DeLay
Dickinson
Donnelly
Dooley
Dreier
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Ewing
Fawell
Fazio
Fields
Franks (CT)
Frost
Geren
Glickman
Grandy
Green
Hamilton
Hammerschmidt
Hancock
Harris
Hayes (IL)
Hoagland
Hopkins
Horn
Hoyer
Hughes
Hutto
Hyde
Ireland
Jacobs
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kasich
Kennedy
Kolbe
Kostmayer
Kyl
LaRocco
Lewis (FL)
Livingston
Long
Luken
Matsui
Mazzoli
McCollum
McCurdy
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Miller (CA)
Montgomery
Moody
Myers
Nichols
Nussle
Oberstar
Olin
Orton
Oxley
Panetta
Parker
Patterson
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Pickett
Porter
Price
Pursell
Ray
Roberts
Rohrabacher
Sabo
Sanders
Sarpalius
Schroeder
Schulze
Sharp
Shaw
Skaggs
Slattery
Smith (TX)
Stenholm
Stump
Swett
Swift
Synar
Thomas (CA)
Unsoeld
Valentine
Vento
Visclosky
Walker
Wolf
Wolpe

NOT VOTING—26

Annunzio
Barnard
Costello
Dannemeyer
Dingell
Dornan (CA)
Dwyer
Dymally
Early
Foglietta
Gradison
Laughlin
Lehman (FL)
Lent
Levine (CA)
Manton
Martin
Morrison
Roe
Russo
Smith (IA)
Weber
Whitten
Yates
Young (AK)
Zeliff

□ 2234

Mrs. JOHNSON of Connecticut and Messrs. HAYES of Illinois, HYDE, and THOMAS of California changed their vote from "yea" to "nay."

Mr. DELLUMS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 433) relating to the consideration of the Senate amendment to H.R. 2967.

The Clerk read as follows:

H. RES. 433

Resolved, That upon the adoption of this resolution the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OBJECTIVES AND DEFINITIONS

Sec. 101. Objectives.
Sec. 102. Definitions.

TITLE II—ADMINISTRATION

Sec. 201. Administration on Aging.
Sec. 202. Functions of Commissioner.
Sec. 203. Federal agency consultation.
Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.
Sec. 205. Federal Council on the Aging.
Sec. 206. Nutrition officer.
Sec. 207. Evaluation.
Sec. 208. Reports.
Sec. 209. Nutrition education.
Sec. 210. Authorization of appropriations.
Sec. 211. Study of effectiveness of State long-term care ombudsman programs.
Sec. 212. Study on board and care facility quality.
Sec. 213. Study on home care quality.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Sec. 301. Purpose of grants for State and community programs on aging.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations; uses of funds.
Sec. 304. Allotment; Federal share.
Sec. 305. Organization.
Sec. 306. Area plans.
Sec. 307. State plans.
Sec. 308. Planning, coordination, evaluation, and administration of State plans.
Sec. 309. Disaster relief reimbursements.
Sec. 310. Availability of surplus commodities.
Sec. 311. Rights relating to in-home services for frail older individuals.
Sec. 312. Supportive services.
Sec. 313. Congregate nutrition services.
Sec. 314. Home delivered nutrition services.
Sec. 315. Criteria.
Sec. 316. School-based meals for volunteer older individuals and multigenerational programs.
Sec. 317. Dietary guidelines; payment requirement.
Sec. 318. In-home services.
Sec. 319. Preventive health services.
Sec. 320. Supportive activities for caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Statement of purpose.
Sec. 402. Priorities for grants and discretionary projects.
Sec. 403. Purposes of education and training projects.
Sec. 404. Grants and contracts.
Sec. 405. Multidisciplinary centers of gerontology.
Sec. 406. Demonstration projects.
Sec. 407. Special projects in comprehensive long-term care.
Sec. 408. Ombudsman and advocacy demonstration projects.
Sec. 409. Demonstration projects for multigenerational activities.
Sec. 410. Supportive services in federally assisted housing demonstration program.
Sec. 411. Neighborhood senior care program.
Sec. 412. Information and assistance systems development projects.
Sec. 413. Senior transportation demonstration program grants.
Sec. 414. Resource Centers on Native American Elders.
Sec. 415. Demonstration programs for older individuals with developmental disabilities.
Sec. 416. Housing demonstration programs.
Sec. 417. Private resource enhancement projects.
Sec. 418. Career preparation for the field of aging.
Sec. 419. Pension information and counseling demonstration projects.
Sec. 420. Authorization of appropriations.
Sec. 421. Payments of grants for demonstration projects.
Sec. 422. Responsibilities of Commissioner.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Interagency cooperation.
Sec. 504. Equitable distribution of assistance.
Sec. 505. Authorization of appropriations.
Sec. 506. Dual eligibility.
Sec. 507. Treatment of assistance provided under the Older American Community Service Employment Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

Sec. 601. Applications by tribal organizations.
Sec. 602. Distribution of funds among tribal organizations.
Sec. 603. Applications by organizations serving Native Hawaiians.
Sec. 604. Distribution of funds among organizations.
Sec. 605. Authorization of appropriations.

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Sec. 701. Allotments for vulnerable elder rights protection activities.
Sec. 702. Ombudsman programs.
Sec. 703. Programs for prevention of elder abuse, neglect, and exploitation.
Sec. 704. State elder rights and legal assistance development program.
Sec. 705. Outreach, counseling, and assistance programs.
Sec. 706. Native American organization provisions.
Sec. 707. General provisions.
Sec. 708. Technical and conforming amendments.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

Sec. 801. Definitions.
Sec. 802. Information requirements.
Sec. 803. Reports.
Sec. 804. Occupational code.

Subtitle B—National School Lunch Act

Sec. 811. Meals provided through adult day care centers.

Subtitle C—Native American Programs

Sec. 821. Short title.
Sec. 822. Amendments.

Subtitle D—1993 White House Conference on Aging

Sec. 831. 1993 White House Conference on Aging.
Sec. 832. Conference required.
Sec. 833. Conference administration.
Sec. 834. Policy committee; related committees.
Sec. 835. Report of the conference.
Sec. 836. Authorization of appropriations.
Sec. 837. Savings provision.
Sec. 838. Sense of the Congress.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Limitation on authority to enter into contracts.
Sec. 902. Regulations.
Sec. 903. Sense of Congress.
Sec. 904. Technical amendments.
Sec. 905. Effective dates; application of amendments.

TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting ", including support to family members and other persons providing voluntary care to older individuals needing long-term care services" after "homes".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(13) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

"(14) The term 'Administration' means the Administration on Aging.

"(15) The term 'adult child with a disability' means a child who—

"(A) is 18 years of age or older;

"(B) is financially dependent on an older individual who is a parent of the child; and

"(C) has a disability.

"(16) The term 'aging network' means the network of—

"(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

"(B) organizations that—

"(i)(I) are providers of direct services to older individuals; or

"(II) are institutions of higher education; and

"(ii) receive funding under this Act.

"(17) The term 'area agency on aging' means an area agency on aging designated under section 305(a)(2)(a) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

"(18) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(19) The term 'board and care facility' means an institution regulated by a State

pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382(e)).

"(20) The term 'caregiver' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

"(21) The term 'caretaker' means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

"(22) The term 'care management service'—

"(A) means a service provided to an older individual, at the direction of the older individual or family member of the individual—

"(i) by an individual who is trained or experienced in the care management skills that are required to deliver the services and coordination described in subparagraph (B); and

"(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

"(B) includes services and coordination such as—

"(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

"(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

"(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

"(II) with the information and assistance services provided under this Act;

"(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

"(iv) periodic reassessment and revision of the status of the older individual with—

"(I) the older individual; or

"(II) if necessary, a primary caregiver or family member of the older individual; and

"(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

"(23) The term 'dance-movement therapy' means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

"(24) The term 'elder abuse' means abuse of an older individual.

"(25) The term 'elder abuse, neglect, and exploitation' means abuse, neglect, and exploitation, of an older individual.

"(26) The term 'exploitation' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(27) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

"(28) The term 'frail' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

"(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

"(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

"(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"(29) The term 'greatest economic need' means the need resulting from an income level at or below the poverty line.

"(30) The term 'greatest social need' means the need caused by noneconomic factors, which include—

"(A) physical and mental disabilities;

"(B) language barriers; and

"(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

"(i) restricts the ability of an individual to perform normal daily tasks; or

"(ii) threatens the capacity of the individual to live independently.

"(31) The term 'information and assistance service' means a service for older individuals that—

"(A) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

"(B) assesses the problems and capacities of the individuals;

"(C) links the individuals to the opportunities and services that are available;

"(D) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

"(E) serves the entire community of older individuals, particularly—

"(i) older individuals with greatest social need; and

"(ii) older individuals with greatest economic need.

"(32) The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(33) The term 'legal assistance'—

"(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

"(B) includes

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and

"(ii) counseling or representation by a nonlawyer where permitted by law.

"(34) The term 'long-term care facility' means—

"(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (423 U.S.C. 1395i-3(a));

"(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

"(C) for purposes of section 307(a)(12) and 712, a broad and care facility; and

"(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

"(35) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities of recreational activities for older individuals.

"(36) The term 'music therapy' means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

"(37) The term 'neglect' means—

"(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

"(B) the failure of a caregiver to provide the goods or services.

"(38) The term 'older individual' means an individual who is 60 years of age or older.

"(39) The term 'physical harm' means bodily injury, impairment, or disease.

"(40) The term 'planning and service area' means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).

"(41) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(42) The term 'representative payee' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

"(43) The term 'State agency' means the agency designated under section 305(a)(1).

"(44) The term 'supportive service' means a service described in section 321(a).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), and 411(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), and 3031(b)) are amended by striking "Administration on Aging" and inserting "Administration".

(B) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a) is amended by striking "of the Administration on Aging".

(2) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (6), (9), (11), and (14) through (21); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (2) and (3).

(4) Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

(5) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(6) Section 341(b) of the Older Americans Act of 1965 (42 U.S.C. 303h) is amended by striking "caregivers" and inserting "caretakers".

(7) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

(A) by amending the heading to read as follows:

"DEFINITION OF IN-HOME SERVICES";

(B) by striking paragraph (2);

(C) in paragraph (1)—

(i) in subparagraph (E) by striking "; and" and inserting a period; and

(ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively; and

(D) by striking "part—" and all that follows through "includes—", and inserting "part, the term 'in-home services' includes—".

(8) Section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056e(1)) is amended by striking "poverty guidelines established by the Office of Management and Budget" and inserting "poverty line".

(9)(A) Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended by striking "designated under section 305(a)(1)".

(B) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended by striking "designated under clause (1)".

(C) Section 308(b)(3)(B)(iii) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(3)(B)(iii)) is amended by striking "designated under section 305".

(D) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by striking "designated under section 305(a)(1)".

(E) Section 503(a) of the Older Americans Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "on aging designated under section 305(a)(1)".

(10)(A) Section 202(a)(18), 307(a)(14), 308(b)(3)(B)(iii), 310(a)(1), 311(d)(1), and 411(a)(2) (42 U.S.C. 3012(a)(18), 3027(a)(14), 3028(b)(3)(B)(iii), 3030(a)(1), 3030a(d)(1), and 3031(a)(2)) are amended by striking "area agencies" and inserting "area agencies on aging".

(B) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended in the second sentence by striking "area agency" each place the term appears and inserting "area agency on aging".

(C) Sections 305(c)(2), 306(a)(5)(A)(ii), 306(a)(6)(F), 306(b)(2)(C), 307(a)(13)(B), 307(a)(13)(I), 307(a)(15)(B), and 341(b) (42 U.S.C. 3025(c)(2), 3026(a)(5)(A)(ii), 3026(a)(6)(F), 3026(b)(2)(C), 3027(a)(13)(B), 3027(a)(13)(I), 3027(a)(15)(B), and 3030h(b)) are amended by striking "area agency" and inserting "area agency on aging".

(D) Section 305(c) (42 U.S.C. 3025(c)) is amended in the first sentence, in the matter following paragraph (5), by striking "area agency" and inserting "area agency on aging".

(E) Sections 306(a)(6)(N), 307(a)(13)(H), and 307(a)(22) (42 U.S.C. 3026(a)(6)(N), 3027(a)(13)(H), and 3027(a)(22)) are amended by striking "area agency" each place the term appears and inserting "area agency on aging".

(F) Section 307(a)(1) (42 U.S.C. 3027(a)(1)) is amended by striking "agencies in" and inserting "agencies on aging in".

(G) Section 362 (42 U.S.C. 3030n) is amended in the section heading by striking "AREA AGENCIES" AND inserting "AREA AGENCIES ON AGING".

(H) Section 411(b)(2 (42 U.S.C. 3031(b)(2)) is amended by striking "State and area agency" and inserting "State agency and area agency on aging".

(I) Section 412(a)(6) (42 U.S.C. 3032(a)(6)) is amended by striking "State and area agencies" and inserting "State agencies and area agencies on aging".

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) LIMITATION ON DELEGATION OF FUNCTIONS.—The last sentence of section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by inserting "(including the functions of the Commissioner carried out through regional offices)" after "Commissioner" the first place it appears.

(b) COORDINATION.—Section 201(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(c)(3)) is amended—

(2) in subparagraph (B) by inserting ", with particular attention to services provided to Native Americans by the Indian Health Service" after "affecting older Native Americans";

(2) in subparagraph (F) by inserting ", including information (compiled with assistance from public or nonprofit private entities, including institutions of high education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans" after "Native Americans";

(3) in subparagraph (G) by striking "and" at the end;

(4) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(I) promote coordination—

"(i) between the administration of title III and the administration of title VI; and

"(ii) between programs established under title III by the Commissioner and programs established under title VI by the Commissioner; including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

"(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.".

(c) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the 'Office').

"(2)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Programs (in this subsection referred to as the 'Associate Commissioner') who shall be appointed by the Commissioner from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Associate Commissioner shall report directly to the Commissioner.

"(B) No individual shall be appointed Associate Commissioner if—

"(i) the individual has been employed within the previous 2 years by—

"(I) a long-term care facility;

"(II) a corporation that then owned or operated a long-term care facility; or

"(III) an association of long-term care facilities;

"(ii) the individual—

"(I) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or long-term care service; or

"(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or

"(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

"(3) The Associate Commissioner shall—

"(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;

"(B) review and make recommendations to the Commissioner regarding—

"(i) the approval of the provisions in State plans submitted under section 307(a) that relate to State Long-Term Care Ombudsman programs; and

"(ii) the adequacy of State budgets and policies relating to the programs;

"(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Commissioner regarding—

"(i) policies designed to assist State Long-Term Care Ombudsmen; and

"(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities and of similar adult care facilities;

"(D) keep the Commissioner and the Secretary fully and currently informed about—

"(i) problems relating to State Long-Term Care Ombudsman programs; and

"(ii) the necessity for, and the progress toward, solving the problems;

"(E) review, and make recommendations to the Secretary and the Commissioner regarding, existing and proposed Federal legislation, regulations, and policies regarding the operation of State Long-Term Care Ombudsman programs;

"(F) make recommendations to the Commissioner and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

"(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs;

"(H) administer the National Ombudsman Resource Center established under section 202(a)(21) and make recommendations to the Commissioner regarding the operation of the National Ombudsman Resource Center;

"(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;

"(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 307(a)(12) and section 712;

"(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

"(L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).".

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) TECHNICAL AMENDMENTS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (3) by inserting "directly" after "(3)";

(2) in paragraph (11) by striking "provide for the coordination of" and insert "coordinate";

(3) in paragraph (18)—

(A) by inserting ", and service providers," after "agencies"; and

(B) by striking "the greatest economic or social needs" and inserting "greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals"; and

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting "or activity" after "service" each place it appears; and

(B) in subparagraph (C) by striking "and" at the end.

(b) FUNCTIONS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

"(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the 'Center'), under the administration of the Associate Commissioner for Ombudsman Programs, that will—

"(i) by grant or contract—

"(I) conduct research;

"(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

"(III) analyze laws, regulations, programs, and practices; and

"(IV) provide assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs:

relating to Federal, State, and local long-term care ombudsman policies; and

"(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

"(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

"(2) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purposes of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

"(A) disclose to the Commissioner and the State agency involved—

"(i) the identity of each non-governmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

"(D) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

"(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.) and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) of the requirements for eligibility to receive such benefits and such assistance;

"(24) establish information and assistance services as priority services for older individuals;

"(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 307(a)(18) and 731(b)(2);

"(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

"(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

"(C) not later than January 1, 1994, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

"(28) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis;

"(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

"(A) uniform definitions and nomenclature;

"(B) standardized data collection procedures;

"(C) a participant identification and description system;

"(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

"(E) procedures for the assessment of unmet needs for services under this Act; and

"(30) require that all Federal grants and contracts made under this title and title IV be made in accordance with a competitive bidding process established by the Commissioner by regulation.".

"(c) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012 (b)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals.".

(d) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In executing the duties and functions of the Administration under this Act and in carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

"(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

"(B) The Commissioner shall provide technical assistance to the area and State volunteer services coordinators.".

(e) NATIONAL CENTER ON ELDER ABUSE.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended by adding at the end the following:

"(d)(1) The Commissioner shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the 'Center').

"(2) In operating the Center, the Commissioner shall——

"(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

"(B) develop and maintain an information clearinghouse on all programs (including private programs) showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

"(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

"(3)(A) The Commissioner shall carry out paragraph (2) through grants or contracts.

"(B) The Commissioner shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) The Commissioner shall——

"(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

"(ii) not later than 60 days before the date on which the Commissioner establishes such

priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990.".

(f) NATIONAL AGING INFORMATION CENTER.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(e)(1)(A) The Commissioner shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the 'Center') to——

"(i) provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, of title IV to persons requesting such information;

"(ii) annually compile, analyze, publish, and disseminate—

"(I) statistical data collected under subsection (a)(19);

"(II) census data on aging demographics; and

"(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

"(iii) biennially compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

"(iv) analyze the information collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 429E;

"(v) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

"(vi) be a national resource on statistical data regarding aging;

"(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education;

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging."

(g) OBLIGATION OF FUNDS.—Not later than March 1, 1993, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1993——

(1) to carry out section 202(a)(21) of such Act (as added by subsection (b)(2) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Long-Term Care Ombudsman Resource Center; and

(2) to carry out section 202(d)(4) of such Act (as added by subsection (e) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Aging Resource Center on Elder Abuse.

(h) DEADLINE FOR DEVELOPMENT OF PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 shall be developed by the Commissioner on Aging, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after——

(1) requesting advisory information under such Act from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act, and local providers of services under such Act; and

(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office. Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) IN GENERAL.—Section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended to read as follows:

"(a)(1) The Commissioner, in carrying out the objectives and provisions of this Act, shall coordinate, advise, consult with, and cooperate with the head of each department, agency, or instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of this Act, with respect to such programs or services. In particular, the Commissioner shall coordinate, advise, consult, and cooperate with the Secretary of Labor in carrying out title V and with the ACTION Agency in carrying out this Act.

"(2) The head of each department, agency, or instrumentality of the Federal Government proposing to establish programs and services substantially related to the objectives of this Act shall consult with the Commissioner prior to the establishment of such programs and services. To achieve appropriate coordination, the head of each department, agency, or instrumentality of the Federal Government administering any program substantially related to the objectives of this Act, particularly administering any program referred to in subsection (b), shall consult and cooperate with the Commissioner in carrying out such program. In particular, the Secretary of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

"(3) The head of each Federal department, agency, or instrumentality of the Federal Government administering programs and services substantially related to the objectives of this Act shall collaborate with the Commissioner in carrying out this Act, and shall develop a written analysis, for review and comment by the Commissioner, of the impact of such programs and services on—

"(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 507); and

"(B) the functions and responsibilities of State agencies and area agencies on aging.".

(b) RELATED PROGRAMS.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended——

(1) in paragraph (16) by striking "and" at the end;

(2) in paragraph (17) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750–3766(b)).".

SEC. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. CONSULTATION WITH STATE AGENCIES, ARE AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

"The Commissioner shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act.".

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1)——

(A) in the second sentence by striking "Members shall serve for terms of three years" and inserting "Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment,"; and

(B) in the third sentence by inserting "from among individuals who have expertise and experience in the field of aging" after "appointed"; and

(2) in paragraph (2) by striking "11984" and inserting "1992".

(b) TERMS OF APPOINTMENT.—Section 204(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(1)(A)) is amended to read as follows:

"(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

"(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

"(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

"(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

"(ii) Members appointed in 1994 and each third year thereafter shall be referred to as

class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.".

(c) DUTIES OF COUNCIL.—Section 204(d) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)) is amended——

(1) in paragraph (2) by inserting before the semicolon at the end the following: "and of identifying duplication and gaps among the types of services provided under such programs and activities";

(2) by redesignating paragraphs (2) through (5) as paragraph (3) through (6), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act;".

(d) REPORTS.—Section 204(f) of the Older Americans Act of 1965 (42 U.S.C. 3015(f)) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994 and 1995.".

SEC. 206. NUTRITION OFFICER.

Section 205(a) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2)(A) the Commissioner shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1, 2, and 3 of part C of title III and shall have duties that include—

"(i) designing, implementing, and evaluating nutrition programs;

(ii) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

"(iii) disseminating information to nutrition service providers about nutrition advancements and developments;

"(iv) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

"(v) developing guidelines on cost containment;

"(vi) defining a long range role for the nutrition services in community-based care systems;

"(vii) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

"(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

"(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, the persons that provide nutrition services under part C of title III.

"(C) The officer or employee designated under subparagraph (A) shall—

"(i) have expertise in nutrition and dietary services and planning; and

"(ii)(I) be a registered dietitian;

"(II) be a credentialed nutrition professional; or

"(III) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.".

SEC. 207. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals),"; and

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

"(A) their effectiveness in serving special populations of older individuals;

"(B) the quality of nutrition provided by such services;

"(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

"(D) the characteristics of participants;

"(E) the applicability of health, safety, and dietary standards;

"(F) the appraisal of such services by recipients;

"(G) the efficiency of delivery and administration of such services;

"(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

"(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

"(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

"(K) nonfood cost factors incidental to providing nutrition services under this Act;

"(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

"(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

"(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

"(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

"(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

"(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

"(R) the adequacy of the daily recommended dietary allowances described in section 339; and

"(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

"(2)(A)(i) The Commissioner shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3 of part C of title III.

"(ii) The council shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

"(3) Not later than September 30, 1994, the Secretary shall—

"(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

"(B) require the Commissioner to implement such recommendations administratively, to the extent feasible.

"(h) The Secretary may use such sums as may be necessary, but not to exceed $3,000,000 (of which not to exceed $1,500,000 shall be available from funds appropriated to carry out title III and not to exceed $1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.".

SEC. 208. REPORTS.

(A) ANNUAL REPORT.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17).".

(b) DEADLINE.—Section 207(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(1)) is amended by striking "January 15" and inserting "March 1".

(c) REPORT ON EVALUATIONS.—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(1) in paragraph (3) by striking "and" at the end;

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) the effectiveness of State and local efforts to target older individuals with great-

est economic need (including low-income minority individuals) and older individuals with greatest social need (including low-income minority individuals) to receive services under this Act.".

SEC. 209. NUTRITION EDUCATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d) is amended by adding at the end the following:

"SEC. 214. NUTRITION EDUCATION.

"The Commissioner and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J).".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011-3020d), as amended by section 209, is amended by adding at the end the following:

"SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATION.—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

"(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

"(1) 17,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $24,000,000 for fiscal year 1994, and $29,000,000 for fiscal year 1995; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.".

SEC. 211. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than January 1, 1994, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act, analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under sections 307(a)(12) and 712 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act);

(2) the effectiveness of the programs in providing the services to the residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

(3) the adequacy of Federal and other resources to carry out the programs on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs.

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulation of long-term care provided in settings other than long-term care facilities; and

(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act and area agencies on aging (as defined in section 102 of such Act) who provide to older individuals long-term care services both in such settings and in long-term care facilities.

SEC. 212. STUDY ON BOARD AND CARE FACILITY QUALITY.

(a) *Arrangement for Study Committee.*—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

(2) an examination of, and recommendations with respect, to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

(A) physicians;

(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

(C) experts on the enforcement of life-safety codes in long-term care facilities.

(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

(A) residents of a nonprofit board and care facility; or

(B) individuals who represent—

(ii) residents of nonprofit board and care facilities; or

(iii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

(3) OPERATIONS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

(A) operators of a nonprofit board and care facility; or

(B) individuals who represent—

(i) operators of nonprofit board and care facilities; or

(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

(4) OFFICERS.—

(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

(2) EXPERTS.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

(g) BOARD AND CARE FACILITY DEFINED.—In this section, the term "board and care facility" means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e)).

(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

SEC. 213. STUDY ON HOME CARE QUALITY.

(a) ESTABLISHMENT STUDY OF COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in en-

suring the health and safety of patients and clients of home care services; and

(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members appointed from among—

(1) individuals with experience in long-term care, including nonmedical home care services;

(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

(5) other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) MEMBERS AND OFFICIALS.—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

(2) INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended to read as follows:

"(a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

"(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

"(B) remove individual and social barriers to economic and personal independence for older individuals;

"(C) provide a continuum of care for vulnerable older individuals; and

"(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

"(2) The persons referred to in paragraph (1) include—

"(A) State agencies and area agencies on aging;

"(B) other State agencies, including agencies that administer home and community care programs;

"(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

"(D) the providers, including voluntary organizations or other private sector organizations, of supportive services, nutrition services, and multipurpose senior centers; and

"(E) organizations representing or employing older individuals or their families.".

SEC. 302. DEFINITIONS.

Section 302(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

(a) AUTHORIZATION FOR PART B.—

(1) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking "$379,575,000" and all that follows through "1991", and inserting "$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended to read as follows:

"(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.".

(3) REPEAL RELATING TO OUTREACH.—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is repealed.

(b) AUTHORIZATION FOR PART C.—

(1) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking "414,750,000" and all that follows through "1991", and inserting "$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking "$79,380,000" and all that follows through "1991", and inserting "$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, 1995".

(3) AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(3) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).".

(c) AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking "$25,000,000" and all that follows through "1991", and inserting "$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(d) AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended by striking "Subject to" and all that follows through "1991", and inserting "There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995,".

(e) AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended—

(1) by striking "Subject to subsection (h), there" and inserting "There"; and

(2) by striking "$5,000,000" and all that follows through "1991", and inserting "$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(f) AUTHORIZATION FOR PART G (RELATING TO SUPPORTIVE ACTIVITIES FOR CARETAKERS).—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3023(g)) is amended to read as follows:

"(g) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).".

(g) REPEAL OF LIMITATION.—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is repealed.

SEC. 304. ALLOTMENT; FEDERAL SHARE.

(a) AMOUNT OF ALLOTMENTS.—Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking "1984" and inserting "1987";

(2) by amending paragraph (3) to read as follows:

"(3) No State shall be allotted, from the amount appropriated under section 303(g), less than $50,000 for any fiscal year."; and

(3) in paragraph (4) by striking "satisfactory data available" and inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory".

(b) WITHHOLDING OF ALLOTMENTS.—Section 304(c) of the Older Americans Act of 1965 (42 U.S.C. 3024(c)) is amended by inserting "or the Commissioner does not approve funding formula required under section 305(a)(2)(C)" after "requirements of section 307".

(c) OUTREACH DEMONSTRATION PROJECTS.—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(C)) is amended to read as follows:

"(C) not less than $150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B, shall be available for conducting outreach demonstration project under section 706; and".

(d) VOLUNTEER SERVICES COORDINATORS.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by adding at the end the following:

"(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).

SEC. 305. ORGANIZATION.

(a) PLANNING; CONSULTATION; LOW-INCOME MINORITY OBJECTIVES AND FOCUS.—Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) by amending paragraph (1)(C) to read as follows:

"(C) be primarily responsible for the planning, policy development, administration, coordination, prority setting, and evaluation of all State activities related to the objectives of this Act;"; and

(2) in paragraph (2)—

(A) by amending subparagraph (C) to read as follows:

"(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;";

(B) in subparagraph (D) by striking "for review and comment" and inserting "for approval";

(C) in subparagraph (E) by striking "and" at the end;

(D) by amending subparagraph (F) to read as follows:

"(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and"; and

(E) by adding at the end the following:

"(G)(i) set specific objectives, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

"(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

"(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency.".

(b) PROCEDURES; REVIEW OF BOUNDARIES.—Section 305(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)) is amended by adding at the end the following:

"(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

"(I) revoke the designation of the area agency on aging under subsection (a);

"(II) designate an additional planning and service area in a State;

"(III) divide the State into different planning and services areas; or

"(IV) otherwise affect the boundaries of the planning and service areas in the State.

"(ii) The procedures described in clause (i) shall include procedures for—

"(I) providing notice of an action or proceeding described in clause (i);

"(II) documenting the need for the action or proceeding;

"(III) conducting a public hearing for the action or proceeding;

"(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

"(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Commissioner.

"(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

"(I) the facts and merits of the matter that is the subject of the action or proceeding; or

"(II) procedural grounds.

"(iv) In deciding an appeal described in clause (ii)(V), the Commissioner may affirm or set aside the decision of the State agency. If the Commissioner sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of clause (i), the State agency shall nullify the action.".

SEC. 306. AREA PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 306(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(A)), as amended by section 102(b)(4) of this Act, is amended by striking ", and information and assistance" and inserting ", information and assistance, and case management services".

(b) IDENTITY OF FOCAL POINT.—Section 306(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(3)) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))" after "centers";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;".

(c) OBJECTIVES FOR LOW-INCOME MINORITY INDIVIDUALS.—

(1) INFORMATION AND ASSISTANCE SERVICES.—Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended by inserting before the semicolon at the end the following: ", with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)".

(2) OUTREACH AND INFORMATION.—Section 306(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by striking "preference will be given to" and inserting "the area agency on aging will set specific objectives for"; and

(II) by striking "with particular attention" and inserting "include specific objectives for providing services"; (ii) in clause (ii)—

(I) in subclause (I) by striking "and" at the end;

(II) by amending subclause (II) to read as follows:

"(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and"; and

(III) by adding at the end the following:

"(III) meet specific objectives established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and"; and

(iii) in clause (ii)—

(I) by striking "and" at the end of subclause (I); and

(II) by adding at the end the following new subclause:

"(III) provide information on the extent to which the area agency on aging met the objectives described in clause (i);";

(B) by amending subparagraph (B) to read as follows:

"(B) provide assurances that the area agency on aging will use outreach efforts that will—

"(i) identify individuals eligible for assistance under this Act, with special emphasis on—

"(I) older individuals residing in rural areas;

"(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(IV) older individuals with severe disabilities;

"(V) older individuals with limited English-speaking ability; and

"(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and"; and

(C) by adding at the end the following:

"(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals;".

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 2026(a)(6)) is amended.—

(1) in subparagraph (B) by inserting ", and timely information in a timely manner," after "assistance";

(2) in subparagraph (D) by inserting "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by";

(3) in subparagraph (E)—

(A) by inserting "(i)" after "(E)";

(B) by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

"(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

"(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));";

(4) by amending subparagraph (H) to read as follows:

"(H) establish effective and efficient procedures for coordination of—

"(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

"(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area;";

(5) in subparagraph (I) by striking "emphasize the development" and all that follows through the semicolon at the end, and inserting "include the development of case management services as a component of the long-term care services;";

(6) in subparagraph (O) by striking "and" at the end;

(7) by striking subparagraph (P); and

(8) by adding at the end the following:

"(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q) to older individuals, to provide—

"(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

"(ii) advance notification and non-financial assistance to older individuals who are subject to eviction from such housing;

"(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

"(i) under the name 'Area Agency on Aging';

"(ii) in the unclassified section of the directory; and

"(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Commissioner by regulation; and

"(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;".

(e) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (9) by striking "and" at the end;

(2) in paragraph (10) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(11) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title;".

(f) VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of older individuals within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

"(13)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

"(B) provide an assurance that the activities conform with—

"(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

"(ii) the laws, regulations, and policies of the State served by the area agency on aging;

"(14) provide assurance that the area agency on aging will—

"(A) maintain the integrity and public purpose of services provided, and service provides, under this title in all contractual and commercial relationships;

"(B) disclose to the Commissioner and the State agency—

"(21) the identity of each non-governmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

"(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

"(E) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

"(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;

"(16) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

"(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

"(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provide under title VI;

"(19)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

"(B) specify the ways in which the area agency on aging intends to implement the activities; and

"(20) provide that case management services provided under this title through the area agency on aging will—

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by—

"(i) a public agency; or

"(ii) a nonprofit private agency that—

"(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

"(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).".

(g) WITHHOLDING OF AREA FUNDS.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

"(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

"(B) At a minimum, such procedures shall include procedures for—

"(i) providing notice of an action to withhold funds;

"(ii) providing documentation of the need for such action; and

"(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

"(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

"(B) If the State agency determines that the area agency on aging has not taken corrective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.".

SEC. 307. STATE PLANS.

(a) COMPLIANCE WITH TITLE III.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting "the succeeding sentence and" after "provided in";

(2) by inserting after the first sentence the following:

"If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the

Commissioner determines that the State is in compliance with such requirements."; and

(3) in paragraph (3)(A)—

(A) by inserting "and transportation services" after "assistance"; and

(B) by adding at the end the following:

"To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).".

(b) PROCEDURES.—Section 307(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(5)) is amended by adding at the end the following: "The State agency shall establish and publish procedures for requesting and conducting such hearing.".

(c) FISCAL CONTROL AND FUND ACCOUNTING.—Section 307(a)(7) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(7)) is amended—

(1) by inserting "(A)" after "(7)"; and

(2) by adding at the end the following:

"(B) The plan shall provide assurances that—

"(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

"(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

"(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

"(C) The plan shall provide assurances that the State agency and each area agency on aging will—

"(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

"(ii) disclose to the Commissioner—

"(I) the identity of each non-governmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

"(II) the nature of such contract or such relationship;

"(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

"(v) on the request of the Commissioner, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.".

(d) EVALUATION.—Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by adding at the end the following:

"In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals.".

(e) EMPLOYMENT PREFERENCE.—Section 307(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(11)) is amended by striking "governments," and all that follows through "older", and inserting the following:

"governments—

"(A) preference shall be given to older individuals; and

"(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;".

(f) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title.".

(g) USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.—Section 307(a)(13) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)) is amended—

(1) in subparagraph (B) by inserting "(other than under section 303(b)(3))" after "available under this title";

(2) in subparagraph (F)—

(A) by striking "may" and inserting "will"; and

(B) by inserting "dietitians (or individuals with comparable expertise)," after "advice of";

(3) in subparagraph (H) by striking "and" at the end;

(4) in subparagraph (I) by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following:

"(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

"(K) each project shall comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual;

"(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

"(M) the State agency will—

"(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

"(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.".

(h) LEGAL PROBLEMS.—Section 307(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(15)) is amended—

(1) in subparagraph (C) by striking "and" at the end;

(2) in subparagraph (D) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) the plan contains assurances that area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.".

(i) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended in the matter preceding subparagraph (A)—

(1) by striking "that" the first place it appears and inserting a comma; and

(2) by striking ", if funds are not appropriated under section 303(g) for a fiscal year, provide that for such" and inserting "provide for a".

(j) LEGAL ASSISTANCE DEVELOPER.—Section 307(a)(18) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(18)) is amended by inserting "(one of whom shall be known as a legal assistance developer)" after "personnel".

(k) EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

"(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title.".

(l) OUTREACH AND INFORMATION.—Section 307(a)(24) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(24)) is amended to read as follows:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify individuals eligible for assistance under this Act, with special emphasis on—

"(i) older individuals residing in rural areas;

"(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(iv) older individuals with severe disabilities;

"(v) older individuals with limited English-speaking ability; and

"(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance;".

(m) ELDER RIGHTS REQUIREMENTS.—Section 307(a)(30) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(30)) is amended to read as follows:

"(30) The plan shall include the assurances and description required by section 705(a).".

(n) REQUIREMENTS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by striking paragraph (31) and inserting the following:

"(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

"(iii) encourage, organize, and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

"(32) The plan shall provide assurances that special efforts will be made to provide

technical assistance to minority providers of services.

"(33) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

"(B) may not be approved unless the Commissioner approves such statement and such demonstration.

"(34) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI, if applicable.

"(35) The plan shall—

"(A) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, if applicable; and

"(B) specify the ways in which the State agency intends to implement the activities.

"(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(20).

"(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Commissioner).

"(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

"(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

"(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.

"(41) The plan shall provide assurances that demonstrable efforts will be made—

"(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

"(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

"(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

"(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 306(a)(6)(P).

"(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.".

(o) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: ", except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)".

(p) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S. 3027(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

"(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Commissioner shall be deemed to be a reference to the Secretary.".

(q) REPEAL OF EXPIRED PROVISION.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is repealed.

(r) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking "(g)" and inserting "(f)(1)"; and

(2) by adding at the end the following:

"(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.".

SEC. 308. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended—

(1) in subsection (a)(3) by inserting "been" after "which has"; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) by inserting "(A)" after "(4)";

(ii) in the first sentence—

(I) by inserting "and except as provided in subparagraph (B)" after "this title";

(II) by striking "received under section 303(b) (1) and (2), a" and inserting "received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the"; and

(III) by striking "a portion of the funds appropriated" and inserting "not more than 30 percent of the funds so received"; and

(iii) by adding at the end the following:

"(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

"(i) an additional 18 percent of the funds so received for fiscal year 1993;

"(ii) an additional 15 percent of the funds so received for each of the fiscal year 1994 and 1995; and

"(iii) an additional 10 percent of the funds so received for fiscal year 1996."; and

(B) by striking paragraph (5) and inserting the following:

"(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

"(B)(i) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part (C) (including funds transferred under subparagraph (A) without regard to this paragraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

"(ii) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

"(C) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred. The Commissioner shall approve or deny the application in writing.

"(6) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer under paragraph (4)(A) or (5)(A).

"(7) The Commissioner shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A) and (5)(A), including—

"(A) the amount of funds involved in the transfers, analyzed by State;

"(B) the rationales for the transfers;

"(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

"(i) subpart 1 of part C; and

"(ii) subpart 2 of part C; and

"(D) in the case of transfers described in paragraph (5)(A)—

"(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

"(ii) the effect of the transfers on the provision of services provided under—

"(I) part B; and

"(II) part C, including the effect on the number of meals served.".

SEC. 309. DISASTER RELIEF REIMBURSEMENTS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "(and related supplies)" after "supportive services"; and

(B) by adding at the end the following:

"(3) If the Commissioner decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Commissioner shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision."; and

(2) in subsections (a)(2) and (b)—

(A) by striking "5 percent" each place it appears and inserting "2 percent"; and

(B) by striking "for carrying out the purposes of section 422" each place it appears and inserting "to carry out title IV".

SEC. 310. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking "shall maintain" and all that follows, and inserting the following;

"shall maintain—

"(i) for fiscal year 1992, a level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

"(II) 61 cents per meal; and

"(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year, divided by the number of meals served in the preceding fiscal year; or

"(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year."; and

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking "$151,000,000" and all that follows through "1991", and inserting "$250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995"; and

(B) in paragraph (2)—

(i) by striking "(2) In" and inserting "(2)(A) Except as provided in subparagraph (B), in"; and

(ii) by adding at the end the following new subparagraph:

"(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.".

SEC. 311. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Part A of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030c) is amended by adding at the end the following:

"SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

"(a) PROMOTION.—The Commissioner shall require entities that provide in-home services under this title to promote the rights of each older individual who receives such services. Such rights include the following:

"(1) The right—

"(A) to be fully informed in advance about each in-home service provided by such entity under this title and about any change in such service that may affect the well-being of such individual; and

"(B) to participate in planning and changing an in-home service provided under this title by such entity unless such individual is judicially adjudged incompetent.

"(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

"(3) The right to confidentiality of records relating to such individual.

"(4) The right to have the property of such individual treated with respect.

"(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this title, of such individual's rights and obligations under this title.".

SEC. 312. SUPPORTIVE SERVICES.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3) by inserting "(including information and assistance services)" after "and services";

(2) in paragraph (3) by inserting before the semicolon at the end the following: ", including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title";

(3) in paragraph (4)—

(A) by striking "or (C)" and inserting "(C)"; and

(B) by inserting "; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)" before the semicolon at the end;

(4) by amending paragraph (6) to read as follows:

"(6) Services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

"(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

"(B) representation—

"(i) of individuals who are wards (or are allegedly incapacitated); and

"(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

"(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;";

(5) in paragraph (7) by striking "physical activity and exercise" and inserting "physical activity, exercise, music therapy, art therapy, and dance-movement therapy";

(6) in paragraph (9) by striking "preretirement" and all that follows and inserting ", for older individuals, preretirement counseling and assistance in planning for and assessing future postretirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;";

(7) in paragraph (11) by inserting before the semicolon the following: ", and of older individuals who provide uncompensated care to their adult children with disabilities";

(8) in paragraph (12) by inserting "and second career" after "including job";

(9) in paragraph (17) by inserting ", including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions" before the semicolon at the end;

(10) in paragraph (18) by striking "or" at the end;

(11) by redesignating paragraph (19) as paragraph (22); and

(12) by inserting after paragraph (18) the following:

"(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

"(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

"(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or".

SEC. 313. CONGREGATE NUTRITION SERVICES.

Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended—

(1) by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)" after "week"; and

(2) by striking ", each of which" and all that follows through "Research Council".

SEC. 314. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended—

(1) by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)" after "week"; and

(2) by striking ", each of which" and all that follows through "Research Council".

SEC. 315. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by inserting "the Dietary Managers Association," after "Dietetic Association,".

SEC. 316. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following:

"Subpart 3—School-Based Meals for Volunteer Older Individuals and Multigenerational Programs

"SEC. 338. ESTABLISHMENT.

"(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide multigenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

"(b) FEDERAL SHARE.—The Federal share of the cost of establishing and operating nutrition and multigenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 of title VI in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in projects under section 1015 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2025)).

"SEC. 338B. REPORTS.

"(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) multigenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) REPORTS BY COMMISSIONER.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year.".

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

(2) in paragraph (2) by inserting "under subparts 1 and 2 of part C" after "nutrition services".

SEC. 317. DIETARY GUIDELINES; PAYMENT REQUIREMENT.

Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), as amended by section 316, is amended by adding at the end the following:

"Subpart 4—General Provisions

"SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

"A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide to each participating older individual—

"(A) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

"(B) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day; and

"(C) 100 percent of the allowances if the project provides 3 meals per day.".

"SEC. 339A. PAYMENT REQUIREMENT.

"Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 311.".

SEC. 318. IN-HOME SERVICES.

Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i), as amended by section 102(b)(7) of this Act, is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) personal care services; and

"(7) other in-home services as defined—

"(A) by the State agency in the State plan submitted in accordance with section 307; and

"(B) by the area agency on aging in the area plan submitted in accordance with section 306.".

SEC. 319. PREVENTIVE HEALTH SERVICES.

(a) PROGRAM AUTHORIZED.—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended)—

(1) by amending subsection (a) to read as follows:

"(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging.";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) DEFINITION.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"SEC. 363. DEFINITION.

"As used in this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

"(3) nutritional counseling and educational services for individuals and their primary caregivers;

"(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(A) an institution of higher education;

"(B) a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or

"(C) a community-based organization;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

"(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardio-

vascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

"(11) gerontological counseling; and

"(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(c) CONFORMING AMENDMENT.—Part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended in the part heading by striking "PREVENTIVE HEALTH SERVICES" and inserting "DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

SEC. 320. SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Part G of title III of the Older Americans Act of 1965 (42 U.S.C. 3021–3030p) is amended to read as follows:

"PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

"SEC. 381. PROGRAM AUTHORIZED.

"The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

"(1) providing training and counseling for such caretakers;

"(2) technical assistance to such caretakers to assist them to form or to participate in support groups;

"(3) providing information—

"(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and

"(B) to caretakers who provide such services, regarding—

"(i) how to provide such services; and

"(ii) sources of nonfinancial support available to them as a result of their providing such services; and

"(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

"SEC. 382. DEFINITIONS.

"For purposes of this part, the term 'in-home services' has the meaning given such term in section 342.

SEC. 383. MAINTENANCE OF EFFORT.

"Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by inserting "and publicly disseminate the results of the tests, to replicate such programs and services under this Act," after "individuals,".

SEC. 402. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(d) The Commissioner shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

"(e) The Commissioner shall ensure that grants and contracts awarded under this title—

"(1) are evaluated for their benefit to older individuals, and to programs under this Act; and

"(2) comply with the requirements under this Act.".

SEC. 403 PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) of the Older Americans Act of 1965 (42 U.S.C. 303jj(3)) is amended by inserting ", with particular emphasis on attracting minority individuals," after "qualified personnel".

SEC. 404. GRANTS AND CONTRACTS.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (1) by inserting "gerontology," after "(including mental health) care,";

(2) in paragraph (2)—

(A) by inserting "and counseling" after "nutrition"; and

(B) by inserting ", with special emphasis on using culturally sensitive practices" before the period; and

(3) by adding at the end the following:

"(5) To provide annually a national meeting to train directors of programs under title VI.".

(b) TRAINING OF SERVICE PROVIDERS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

"(e) From amounts appropriated under 431(b), the Commissioner shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of older individual, and communication with providers of mental health services; and

"(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;

"(B) mental health professionals; and

"(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and

"(3) held in public hospitals throughout each State in which the program is carried out.".

SEC. 405. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in the first sentence by inserting "counseling services," after "maintenance,"; and

(2) in paragraph (4) by inserting "social work, and psychology," after "education,".

SEC. 406 DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking "preventive health service programs" and inserting "disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)";

(2) in subsection (b)—

(A) in paragraph (8) by striking "and" at the end;

(B) in paragraph (9) by striking "include" and all that follows and inserting the following: "include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

"(A) tutorial services in elementary and special schools;

"(B) after school programs for latchkey children; and

"(C) voluntary services for child care and youth day care programs;"; and

(C) by adding at the end the following:

"(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

"(A) respite services; and

"(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;

"(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

"(A) projects that—

"(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and

"(ii) provide music therapy, art therapy, or dance-movement therapy—

"(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;

"(II) through disease prevention and health promotion services programs established under part F of title III;

"(III) through in-home services programs established under part D of title III;

"(IV) through multigenerational activities described in section 307(a)(41)(B) or subpart 3 of part C of title III;

"(V) through supportive services described in section 321(a)(21); or

"(VI) through disease prevention and health promotion services described in section 363(5); and

"(B) education, training, and information dissemination projects, including—

"(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on providing music therapy to older individuals; and

"(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or nutrition services, or otherwise promote the wellbeing of older individuals;

"(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to,

or contracts with, public agencies or nonprofit private organizations in such State; and

"(C) ensure that the projects will be operated in consultation with the ACTION Agency and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services."; and

(3) in subjection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end the following:

"(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(11) shall submit to the Commissioner a report containing—

"(i) the results, and findings based on the results, of such project; and

"(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.".

SEC. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 of the Older Americans Act of 1965 (42 U.S.C. 3035b) is amended to read as follows:

"SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

"(a) DEFINITIONS.—As used in this section:

"(1) PROJECT.—The term 'Project' means a Project to Improve the Delivery of Long-Term Care Services.

"(2) RESOURCE CENTER.—The term 'Resource Center' means a Resource Center for Long-Term Care.

"(b) RESOURCE CENTERS.—

"(1) GRANTS AND CONTRACTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

"(2) REQUIREMENTS.—

"(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

"(i) perform research;

"(ii) provide for the dissemination of results of the research; and

"(iii) provide technical assistance and training to State agencies and area agencies on aging.

"(B) AREA OF SPECIALTY.—For purposes of subparagraph (A) the term 'area of specialty' means—

"(i) Alzheimer's disease and related dementias, and other cognitive impairments;

"(ii) client assessment and case management;

"(iii) data collection and analysis;

"(iv) home modification and supportive services to enable older individuals to remain in their homes;

"(v) consolidation and coordination of services;

"(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

"(vii) decisionmaking and bioethics;

"(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

"(ix) rural issues, including barriers to access to services;

"(x) chronic mental illness;

"(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

"(xii) an area of importance as determined by the Commissioner.

"(c) PROJECTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 projects.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

"(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

"(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

"(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

"(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Commissioner shall give preference to entities that demonstrate that—

"(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

"(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

"(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

"(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

"(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

"(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

"(iv) lack of financing for such services;

"(v) lack of availability of adequately trained personnel to provide such services; and

"(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

"(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

"(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

"(g) ELIGIBLE ENTITIES.—

"(1) RESOURCE CENTERS.—Entities eligible to receive grants, or enter into contracts, under subsection (B)(1) shall be—

"(A) institutions of higher education; and

"(B) other public agencies and nonprofit private organizations.

"(2) PROJECTS.—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

"(A) State agencies; and

"(B) in consultation with State agencies—

"(i) area agencies on aging;

"(ii) institutions of higher education; and

"(iii) other public agencies and non-profit private organizations.

"(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts entered into, under this section, including—

"(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Commissioner is preparing the annual report; and

"(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

"(i) AVAILABILITY OF FUNDS.—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.".

(b) OBLIGATION.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by inserting ", legal assistance agencies," after "ombudsman program".

SEC. 409. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) is amended by adding at the end the following:

"SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

"(a) GRANTS AND CONTRACTS.—The Commissioner may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide older individuals with multigenerational activities.

"(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

"(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

"(2) to evaluate the project in accordance with subsection (f).

"(c) AWARDS.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

"(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

"(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

"(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

"(f) LOCAL EVALUATION AND REPORT.—

"(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under this project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

"(2) REPORT.—The organization shall submit a report to the Commissioner containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) REPORT TO CONGRESS.—Not later than 6 months after the Commissioner receives the reports described in subsection (f)(2), the Commissioner shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the name and address of the individual or governmental entity that conducted the projects;

"(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

"(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

"(6) the rate of turnover of older individual employees and volunteers in the projects.

"(g) DEFINITION.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.".

SEC. 410. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by section 409) is amended by adding at the end the following:

"SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) GRANTS.—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individuals who are residents in federally assisted housing (referred to in this section as 'residents').

"(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization; and

"(8) other services provided under this Act.

"(c) AWARD OF GRANTS.—The Commissioner shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

"(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

"(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

"(f) GUIDELINES.—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 411. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) DEFINITIONS.—As used in this section:

"(1) HEALTH AND SOCIAL SERVICES.—The term 'health and social services' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) VOLUNTEER SERVICES.—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

"(b) SERVICE GRANTS.—

"(1) IN GENERAL.—The Commissioner may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

"(2) PREFERENCE.—In awarding grants under this section, the Commissioner shall give preference to applicants experienced in operating community programs meeting the independent living needs of older individuals.

"(3) ADVISORY BOARD.—The Commissioner shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

"(4) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(A) describe the activities in the program for which assistance is sought;

"(B) describe the neighborhood in which volunteer services are to be provided under the program, and a plan for integration of volunteer services within the neighborhood;

"(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

"(ii)(I) reasons that it is not possible to provide such assurances; and

"(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

"(D) provide for an evaluation of the activities for which assistance is sought.

"(c) TECHNICAL RESOURCE CENTER.—The Commissioner shall, to the extent appropria-

tions are available, enter into a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

"(1) assist the Commissioner in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

"(2) assist communities interested in establishing such a neighborhood senior care program;

"(3) coordinate the neighborhood senior care programs;

"(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Commissioner;

"(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

"(6) take any further actions as required by regulation by the Commissioner.".

SEC. 412. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

"(a) GRANTS.—The Commissioner may—

"(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

"(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

"(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

"(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

"(c) GUIDELINES.—The Commissioner shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A).

"(d) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Commissioner shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

"(2) REPORT.—Not later than January 1, 1995, the Commissioner shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 413. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end of the following:

"SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Commissioner shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Commissioner shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as 'senior transportation services').

"(b) USE OF FUNDS.—Grants made under subsection (a) may be used to—

"(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

"(2) develop comprehensive and integrated senior transportation services; and

"(3) leverage additional resources for senior transportation services by—

"(A) coordinating various transportation services; and

"(B) coordinating various funding sources for transportation services, including—

"(i) sources of assistance under—

"(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

"(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

"(ii) State and local sources.

"(c) AWARD OF GRANTS.—

"(1) PREFERENCE.—In awarding grants under subsection (a), the Commissioner shall give preference to entities that—

"(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

"(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

"(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

"(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

"(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

"(2) RURAL ENTITIES.—The Commissioner shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

"(d) APPLICATION.—An entity that seeks a grant under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including at a minimum—

"(1) information describing senior transportation services for which the entity seeks assistance;

"(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

"(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

"(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Commissioner; and

"(5) such other information as may be required by the Commissioner.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants under this section shall be—

"(1) State agencies;

"(2) area agencies on aging; and

"(3) other public agencies and nonprofit organizations.

"(f) REPORT.—

"(1) PREPARATION.—The Commissioner shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

"(2) SUBMISSION.—The Commissioner shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 414. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

"(a) ESTABLISHMENT.—The Commissioner shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Commissioner shall make such grants or enter into such contracts for periods of not less than 3 years.

"(b) FUNCTIONS.—

"(1) IN GENERAL.—Each Resource Center that receives funds under this section shall—

"(A) gather information;

"(B) perform research;

"(C) provide for the dissemination of results of the research; and

"(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

"(2) AREAS OF CONCERN.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

"(A) health problems;

"(B) long-term care, including in-home care;

"(C) elder abuse; and

"(D) other problems and issues that the Commissioner determines are of particular importance to Native Americans who are older individuals.

"(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

"(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract

under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

"(f) REPORT TO CONGRESS.—The Commissioner, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.".

SEC. 415. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

"(a) DEFINITION.—As used in this section:

"(1) Developmental Disability.—The term 'developmental disability' has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

"(2) IN-HOME SERVICE.—The term 'in-home service' has the meaning given the term in section 342.

"(b) ESTABLISHMENT.—The Commissioner shall make grants to State agencies to provide services in accordance with subsection (c).

"(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

"(1) child care and youth day care programs;

"(2) programs to integrate the individuals into existing programs for older individuals;

"(3) respite care;

"(4) transportation to multipurpose senior centers and other facilities and services;

"(5) supervision;

"(6) renovation of multipurpose senior centers;

"(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

"(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

"(9) in-home services.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.".

SEC. 416. HOUSING DEMONSTRATION PROGRAMS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.

"(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

"(2) USE OF GRANTS.—An eligible agency shall use a grant awarded under paragraph (1) to—

"(A) provide the services described in subparagraph (B) through—

"(i) professional and volunteer staff to older individuals who are—

"(I) participating in federally assisted and other publicly assisted housing programs; or

"(II) seeking Federal, State, and local housing programs; and

"(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

"(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

"(III) a public or not-for-profit social services agency; or

"(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

"(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

"(i) direct assistance, or referral to services, to resolve complaints or problems;

"(ii) provision of information regarding available housing programs, eligibility requirements, and application processes;

"(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

"(iv) advocacy related to promoting—

"(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

"(II) the quality and suitability of housing in the programs; and

"(v) assistance with problems related to housing regarding—

"(I) threats of eviction or eviction notices;

"(II) older buildings;

"(III) functional impairments as the impairments relate to housing;

"(IV) unlawful discrimination;

"(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

"(VI) disability issues;

"(VII) intimidation, harassment, or arbitrary management rules;

"(VIII) grievance procedures;

"(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

"(X) issues related to transfer from one project or program to another; and

"(3) AWARD OF GRANTS.—The Commissioner shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

"(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

"(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

"(C) A plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

"(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

"(A) State agencies;

"(B) area agencies on aging; and

"(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

"(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall make grants to States to carry out demonstration programs to develop methods or implement laws—

"(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

"(B) to obtain alternative housing as a result of such foreclosure or eviction; and

"(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

"(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

"(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

"(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

"(c) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards a grant under subsection (a) or (b)—

"(A) evaluate the effectiveness of each demonstration program that receives the grant; and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 417. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

"(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be an addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

"(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

"(b) AWARD OF GRANTS AND CONTRACTS.—

"(1) REGIONAL DISTRIBUTION.—The Commissioner shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

"(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Commissioner shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

"(c) MONITORING.—The Commissioner shall monitor how—

"(1) grants are expended, and contracts are carried out, under subsection (a); and

"(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.".

SEC. 418. CAREER PREPARATION FOR THE FIELD OF AGING.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) GRANTS.—The Commissioner shall make grants to institutions of higher education, historically black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SEC. 419. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—As used in this section:

"(1) PENSION RIGHTS INFORMATION PROGRAM.—The term 'pension rights information program' means a program described in subsection (c).

"(2) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

"(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.)

"(b) ESTABLISHMENT.—The Commissioner shall establish and carry out pension rights demonstration projects.

"(c) PENSION RIGHTS INFORMATION PROGRAMS.—

"(1) USE OF FUNDS.—In carrying out the projects specified in subsection (b), the Commissioner shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

"(2) AWARD OF GRANTS.—

"(A) TYPE OF ENTITY.—The Commissioner shall award under this subsection—

"(i) four grants to State agencies or area agencies on aging; and

"(ii) two grants to nonprofit organizations with a proven record of providing—

"(I) services related to retirement of older individuals; or

"(II) specific pension rights counseling.

"(B) PANEL.—In awarding grants under this subsection, the Commissioner shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

"(C) CRITERIA.—In awarding grants under this subsection, the Commissioner, in consultation with the panel, shall use as criteria—

"(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information programs;

"(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

"(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(i) a plan for the establishment of a pension rights information area; and

"(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

"(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

"(i) establishes a State or area pension rights information center;

"(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

"(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

"(iv) makes referrals to legal services and other advocacy programs;

"(v) establishment a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

"(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

"(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

"(d) TRAINING PROGRAM.—

"(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Commissioner shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

"(A) information to the staffs of entities operating pension rights information programs; and

"(B) assistance to the entities and assist such entities in the design of program evaluation tools.

"(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(e) DURATION.—The Commissioner may award grants under subsection (c) or (d) for periods not to exceed 18 months.

"(f) REPORT TO CONGRESS.—

"(1) PREPARATION.—The Commissioner shall prepare a report that—

"(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(B) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(C) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

"(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Commissioner shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses in carrying out this section.".

SEC. 420. AUTHORIZATION OF APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended by striking subsections (a) and (b) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) $72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

"(b) There are authorized to be appropriated to carry out section 411(e), $450,000 for each of fiscal years 1992, 1993, 1994, and 1995.".

SEC. 421. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) of the Older Americans Act of 1965 (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.".

SEC. 422. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Not later than January 1 following each fiscal year, the Commissioner shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall contain—

"(A) the name or descriptive title of each project or program;

"(B) the name and address of the individual or governmental entity that conducted such project or program;

"(C) a specification of the period throughout which such project or program was conducted;

"(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project or program; and

"(F) a bibliography identifying all published information relating to such project or program."; and

(2) by adding at the end the following:

"(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

"(2) The Commissioner shall—

"(A) make available to the public each evaluation carried out under paragraph (1); and

"(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting "and who have poor employment prospects" after "or older";

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting ", and eligible individuals who have greatest economic need, at least" after "individuals";

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively; and

(C) by inserting after subparagraph (M) the following:

"(N)(i) will prepare an assessment of—

"(I) the participants' skills and talents;

"(II) their need for supportive services; and

"(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.));

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;";

(3) in subsection (c)(1)(B) by striking "Director of the Office of Community Services of the Department" and inserting "Secretary";

(4) in subsection (d)(1) by striking "within a State such organization or program sponsor shall submit to the state agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging"; and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Not" and all that follows through "1981, the" and inserting "The"; and

(ii) by inserting ", and amend from time to time," after "issue";

(B) in subparagraph (A) by striking "and" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534).".

SEC. 502. COORDINATION.

(a) INCREASING JOB OPPORTUNITIES.—Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following:

"(2) The Secretary of Labor and the Commissioner shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals.".

(b) COORDINATION OF ADMINISTRATION.—The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall";

(2) by inserting after the first sentence the following: "The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services."; and

(3) by adding at the end the following: "The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.".

SEC. 503. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

(1) in subsection (a) by striking "of the Administration on Aging"; and

(2) by adding at the end the following:

"(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide training and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).".

SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.

(a) ALLOCATION.—Paragraphs (1) and (2) of section 506(a) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)) are amended to read as follows:

"(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be nec-

essary for national grants or contracts with public agencies and public or nonprofit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

"(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

"(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

"(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

"(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

"(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

"(I) at least 25 percent of the excess amount; or

"(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

"(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients

"(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

"(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

"(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

"(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of undeserved States, subject to subparagraph (B)(i)(III).

"(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

"(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).".

(b) APPORTIONMENT WITHIN STATES.—Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting before the period at the end the following: ", and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 502(c)(1), paragraphs (3) and (4) of section 506(a), and section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(c)(1), 3056d(a) (3) and (4), and 3056e(1)) are amended by striking "per centum" each place the term appears and inserting "percent".

(2) Section 502(e)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(E)(1)) is amended by striking "506(a)(1)(B)" and inserting "506(a)(2)(A)".

(3) Section 506(a)(4)(B) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(4)(B)) is amended by striking "him" and inserting "the Secretary".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) $470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and";

(2) in paragraph (2) by striking "62,500" and inserting "70,000"; and

(3) by striking "clause" and inserting "paragraph".

SEC. 506. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g) is amended by adding at the end the following:

"SEC. 510. DUAL ELIGIBILITY.

"In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of section 203 of such Act (29 U.S.C. 1603) that are applicable to adults.".

SEC. 507. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g), as amended by section 506, is amended by adding at the end the following:

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).".

TITLE VI—GRANTS FOR NATIVE AMERICANS

SEC. 601. APPLICATIONS BY TRIBAL ORGANIZATIONS.

Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.".

SEC. 602. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended by inserting after section 614 the following:

"SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

"(a) MAINTENANCE OF 1991 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

"(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

"(1) increased by such amount as the Commissioner considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

"(2) an amount the Commissioner considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.".

SEC. 603. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j(a)(3)) is amended by inserting "and with the activities carried out under title III in the same geographical area" before the semicolon at the end.

SEC. 604. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended by inserting after section 624 the following:

"SEC. 624A. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

"Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

"(b) Of the amount appropriated under subsection (a) for each fiscal year—

"(1) 90 percent shall be available to carry out part A; and

"(2) 10 percent shall be available to carry out part B.".

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SEC. 701. ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"Subtitle A—State Provisions

"CHAPTER 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, $40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, $10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"SEC. 703. ALLOTMENT.

"(a) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subtitle, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to carry out this title in accordance with the assurances made and description provided under section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subtitle—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.

"(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307—

"(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

"(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out the vulnerable elder rights protection activities described in the chapter;

"(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

"(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

"(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent elder abuse;

"(ii) receipt of reports of elder abuse;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

"(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

"(i) if all parties to such complaint consent in writing to the release of such information;

"(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(iii) upon court order;

"(7) an assurance that the State agency—

"(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

"(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency on aging; and

"(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities

conducted with funds provided under this paragraph and the evaluation of such activities;

"(C) will distribute to area agencies on aging—

"(i) the eligibility information received under section 202(a)(20) from the Administration; and

"(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(D) will submit to the Commissioner a report on the evaluations required to be submitted under subparagraph (B); and

"(8) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (7).

"(b) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this subtitle to reveal any information that is protected by the attorney-client privilege.

"SEC. 706. DEMONSTRATION PROJECTS.

"(a) ESTABLISHMENT.—From amounts made available under section 304(d)(1)(C) after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

"(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

"(2) medical assistance available under title XIX of such Act (42 U.S.C 1396 et seq.); and

"(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(b) BENEFITS.—Each outreach project carried out under subsection (a) shall—

"(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a);

"(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

"(3) be coordinated with State and local entities that administer benefits under such titles.".

SEC. 702. OMBUDSMAN PROGRAMS.

Title VII of the Older Americans Act of 1965 (as added by section 701 of this Act) is amended by adding at the end the following:

"CHAPTER 2—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

"As used in this chapter:

"(1) OFFICE.—The term 'Office' means the office established in section 712(a)(1)(A).

"(2) OMBUDSMAN.—The term 'Ombudsman' means the individual described in section 712(a)(2).

"(3) LOCAL OMBUDSMAN ENTITY.—The term 'local Ombudsman entity' means an entity designated under section 712(a)(5)(A) to carry out the duties described in section 712(a)(5)(B) with respect to a planning and service area or other substate area.

"(4) PROGRAM.—The term 'program' means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

"(5) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under section 712(a)(5)(A) and who is individually designated by the Ombudsman.

"(6) RESIDENT.—The term 'resident' means an older individual who resides in a long-term care facility.

"SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

"(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

"(B) carry out through the Office a State Long-Term Care Ombudsman program.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, residents; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

"(I) providers, or representatives of providers, of long-term care services;

"(II) public agencies; or

"(III) health and social service agencies;

"(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

"(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(ii) or services described in subparagraph (B);

"(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

"(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

"(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

"(iii) facilitate public comment on the laws, regulations, policies, and actions;

"(H)(i) provide for training representatives of the Office;

"(ii) promote the development of citizen organizations, to participate in the program; and

"(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

"(I) carry out such other activities as the Commissioner determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

"(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

"(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

"(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

"(i) provide services to protect the health, safety, welfare and rights of residents;

"(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

"(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

"(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

"(vi) support the development of resident and family councils; and

"(vii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Ombudsman entities, and individuals eligible to be designated as representatives of such entities, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or nonprofit private entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

"(ii) POLICIES.—In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for

resolution of concerns with respect to case activity.

"(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

"(b) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) access to long-term care facilities and residents;

"(B)(i) appropriate access to review the medical and social records of a resident, if—

"(I) the representative has the permission of the resident, or the legal representative of the resident; or

"(II) the resident is unable to consent to the review and has no legal representative; or

"(ii) access to the records as is necessary to investigate a complaint if—

"(I) a legal guardian of the resident refuses to give the permission;

"(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

"(III) the representative obtains the approval of the Ombudsman;

"(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

"(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

"(B) other State and Federal entities that the Ombudsman determines to be appropriate;

"(C) the Commissioner; and

"(D) the National Ombudsman Resource Center established in section 202(a)(21).

"(d) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c).

"(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

"(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

"(ii)(I) the complainant or resident gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

"(iii) the disclosure is required by court order.

"(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, old" individuals, and providers of long-term ca

"(f) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

"(3) ensure that the Ombudsman—

"(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

"(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

"(C) is not employed by, or participating in the management of, a long-term care facility; and

"(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

"(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(g) LEGAL COUNSEL.—The State agency shall ensure that—

"(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

"(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

"(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

"(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

"(h) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (c);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the residents; and

"(ii) protecting the health, safety, welfare, and rights of the residents;

"(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

"(ii) identifying barriers that prevent the optimal operation of the program; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of older individuals residing in long-term care facilities; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4)(A) not later than 1 year after the date of the enactment of this title, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Associate Commissioner for Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures not later than 21 months after the date of the enactment of this title;

"(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

"(A) has received the training required under paragraph (4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraphs (1), (2), (3), (6), or (7).

"(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f); and

"(2) the relationships described in subparagraphs (A) through (D) of section 712(f)(3).".

SEC. 703. PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) PROGRAMS.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by section 702) is amended by adding at the end the following:

"CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

"(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined by a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities described in subparagraph (C)(iv); and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) APPROACH.—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) COORDINATION.—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in chapter 2;

"(4) protection and advocacy programs;

"(5) facility and long-term care provider licensure and certification programs;

"(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) REQUIREMENTS.—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential except—

"(A) if all parties to such complaint or report consent in writing to the release of such information;

"(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(C) upon court order; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

"(f) DESIGNATION.—The State agency may designate a State entity to carry out the programs and activities described in this chapter.".

SEC. 704. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

Title VII of the Older Americans Act of 1965 (as added by section 701 and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

"(2) COORDINATION AND ASSISTANCE.—In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

"(A) understanding the rights of the older individuals;

"(B) exercising choice;

"(C) benefiting from services and opportunities authorized by law;

"(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

"(E) solving disputes.

"(b) FUNCTIONS.—In carrying out this chapter, the State agency shall—

"(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

"(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

"(A) State leadership in securing and maintaining legal rights of older individuals;

"(B) State capacity for coordinating the provision of legal assistance;

"(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

"(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

"(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

"(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

"(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under title III, services provided by the Legal Service Corporation, and services provided under chapters 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

"(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

"(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

"(A) the powers and duties of guardians or representative payees; and

"(B) alternatives to guardianship;

"(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

"(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

"(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

"(B) of problems and unmet needs identified in programs established under title III and other programs; and

"(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—

"(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

"(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.".

SEC. 705. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

(2) public programs under which the individuals are entitled to benefits, including benefits under—

(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(b) PROGRAM.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

"SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

"(a) DEFINITIONS.—As used in this section:

"(1) INSURANCE BENEFIT.—The term 'insurance benefit' means a benefit under—

"(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(C) a public or private insurance program;

"(D) a medicare supplemental policy; or

"(E) a pension plan.

"(2) MEDICARE SUPPLEMENTAL POLICY.—The term 'medicare supplemental policy' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

"(3) PENSION PLAN.—The term 'pension plan' means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(4) PUBLIC BENEFIT.—The term 'public benefit' means a benefit under—

"(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

"(C) the medicaid program established under title XIX of the Social Security Act;

"(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

"(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

"(G) a program determined to be appropriate by the Commissioner.

"(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term 'State insurance assistance program' means the program established under subsection (b)(1).

"(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term 'State public benefit assistance program' means the program established under subsection (b)(2).

"(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

"(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

"(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

"(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

"(1) in carrying out a State insurance assistance program—

"(A) provide information and counseling to assist older individuals—

"(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

"(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

"(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

"(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

"(C) give priority to providing assistance to older individuals with greatest economic need;

"(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

"(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

"(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

"(C) assist older individuals in applying for such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

"(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

"(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

"(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

"(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

"(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b).".

SEC. 706. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle B—Native American Organization Provisions

"SEC. 751. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

"(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subtitle, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 707. GENERAL PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle C—General Provisions

"SEC. 761. DEFINITIONS.

"As used in this title:

"(1) ELDER RIGHT.—The term 'elder right' means a right of an older individual.

"(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term 'vulnerable elder rights protection activity' means an activity funded under chapter 2, 3, 4, or 5 of this title.

"SEC. 762. ADMINISTRATION.

"A State agency or an entity described in section 751(c) may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) institutions of higher education;

"(5) Indian tribes; or

"(6) nonprofit service providers or volunteer organizations.

"SEC. 763. TECHNICAL ASSISTANCE.

"(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such Federal entities as may be appropriate.

"(b) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this title.

"SEC. 764. AUDITS.

"(a) ACCESS.—The Commissioner, the Comptroller General of the United States, and any duly authorized representative of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and entities described in section 751(c) shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services.".

SEC. 708. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) of the Older Americans Act of 1965 (42 U.S.C 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "section 307(a)(12)(C)" and inserting "titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A).".

(B) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 351(4) of the Older Americans Act of 1965 (42 U.S.C. 30301(4)) is amended by

striking "section 307(a)(12)" and inserting "titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 321(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)".

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) NURSING HOME NURSE AIDE.—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

(2) HOME HEALTH CARE AIDE.—The term "home health care aide" means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) information on the role of the aides in providing institution-based and home-based long-term care.

(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the number of aides who are—

(I) employed by a for-profit employer;

(II) employed by a nonprofit private employer;

(III) employed by a charitable employer;

(IV) employed by a government employer; or

(V) independent contractors;

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of the aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

(vi) the average number and range of hours worked each week by the aides; and

(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided; and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—

(1) TRANSMITTAL.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) DEPARTMENT OF LABOR REPORTS.—

(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) PREPARATION.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National School Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o)(2)(A)(i) of the National School Lunch Act (42 U.S.C. 1766(o)(2)(A)(i)) is amended by inserting ", or a group living arrangement," after "homes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987.

Subtitle C—Native American Programs

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Native American Programs Act Amendments of 1992".

SEC. 822. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 803 (42 U.S.C. 2991b)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner"; and

(B) in the first sentence of subsection (a)—

(i) by striking "Indian organizations" and inserting "Indian and Alaska Native organizations"; and

(ii) by striking "nonreservation area" and inserting "area that is not an Indian reservation or Alaska Native village";

(2) in section 803A (42 U.S.C. 2991b-1)—

(A) in subsection (a)(1)—

(i) by striking "one agency" and all that follows through "of Native Hawaiians" and inserting "the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')";

(ii) by striking "5-year"; and

(iii) in subparagraph (A) by striking "such agency or Native Hawaiian organization" and inserting "the Office";

(B) by striking "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place the term appears and inserting "Office";

(C) by striking "agency or organization" each place the term appears and inserting "Office";

(D) by striking "Secretary" each place the term appears and inserting "Commissioner";

(E) in subsection (a)(2) by inserting before the period at the end the following: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(F) by striking subsection (b)(6);

(G) in subsection (f)(1) by striking "fiscal years 1988, 1989, and 1990 the aggregate amount of $3,000,000 for all such fiscal years" and inserting "each of the fiscal years 1992, 1993, and 1994, $1,000,000";

(H) by striking subsection (f)(3); and

(I) by striking subsection (g) and inserting the following:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(3) after section 803A (42 U.S.C. 2991b-1) by inserting the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services (referred to in this title as the 'Department') the Administration for Native Americans (referred to in this title as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this title as the 'Commissioner'). The Administration shall be the agency responsible for carrying out the provisions of this title.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this title;

"(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

"(5) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(6) encourage agencies that carry out projects under this title, to give preference to such individuals in hiring and entering into contracts to carry out such projects.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties described in subsection (c)(3), the Council shall, within 180 days following the date of the enactment of the Native American Programs Act Amendments of 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 803(a) to consolidate grants administered by the Department and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this title. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration.";

(4) by striking section 804 (42 U.S.C. 2991c) and inserting the following:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements—

"(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title;

"(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this title; and

"(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(5) in section 805 (42 U.S.C. 2991d) by striking "Secretary" each place the term appears and inserting "Commissioner";

(6) in section 806 (42 U.S.C. 2991d-1) by striking "Secretary" each place the term appears and inserting "Commissioner";

(7) in section 807 (42 U.S.C. 2991e) by striking "Secretary" each place the term appears and inserting "Commissioner";

(8) in section 808 (42 U.S.C. 2991f) by striking "Secretary" each place the term appears and inserting "Commissioner";

(9) in section 809 (42 U.S.C. 2991g) by striking "Secretary" each place the term appears and inserting "Commissioner";

(10) in section 810 (42 U.S.C. 2991h)—

(A) by striking "Secretary" and inserting "Commissioner";

(B) by designating the text as subsection (a); and

(C) by adding at the end the following:

"(b) If an application is rejected on the grounds that the applicant is ineligible or that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(11) in section 811 (42 U.S.C. 2992)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)", and

(ii) by adding at the end the following:

"(2) The projects assisted under this title shall be evaluated in accordance with this section not less frequently than at 3-year intervals.";

(12) after section 811 (42 U.S.C. 2992) by inserting the following:

"ANNUAL REPORT

"SEC. 811A. The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.";

(13) after section 812 (42 U.S.C. 2992a) by inserting the following:

"STAFF

"SEC. 812A. In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.";

(14) by striking section 813 (42 U.S.C. 2992b) and inserting the following:

"ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(15) in section 816(a) (42 U.S.C. 2992d(a))—

(A) by striking "1988" and all that follows and inserting "1992, 1993, 1994, and 1995."; and

(B) by striking "and 803A" and inserting a comma and "803A, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations;

(16) in section 816(b) (42 U.S.C. 2992d(b)) by striking "and 803A" and inserting a comma and "803A, 804, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations";

(17) in section 816(c)(1) (42 U.S.C. 2992d(c)(1))—

(A) by striking "(1) Except as provided in paragraph (2), there are" and inserting "There are"; and

(B) by striking "1988, 1989, 1990, and 1991" and inserting "1992, 1993, 1994, and 1995";

(18) by striking section 816(c)(2) (42 U.S.C. 2992d(c)(2));

(19) in section 816(d) by striking "1991,";

(20) in section 816 (42 U.S.C. 2992d) by adding at the end the following:

"(e)(1) For fiscal years 1992 and 1993, there are authorized to be appropriated such sums as may be necessary for the purpose of—

"(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

"(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

"(2) Such a plan shall be delivered to the Congress not later than 30 days after the date of enactment of this subsection."; and

(21) in sections 802, 803(a), 806(a)(2), 808, and 815(2) (42 U.S.C. 2991a, 2991b(a), 2991d-1(a)(2), 2991f, and 2992c(2)) by striking "Alaskan Native" each place the term appears and inserting "Alaska Native".

Subtitle D—1993 White House Conference on Aging

SEC. 831. 1993 WHITE HOUSE CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—1993 WHITE HOUSE CONFERENCE ON AGING".

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990"; and

(B) by striking "101,700,000" and inserting "103,646,000";

(2) in paragraph (2) by striking "every 6" and inserting "every 8"; and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,".

SEC. 832. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Conference on Aging in 1991" and inserting "In 1993 the President shall convene the 1993 White House Conference on Aging";

(2) in subsection (c) by striking paragraphs (1) through (6) and inserting the following:

"(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

"(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging."; and

(3) in subsection (d)(2) by adding at the end the following: "Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families.".

SEC. 833. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "(including organizations representing older Indians)" after "appropriate organizations";

(B) in paragraph (3)—

(i) by striking "prepare and"; and

(ii) by inserting ", prepared by the Policy Committee," after "agenda";

(C) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(D) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "assure" and inserting "and as part of the 1993 White House Conference on Aging, ensure";

(B) in paragraph (1), by striking "will" and inserting "shall";

(C) by striking paragraphs (2) and (3);

(D) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,"; and

(E) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(3) by adding at the end the following:

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

"(d) RECORDS.—The Secretary shall maintain records regarding—

"(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

"(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.".

SEC. 834. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.";

(2) in subsection (b) by striking "(b) OTHER COMMITTEES.—" and inserting the following:

"(2) OTHER COMMITTEES.—";

(3) in subsection (a)—

(A) by striking "(a) ADVISORY COMMITTEE.—The Secretary" and inserting "(b) ADVISORY AND OTHER COMMITTEES.—

"(1) IN GENERAL.—The President"; and

(B) by adding at the end the following: "The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.";

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1992, as follows:

"(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States; and

"(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

"(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

"(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

"(C) make recommendations for participants and delegates of the Conference;

"(D) establish the number of delegates to be selected under section 202(d)(2); and

"(E) formulate and approve the initial report of the Conference in accordance with section 205.

"(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

"(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agen-

da required by paragraph (2)(B) and the report required by paragraph (2)(E).

"(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

"(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee."; and

(5) in the first sentence of subsection (c)—

(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)"; and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 835. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "60" and inserting "90";

(2) in subsection (b) by striking "Secretary, not later than 180" and inserting "Policy Committee, not later than 90";

(3) in subsection (c)—

(A) by striking "(c) FINAL REPORT.—The Secretary" and inserting the following:

"(c) REPORTS.—

"(1) INITIAL REPORT.—The Policy Committee";

(B) by striking "prepare a final report" and inserting "prepare and approve an initial report"; and

(C) by adding at the end the following:

"(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate."; and

(4) in subsection (d)—

(A) in the heading of such subsection by striking "SECRETARY" and inserting "POLICY COMMITTEE"; and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 836. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 and 1993 to carry out this title.

"(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

"(b) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before January 1, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before January 1, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.".

SEC. 837. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle.

SEC. 838. SENSE OF THE CONGRESS.

It is the sense of the Congress that the 1993 White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act (42 U.S.C. 403) on older individuals who are employed.

Subtitle E—Benefit Improvements

SEC. 841. ADJUSTMENTS IN EXEMPT AMOUNT FOR PURPOSES OF THE RETIREMENT TEST.

(a) INCREASE IN EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved—

"(I) shall be $1,000.00 for each month of any taxable year ending after 1992 and before 1994,

"(II) shall be $1,166.66⅔ for each month of any taxable year ending after 1993 and before 1995,

"(III) shall be $1,333.33⅓ for each month of any taxable year ending after 1994 and before 1996,

"(IV) shall be $1,500.00 for each month of any taxable year ending after 1995 and before 1997, and

"(V) shall be $1,666.66⅔ for each month of any taxable year ending after 1996 and before 1998.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i)(V) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1996.".

(b) CONFORMING AMENDMENT.—Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "the exempt amount under section 203(f)(8) which is applicable to individuals described in subparagraph (D) thereof" and inserting the following: "an amount equal to the exempt amount which would have been applicable under section 203(f)(8), to individuals described in subparagraph (D) thereof, if section 841 of the Older Americans Act Amendments of 1992 had not been enacted".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after 1992.

(d) CREDITING TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—

(1) IN GENERAL.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund amounts equivalent to the net increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 attributable to remuneration for employment (as defined in section 3121(b) of such Code) and net earnings from self-employment (as defined in section 1402(a) of such Code) which results from the amendments made by this section.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) shall be transferred from time to time (but not less frequently than quarterly) from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) REPORTS.—The Secretary of the Treasury shall submit annual reports to the Congress and to the Secretary of Health and Human Services on—

(A) the transfers made under this subsection during the year, and the methodology used in determining the amount of such transfers, and

(B) the anticipated operation of this subsection during the next 5 years.

SEC. 842. IMPROVEMENTS IN WIDOW'S AND WIDOWER'S INSURANCE BENEFITS.

(a) ELIMINATION OF ACTUARIAL REDUCTION FOR EARLY RETIREMENT IN WIDOW'S OR WIDOWER'S INSURANCE BENEFITS FOR INDIVIDUALS WHO HAVE ATTAINED AGE 80.—Section 202(q) of the Social Security Act (42 U.S.C. 402(q)) is amended by adding at the end the following new paragraph:

"(12) No widow's or widower's insurance benefit shall be reduced under this subsection for any month ending after the date on which the individual entitled to such benefit attains age 80.".

(b) INCREASE UPON ATTAINMENT OF AGE 80 IN LIMITATION ON REDUCTION BY REASON OF DECEASED SPOUSE'S EARLY RETIREMENT.—

(1) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(2)(D)(ii) of such Act (42 U.S.C. 402(e)(2)(D)(ii)) is amended by inserting "(90 percent in the case of a widow or surviving divorced wife who has attained age 80)" after "82½ percent".

(2) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(3)(D)(ii) of such Act (42 U.S.C. 402(f)(3)(D)(ii)) is amended by inserting "(90 percent in the case of a widower or surviving divorced husband who has attained age 80)" after "82½ percent".

(c) EFFECTIVE DATE AND TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after November 1992.

(2) TRANSITION RULE.—Section 1634 of the Social Security Act (42 U.S.C. 1383c) is amended by adding at the end the following new subsection:

"(e)(1) An individual receiving benefits under this title who—

"(A) as a result of the amendments made by subsection (a) or (b) of section 842 of the Older Americans Act Amendments of 1992—

"(i) becomes entitled to an increase in the amount of his or her widow's or widower's insurance benefit under subsection (e) or (f) of section 202, or

"(ii) becomes entitled, upon filing an application, to a widow's or widower's insurance benefit under subsection (e) or (f) of section 202 for the later of—

"(I) December 1992, or

"(II) the month in which such individual attains age 80,

in any case in which the death of the individual on whose wages and self-employment income such benefit is based occurs prior to such later month,

and

"(B) ceases to be eligible for a benefit under this title because of such entitlement or increase (or because of any subsequent cost-of-living adjustments in such benefit under section 215(i)),

shall be treated for purposes of title XIX as an individual with respect to whom a benefit under this title is paid so long as he or she would be eligible for benefits under this title in the absence of such widow's or widower's insurance benefits or such increase.

"(2) For purposes of this subsection, the term 'benefit under this title' means—

"(A) a supplemental security income benefit under this title, or

"(B) a State supplementary payment of the type referred to in section 1616(a) (or a payment of the type referred to in section 212(a) of Public Law 93-66).".

SEC. 843. REPEAL OF 7-YEAR RESTRICTION ON ELIGIBILITY FOR WIDOW'S AND WIDOWER'S INSURANCE BENEFITS BASED ON DISABILITY.

(a) WIDOW'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (4)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (4) and (II)";

(C) by striking paragraph (4) and by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(D) in paragraph (4)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which her application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(e)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(e)(1)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(B) Section 202(e)(1)(F)(i) of such Act (42 U.S.C. 402(e)(1)(F)(i)) is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(C) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(D) Section 226(e)(1)(A)(i) of such Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking "202(e)(4)".

(b) WIDOWER'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)(B)(ii), by striking "which began before the end of the period specified in paragraph (5)";

(B) in paragraph (1)(F)(ii), by striking "(I) in the period specified in paragraph (5) and (II)";

(C) by striking paragraph (5) and by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively; and

(D) in paragraph (5)(A)(ii) (as redesignated), by striking "whichever" and all that follows through "begins" and inserting "the first day of the seventeenth month before the month in which his application is filed".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(f)(1)(C)(ii)(III) of such Act (42 U.S.C. 402(f)(1)(C)(ii)(III)) is amended by striking "paragraph (8)" and inserting "paragraph (7)".

(B) Section 202(f)(1)(F)(i) of such Act (42 U.S.C. 402(f)(1)(F)(i)) is amended by striking "paragraph (6)" and inserting "paragraph (5)".

(C) Section 226(e)(1)(A)(i) of such Act (as amended by subsection (a)(2)) is further amended by striking ", 202(f)(1)(B)(ii), and 202(f)(5)" and inserting "and 202(f)(1)(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months after August 1992 for which applications are filed or pending on or after September 1, 1992.

SEC. 844. EXPANSION OF STATE OPTION TO EXCLUDE SERVICE OF ELECTION OFFICIALS OR ELECTION WORKERS FROM COVERAGE.

(a) LIMITATION ON MANDATORY COVERAGE OF STATE ELECTION OFFICIALS AND ELECTION WORKERS WITHOUT STATE RETIREMENT SYSTEM.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(a)(7)(F)(iv) of the Social Security Act (42 U.S.C. 410(a)(7)(F)(iv)) (as amended by section 11332(a) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(b)(7) of the Internal Revenue Code of 1986 (as amended by section 11332(b) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) of the Social Security Act with respect to service performed thereafter".

(b) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(p)(2)(E) of the Social Security Act (42 U.S.C. 410(p)(2)(E)) is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) of the Social Security Act with respect to service performed thereafter".

(c) AUTHORITY FOR STATES TO MODIFY COVERAGE AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS AND ELECTION WORKERS.—Section 218(c)(8) of the Social Security Act (42 U.S.C. 418(c)(8)) is amended—

(1) by striking "on or after January 1, 1968," and inserting "at any time";

(2) by striking "$100" and inserting "$1,000 with respect to service performed during 1993, and the exempt remuneration amount determined under subparagraph (B) with respect to service performed thereafter"; and

(3) by striking the last sentence and inserting the following new sentence: "Any modification of an agreement pursuant to this paragraph shall be effective with respect to services performed in and after the calendar year in which the modification is mailed or delivered by other means to the Secretary.".

(d) INDEXATION OF EXEMPT REMUNERATION AMOUNT.—

(1) IN GENERAL.—Section 218(c)(8) of the Social Security Act (as amended by subsection (c)) is further amended—

(A) by inserting "(A)" after "(8)"; and

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

"(B) The Secretary shall, on or before November 1 of 1993 and of every year thereafter, determine and publish in the Federal Register the exempt remuneration amount which shall be effective with respect to service performed during the following calendar year.

"(C) The exempt remuneration amount determined under subparagraph (B) shall be the larger of—

"(i) the dollar amount in effect under subparagraph (A) with respect to service performed during the calendar year in which the determination under subparagraph (B) is made, or

"(ii) the product of—

"(I) $1,000, and

"(II) the indexing ratio described in subparagraph (D).

"(D) For purposes of subparagraph (C)(ii)(II), the indexing ratio is the ratio of—

"(i) the deemed average total wages (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subparagraph (B) is made, to

"(ii) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)(1)) reported to the Secretary of the Treasury or his delegate for 1991 (as published in the Federal Register in accordance with section 215(a)(1)(D)),

with such product, if not a multiple of $100, being rounded to the next higher multiple of $100 where such product is a multiple of $50 but not of $100 and to the nearest multiple of $100 in any other case.".

(2) CONFORMING AMENDMENT.—Section 209(k)(1) of such Act (42 U.S.C. 409(k)(1)) is amended by inserting "218(c)(8)(D)(i)," after "215(b)(3)(A)(ii),".

(e) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (c) shall be effective with respect to service performed on or after January 1, 1993.

SEC. 845. REPEAL OF RULE PROVIDING FOR TERMINATION OF DISABLED ADULT CHILD'S BENEFITS UPON MARRIAGE.

(a) IN GENERAL.—Section 202(d)(1)(D) (42 U.S.C. 402(d)(1)(D)) is amended by striking "or marries" and inserting "or such child (other than a child described in subparagraph (B)(ii)) marries".

(b) CONFORMING AMENDMENT.—Section 202(d)(5) (42 U.S.C. 402(d)(5)) is amended by inserting "(other than a child described in paragraph (1)(B)(ii))" after "a child".

(c) CONTINUATION OF MEDICAID.—Section 1634(c) (42 U.S.C. 1383c(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively

(2) by inserting "(1)" after "(c)", and

(3) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection, the term 'benefit under this title' means a supplemental security income benefit under this title, and a State supplementary payment of the type referred to in section 1616(a) (or a payment of the type referred to in section 212(a) of Public Law 93-66) which is paid by the Secretary under an agreement referred to in section 1616(a) (or in section 212(b) of Public Law 93-66).".

(d) EFFECTIVE DATES; REENTITLEMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply with respect to marriages occurring on or after September 1, 1992.

(2) CONTINUATION OF MEDICAID.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

(3) REENTITLEMENT.—

(A) SOCIAL SECURITY BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), any individual described in section 202(d)(1)(B)(ii) of the Social Security Act whose entitlement to benefits under section 202(d) of such Act terminated by reason of marriage before September 1, 1992, may reapply for such benefits, and, if such individ-

ual is so determined to be under a disability, such individual shall be entitled to such benefits (and such benefits shall be computed) as if such termination had not occurred.

(ii) REENTITLEMENT PERIOD.—Clause (i) shall apply with respect to benefits for months beginning after the later of—

(I) August 31, 1992,

(II) 5 full calendar months after the onset of the disability, or

(III) 12 months before the date of reapplication.

(B) MEDICARE BENEFITS.—

(i) REENTITLEMENT.—Any individual who becomes entitled to benefits under subparagraph (A) in a month and was entitled to benefits under title XVIII of the Social Security Act (before marriage) shall be entitled to benefits under such title effective as of the first day of such month.

(ii) APPLICABILITY OF UNEXPIRED PORTION OF 24-MONTH WAITING PERIOD.—For purposes of determining the entitlement of an individual, who is not described in clause (i) and who becomes entitled to benefits under subparagraph (A), to benefits under title XVIII of such Act pursuant to section 226(b)(2)(A) of such Act, the individual shall be considered to have been entitled to child's insurance benefits under section 202(d) by reason of a disability during a period of months preceding the first month referred to in subparagraph (A)(ii) equal to the number of months (before the month in which occurred the marriage upon which the termination of the individual's entitlement to benefits under section 202(d) of such Act was based) which counted towards the 24-month waiting period described in section 226(b)(2)(A) of such Act.

(C) NOTICE.—The Secretary of Health and Human Services shall make all reasonable efforts to identify individuals described in section 202(d)(1)(B)(ii) of the Social Security Act whose entitlement to benefits under section 202(d) of such Act terminated by reason of marriage before September 1, 1992, and inform such individuals of the reapplication procedure under subparagraph (A).

SEC. 846. STUDY BY GENERAL ACCOUNTING OFFICE OF DISABILITY DETERMINATION PROCESS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study under this section of the disability determination process, and the appeals process applicable to disability determinations, under titles II and XVI of the Social Security Act.

(b) ANALYSIS OF EXTENT TO WHICH REVERSALS OF INITIAL DENIALS OF CLAIMS ARE BASED ON CERTAIN FACTORS.—The study under this section shall include an analysis of the extent to which reversals on appeal of initial disability determinations which deny claims to benefits under title II or XVI of the Social Security Act are attributable to the following factors:

(1) the absence of adequate medical evidence in the claimant's case file on which to base a determination of disability;

(2) initial disability determinations that do not take into account the medical evidence obtained by the Social Security Administration;

(3) the development of new medical evidence as the claimant's medical condition worsens during the course of an appeal;

(4) differences between the instructions that the Social Security Administration provides its disability examiners in the Program Operations Manuals and the law and regulations applied by administrative law judges of the Administration on appeal;

(5) the lack of face-to-face meetings by disability examiners with claimants before initial disability determinations are made; and

(6) such other factors as the Comptroller General determines to be relevant.

(c) REPORT.—The Comptroller General shall submit a report of the results of the study under this section to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than December 1, 1992.

SEC. 847. COORDINATION OF RULES UNDER TITLES II AND XVI RELATING TO FEES FOR REPRESENTATIVES OF CLAIMANTS WITH ENTITLEMENTS UNDER BOTH TITLES.

(a) CALCULATION OF FEE OF CLAIMANT'S REPRESENTATIVE BASED ON AMOUNT OF PAST-DUE SUPPLEMENTAL SECURITY INCOME BENEFITS AFTER APPLICATION OF WINDFALL OFFSET PROVISION.—Section 1631(d)(2)(A)(i) of the Social Security Act (as amended by section 5106(a)(2) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1383(d)(2)(A)(i)) is amended to read as follows:

"(i) by substituting, in subparagraphs (A)(ii)(I) and (D)(i), the phrase '(determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a))' for the parenthetical phrase contained therein; and".

(b) CALCULATION OF PAST-DUE BENEFITS FOR PURPOSES OF DETERMINING ATTORNEY FEES IN JUDICIAL PROCEEDINGS.—

(1) IN GENERAL.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(A) by inserting "(A)" after "(b)(1)"; and

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

"(B) For purposes of this paragraph, the term 'past-due benefits' shall have the same meaning, and such benefits shall be calculated in the same manner, as provided in subsection (a).".

(2) CONFORMING AMENDMENT.—The last sentence of section 1127(a) of such Act (as added by section 5106(b) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1320a-6(a)) is amended by striking "section 206(a)(4)" and inserting "subsection (a)(4) or (b)(1) of section 206".

(c) APPLICATION OF SINGLE $4,000 CEILING TO CONCURRENT CLAIMS UNDER TITLES II AND XVI.—

(1) IN GENERAL.—Section 206(a)(2) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(2)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (D); and

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

"(C) The agreement referred to in subparagraph (A) may not be approved unless it provides that, in the case of a claimant receiving a favorable determination who is entitled to past-due benefits under this title and title XVI, the total of the fee or fees payable to the person representing the claimant in connection with the determinations of such entitlements may not exceed the dollar amount under subparagraph (A)(ii)(II).".

(2) CONFORMING AMENDMENT.—Section 206(a)(3)(A) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(3)(A)) is amended by striking "paragraph (2)(C)" and inserting "paragraph (2)(D)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as if they had been included in the enactment of section 5106 of the Omnibus Budget Reconciliation Act of 1990.

TITLE IX—GENERAL PROVISIONS

SEC. 901. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

Any authority to enter into contracts under this Act or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 902. REGULATIONS.

Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act, issue proposed regulations to carry out the amendments made by titles I through VII.

SEC. 903. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of the Congress that a recipient of a grant or other Federal financial assistance awarded under this Act or an amendment made by this Act to assist the recipient in purchasing equipment or products should, in expending the assistance, purchase American-made equipment or products, respectively.

(b) NOTICE.—The Secretary of Health and Human Services shall provide procedures to inform such recipients of the sense of the Congress under subsection (a).

SEC. 904. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001–3057n) is amended—

(1) in section 101(8) by striking "the vulnerable elderly" and inserting "vulnerable older individuals";

(2) in section 102(2) by striking "Virgin Islands" and inserting "United States Virgin Islands";

(3) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), and (G) by inserting "individuals who are" after "older" the first place it appears in each of such subparagraphs;

(B) in subparagraph (B) by striking "older Native Americans" the last place it appears and inserting "such individuals"; and

(C) in subparagraph (E) by striking "the Act" and inserting "this Act";

(4) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking "the elderly" each place it appears and inserting "older individuals";

(ii) in paragraph (15)—

(I) by striking "the elderly" and inserting "older individuals"; and

(II) by striking "older people" and inserting "such individuals"; and

(iii) in paragraphs (13), (15), (16), and (17) by striking "purposes" and inserting "objectives";

(B) in subsection (b)—

(i) in paragraph (1) by striking "with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001–4),"; and

(ii) in paragraph (3) by striking "the elderly" and inserting "older individuals";

(5) in section 203(b) by striking "purposes" the second place it appears and inserting "objectives";

(6) in section 204—

(A) in subsection (b)(4) by striking "the daily rate specified for grade GS–18 in section 5332" and inserting "the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316"; and

(B) in paragraphs (1), (3), and (4) of subsection (d), as amended by section 205(c), by striking "Americans" and inserting "individuals";

(7) in section 205(a)(1), as so redesignated by section 206—

(A) by striking "purposes" and inserting "objectives"; and

(B) by striking "to:" and inserting "to—";

(8) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(9) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives";

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals";

(B) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands"; and

(C) in the last sentence by striking "clause" and inserting "subparagraph";

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (E) by striking "individuals aged 60 and older" and inserting "older individuals"; and

(III) in subparagraph (E) by striking "Indians" and inserting "individuals who are Indians"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking "clause" and inserting "paragraph";

(II) in subparagraph (D) by striking "subclause" and inserting "subparagraph"; and

(III) in subparagraph (E) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(B) in subsection (b)—

(i) in paragraphs (1) and (4) by striking "clause (1) of subsection (a)" and inserting "subsection (a)(1)"; and

(ii) in paragraph (2) by striking "designated under such clause" and inserting "designated under subsection (a)(1)"; and

(C) in subsection (d) by striking "clause" and inserting "paragraph";

(12) in section 306—

(A) in subsection (a)—

(i) in paragraph (1) by striking "Indians" and inserting "individuals who are Indians";

(ii) in paragraph (2)(B) by striking "elderly" and inserting "older individuals who are"; and

(iii) in paragraph (5)(A)(i) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need"; and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (G) by striking "clause" and inserting "paragraph";

(III) in subparagraph (N) by striking "Indians" the first place it appears and inserting "individuals who are Indians"; and

(IV) in subparagraph (N) by striking "elder Indians in such area and shall inform such older Indians" and inserting "such individuals in such area and shall inform such individuals"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "on aging" after "area agency" the first place it appears; and

(II) by striking "clause" each place it appears and inserting "paragraph"; and

(ii) in paragraph (2)(D) by striking "clause" and inserting "paragraph";

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(ii) in paragraph (13)—

(I) in subparagraph (A) by striking "individuals aged 60 or older" and inserting "older individuals";

(II) in subparagraph (A) by striking "the elderly" and inserting "older individuals";

(III) in subparagraph (B) by striking "subclause" and inserting "subparagraph"; and

(IV) in subparagraph (I) by striking "elderly participants" and inserting "participating older individuals";

(iii) in paragraph (14)(D) by striking "clause" and inserting "subparagraph"; and

(iv) in paragraph (16)(B) by striking "clause' and inserting "paragraph"; and

(B) in subsection (b)(2) by striking "clause" and inserting "paragraph";

(14) in section 308(b)—

(A) in paragraphs (1)(B) and (2)(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(B) in paragraphs (3)(B)(iii) and (4) by striking "purposes" each place it appears and inserting "objectives";

(15) in section 321(a)—

(A) in paragraph (4) by striking "elderly" and inserting "older";

(B) in paragraph (14)—

(i) by striking "older, poor individuals 60 years of age or older" and inserting "low-income older individuals"; and

(ii) by striking "the older poor" and inserting "low-income older individuals"; and

(C) in paragraph (15) by striking "clause" and inserting "paragraph";

(16) in section 402(b) by striking "Alcohol" and inserting "the Alcohol";

(17) in section 412(b) by striking "purposes" and inserting "objectives";

(18) in section 421(a) by striking "purposes" and inserting "objectives";

(19) in section 422—

(A) in the second sentence of subsection (a)(1) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(B) in subsection (b)—

(i) in paragraph (1) by striking "elderly" and inserting "older individuals who are";

(ii) in paragraph (2) by striking "the elderly" and inserting "older individuals";

(iii) in paragraph (6) by striking "the rural elderly" and inserting "older individuals residing in rural areas"; and

(iv) in paragraph (8) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(20) in section 602 by striking "older Indians, older Alaskan Natives, and older Native Hawaiians" and inserting "older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians";

(21) in section 611(a)—

(A) in the matter preceding paragraph (1) by inserting "individuals who are" after "older"; and

(B) in paragraph (9) by striking "Indian elderly population" and inserting "population of older individuals who are Indians";

(22) in section 613 by inserting "individuals who are" after "older"; and

(23) in section 614(a)—

(A) in paragraph (7) by striking "Indians aged 60 and older" and inserting "older individuals who are Indians";

(B) in paragraph (8) by striking "clause" and inserting "paragraph"; and

(C) in paragraphs (1), (6), (8), and (10) by inserting "individuals who are" after "older" each place it appears.

(b) The Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in section 502(b)(1)—

(A) in subparagraph (C) by striking "1954" and inserting "1986"; and

(B) in subparagraph (J) by striking "persons" each place it appears and inserting "individuals"; and

(2) in paragraphs (3) and (4)(A) of section 506(a) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands".

SEC. 905. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in section 811(b), any other provision of this Act (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 shall not apply with respect to fiscal year 1992.

(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 shall not apply with respect to fiscal year 1992.

(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 shall not apply with respect to fiscal year 1992.

(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 shall not apply with respect to fiscal year 1992.

(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII shall not apply with respect to fiscal year 1992.

The SPEAKER pro tempore (Mr. KLECZKA). Pursuant to the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for the effort we make today to write the final chapter in this year's reauthorization of the Older Americans Act of 1965.

Our action today carries on a program which serves as a lifeline to millions of our Nation's seniors in the delivery of nutrition services, in the delivery of critical supportive services in the home and out, and in the delivery of a human touch and words with peers in social settings.

The Older Americans Act has a long history of targeting resources to seniors in this country with the greatest economic and social needs. This overriding theme has served to make our senior citizens more self-sufficient—letting us all enjoy the benefits of their

experience while they enjoy more productive golden years.

With the limited resources budget agreements have left us, the changes proposed by these amendments to the Older Americans Act will go far toward achieving the widest distribution of the most critical services to those most in need.

Today's action, so very long in coming, would not be possible without the tireless efforts of Mr. MARTINEZ, chairman of the Subcommittee on Human Resources and the contributions of Mr. FAWELL, the ranking minority member of the subcommittee. To them I offer thanks for a job well done. The fruits of their labors will serve this Nation's seniors well over the better part of this decade.

I am also particularly pleased to act on this reauthorization as a continuing testimonial to the foresight and perseverance of two great Americans, Senator Pat McNamara and Representative Jim O'Hara, both of Michigan—the pioneers of the Older Americans Act.

Mr. Speaker, the details of the extensive improvements will be included in the RECORD at length. I commend those details to the attention of my colleagues and urge them to support this critical effort in a nation whose aging population is growing by leaps and bounds each year.

Mr. Speaker, I yield the majority's time to the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means, and I ask unanimous consent that he be permitted to yield time to Members.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 20 minutes.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extreneous matter on the legislation presently under consideration.

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I will be brief.

The thrust of the bill has been gone over many times. The bill that comes back to us out of the conference has only one major change in it. That is the change that was debated thoroughly during approval of the rule.

Mr. Speaker, we are very pleased to finally bring to the floor the reauthorizing the Older Americans Act of 1965.

After months of waiting through negotiations to address critical Social Security earnings offset issues, we have finally come forward with a legislative package to reauthorize the Older Americans Act, a program vital to the good health and well-being of senior citizens of our Nation.

The reauthorization contains many improvements desperately needed, if we are to meet the ever-increasing needs of the growing aged population.

The Older Americans Act, which was passed in 1965, 27 years ago, continues to adapt to the modern needs of our senior citizens. The Older Americans Act programs have been the life-blood to our senior communities, assisting the poor, the undernourished, the vulnerable, and the isolated.

The 1991 amendments renews authority for the act for an additional 4 years, and attempts to look ahead to the needs of the older individuals in the years ahead. For that reason, we have devised improvements in the delivery system of the act along with new program authorizations.

The amendments strengthen the Commissioner on Aging's authority over the administration's budget and personnel, it increase's staffing levels to administer the program and to improve data collection in order to monitor and target services, it requires specific evaluations to improve the effectiveness of services, and forge new coordination of services in the act.

In addition, services to assist older individuals for health prevention, and assure nutrition intake quality, were added. Programs to prevent elder abuse, provide legal assistance language assistance, and intergenerational support were also added.

And, for the first time, the amendment makes Congress and the private sector equal participants with the administration in setting the policy agenda of the White House Conference on Aging. The joining together of two branches of Government, along with the private sector to set the aging policy agenda of the Nation for the next 10 years is historical precedent.

The amendments also include a 4-year renewal of the Native American Programs Act authority. The well-regarded HHS program, funded at $30 million, makes grants to Indian tribes to assist development of economic and social self-sufficiency.

Mr. Speaker, these authorizing amendments include major improvements to meet the service needs of senior citizens in our Nation. I am relieved that the difficult Social Security earnings issue has been resolved to balance the financial concerns of middle-Americans in this country. I thank the leadership, Chairman ROSTENKOWSKI, Chairman FORD, and the aging community for their help.

Finally, it is my hope that we have improved the Older Americans Act programs to assist our senior citizens to attain access to services in the golden years of their lives. The fight for the quality of life for all Americans begins in our communities. By finally bringing this bill to the floor today, we have won a major victory for the senior citizens of our country. I urge my colleagues to support the final passage of the Older Americans Act.

In an effort to complete a rather exhaustive legislative history leading up to the enactment of the Older Americans Act Amendments of 1992, I am entering into the RECORD at this point a short explanatory statement of the amendments made to the Older Americans Act. This statement has the approval and concurrence of the chairman of the Committee on Education and Labor, Mr. FORD, the ranking minority member, Mr. GOODLING, and the ranking minority member of the Subcommittee on Human Resources, Mr. FAWELL.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES OF JURISDICTION

This joint explanatory statement explains new provisions of the version being considered and states the legislative intent of the members of the committees of jurisdiction. Provisions not discussed in this statement are fully discussed in the Senate report (S. Rpt. 102-151), the House report (H. Rpt. 102-199), or both.

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

1. Objectives: Section 101 modifies the objectives of the Act to include support to family members and others who provide voluntary long-term care services.

2. Definitions: Section 102 adds new, and relocates existing, definitions to title I.

By including physical and mental disabilities within the definition of "greatest social need" it is intended that when using such a definition for the purpose of developing statistics for older individuals with physical and mental disabilities, the Commissioner and States should not use age as a substitute criteria to determine the number of such older individuals in the State. Statistics on older individuals with physical and mental disabilities will be gathered in accordance with guidelines issued by the Commissioner.

Such guidelines will ensure that a State's statistics are drawn from relevant data bases that consider older individuals with disabilities and restricted access to services, and may include the use of Medicaid and Medicare data, as well as other pertinent available and verifiable State data for determining the number of older individuals with physical, and mental, disabilities.

Development of such frailty statistics and their use to target services must not result in discrimination against low-income minority older individuals in the State.

The bill includes definitions of "art", "dance-movement", and "music" therapies. It is intended that therapists administering, providing or, otherwise involved in such therapies shall be individuals trained in such therapies or otherwise having educational qualifications or experience to provide such services. In particular, music therapists shall be board-services. In particular, music therapists shall be board-certified by the National Association of Music Therapists.

It is intended that case management services will not be provided in a manner which

overrides the wishes of the older individual or the older individual's guardian.

TITLE II—ADMINISTRATION ON AGING

1. Administration on Aging: Section 201 provides that functions of the Commissioner carried out through regional offices shall not be delegated.

The bill requires the Associate Commissioner on Native Americans to be an advocate with the Indian Health Services; to collect information on problems unique to older Native Americans; to promote better coordination between the programs and administration of titles III and VI; and to be an effective and visible advocate on the state level.

The bill establishes in AoA an Office of Long-Term Care Ombudsman Programs to be headed by an Associate Commissioner for Ombudsman Services.

The bill requires the Ombudsman to have expertise and background in the field of long-term care advocacy and management. It is intended that the person selected by the Commissioner to serve as Associate Commissioner for Ombudsman Services will have sufficient training and experience relevant to the functions and responsibilities of the Office of Long-Term Care Ombudsman Programs. Examples of areas of training and experience considered relevant include gerontology, knowledge of long-term care facility requirements and the needs of residents of such facilities, and skills and techniques relating to investigation, negotiation and dispute and complaint resolution. The bill disallows the appointment of an Associate Commissioner who has a conflict of interest.

The bill lists the functions the Ombudsman should perform. It is intended that the Secretary of Health and Human Services, the inspector general, the Attorney General of the United States, and other Federal and State agencies shall work cooperatively with the Associate Commissioner for Ombudsman programs in securing needed information that has been willfully withheld and for which non-disclosure might result in physical or monetary harm to residents of long-term care facilities, including board and care facilities. Such agencies shall exercise whatever legal authority, including subpoena power, they possess to satisfy the Associate Commissioner's request for information in a timely fashion.

2. Functions of the Commissioner: Section 202 clarifies the functions of the Commissioner to include assisting the Secretary directly in aging matters, and coordinating federal programs and activities relating to the Act. It also clarifies that technical assistance be given regarding those in greatest need with particular attention to low-income minorities.

The bill requires the National Ombudsman Resource Center to establish a national program for the recruitment of ombudsman volunteers, to conduct research, and assist State Ombudsmen. The bill requires the Commissioner to fund such Center at not less than it received in FY 1990.

The bill requires the Commissioner to issue regulations and monitor State compliance with the prohibition on conflicts of interest. The bill also requires area Agencies on Aging (AAAs) to disclose to the Commissioner information regarding public/private partnerships required in Sec. 306.

The bill requires the Commissioner to establish information and assistance as a priority service, to develop guidelines and a model job description for AAAs when choosing legal assistance developers, and to study ways to more effectively target low-income, minority, and rural older individuals, as well as States with a disproportionate number of older individuals.

The bill requires the Commissioner to encourage and provide technical assistance to State Units on Aging (SUAs) and AAAs regarding SSI, Medicaid, and Food Stamp outreach; to design (with assistance from the DHHS Assistant Secretary of Planning and Evaluation and consultation from others) and implement uniform data collection procedures for SUAs within one year of the OAA amendments' enactment; to ensure that all federal grants and contracts made under title II and IV be made in accordance with a competitive bidding process established by the Commissioner; to participate and provide leadership within the Federal government regarding the development and implementation of a national community-based long-term care program for older individuals; and to assist State and area volunteer service coordinators.

The bill establishes in statute a National Center on Elder Abuse administered by the Commissioner.

The bill requires the Commissioner to establish a National Aging Information Center. The Center is to annually compile, publish, and disseminate data regarding older individuals (including older Native Americans), and SUA and AAA staffing and funding patterns. The Center will also provide training and technical assistance regarding data collection and analysis and disseminate title IV reports. The Center should be funded at $1,000,000 for FY 1992 and then such sums as may be necessary.

3. Federal Agency Consultation: Section 203 adds the Department of Labor (DOL) and ACTION to the list of federal agencies to consult and requires the DOL to consult and cooperate with the commissioner on the Job Training Partnership Act.

The bill requires the head of each Federal agency administering aging-related programs to collaborate with the Commissioner and to develop a written analysis of the impact of these programs on older individuals. The bill requires the Commissioner to "coordinate" with other Federal agencies, including the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

4. Consultation with SUA's, AAA's, and Native Americans Grant Recipients: Section 204 requires the Commissioner to consult with SUA's, AAA's, and title VI grantees.

5. Federal Council on the Aging: Section 205 defines the terms of Members and adds new functions to the Federal Council on the Aging and requires Council members to have aging expertise and experience.

6. Nutrition Officer: Section 206 requires the Commissioner to designate an officer or employee with nutritional science and planning expertise to coordinate nutrition services under the Act. The Secretary must issue regulations within 120 days of the enactment of the OAA Amendments of 1992.

7. Evaluation: Section 207 requires the Secretary to evaluate the Act's effectiveness in targeting unserved individuals with greatest economic and social need.

The bill requires the Commissioner to evaluate nutrition services provided under the Act and issue interim guidelines and specific nutrition standards in regulation to ensure service provider compliance of Sections 331 and 336 of the Act.

An advisory council should be established to advise the Commissioner. The council, described in Sec. 206(g)(2)(A)(i), shall develop recommendations on the need for minimum standards for meals, particularly when a project provides more than one meal each day.

The bill authorizes up to $3,000,000 for such evaluation, of which no greater than $1.5 million shall come from title III and no greater than $1.5 million from title IV.

8. Reports: Section 208 requires the Commissioner to describe the implementation of the national plan for training personnel in the field of aging, changes the Commissioner's reporting deadline regarding the Ombudsman program to March 1 of each year, requires the Commissioner to report on the evaluation of the effectiveness of targeting those in greatest need, and requires the Commissioner to provide training and technical assistance regarding data collection and analysis.

9. Nutrition Education: Section 209 authorizes the Commissioner and Secretary of Agriculture to provide technical assistance and appropriate material to agencies that carry out nutrition education programs.

10. Authorization of Appropriations: Section 210 authorizes for Sec. 205 of the Act such sums as may be necessary for each of the fiscal year 1992 through 1995.

The bill authorizes $17,000,000 in FY 1992, $20,000,000 in FY 93, $24,000,000 in FY 94, and $29,000,000 in FY 95 for Administration on Aging (AoA) salaries and expenses and such sums as may be necessary in each fiscal year to provide for 300 full-time (or equivalent) AoA employee's.

11. Studies: Section 211 requires the Commissioner to study the effectiveness of State Long-Term Care Ombudsman Programs.

Section 212 requires the Commissioner to make arrangements with the Institute of Medicine to study board and care facility quality and home care quality.

The Board and Care study to be conducted by the Institute of Medicine should include representatives with expertise on state legislation. The recent DHHS/IG report (OEI-02-89-01860) includes reference to the American Bar Association's model Act as a resource to measure state legislation and compliance, which should also be considered as part of the Institute of Medicine study. The study of home care quality to be conducted by the Institute of Medicine should encompass the range of entities providing home care services, including public, nonprofit, and privately owned entities and examine the quality of services provided by such entities either directly or through contract with other entities.

Section 212 also authorizes $1,500,000 in FY 1992 and such sums as may be necessary in fiscal years 1993, 1994 and 1995 for a study of board and care quality.

Section 213 authorizes $1,000,000 for FY 1992 for a study of home care quality and such sums as may be necessary in subsequent fiscal years.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

1. Purpose: Section 301 adds as a purpose of this title to secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

2. Definitions: Section 302 modifies the definition of "comprehensive and coordinated system" to include encouraging entities with "unrealized potential" to serve older individuals.

3. Authorizations of Appropriations; Uses of Funds: Section 303 sets authorization levels for title III.

The bill authorizes $461,376,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part B, $505,000,000

for FY 1992 and then such sums as may be necessary for fiscal years thereafter for congregate meals, $120,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for home-delivered meals, $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for school-based meals, $45,388,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part D, such sums as may be necessary for fiscal years thereafter for Part E, $25,000,000 for FY 92 and then such sums as may be necessary for fiscal years thereafter for Part F, and $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part G—supportive services for caregivers.

The bill deletes all limitations on authorizations of appropriations (i.e. triggers) and repeals Sec. 303(h).

4. Allotment; Federal Share: Section 304 changes the hold harmless level for state allotments from 1984 to 1987, increases minimum allotment for SSI, Medicaid, and Food Stamp outreach to $150,000, and sets a minimum allotment of $50,000 per State for Supportive Services for Individuals Who Provide In-home Services under Part G added by the bill.

The bill also requires the Commissioner to use Census Bureau and "other reliable demographic data" to determine the number of 60+ individuals and to withhold a State's allotment if the Commissioner disapproves its intrastate funding formula.

The bill requires there to be allotted to each State not less than $150,000 and not more than 4 percent of the State's title III-B 1991 appropriations on demonstration projects regarding SSI, Medicaid, and Food Stamp outreach from the States' allotment. Program requirements for the demonstration projects are described in title VII.

The bill also allows title III grants to be used to pay State and area volunteer services coordinators.

5. Organization: Sec. 305 requires the SUA to be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the OAA.

The bill requires intrastate funding formulas to be developed in consultation with AAAs and in accordance with the Commissioner's guidelines. The formula should take into account distribution of older individuals within the State and distribution of individuals with the greatest economic need and individuals with the greatest social need with particular attention to low-income minority individuals. The SUA must submit its formula to the Commissioner for approval.

The bill requires SUAs to use special outreach efforts to also identify certain targeted populations and clarifies that older individuals with the greatest economic need (with particular attention to low-income minority individuals), individuals with greatest social need, who are frail, and who are of limited English-speaking ability should be identified through outreach efforts.

The bill requires SUAs to set specific objectives and describe actions used to increase participation of low-income minority older individuals.

The bill requires SUAs to establish due process procedures when the SUA revokes an AAA's designation, adds additional PSAs, divides PSAs, or otherwise affects the boundaries of PSAs. These procedures shall include providing notice, documenting need, conducting a public hearing, involving those affected, and allowing the Commissioner to hear appeals. A decision may be appealed based on the facts and merits of the matter or on procedural grounds. The Commissioner may affirm or set aside an SUA's decision.

6. Area Plans: Sec. 306 requires the area plan to provide assurances to adequately fund "case management services" as a type of access service.

The bill allows community action agencies who operate multipurpose senior centers to receive special consideration in the designation of focal points. The bill also requires the identity of focal points to be specified in AAA's grants, contracts, and agreements.

The bill requires information and assistance services to emphasize linking services for older individuals (and their uncompensated caregivers) who are isolated or have Alzheimer's disease.

The bill requires area plans to include specific service objectives for minority targeting and provide assurances that providers serve low-income minority individuals in accordance with their need for service, instead of (current law) their proportion in the population. The providers must meet specific objectives for minority targeting set by the AAA. The bill also requires area plans to include information on the extent to which minority targeting objectives were met in the preceding fiscal year. Additionally, all AAA activities must include a focus on the needs of low-income minority older individuals.

The bill requires AAAs to provide "timely information" in a timely manner; to advocate for older individuals in cooperation with agencies, local governments, organizations, and individuals involved with the area plan; to enter into arrangements and coordinate with community action agencies and programs, if possible; to coordinate entities that receive OAA funds within the PSA and other programs serving older individuals which receive Federal funds; to establish grievance procedures for individuals who are dissatisfied or denied service;[1] to identify the transportation needs of older individuals and to coordinate planning and delivery of transportation services; to assist providers of housing for older individuals develop and expand housing, support services, referrals, and living arrangements for older individuals; to list the AAA in a uniform manner in telephone listings; and to fund the State Long-Term Care Ombudsman program at not less than 1991 funding levels for ombudsman programs.

AAAs have been given this discretion in establishing such grievance procedures in the interest of providing administrative flexibility. However, if the AAAs fail to act in good faith to provide grievance procedures that respond to the complaints of older individuals, a requirement for AAAs to establish specific formal procedures for responding to such complaints will be considered in the next reauthorization.

The bill allows the AAA to provide an area volunteer services coordinator.

The bill adds provisions regarding public/private partnerships and adds requirements for AAAs to coordinate programs under title III and VI and to increase access to programs and services by older Native Americans.

The bill requires AAAs to provide assistance to nutrition projects to reasonably accommodate individuals with special health or religious requirements or ethnic backgrounds.

[1] With respect to developing such grievance procedures, it is intended that denial of service to an older individual is a legitimate action if the service provider or the AAA has insufficient resources to provide services requested by such an individual.

The bill specifies how AAAs should provide case management services and clarifies that case management services may be offered by nonprofit, not "non-public" agencies.

The bill allows States to withhold an AAA's funds. The State agency will provide an AAA with a due process procedure (as established by the State agency but to include at a minimum, notification of action to withhold funds, documentation of need, and, if requested, a public hearing) before withholding any funds. It also provides for the administration of programs in areas in which funds have been withheld.

7. State Plans: Sec. 307 adds new state plan requirements.

The bill allows the Commissioner to require States not in compliance with title III to submit a State plan for a 1-year period until the Commissioner determines the State is in compliance.

The bill requires State agencies to evaluate the need for supportive services using a standard method to determine unmet needs; to evaluate the unmet need for transportation services; to establish and publish procedures for requesting and conducting hearings regarding plans submitted to the State agency; and to include assurances in their State plans that would prohibit conflicts of interest within SUAs and AAAs.

Over the past several years, a small number of local governments, which have been designated as AAAs by their respective States, have successfully provided a full range of direct services in a cost-efficient manner. Congress does not wish to foster or construct barriers to the provision of such services by these local governments, which have long and proven records of efficiently providing direct services.

Current law prohibits AAAs from providing services directly, but allows State agencies to waive the prohibition under certain circumstances. This current law provision has not been changed. The law provides sufficient flexibility to accommodate circumstances where waivers may be needed. While it is not the intent of the members of the committees of jurisdiction to encourage the granting of waivers, the members note that the law should not be construed to prevent the granting of waivers to local government-based AAAs with a proven record of providing services of comparable quality more efficiently, and a commitment to contribute significant amounts of local resources to the provision of services for older individuals, or otherwise meet the other waiver conditions set forth in the law.

The bill requires SUAs to disclose to the Commissioner the identity and nature of each nongovernmental entity with which it has a contract or commercial relationship to provide services to older individuals and demonstrate that such contract or relationship has not and will not decrease, but enhance, the quantity or quality of services provided. The Commissioner may request SUAs to disclose all sources and expenditures of funds that the agency receives or expends to provide services to older individuals.

The bill requires SUAs and AAAs to give special consideration to hiring individuals with formal training or professional experience in the field of aging. In providing special consideration to hiring individuals with formal training or professional experience in the field of aging, it is not intended that individuals without certifications, diplomas, degrees, or other formal credentials be excluded from such consideration.

The bill requires SUAs to carry out a State Long-Term Care Ombudsman program. Spe-

cific provisions relating to the ombudsman program are moved to the new title VII, added by the bill.

The bill exempts title III C-3 funds from being used for home-delivered meals.

The bill requires nutrition projects to be administered with the advice of "dietitians"; to provide nutrition education on a semi-annual basis to all III C-1 and C-2 participants; and to comply with State and local sanitation laws.

The bill requires SUAs to monitor, coordinate and assist in the planning of nutrition services, with the advice of a dietician or Case management services were added to the category of access services under section 306(a)(2)(A). Such services are one of four types of services listed in the category of access services that can be provided in meeting the requirement that funds must be allotted for the category of "services associated with access to services."

The bill requires a SUA to identify the actual and projected additional costs of providing services in rural areas and prohibits SUAs from using title III funds to carry out a contract or commercial relationship which does not relate to title III.

The bill also requires State plans to provide assurances that AAAs will not give preference to individuals as a result of a contract or commercial relationship which does not relate to title III.

The bill requires SUAs to coordinate OAA and other State aging programs; to provide multi-generational activities; to coordinate transportation services to increase access to services; and to provide in informal procedure to review refusals to serve older individuals and issue guidelines regarding such procedures.

The bill includes a provision for SUAs to provide a mechanism to ensure quality in the provision of in-home services as part of the State plan requirements.

It is expected that the Commissioner will provide guidance and assistance to the States in developing and implementing such mechanisms.

The bill requires the Commissioner to approve the intrastate funding formula described in the State Plan and establishes further appeal processes for States whose plans have been disapproved.

The bill deletes requirements for SUAs regarding the distribution of outreach funds to AAAs, submission of area plans, distribution of Food Stamp, SSI, and Medicaid information, and submission of AAA evaluations to the Commissioner.

8. Planning, Coordination, Evaluation, and Administration of State Plans: It is the intent of the members of the committees of jurisdiction that nothing in the Act or this reauthorization precludes states from coordinating services for senior citizens at the state or local levels.

Section 308 adds a limitation for FY 1993 on the amount of funds which may be transferred between title III B and C to 30%. The bill allows SUAs to apply for a waiver from the transfer limitations between Parts B and C. Such limitation on transfer amounts decrease to 25% in FY 1994 and 1995, and 20% in FY 1996. SUAs may also apply for an additional waiver of 5% in FY 1994 and FY 1995 and 8% in 1996.

The bill also adds limitations on the amount of funds which may be transferred between sub-parts 1 and 2 of title III-C to 30%. The bill limits the extra amount waived to 18% in FY 1993, 15% in FY 1994 and 1995, and 10% in FY 1996.

The bill also adds waiver application requirements for transfers between Parts B and C, and Subparts C1 and C2. The bill requires State agencies to demonstrate to the satisfaction of the Commissioner that funds allotted are insufficient to meet the needs for services under this title. It is intended that the Commissioner use the strictest scrutiny in reviewing the application made by each state seeking such transfer. It is intended that the Commissioner specifically evaluate the impact of such a transfer on the states' nutrition programs. For example, such an application shall not be to the satisfaction of the Commissioner if such a transfer will reduce the number of meals served or result in the closure of any congregate or home-delivered meal facility or service.

The bill prohibits SUAs from delegating transfer authority and requires the Commissioner to collect information on the amount, rationale, and effect of all transferred funds.

9. Disaster Relief Reimbursements: Section 309 allows SUAs to be reimbursed for supportive services (and related supplies) provided during disaster relief programs.

The bill allows the Commissioner to advance up to 75% of funds available for disaster relief of SUAs within 5 working days after a disaster has been declared.

The bill limits the amount SUAs may be reimbursed for disasters to 2% of title IV funds. This new requirement directly responds to the Administration's legislative proposal to determine funds available for disaster relief services to the amount appropriated to carry out title IV instead of amounts appropriated to carry out Section 422 Demonstration Projects. The 2 percent amount, linked to the aggregate level of title IV funding, reflects the equivalent of spend-outs in previous years, which never exceeded $500,000 per fiscal year.

10. Availability of Surplus Commodities: Section 310 sets the USDA per meal reimbursement rate for FY 1992 at the amount appropriated divided by the number of meals served or at a rate of 61 cents per meal, whichever is greater. In subsequent years, the 61 cent rate shall be adjusted annually to reflect changes in the CPI food away from home series based on the prior July.

11. Rights Relating to In-Home Services for Frail Older Individuals: Section 311 directs the Commissioner to require entities that provide in-home services under this title to promote the rights of individuals who receive such services.

12. Supportive Services: Section 312 adds the following services as supportive services: information and assistance, language translation, services which receive applications from older individuals for section 202 housing, advice, and informational services regarding elder rights, permanency planning for older individuals with adult children with disabilities and other services designed to help older individuals who are caretakers of adult children with disabilities, second career counseling, information on age-related diseases and chronic disabling conditions, support for voluntary long-term care caretakers, information and training on guardianship or representative payees, and multigenerational activities.

The bill clarifies pre-retirement counseling and assistance.

The bill also defines counseling on pension rights and benefits as a type of financial counseling.

The bill includes representation of wards, individuals who are allegedly incapacitated, and, under certain circumstances, older individuals seeking to become guardians as types of legal assistance.

The bill adds music, art, and dance-movement therapy as services designed to enable older individuals attain and maintain physical and mental well-being.

The members of the committees of jurisdiction are concerned about reports that older residents of board and care facilities and other older individuals with disabilities may be denied access to this Act's programs and services in some communities. The members believe it is important to stress that the Act's programs are intended to be available to all older individuals, with particular emphasis on those in greatest economic and social need, including those who reside in various residential environments such as section 202 housing, public housing and board and care facilities.

In circumstances where board and care residents (or other older individuals in similar living environments) wish to participate in OAA meals programs, it would not be inappropriate for such residents to contribute to the cost of such meals and, in such cases, to be reimbursed by the board and care provider for meals consumed outside the board and care facility.

13. Congregate Nutrition Services and Home Delivered Nutrition Services: Sections 313 and 314 allow congregate and home-delivered nutrition projects in rural areas to serve fewer than five meals a week and delete current law requirements regarding recommended daily allowances.

14. Criteria: Section 315 adds the Dietary Managers Association to the list of organizations to be consulted regarding home-delivered meals. An individual with comparable skills and experience of a dietician.

The bill requires SUAs to develop nonfinancial criteria for home-delivered meals eligibility and to periodically evaluate recipients to determine if they meet the criteria.

The bill requires SUAs to give priority to certain legal problems, including age discrimination. The members of the committees of jurisdiction recognize that litigating age discrimination cases is difficult and costly and may legal assistance providers are prohibited from accepting fee-generating cases. Therefore direct legal assistance providers should help identify cases of age discrimination and, where appropriate, refer older individuals to other legal channels, including the Equal Employment Opportunity Commission.

The bill requires SUAs to designate a legal assistance developer.

The bill requires SUAs to spend on ombudsman programs not less than what was spent on such programs in FY 1991; to require outreach efforts especially to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's.

The bill requires assurances regarding compliance with the Elder Rights Title requirements to be included in the State's Plan.

The bill requires that if one-half or more of the area plans provide for an area volunteer coordinator, then the State plan must provide for a State volunteer coordinator who will, among other things, provide technical assistance to area volunteer service coordinators. If fewer than half of area plans provide for volunteer service coordinators, then the State has the option to support a State volunteer service coordinator.

The bill adds a requirement for SUAs to provide technical assistance to minority service providers.

The bill requires SUAs to spend funds on supportive services for providers of in-home services if they receive funds for such services.

The bill requires State plans to include a funding formula with a demonstration of the allocation of funds. The Commissioner must approve each formula for the entire State plan to be approved.

The bill requires the State agencies to establish a State advisory group; to coordinate programs under titles III and VI; to specify how they plan to increase access by older Native Americans to title III programs and benefits; and to comply with case management service requirements when case management services are provided as an access service.

15. School-Based Meals for Volunteer Older Individuals and Multigenerational Programs: Section 316 establishes a new nutrition program: school-based meals for volunteer older individuals and multigeneration programs.

Title VI grantees have been included as eligible entities for this program. Their inclusion is intended to encourage Title VI grantees to seek grants to operate such programs in cooperation with Bureau of Indian Affairs schools. SUAs are encouraged to approve the grant applications of eligible Title VI grantees.

Monies for administrative costs cannot be taken from title III-C.

This program is added in response to the concern that:

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of elementary and secondary school students who need positive role models, tutors, enhancement of self-esteem, and assistance with multiple and complex economic, health, and social problems;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) multigenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or underused space in school buildings can be used for multigenerational programs serving older individuals in exchange for good faith commitments by older individuals to provide volunteer assistance in the public schools; and

(7) school districts need broad-based community support for school initiatives, and multigenerational programs can help to enrich that support.

It is intended that such program shall:

(1) create and foster multigenerational opportunities for older individuals and elementary and secondary students in the schools, where meals and social activities are provided;

(2) create school-based programs for older individuals to assist elementary and secondary students who have limited-English proficiency or are at risk of—

(A) dropping out of school;

(B) abusing controlled substances;

(C) remaining illiterate; and

(D) living in poverty.

(3) provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and sense of history of older individuals through roles as volunteer tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and many other school support roles;

(4) provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

16. Dietary Guidelines, Payment Requirement: Section 317 adds requirements regarding nutrition programs funded under this title. Meals provided by a project must comply with the Dietary Guidelines for Americans. Additionally, if a project serves one meal a day, each meal—whether provided in a congregate setting or home-delivered—must provide one-third of the daily RDA established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. If a project provides two meals a day to the same individual, the meals must contain two-thirds of these allowances; and if three meals a day are provided to the same individual, the meals must contain 100 percent of these allowances.

This provision was included to offer providers of nutrition services greater flexibility in the planning of meals and to encourage more providers to offer two and three meals each day. It is not expected that providers will dramatically change the content or amount of food provided in any meal provided. It is also expected that they will assure that all food components provided are adequate to provide nutritious, satisfying, and attractive second and/or third meals as well as meeting ⅔ or 100 percent of the RDA requirements.

Furthermore, it is expected that the USDA will continue to reimburse providers for all meals provided, as long as the average RDA is met.

The members of the committees of jurisdiction are concerned that some nutrition providers may be using dietary supplements in lieu of food to meet the present requirement that each meal served contain at least one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science—National Research Council. Therefore the members direct the Commissioner to address potential abuse of this practice as part of the Commissioner's requirement to oversee nutrition services under the Act.

17. In-Home Services: Section 318 adds personal care services and other in-home services defined by SUAs and AAAs in their respective plans.

18. Preventive Health Services: Section 319 adds several new sites to the list of sites where preventive health services can be provided.

The bill deletes current prohibitions against providing Medicare-reimbursable preventive health services and makes a conforming amendment. In deleting the present prohibition against providing Medicare-reimbursable preventive health services, it is intended that AAAs will not offer, when feasible, services that are generally available through private health services or reimbursable under private or public health insurance.

The bill clarifies existing, and adds new, definitions of disease prevention and health promotion services. The bill also renames Part F of title III as "Disease Prevention and Health Promotion Services".

19. Supportive Services for Caretakers Who Provide In-Home Services to Frail Older Individuals: Section 320 adds a new Part G to title III for the purpose of providing supportive services to caretakers who provide in-home services to frail older individuals.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

1. Statement of Purpose: Section 401 clarifies that the purpose of this title is also to include dissemination of innovative ideas for replication.

2. Priorities: Section 402 requires the Commissioner to consult with SUAs and AAAs to develop funding priorities. The Commissioner is also required to ensure title IV grants and contracts benefit older individuals and OAA programs, and comply with OAA requirements.

This new requirement for the Commissioner is to ensure that title IV grants and contracts benefit older individuals and other programs under the Act. The grants and contracts are to be used only for those purposes within the scope of the Act.

3. Purpose: Section 403 clarifies the purpose of title IV training grants by placing emphasis on attracting qualified minority personnel.

4. Grants and Contracts: Section 404 adds gerontologists to the list of practitioners who may receive training and education under the title. The bill also adds an emphasis on using culturally sensitive practices in-service training. Counseling programs may receive such in-service training.

The bill provides for annual national meeting to train directors of title VI grants. For the past several years, the Commissioner has convened a national meeting to train directors of title VI grants. This event has proved to be very beneficial to all involved. By adding this requirement, it is intended that the training should continue to occur on a national basis, not just on a state or regional level.

A new training program has been added to train service providers who serve older individuals (including family physicians, clergy and other professionals).

5. Multidisciplinary Centers of Gerontology: Section 405 adds "counseling service" to the kinds of emphasis gerontology centers receiving grants may have. The bill also add schools of social work and psychology to the schools that develop training programs with title IV funds. "Counseling services" are added as a special emphasis of multidisciplinary centers of gerontology.

6. Demonstration Projects: Section 406 authorizes several new demonstration projects, including projects that: furnish multigenerational services by older individuals addressing the needs of children; meet the service needs of older individuals who are caretakers with disabled adult children; provide music, art, dance-movement therapy and gerontological education and training on music therapy; or establish model volunteer service credit projects to demonstrate methods to improve or expand supportive or nutrition services or otherwise promote the well-being of older individuals.

The members of committees of jurisdiction strongly endorse the concept of voluntary service credit programs which have been successfully implemented in a number of States. Therefore the members encourage the Commissioner on Aging to fund innovative voluntary service credit programs.

7. Special Projects in Comprehensive Long-Term Care: Section 407 deletes the current

provision regarding special projects in comprehensive long-term care; adds a new section that requires the Commissioner to fund not fewer than four or more than seven resource centers for long-term care; specifies the functions of the centers; lists areas of specialty for resource centers; requires the Commissioner to fund at least 10 such projects; prescribes the use of funds, reimbursable direct services, preference in awarding grants, application and report requirements, and eligible entities; and requires the Commissioner to fund these projects at not less than the amount awarded for long-term care centers in FY 1991, and to obligate funds within 60 days after the enactment of the bill.

8. Ombudsman and Advocacy Demonstration Projects: Section 408 adds legal assistance agencies to the agencies coordinating within ombudsman and advocacy demonstration projects.

9. Demonstration Projects for Multigenerational Activities: Section 409 requires the Commissioner to award funds for demonstration projects for multigenerational activities affording older individuals opportunities to serve as mentors or advisors in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

10. Supportive Services in Federally Assisted Housing Demonstration Program: Section 410 requires the Commissioner to award funds to establish demonstration programs to provide supportive services in federally assisted housing. The bill specifies that agencies eligible to receive grants under this section include SUAs and AAAs.

The members of the committees of jurisdiction intend that these demonstration programs will demonstrate the involvement of the aging network in the development of the Comprehensive Housing Affordability Strategies and other programs serving older individuals under the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

11. Neighborhood Senior Care Program: Section 411 authorizes the Commissioner to award grants to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents; requires the Commissioner to give preference to applicants experienced in operating community programs and those meeting the independent living needs of older individuals; and requires the Commissioner to establish an Advisory Board and a technical resource center on neighborhood senior programs.

To support the addition of a Neighborhood Senior Care Program in the Act, the Commissioner should consult with the director of ACTION, the Points of Light Foundation, and other organizations that advocate and administer volunteer sevices.

12. Information and Assistance Systems Development Projects: Section 412 authorizes the Commissioner to make grants to support Section 412 authorizes the Commissioner to make grants to support improvement of information and assistance services at the State and local levels and to continue to support and evaluate the national telephone information access service.

13. Senior Transportation Demonstration Program Grants: Section 413 requires the Commissioner to award at least five grants (not less than 50 percent to be used in rural areas) to improve the mobility and transportation services of older individuals. Eligible agencies include SUAs, AAAs, and other public agencies and nonprofit organizations.

14. Resource Centers on Native American Elders: Section 414 requires the Commissioner to establish between two and four Resource Centers on Native American Elders.

15. Demonstration Programs for Older Individuals With Developmental Disabilities: Section 415 requires the Commissioner to establish demonstration projects for older individuals with developmental disabilities.

16. Housing Demonstration Programs: Section 416 requires the Commissioner to award funds to establish housing ombudsman demonstration projects and adds specific provisions regarding eviction and foreclosure notification.

The members of the committees of jurisdiction are concerned that there are not adequate programs available to assist older tenants of publicly assisted housing to resolve their complaints and problems. Such problems include but are not limited to: legal and nonlegal issues, housing quality issues, security and suitability problems, and issues related to regulations of the Department of Housing and Urban Development and the Farmers Home Administration.

This demonstration project will demonstrate a mechanism to assist such older residents in resolving their problems, and protecting their rights, safety, and welfare of the individuals;

The members note that the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy and that a similar approach could be used to address the housing problems experienced by these older residents.

17. Private Resource Enhancement Projects: Section 417 authorizes the Commissioner to fund SUAs and AAAs to establish demonstration projects that generate non-Federal resources in order to increase resources available to provide additional title III services.

18. Career Preparation for the Field of Aging: Section 418 adds new requirements for the Commissioner to make grants to educational institutions (including historically Black colleges or universities and Hispanic Centers of Excellence with programs of applied gerontology) that serve the needs of minority students to prepare them for careers in aging.

19. Pension Information and Counseling Demonstration Projects: Section 419 requires the Commissioner to fund pension information and counseling demonstration projects.

20. Authorization of Appropriations: Section 420 authorizes $72 million to be appropriated to carry out this title for fiscal year 1992 and such sums as may be necessary in subsequent years.

There are also authorized to be appropriated $450,000 for each fiscal years 1992, 1993, 1994, and 1995 to carry out a program to train service providers as described in Section 411(e).

21. Payments of Grants for Demonstration Projects: Section 421 requires the Commissioner when issuing grants and contracts within a State to inform the SUA of their purpose.

22. Responsibilities of Commissioner: Section 422 specifies that the annual report on title IV awards be submitted to Congress not later than January 1 following each fiscal year, expands the required content of the report, and requires the Commissioner to evaluate the activities funded under title IV, make the evaluations available to the public, and use the evaluations to improve service delivery or program operation.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1. Older American Community Service Employment Program: Title V of the Older Americans Act authorizes the Senior Community Service Employment Program (SCSEP), which provides part-time employment and training opportunities for low-income persons 55 years of age and older. As enrollees in a Federal employment and training program, participants in the SCSEP historically have not been considered "employees" of grantees. The members of the committees of jurisdiction believe that benefits associated with employment should be funded by the Federal government.

Section 501 adds a provision which includes individuals with poor employment prospects as potential title V participants; requires projects to hire individuals with greatest economic need, and prepare an assessment of participants; requires the Secretary of Labor to consult with the Secretary of Health and Human Services on the cost of programs; requires national contractors to consult with and submit project descriptions to SUAs and AAAs in areas where they are operating; and requires the Secretary to issue criteria for experimental projects and require projects in such experiments to coordinate with JPTA programs.

2. Coordination: Section 502 requires the Secretary to consult with the Commissioner to increase job opportunities for older individuals. Section 502(c)(1) of the Act requires that Community Service Employment for Older Americans (CSEOA) sponsors pay 10 percent of the cost of CSEOA projects. It is the intent of the Committees of Jurisdiction that whenever an Indian tribal entity, or an association representing such entities, with which the Secretary has an agreement under Section 502(b) of the Act, demonstrates to the Secretary that a project serving primarily Indians or on an Indian Reservation, located in an economically depressed area, does not have adequate non-federal resources available, the Secretary may pay all of the costs of any such project.

3. Interagency Cooperation: Section 503 requires the Secretary to coordinate this program with other Federal jobs programs and other titles of the OAA.

4. Equitable Distribution of Assistance: Section 504 establishes a minimum funding base for all title V national contractors of 1.3 percent of FY 91 total appropriations (i.e., $5,135,000). The base will help to ensure that all contractors have a minimum level of funds to administer effectively the program on a national basis. Currently, only two of the ten national contractors are funded at below this minimum funding base; in FY 1992, they each received a little over $1.3 million. By contrast, the next smallest contractors received approximately $11 million; the largest contractor received over $100 million.

This amendment gradually increases these contractors to the minimum funding base by reserving a portion (at least 25 percent) of increased appropriations. This reservation cannot occur until appropriations exceed 102 percent of FY 91 appropriations (i.e., $398,000,000). Since this was not achieved for FY 92 (final title V appropriation is $395,181,000), the amendment would not be triggered in FY 1992. By requiring that the reserved portion be taken only from increased appropriations, the funding levels for national contractors essentially are being held harmless to their FY 92 appropriations. Importantly, given that only a portion of increased appropriations will be reserved, all national contractors will still receive increased funding if appropriations increase.

Once a national contractor has achieved the minimum funding base, it is intended that such base shall, at a minimum, be maintained.

Some individuals have indicated that the problem of inadequate funding for these two contractors is best addressed through an administrative solution. Normally, the members of the committees of jurisdiction would agree. However despite congressional efforts to assure an adequate funding amount, the Department of Labor has shown no intentions of addressing the current funding disparity.

The bill also requires the Secretary to take into account the distribution of older individuals with the greatest social and economic need and minority individuals when apportioning funds within the states.

5. Authorizations of Appropriations: Section 505 authorizes $470,671,000 for FY 1992 and such sums as may be necessary in fiscal years 1993, 1994, and 1995. The bill also authorizes enough appropriations to fund 70,000 title V positions in each fiscal year.

6. Dual Eligibility and Treatment of Assistance Provided Under This Title: Section 506 requires that when title V projects are carried out jointly with JTPA programs, title V participants will be eligible for JTPA. It also stipulates that assistance from title V will not be considered financial assistance under the Immigration and Nationality Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

1. Applications by Tribal Organizations: Section 601 adds provisions requiring title VI applicants to assure coordination with other title III programs.

2. Distribution of Funds Among Tribal Organizations: Section 602 requires the Commissioner to first fund FY 1991 title VI grantees at their FY 1991 levels before funding new title VI grants. By including this provision, the members of the committees of jurisdiction emphasize that the participation of new tribal organizations in this program is not precluded.

The bill also requires the Commissioner to direct any additional appropriations to organizations who received title VI grants in FY 1980 and received lower funding in succeeding years or to organizations who did not receive a grant in FY 1980 or FY 1991.

3. Applications by Organizations Serving Native Hawaiians: Section 603 requires applicants to assure they will coordinate with title III programs.

4. Distribution of Funds Among Organizations: Section 604 requires the Commissioner to fund native Hawaiian organizations at least at their FY 1991 level.

5. Authorizations of Appropriations: Section 605 authorizes $30,000,000 in FY 1992 and then such sums as may be necessary for fiscal years therafter for title VI: 90% to go to Part A, 10% to go to Part B.

TITLE VII—ELDER RIGHTS SERVICES

The bill creates a new title VII regarding eldr rights services. The new title is based, in part, upon a finding that there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

While more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs, the members of the committees of jurisdiction are concerned that: it is estimated that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled; it is estimated that only half of older individuals eligible for food stamps receive assistance; and that it is estimated that less than half of older individuals eligible for benefits under the medicaid program are currently enrolled.

Critical purposes for establishing this title include, but are not limited to, the need to:

(1) assist States in securing and maintaining for older individuals dignity, security, privacy, the exercise of individual initiative, access to resources and benefits to which the individuals are entitled by law, and protection from abuse, neglect, and exploitation;

The bill requires States to provide additional assurances related to title VII as part of the state plan submitted under section 307. However, the current title III requirements governing the allocation of funds within states are not applicable to funds made available under any part of title VII nor are area agencies the only entities eligible to receive grants from states under any part of title VII. In addition states may use funds available under title VII to directly carry out vulnerable elder rights protection activities;

(2) require States to undertake a comprehensive approach in developing and maintaining elder rights programs;

(3) require States to give priority to protecting the rights of, and securing and maintaining benefits and services for, older individuals with the greatest economic or social need;

(4) require States, in making grants and entering into contracts to carry out programs to protect elder rights, to give preference as appropriate to AAAs and other entities with a proven track record in performing elder rights activities; and

(5) authorize States to plan and develop programs and systems of individual representation, investigation, advocacy, protection, counseling, and assistance from older individuals.

The State agency is required to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues. Such report shall include an analysis of data regarding elder rights based on reports of abuse, neglect, or exploitation; complaints regarding long-term care or from residents of long-term care facilities; reports of consumer fraud and abuse; reports of requests for and the provision of emergency protective services; reports of legal assistance and advocacy required to provide protection; and reports regarding the failure of older individuals to secure benefits for which the persons are eligible.

1. Authorizations for Vulnerable Elder Rights Protection Activities: Section 701 authorizes appropriations of $40,000,000 for the ombudsman provisions for FY 1992 and then such sums as may be necessary for fiscal years thereafter; $15,000,000 for the prevention of abuse, neglect, and exploitation of older individuals in FY 1992 and then such sums as may be necessary for fiscal years thereafter; $10,000,000 for state elder rights and legal assistance development programs for FY 1992 and such sums as may be necessary for fiscal years thereafter; and $15,000,000 for the outreach, counseling, and assistance program for FY 1992 and then such sums as may be necessary for fiscal years thereafter.

The bill also authorizes $5,000,000 for FY 1992 and such sums as may be necessary for fiscal years thereafter for a program to fund organizations who serve Native Americans to protect the rights of vulnerable elderly.

Title VII funds are to be allotted differently than allotments in title III. It is the intent of the members of the committees of jurisdiction that funds should first be allotted on the basis of population and then adjusted on a pro rata basis to ensure that minimum amounts have been allotted. The bill also allows confidential information to be given to a licensing or certification agency, ombudsman program, protection or advocacy system, or upon court order.

2. Ombudsman Programs: Section 702 adds new requirements regarding residents receiving timely access to the Ombudsman service, representation of residents' rights, the provision of administrative and technical assistance, the procedures of access and consent for Ombudsmen, protection of the Ombudsman from retaliation, and the training of Ombudsman and her/his representatives.

Because of the responsibility of Ombudsmen to investigate and resolve complaints pertaining to the health, safety, welfare and rights of long-term care facility residents, the members of the committees of jurisdiction emphasize that it is essential that such ombudsmen have full access to facilitate, residents and appropriate records, including the records of facility residents.

Nothing in this Act is intended to preclude or deter States from providing additional authorities to the Ombudsmen if deemed appropriate or necessary. A State may find it appropriate and necessary to provide Ombudsmen with a right of access to such records in a manner at least consistent with the access authority of State's long-term care facility licensing and certification officials. In the event a State provides the Ombudsman with such authority it is incumbent upon the SUA to vigorously protect the Ombudsman program's ability to thoroughly investigate and resolve complaints.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-term health care workers

The bill requires the Directors of the National Center for Health Statistics and the Centers for Disease Control to collect data and prepare a report regarding long-term care health care workers, including those employed by adult day care centers and other community-based settings.

Subtitle B—National School Lunch Act

The bill amends the National Student Lunch Act to clarify a USDA interpretation that classified group homes in the community as "institutions" under the School Lunch Act. This amendment goes into effect as if it were part of the 1987 Older Americans Act amendments.

Subtitle C—Native American Programs

Sections 821 and 822 amend the Native American Programs Act of 1974.

The bill establishes within the DHHS the Administration for Native Americans to be headed by a Commissioner. The Commissioner shall be appointed by the President and approved by the Senate. The Commissioner's duties shall include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department and compilation of information for the Secretary's annual report on social conditions of Native Americans.

The bill also requires that the Secretary assure that staff and administrative support is provided adequately to the Administration to meet responsibilities described in this leg-

islation and to establish within the Secretary's Office, the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department and others designated by the Secretary.

The bill identifies the Office of Hawaiian Affairs of the State of Hawaii as a revolving loan fund recipient (described in Sec. 803(a)(1) of the Act), by ending the prohibition against loans after a five year period, by authorizing the Native Hawaiian Revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

The bill requires the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

The bill requires the Secretary of HHS to report annually by January 31 to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

The bill provides for Secretarial review of the Commissioner's finding that an organization or proposed activity is ineligible for funding and gives the authority of providing procedure for appeals, notice and hearing to the Commissioner instead of the Secretary. The bill also changes the authority to provide financial assistance through grants or contracts for research, demonstration, or pilot projects, and the authority to make public announcements regarding such projects from the Secretary of HHS to the Commissioner.

The bill authorizes the Commissioner to extend employment preference to Native Americans, based upon the Office of Indian Education preference provision (P.L. 100-297).

The bill requires the Commissioner of the Administration for Native Americans (ANA) to give preference in contracting to individuals who are eligible for assistance under this title, and requiring the Commissioner to encourage agencies receiving grants to give preference to such individuals.

The bill requires evaluations of ANA-assisted projects to be evaluated at least every three years.

The bill authorizes "such sums as may be necessary" for fiscal year 1992 for all programs under this Act with certain exceptions.

The bill eliminates the threshold for eligibility for grants to Pacific Islanders.

In addition, no statutory change is required to assure the eligibility of the Office of Hawaiian Affairs and Department of Hawaiian Homelands, as both are clearly eligible as "public . . . agencies serving Native Hawaiians" (42 U.S.C. 2991b). Further, it is hoped that provisions in the bill expanding the amount of discretionary funding available to the ANA will enable the Administration to provide improved levels of technical assistance to applicants and grantees in noncontiguous areas through contractors or subcontractors in those areas.

Finally, the Department of Health and Human Services through ANA is directed to enter into discussions as soon as possible with appropriate officials of the Department of Defense to develop and execute a memorandum of understanding, memorandum of agreement, interagency agreement or other appropriate vehicle to provide procedures for disbursement of the $8 million appropriated for the Department of Defense for mitigation of environmental damage to Indian tribes from defense operations. The disbursement of these funds through competitive grants to tribes and tribal membership organizations will assist in their planning, development and implementation of programs for such environmental defense mitigation.

Subtitle D—White House Conference on Aging

As demographers project that the portion of the population age 55 or older will continue to increase well into the next century, the need for a national strategy session to address the implications of an aging population is imperative. With these changes private individuals and groups representing the field of aging will, for the first time, participate equally in the development of Federal aging policy.

It is intended that the mission of this Conference will continue to be that of assessing the most appropriate public policies to meet the needs and to enhance the contributions of older Americans. The Conference must be free to make any recommendations for action which are necessary to realize the goals of health, happiness, and security for all older Americans. Such recommendations for action should be considered in the light of the overall aging of the population and in the context of the relationship of generations. Recommendations from the Conference should consider the overall aging of the population in the context of the relationship between the generations.

It is the intent of the members of the committees of jurisdiction that the Conference includes a conference on the needs of older Indians and that such conference be conducted on a national basis in coordination with national entities having expertise in the needs of older Indians. Furthermore, in conducting such conference on older Indians, the White House Conference on Aging is to provide such resources as are necessary to support such a conference.

Section 832 requires the President to convene a White House Conference on Aging in 1993. It also requires delegates to the Conference to include professionals, nonprofessionals, minorities, and low-income family members.

Sections 833, 834, and 835 add new requirements regarding the administration of the Conference, including the composition and duties of the Policy Committee, necessary record keeping, and approval of the Conference report.

Section 836 authorizes such sums as may be necessary for FY 92 and FY 93, with funds available until Jan. 1, 1995 or one year after the Conference adjourns, whichever is earlier. Funds not expended or obligated shall go to carry out the Older Americans Act.

Section 838 states the sense of the Congress that impact of the Social Security earnings test should be considered by the Conference.

TITLE IX—GENERAL PROVISIONS

Section 905 states these amendments shall take effect upon enactment of this Act, except that Sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, 320, 410, 411, 413, 414, 415, 416, 418, 419, 501, 504, 506, 601, 603, and all sections in title VII shall not apply for fiscal year 1992.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the Older Americans Act and the pending amendment. With this amendment, we will make life a bit more comfortable for thousands of senior citizens who need our help. We will assure the passage of the Older Americans Act amendments—which target funds for meals and other services for senior citizens in the greatest need; we will improve Social Security benefits for very old widows—those widows who are among the poorest of all the elderly; and we will liberalize the Social Security retirement earnings test in a way that helps middle-income working seniors—by focusing the maximum retirement test relief on those who need it most.

The proposed amendment also includes a provision effectively restoring the previous FICA exemption for election workers. I have received many letters about this provision from Members of the House—asking the Ways and Means Committee to pass this provision as expeditiously as possible.

The compromise reflected in the pending amendment deserves the support of my colleagues for two reasons. First, it liberalizes the Social Security retirement earnings test in a way that benefits middle-income Social Security beneficiaries. This is in contrast to the proposal in the Senate amendment to repeal the retirement test completely. That proposal would increase spending by nearly $28 billion over the next 5 years.

Second, the compromise would make life easier for elderly widows. From hearings in the Ways and Means Subcommittee on Social Security, we know that older women living alone are among the poorest Social Security beneficiaries. Many of these women are widows in their eighties and nineties who lost their husbands at a time when they were too old to enter the labor force, yet young enough to face several decades of widowhood. As a consequence of living alone for many years, they may have depleted their resources and thus are relying on Social Security as their sole source of income. The compromise would make life easier for this group by increasing Social Security benefits for widows who are 80 and over—who now receive actuarially reduced payments.

Mr. Speaker, I want to stress that the increase in widows' benefits in this bill is modest. About 800,000 widows will receive about $50 a month in additional benefits. This is in contrast to the benefit increase associated with raising the retirement earnings limit—800,000 working senior citizens will receive a maximum increase in benefits of over $200 a month—or four times the amount we are providing for widows who are unable to work to supplement their incomes.

While I know that many of my colleagues have become convinced of the need for this increase in benefits for working senior citizens, I hope they will be equally sensitive about the need

for an increase in benefits for those who are widowed and are generally past the age where they are able to work.

Mr. Speaker, I include for the RECORD a section-by-section summary of the Ways and Means provisions of the pending amendment, and urge adoption of the Older Americans Act as amended.

SECTION-BY-SECTION DESCRIPTION OF THE WAYS AND MEANS PROVISIONS OF THE AMENDMENT

1. INCREASE IN RETIREMENT EARNINGS TEST

The social security retirement earnings test exempt amount for individuals age 65–69 would be nearly doubled over 5 years, from $10,200 in 1992 under current law to $20,000 in 1997 under the provision. The exempt amount would be set at $12,000 in 1993, $14,000 in 1994, $16,000 in 1995, $18,000 in 1996 and $20,000 in 1997. In addition, the social security trust fund would be credited with the net increase in revenues (income taxes on earnings from wages and self-employment) attributable to the increase in the retirement test. The provisions would be effective beginning in 1993.

2. DECREASE IN ACTUARIAL REDUCTIONS FOR WIDOWS

Under current law, widow(er)s who first file for benefits before age 65 (or at age 50–59 in the case of disabled widow(er)s have their basic benefit permanently reduced for every month before age 65 in which they receive benefits. The reduction amounts to 5.7 percent per year, for a maximum reduction of 28.5 percent at age 60. The provision would eliminate this reduction for widow(er)s age 80 and over.

Under current law, if the deceased spouse of a widow(er) received a reduced retirement benefit because he or she retired before age 65, the widow(er) cannot receive a benefit that exceeds the higher of the spouse's reduced benefit or 82.5 percent of the benefit the spouse would have received had he or she retired at age 65. The 82.5 percent limit is known as the "widows' limit." The provision would increase the widows' limit to 90 percent for widow(er)s age 80 and over.

Widow(er)s who would otherwise lose their supplemental security income (SSI) and medicaid benefits as a result of the increase in social security widow(er)s' benefits would be held harmless with respect to their medicaid benefits.

The provision would be effective for benefits payable for months after November, 1992 and would apply to both current and future eligible beneficiaries.

3. ELIMINATION OF 7-YEAR RULE FOR DISABLED WIDOW(ER)S

Under current law, a disabled widow(er) age 50–59 is not eligible for widow(er)'s benefits if the disability began more than seven years after the date of the spouse's death or more than seven years after entitlement to mother's or father's benefits (which are paid to a widow(er) who has a child under age 16 in his or her care) ends. The provision would eliminate this limitation on eligibility for disabled widow(er)'s benefits. The provision would be effective for benefits payable for months after August, 1992, but only on the basis of applications filed or pending on or after September 1, 1992.

4. SOCIAL SECURITY EXCLUSION FOR ELECTION WORKERS

Under current law, elections workers who earn less than $100 per year are subject to three social security exclusions: (a) at the option of a State, they may be excluded from the State's voluntary coverage agreement with the Secretary of Health and Human Services (HHS); (b) they are excluded from the requirement that State and local workers hired after March 31, 1986, pay the hospital insurance portion of the social security tax (1.45 percent); and (c) they are excluded from the requirement in the Omnibus Budget Reconciliation Act of 1990 (P.L. 101–508) that State and local workers who are neither covered by a State or local retirement system nor a voluntary agreement pay the full social security tax (7.65 percent).

Effective January 1, 1993, these three exclusions would be increased to apply to election workers with annual earnings of up to $1,000, rather than the current $100. Beginning in 1994, they would be indexed for increases in wages in the economy.

5. MARRIAGE OF DISABLED ADULT CHILDREN (DACS)

Under current law, a disabled adult child (DAC) loses eligibility for title II social security benefits when he or she marries, unless the spouse is also a title II social security beneficiary. The provision would eliminate this restriction, permitting DACs to marry any person (beneficiary or non-beneficiary) without losing their social security and medicare benefits.

In addition, DACs who previously lost benefits because of marriage would be permitted to reapply; and those whose disabilities continue to exist would resume receiving benefits. The amount of their benefits would be updated to include all cost-of-living increases provided since they last received benefits. Those DACs who were previously eligible for medicare would have it reinstated simultaneously with their cash benefits. Those who were not would receive medicare after completing the time remaining in their two-year waiting period. The Social Security Administration would be required to make all reasonable efforts to locate DACs who previously lost benefits because of marriage and inform them of their reapplication rights.

The provision would be effective with respect to marriages occurring after September 1, 1992. For DACs who lost benefits because they married prior to that date, the provision would apply with respect to benefits for months beginning after the later of: (a) August 31, 1992, (b) five full calendar months after the onset of the disability, or (c) 12 months before the date of reapplication.

6. STUDY BY THE GENERAL ACCOUNTING OFFICE OF THE DISABILITY DETERMINATION PROCESS

The General Accounting Office would be required to investigate the reasons for the high rate of reversal of the Social Security Administration's initial disability determinations on appeal and to report its findings by December 1, 1992.

7. TECHNICAL AMENDMENT

The provision would clarify current law relating to fees for social security claimants' representatives in concurrent title II/title XVI cases to prevent approval of excessive fees. The provision would take effect as if it had been included in the Omnibus Budget Reconciliation Act of 1990.

□ 2240

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

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

Mr. Speaker, on the surface, the amendment before the House tonight is extremely seductive. When we scratch beneath its tempting outer layers, however, it is nothing more than election year politics as usual. As the House author for more than 20 years of legislation to repeal the onerous Social Security earnings limitation, I would like personally nothing more than to claim victory tonight and join in supporting this amendment, even though it falls short of complete repeal. I cannot in conscience do so. The price is too high. I care too deeply about the preservation of a sound Social Security system, not just for today's retirees, but for our children and our grandchildren who will have to pay the price now and in the future for the new benefits attached to this package.

I have no problem whatsoever with the partial earnings repeal contained in the amendment, although I continue to strongly favor total repeal. It is the fiscally and economically prudent thing to do. Official actuarial projections of the Social Security Administration show that even total repeal would be, for all practical purposes, a financial wash to the fund over the long-term period that the actuaries are required to project under the law. Repeal, or a substantial increase in the earnings limit, is a very smart thing to do given the aging American population and our need to keep the talents, experience, and energy of seniors in the work force.

What troubles me, Mr. Speaker, are the other provisions of the amendment which will place a permanent drain on the trust funds during the same acturial period. The widows benefit, which is politically so tantalizing, is purely and simply an election year expansion of benefits. Mr. Speaker, I watched this over and over again in the 1960's and the early 1970's, until finally there was the culmination, that reform which initiated the COLA's that were put into effect to curb the political spending appetites of the Congress. And now here is a new entitlement program for which no premium has ever been paid. We are back to the races.

Let us fully understand, Mr. Speaker, how this amendment changes the current law. Under the current law the widow or widower of a deceased worker can elect to take an actuarially reduced benefit by beginning to draw the benefit at age 60 instead of either 62 or 65. That election is available under the current law to every widow and widower.

Now this amendment provides that if that widow or widower lives to be 80 years of age, he or she automatically is jumped up to the full benefit, as if the beneficiary had never made the election to receive reduced benefits earlier. The beneficiary could receive the full benefit that he or she would have received by waiting until 65 to start drawing the benefits. The actuarially reduced benefit is smaller for those

who elect to take it early because the years that it will be paid will be longer. Under this amendment, if they live to 80, those beneficiaries would receive gratuitously the full benefit that they elected earlier not to wait until age 65 to receive.

Moreover, this amendment is being falsely advertised as helping the poorest of the poor. It simply does not do that. The poorest of the poor receive supplemental security income benefits in addition to their Social Security benefits. But they must file a financial statement and comply with a means test. If this amendment is passed, the recipients who are poor will lose dollar for dollar from their SSI benefits those additional Social Security benefits they receive. It is of no help to the poorest of the poor.

In fact, Mr. Speaker, the greatest benefit in this proposal goes to those widows and some widowers, as I said, who least need it. The appropriate way to help those in need is by revising SSI, reforming the means test program, not by an election year increase in Social Security benefits.

Members should also be alert to the fact that the structure of this new widows entitlement program creates a notch problem similar to the other Social Security notch about which we have received so much mail.

□ 2250

Those who have been outspoken on the issue of tax fairness should take special heed. The expanded benefits in this amendment apply to widows and widowers aged 80 and older regardless of income. Nothing is provided for those who are 79 years of age or younger, regardless of need.

How can a Congressman go to his district and defend giving extra benefits to one who is 80 who is financially well off and denying them to one who is 79 who is truly in financial need?

It will not be long before you are hearing about the unfairness of providing a new benefit to wealthy 80-year-olds, while denying needy 79-year-olds similar help. The program will be expanded with a bigger and bigger drain on the Social Security fund.

Mr. Speaker, this amendment represents exactly the kind of pandering we were trying to get away from when we substituted the automatic COLA's for election year benefit increases that were passed over and over again back in the sixties and seventies. Now here we are again, legislating unfunded benefit increases in an election year in the hope of currying the favor of senior citizens.

Mr. Speaker, we have a greater responsibility than that. If this bill passes, there will be a new entitlement spending program which will steadily drain the trust funds and increase the deficit, not just for the short term, but for all years to come.

That point was made clearly and effectively by the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA]. I know his concern over the budgetary impact of this amendment is shared by many in this Chamber.

Ironically, in 1989 all 23 Democrat members of the Committee on Ways and Means sponsored legislation to create the point of order in current House rules against legislation that increases Social Security benefits without offsetting deposits in the trust fund. We should wait to consider this legislation when we know the answers to these important budget questions. We should not waive that very point of order today under the gag rule that we are operating under.

Mr. Speaker, I do not know what choice others are going to make, but for my part, I am going to do what I think is right; vote for both the short-term and the long-term health of our Social Security System. It may or may not be the political thing to do in this election year, but that is the way I have always approached the tough Social Security problems, with a concern for the young, as well as the old.

Mr. Speaker, it is not fair to the young. I happen to believe that saying "no" to political pandering and instead fighting for responsible answers to problems is good politics, too. Defeat this amendment. It's the responsible thing to do.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I am amazed at what I just heard. One would think widows in this country are fat cats. Let me tell you something: Women who are 80 and over are the poorest people in the country.

Mr. Speaker, I am proud to say that I voted against the Reagan budget of 1981 which reduced and eliminated a minimum benefit for Social Security recipients who were getting a minimum benefit of $128 a month. By eliminating that, you put them on a schedule that would give them $98 a month.

The fact is most displaced homemakers are between 52 and 60, and very often they do not have any other source of income. So if you want to give them the $50 more a month that they deserve and put them up to $175 a month, I want the gentleman who just spoke to tell us how he would like to live on $175 a month or $200 a month. So I am proud that the widows benefit is in the bill.

Mr. Speaker, I also want to thank again the gentleman from California [Mr. MARTINEZ] and the gentleman from Michigan [Mr. FORD], because finally after 11 years we have passed the Elder Abuse Act that Claude Pepper and I introduced in 1981. We found then that there were 1 million older Americans who were abused, and these abused were never reported. Ten years later we waited for this bill to pass. The abuse incident was up by 50 percent to 1.5 million.

In this bill we say that we grant immunity to people who report abuse. Most abuse is done by children, unfortunately, who are alcoholics, drug addicts, have problems and long-term financial difficulties. Unfortunately, older people cannot get out of an abusive situation.

Mr. Speaker, finally in this Congress we are doing something humane about passing the Older American Act, which includes the Elder Abuse Prevention Identification and Treatment Act. This is finally one of the few terrific bills that we have had on the floor. It is about time we get back to issues. I congratulate the Chairs for their support.

Mr. ARCHER. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, we have brought ourselves to the point where we have a very complex and difficult decision to make. In the final analysis we will be able to identify gainers and we will be able to identify losers. We will have to assess both in the long run and in the short run whether the gains of the gainers more than compensate for the losses to the losers.

So let us look at it. We all agree that we wanted the Older Americans Act to be passed and enacted as quickly as possible for so many good reasons. That is not what the debate here is tonight.

What we are debating tonight is this new amendment that only a few of us have seen and studied. The amendment deals first and foremost with this business of age discrimination. Mr. Speaker, it is age discrimination that we have in the form of the earnings limitation we imposed on senior citizens.

The earnings limitation imposition on the right to work of American senior citizens is fundamentally wrong. It is a blatant act of age discrimination perpetrated against all senior citizens by the Federal Government. It is fundamentally wrong, and we should have had a vote as to whether or not we wanted to repeal it outright and eliminate that fundamental immoral act of this Government. But we voted that option away when we passed this rule.

Now we have an opportunity to look at the chance that we might raise that cap from roughly $10,000 to $20,000. That is the thing we can do if we vote yes, something that is fundamentally wrong with a more generous number, rather than a more stingy number.

So we can be less stingy in our immorality, and that makes us feel somewhat better.

Mr. Speaker, I think we ought to do that. We ought to give the seniors some chance. For many it makes an enormous difference.

Then in addition to that we have what is in fact the real controversial

aspect of this amendment and the one that is so potentially devastating to the Social Security Program in the long run, to your children's rights under that program in the long run, that it must require your serious and sober consideration, because here is where the losers come. Here is where we default on the whole concept of Social Security as a paid benefits program, where people can look at the program benefits in their older years with pride, that they are getting what they paid for.

In order to redefine this program and take Social Security on that first tragic step in the direction of an entitlement program that is means tested, which it never was intended to be, we are offering our needy widows no more than what they are able to get today under current law.

□ 2300

What increase in Social Sebenefits they will get, if they are needy widows, under this program will be totally offset by the reduction in benefits they have in SSI. So make no mistake, the needy widows are not gainers in the amendment. They are not losers. They get nothing in terms of a change from current law.

Who does benefit by this change? The nonneedy widows who today do not qualify for benefits under SSI.

Whoever defines the needs test under SSI today defines who is and who is not a needy widow. And by that definition, we will be adding to these benefits those who do not qualify under current law.

Now, that is a generous and a kind thing to do on the face of it, but it is an enormously expensive thing to do. At the same time, even by CBO, an organization of this body that is chronically wrong, at $3.2 billion, I would suggest that it will be at least twice that every year forever and growing.

And we also create a new notch. If there is anything that is more inequitable, unfair, unkind, unjust by America's seniors than the earnings limitation, if there is anything that they resent more than the earnings limitation, it is the notch. We are going to have a new group of notch babies created by this law.

It is fundamentally wrong. It is not correct. It is not moral. And we are going to put in the Social Security benefits for our children in jeopardy while we impose on them during their working years the inevitable increase in Social Security taxes at the job.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise today to support H.R. 2967 for all of the wonderful programs it brings to the elderly people of this country as well as for Chairman ROSTENKOWSKI's amendment liberalizing the Social Security earnings test.

The present structure of the Social Security earnings test creates a disincentive for people to work or continue working, which keeps millions of qualified, competent seniors out of the labor market. The earnings test forces many skilled workers to abandon their careers and seek lower paying or part-time work in order to protect their Social Security benefits. A raise in the maximum allowed income will stimulate significant economic growth which will lead to an increase in Federal revenue in excess of billions of dollars.

I have been firmly committed to repealing the earnings test for years. In the previous Congress and this one, I introduced legislation that would repeal the earnings test and allow seniors to work and earn as much as they possibly could. A repeal of this test would allow our Nation to fully tap into the network of older workers. While I would prefer a total repeal of the earnings test, I welcome this liberalization of the current means test as it is a step in the right direction.

Over the past two decades we have seen a dramatic change in our work force, and the next 20 years will bring about even more change. Currently, about two-thirds of male workers 62–65 are employed and about half of female workers 62–65 are employed. Older workers are less likely to leave their current employer or occupation than younger workers. Older workers are represented in larger percentages than younger workers in executive, administrative, and managerial occupations, professional specialties, sales occupations, farming, forestry, and fishing.

We talk about helping those who are most in need. We talk and talk about helping people to help themselves. Here we can do both. We can permit the people who want and need to work, work. We can raise the maximum earning level and allow seniors to stay productive in their jobs, earning a salary without paying the punishment of losing their Social Security benefits. I urge all Members to support the Rostenkowski earnings test compromise.

Mr. ARCHER. Mr. Speaker, I yield such time as he many consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise to speak on the legislation.

Mr. Speaker, I rise in the strongest possible support of this legislation which has taken a major step toward finally resolving the earnings test that penalizes older Americans for earned income while drawing Social Security.

Mr. Speaker, the Federal Government has no right to tax the Social Security check of anyone. American workers have worked all their lives, paid taxes, and paid into the Social Security trust fund. The money they paid into the Social Security trust fund has already been taxed and should not be taxable again when those funds are paid back to them in the form of Social Security checks.

There are millions of elderly Americans who for one reason or another were unable to save enough to provide a decent return income. This legislation will allow more of them to earn up to $20,000 annually without being penalized by losing part of their Social Security benefits. That is why I support this legislation and I urge all Members to vote with me on this vital legislation.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, this is a dilemma for us tonight. I suspect not only for myself but, I think, for a lot of my colleagues on both sides of the aisle.

I strongly support reauthorization of the Older Americans Act. The programs that are in there are good programs. I have been around my district. I have seen those programs. I know what it does.

I am also an original cosponsor of the bill that would have eliminated the earnings test for Social Security recipients, but I have never advocated repealing that without consideration of the affect that it would have on the Social Security trust fund. And in CBO's own budget estimate, shown here this evening, it is not insubstantial at $3.7 billion over the next 5 years.

I suspect it could be more than that, but this evening I want to direct my remarks to my colleagues on this side of the aisle.

Just a few days ago, we attacked some Members on the other side. We attacked the legislation that was brought to the floor because it did away with the budget summit agreement when it removed the cap on domestic discretionary, international, and defense spending.

We said that it violated the budget summit agreement, and we were right. It did do that. It violated that budget summit agreement.

But somehow here tonight, we are now willing to set aside that budget summit agreement in order to do something for a group of constituents that we know are going to vote. We are going to do it, and toss it out on the Social Security trust fund and on this creation of a new entitlement.

The Summit Agreement said that any change to benefits and beneficiaries under the Social Security trust fund had to meet two tests: that it did not destroy the viability of the trust fund in a 5-year timeframe or a 75-year timeframe, but tonight with the rule we adopted, we waived both of those tests. That is wrong.

And then as my colleague from Texas has pointed out, this creates another notch and raises the benefit for widows, but only those widows, once they reach the age of 80.

And for that, the cost is going to be another $3.2 billion.

How long do we think it is going to be before we hear from people who say, let us reduce that number to 75, then to 70, and then down to 65? And what is going to be the cost of that?

My colleague, the gentlewoman from Ohio [Ms. OAKAR] earlier in the debate on the rule talked about the fact that there was a surplus in the Social Security trust fund and that this was good, that we should spend some of this money on this. I can remember the debate when we removed the Social Security trust fund from the budget. We said that this was exactly what would happen, that Members would argue, indeed, let us spend some of that money for immediate gratification, immediate benefits.

But we are robbing our children. We are robbing our grandchildren in order to get votes today. So here we are, Mr. Speaker, with this dilemma. We are faced with this dilemma of what should we do. I say that we should defeat this bill tonight so that we can have an opportunity to vote on a clean reauthorization of the Older Americans Act and that we can have an opportunity to vote on elimination or change to the earnings test for Social Security recipients but one that does not violate the budget summit agreement and one that we can all go home and hold our head up high on.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the chairman for yielding time to me.

Since the previous speaker misquoted me, I want to say what I mean and what I said.

The Social Security trust fund should be a fund that exists on its own the way it was when Roosevelt signed it into law.

□ 2310

Unfortunately, some people would like it used, if there is a surplus, to offset the deficit. The fact is that we have a huge deficit because of the largest item in the budget, which is the military budget. That is right. Members can boo me all they want, but I think most senior citizens want the Social Security trust fund on its own out of the budget. So do not go using their money to offset the deficit that is being spent by other items in the budget like the biggest item, which is the defense budget.

Second, the Social Security budget is being paid for, the Social Security trust fund is paid for by people who pay into the system, whether they are employers or employees. That is their money, not ours to borrow for other items.

So the fact is there is a surplus, and we are using the surplus, part of it, a very small part, to correct a gross inequity. I think it is about time we did.

Mr. Speaker, I rise today in very strong support of this conference report. I would like to begin by commending the conferees, especially Chairman FORD, for their outstanding leadership in public policy as it relates to the quality of life of older Americans. The conference report before us today provides for the continuation of a number of services which are vital to our senior citizens. These include supportive services, congregate and home-delivered meals, the community service employment programs, and other initiatives dedicated to maintaining the health, vitality, and independence of older Americans. Current statistics indicate that malnutrition has been reported in 52 to 85 percent of all long-term care patients, and the focus of this conference report on nutrition among the elderly comes at a very critical time.

I also commend Chairman ROSTENKOWSKI for his leadership in taking a giant step in the right direction on two issues related to Social Security that are included in this report. I have always advocated the elimination of the unfair Social Security earnings test on Americans age 65 to 70. This report goes a long way toward alleviating the unfairness of that provision. Today our Nation faces many new global challenges while a great number of Americans are approaching retirement age. We should encourage these Americans with all their talent and experience to remain in the work force—not discourage them.

Yesterday, I testified before Mr. JACOBS' Social Security Subcommittee in my capacity as Chair of the Aging Subcommittee Task Force on Social Security and Women. I urged passage of several bills I have carried for some time related to the economic status of older women—including legislation to provide more adequate benefits to widows who enter Social Security coverage before age 65. Chairman JACOBS promised me that the subcommittee would work to eliminate some of these inequities. I certainly did not anticipate such immediate results, but I am delighted that the improvements made in this bill take a step in that direction. It is a small but significant beginning, and I thank the members of the committee on Ways and Means who made the improvements in widows' benefits a part of this conference report.

Mr. Speaker, I must especially thank Chairman FORD and Mr. MARTINEZ for adopting the critical provisions of my legislation, H.R. 385, the Elder Abuse Prevention, Identification, and Treatment Act of 1991. I would also like to take this opportunity to thank Chairman ROYBAL who has always displayed tremendous leadership on these issues, and also worked on this bill. I am delighted that the distinguished chairman of the Education and Labor Committee, Mr. FORD of Michigan, along with my good friend, Human Resources Subcommittee Chairman MARTINEZ, has included in this legislation all of the critical elements of my bill, H.R. 385, the Elder Abuse Prevention, Identification, and Treatment Act of 1991.

I also wish to thank Members of the other body, especially Senator ADAMS and Senator DECONCINI, for their efforts to include the same provisions. Chairman FORD worked to include the critical elements of the initiative as it is detailed in my bill, H.R. 385. This elder abuse provision represents a bold new policy direction in dealing with this tragic problem in our Nation. It has always been the intention of the House Select Aging Committee that national policy on elder abuse be patterned after our successful efforts to deal with the problem of child abuse. The primary goal is to promote vigorous, extensive coordination among public authorities, health providers, social workers, and others who encounter elder abuse where 70 percent of it occurs—in the home.

I am now closer than ever to seeing the completion of my 10-year effort, which I began with the support of our late colleague, Senator Claude Pepper, who first coined the term "elder abuse." Over a decade has passed since the Aging Committee's first report on the problem which called for the passage of my legislation. Last year, a new report, issued under the leadership of our Aging Committee Chairman ROYBAL, found that since that first committee report the incidence of elder abuse has increased 50 percent. In the 10 years it has taken to get this bill enacted there have been 10 to 15 million cases of elder abuse in the United States.

This conference report contains all of the essential provisions of my legislation, H.R. 385. As I have mentioned, my legislation is patterned after very successful Federal programs which address the terrible problem of child abuse. The bill calls for the creation of a national center on elder abuse to conduct research and disseminate information to the States on all aspects of the problem. The bill before us authorizes funding for State grants and demonstration projects to address the problem of elder abuse, which like child abuse, occurs most often, not in institutional settings, but in the home. Grant funding will be used in a comprehensive effort to promote coordination among State and local authorities, social workers, and health professionals who are in a position to prevent, identify, or treat the problem. The funding will also be available for training programs that give such people the tools they need to prevent elder abuse from occurring, identify the problem when it does occur, and to assist those who are affected.

It is difficult to believe that this problem is so prevalent in our Nation—we hate to even think about it. Yet, an estimated 1.5 million cases occurred in the United States last year. One out of every twenty older Americans fell prey to some form of serious abuse or neglect. It is an even greater shame that while only one out of every three child abuse cases is reported every year, only one out of every eight elder abuse cases gets reported to the proper authorities.

Mr. Speaker, this is truly a watershed day for the victims of elder abuse, fraud, and neglect in the United States. Again I would say to Chairman FORD, the conference report is a tribute to his continued concern for the quality of life of our Nation's senior citizens. This is consistent with all of the great work we have done together on the Post Office and Civil Service Committee in support of our Nation's Federal retirees.

I repeat my thanks to Mr. MARTINEZ of California, House Aging Committee Chairman ROYBAL, and the entire Education and Labor Committee for this excellent bill before us today. I must also thank all those who have cosponsored my legislation, H.R. 385. I support the entire bill and I urge passage of this critical legislation.

The following is a summary of what the bill does. In addition is a summary of the two reports and other information. I wish to thank my current staff including former staff member Carol Miller, R.N. and the Aging Committee staff, especially Kathy Gardner.

SUMMARY OF H.R. 385, THE ELDER ABUSE PREVENTION, IDENTIFICATION, AND TREATMENT ACT OF 1991

NATIONAL CENTER ON ELDER ABUSE

H.R. 385 calls for the creation of a National Center on Elder Abuse. The Center will perform the following functions:

1. Compile, publish and disseminate a summary annually of recently conducted research on elder abuse, neglect, and exploitation;

2. Develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

3. Compile, publish and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

4. Provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation;

5. Conduct research into the causes of elder abuse, neglect, and exploitation, and into the prevention, identification, and treatment of elder abuse; and

6. Make a complete study and investigation of the national incidence of elder abuse, neglect, and exploitation, including a determination of the extant to which incidents of elder abuse, neglect,and exploitation are increasing in number or severity.

DEMONSTRATION PROGRAMS AND PROJECTS

The Secretary of Health and Human Services, through the Center is authorized to make grant to, and enter into contracts with, public agencies or nonprofit (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat elder abuse, neglect, and exploitation. Grants may be used for:

1. The development and establishment of training programs for professional and paraprofessional personnel, in the fields of health, law, gerontology, social work, and other relevant fields, who are engaged in or, who intend to work in, the field of prevention, identification, and treatment of elder abuse;

2. The establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the special problems of elder abuse, neglect, and exploitation cases, to provide a broad range of services related to elder abuse, neglect, and exploitation, including direct support and supervision of sheltered housing programs, as well as providing advice and consultation to individuals, agencies, and organizations which request such services; and

3. Furnishing services of teams of professional and paraprofessional personnel who are trained in the special problems of elder abuse, neglect, and exploitation cases, on a consulting basis, to small communities where such services are not available.

The Secretary of Health and Human Services, through the Center, is authorized to make grants to the States for the purpose of assisting the States in developing, strengthening, and carrying out elder abuse, neglect, and exploitation programs.

Appropriations are authorized.

REQUIREMENTS FOR ASSISTANCE TO STATE PROGRAMS

1. States shall have in effect elder abuse, neglect, and exploitation laws which shall include provisions for immunity from prosecution for persons reporting instances of elder abuse.

2. States shall provide for the establishment of adequately staffed and trained adult protective services in order substantiate the accuracy of reported neglect, abuse and exploitation, and must take steps in order to protect the health and welfare of the abused, neglected, or exploited elder.

3. States shall provide for methods to protect the confidentiality of records, in order to protect the rights of the elder.

4. States shall provide that the elder who is abused, neglected or exploited, participate in discussions regarding his or her own welfare, and provide that the least restrictive alternatives are available to such elder.

5. States shall provide matching funds, from non-federal sources, to pay 50 percent of the cost of assistance programs funded under the bill.

FACTS AND STATISTICS ON ELDER ABUSE

Based on the Aging Committee Report, "Elder Abuse: A Decade of Shame and Inaction."—May 1, 1990:

About 5 percent of the nation's elderly may be the victim of some form of abuse—physical, financial or emotional each year. About 1.5 million older Americans, or 1 in 20, are abused by family, loved ones, and caregivers each year.

The victims of elder abuse are likely to be old, age 75 or older.

Women are more likely to be abused than men—This is due, in part to their life expectancy—women, on average live longer than men—and are often less able to resist abusive treatment.

The victims are generally in a position of dependency. Most elder abuse occurs in the home setting.

The abused elder is less likely to report the incident of abuse than abused persons in other age groups.

Since the release of the Aging Committee's first report on elder abuse in 1981, the percentage of elder abuse cases reported has decreased from one in six to one in eight.

43 States and D.C. have what they consider to be adult protective service laws which require mandatory reporting of abuse—prior to 1980 only 16 States had such laws. However, there is little consistency among States as to penalties and who is required to report.

Since 1981, the primary source of Federal funding for adult protective services, the Social Services Block Grant, has been cut in real terms, one-third by direct cuts and inflation.

While some 40 percent of all reported abuse cases involve adults and elderly adults, only 4 percent of State budgets for protective services are committed to elderly protective services. The average state expenditure was $3.80 per elderly resident.

Some 70 percent of all adult abuse cases reported annually involve elderly victims.

The types of physical abuse include deliberate physical injury, sexual abuse and negligence. Other forms of abuse include financial abuse, psychological and emotional abuse.

Common profiles of elder abusers—experiencing great stress due to alcoholism, drug addition, marital problems, or long-term financial difficulties. The son of the victim is the most likely abuser, followed by the daughter of the abuser. It is apparent that the abused person is often ashamed to admit their child or loved ones abuse them and they often fear reprisals.

1981 AGING COMMITTEE REPORT

In 1981 an investigation was undertaken by the House Select Committee on Aging resulting in the report entitled "Elder Abuse: An Examination of a Hidden Problem." This report documented the committee's tragic finding that over 1,000,000 Americans are physically, financially, and emotionally abused by relatives or loved ones annually.

The committee found that elder abuse was a hidden problem. Out of fear or dependence on their abusers, only one of every six elder abuse victims were likely to come to the attention of authorities. It was recommended that States enact statutes, analogous to State child abuse statutes, designating an agency to identify and assist elder abuse victims. In addition Congress was urged to enact legislation which would provide financial assistance to those States with elder abuse statutes in place.

1990 COMMITTEE REPORT

In May of 1990, the House Aging Committee released a new report, aptly titled, "Elder Abuse: A Decade of Shame and Inaction." The report endorsed the passage of my legislation. The report found that 1.5 million (1 in 20) older Americans fell prey to serious abuse or neglect in 1988—a 50 percent increase over the findings of the committee's landmark 1980 study.

Most elder abuse occurs in the home and is committed by family members. 40 percent of all reported abuse in the U.S. is adult abuse—70 percent of adult abuse is elder abuse. Most of the abused are dependent upon their abusers, and many fear reprisal, or merely cannot overcome their instinctive love for their children to turn them in.

The problems that exist in our Nation's long-term care institutions represent only a small portion of the problem. Most elder abuse occurs in the home setting and is much more difficult to detect.

The likelihood is that the incidence of elder abuse is likely to continue to worsen in our Nation. The 85 year-old-and-older group in our Nation is the fastest growing segment of our society. By the year 2020 the over 65 population will double to over 65 million.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, today I rise in strong support of H.R. 2967, which would reauthorize the Older Americans Act.

I am proud to support reauthorization of this important measure, which will provide essential programs for older Americans, such as preventive health care services, senior citizen centers, meals-on-wheels, and in-home care for frail, elderly persons.

In addition, this measure increases benefits for widows over the age of 80, allows disabled adult children to marry without losing Social Security or Medicare benefits, and requires the President to convene a White House conference on aging next year.

H.R. 2967 also includes a provision to address the Social Security earnings test. As a

cosponsor to repeal this unfair tax on working senior citizens, I am pleased that H.R. 2967 would increase the earnings limit for working Americans aged 65–69 from $10,200 to $20,000.

Although this measure is an important step in the right direction, it is still not enough. Instead of penalizing older Americans for working, the Federal Government should encourage them to continue being a productive part of our work force. I will not rest until Congress enacts full repeal of the earnings test for working Americans over the age of 62.

Again, I want to reiterate my strong support for reauthorizing the Older Americans Act, and I urge my colleagues to pass this measure.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, 25 years ago when I first sought public office, my wife and I concluded that if I won, and as long as I ran, it ought to be more important why I got elected than whether I got elected. I would like for more of my colleagues in this House to think long and hard about that, because I see in what we are doing tonight the worst kind of political pandering in an election year which brought us the crisis of the insolvency, the bankruptcy of the Social Security system in 1983, which we have gone to great pains to fix but new seem bound and determined to undo.

There is no cover on this one, Members of the house. We have just adopted a rule for one reason only, that reason being to get around the fact that this violates the budget agreement, it violates the pay-go provisions, and we would not be dealing with this on suspensions of the rule except for that very purpose.

The American people are not dumb. They will know that what you are doing is being done at the price of either increased taxes on their children and grandchildren, or the unavailability of funds to pay their benefits when they retire.

I do not know any group of senior citizens in my district who would think that that was a responsible, even a decent act, even if it helps us get elected.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, it is not very often that I take the well of this House, but this is an issue that I have worked on since I have been a Member and have become a Member in this Congress. It is an issue that has been floating around this Congress for over three decades. It is time that we come and deal with it and make sure that we can use a benefit that senior citizens deserve.

Let me tell the Members something. I have been the sponsor, as well as the gentleman from Texas [Mr. ARCHER] and other people, of the total repeal of Social Security as long as I have been in this Congress. But I have always said that the body and the committee that will deal with this ultimately is the Committee on Ways and Means. I have always said that I will sit down with the members of the Committee on Ways and Means and try to work out whatever agreement we can work out.

The reason we are here tonight, beyond all the arguments about this is a last-minute and a last-ditch attempt, is that there was an amendment put on the Older Americans Act in the Senate, not in this House but in the Senate.

The reason we are here tonight, we have to deal with the earnings test removal on Social Security or an increase in Social Security because of legislation that was put on in the Senate, legislation that has been promised a Presidential veto if it passes. So we need to come to some agreement. We need to put the pieces together in the best and most logical way that we can.

What we have before us is an agreement. Some people call it a deal. Some people call it a compromise. I think it is an agreement, an agreement where two bodies come together, two ideas come together, and we come out with some type of reasonable way to work things out.

What we have before us is an increase in the earnings test from $10,000 to $20,000. We also have a provision in this bill that takes all increased revenues, income taxes, FICA taxes, corporate income taxes, unemployment taxes, and runs those taxes back, that income back into the Social Security trust fund, which is the first time that we have had a dynamic way of taking new income that is created by an economic action of this body and bringing it back into the trust fund.

It is reported back to this Congress every year for the next 5 years, which says, "Now we have a study. We have a way to track where value is created, where wealth is created, and we can begin to look at this not just with guesses or CBO guesstimates or OMB guesses, or somebody talked about the green shades."

We have real significant numbers on what this bill does and how it affects this body and this country and senior citizens.

Finally, Mr. Speaker, there were previous speakers up here who said that only a very small percentage of people who work over the age of 65 actually take advantage or go over, earn over the earnings test. Why? Because they are intimidated not to work and not to earn over $10,200. They are intimidated by the earnings test because they do not want to lose $1 out of every $3 of their Social Security.

They do not want to have to be in that marginal tax bracket of 36 percent, which is twice as much as millionaires pay in this country. They do not want to be discriminated against, so they do not work. They do not go over the earnings test.

What we are saying by this bill is, "Give people a chance to work," not the wealthy people, not the millionaires, not people who have invested thousands and thousands of dollars in pensions and thousands and thousands of dollars in investment and reaped those benefits back. They are not limited by the earnings test on Social Security. Unearned income is not tested. They can earn all they want.

Who receives the penalty? People who work, people who sweat and earn income by the sweat of their brow. Those are the people that we are discriminating against in the earnings test. People who earn $10,000 and get another $7,000 in Social Security, those are the people that we discriminate against and say, "You do not get a break. You have a marginal tax rate, more than millionaires pay."

□ 2320

Mr. Speaker, the time has come to address this issue. The time has come to address and pass the increase in the earnings test in Social Security, and yes, it is time to pass the Older Americans Act.

I ask for an affirmative vote.

Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, I rise in support of the amendments to the Older Americans Act.

The history of the Older Americans Act is one of great challenge and accomplishment. The act has grown through 25 years and numerous reauthorizations. These reauthorization provisions have strengthened the Older Americans Act and improved the ability of the aging network to deliver a full range of services to the older population. Today, the Older Americans Act encompasses programs that were barely thought of in 1965, but which were developed as the aging community learned more about the aging process and the hopes and expectations of older Americans.

Throughout the last year the Select Committee on Aging and its Subcommittee on Health and Long-Term Care reviewed the most recent proposals to amend the act and examined recent developments in the aging network. I am glad that many of the Aging Committee's recommendations made to the authorizing committee have been incorporated into this bill, they include:

Translating services for elders with limited English-speaking ability.

Career preparation for minorities in the field of aging.

The eligibility for those individuals, who under the Immigration Reform and Control Act [IRCA] of 1986, where granted resident status to participate in the programs under title V of the act.

The creation of a new title to protect the vulnerable elderly by strengthening the ability of the State ombudsman to respond to abuse complaints expeditiously and without undue influence.

Establishes within the Administration on Aging [AOA] an Office of the Long-Term Care Ombudsman to advocate, monitor and coordinate Federal and State long-term care ombudsman activities.

Instructions for the Institute of Medicine to conduct a study to develop uniformed national standards to protect the right of those residing in boarder and care homes.

Additionally, throughout the act key language has been inserted to promote and increase the services and the participation of elderly minorities and those of low income.

In short, these amendments provide greater focus in the act on the needs of the minorities and the frail and disabled elderly. I firmly believe that these amendments will enhance the aging network's ability to fulfill the critical role it now plays, and will increasingly play, in the lives of over 43 million Americans who are over the age of 60 and their families. I urge you to join me in supporting this bill and demonstrating the Congress' commitment to a stronger Older Americans Act and to the people it serves.

Mr. FRANKS of Connecticut. Mr. Speaker, as a member of the Aging Committee, I rise in strong support of the reauthorization of the Older Americans Act. H.R. 2967 reauthorizes funding through fiscal year 1995 for the elderly programs and services operated under the Older Americans Act.

This legislation will strengthen and expand the services supporting the senior citizens of this country. H.R. 2767 authorizes $461 million in fiscal year 1992 for supportive services and senior centers program of the Older Americans Act. Additional funds will be provided for a number of programs which provide school-based and home-delivered means, nutrition programs, and surplus commodities.

Another $471 million in fiscal year 1992 is authorized for the community service employment programs which assists low-income individuals, who are over 55 years old, with part-time jobs. Funding which supports in-home services and caregivers is also authorized.

The compromise version of H.R. 2967 which is being voted on today, includes an important provision which will eliminate the earnings test for retirement benefits. As a cosponsor of H.R. 2967, the Older Americans Freedom to Work Act, I am pleased to see this measure included in H.R. 2967. While it does not eliminate the earnings test, it sets a new limit before benefits begin to be reduced and increases the limit by $2,000 until 1997. This change will allow seniors to continue to be productive members of our society.

Again Mr. Speaker, I strongly support passage of H.R. 2967 and I urge my colleagues to do the same.

Mr. GREEN of New York. Mr. Speaker, I rise in opposition to this motion to suspend the House rules.

All of us support passage of the Older Americans Act. That is not at issue. What is at issue is the future of the Social Security System.

What is also at issue is the procedure on which the Democratic leadership is insisting. That procedure denies the House the right to amend this bill. That right is denied to those who would totally eliminate the earnings test. That right is also denied to those who would stand by the 1990 Budget Act and insist that any increase in entitlement spending be made up for by increased taxes or reduction of other entitlement spending. And that right is also denied to those who are concerned that we not disrupt the stability and security that the 1983 Social Security Amendment brought to the Social Security System.

Plainly an important debate on the future of the Social Security System should not be foreclosed by the gag rule the Democratic leadership is imposing on us. Let's defeat that motion, let's separately pass the Older Americans Act reauthorization, and then let's have a full debate on changes to the Social Security System.

Mr. EWING. Mr. Speaker, I feel constrained to speak out about the amendments to the Older Americans Act which are being considered by the House today. Unfortunately my statement must also reflect upon how poorly this House operates.

Mr. Speaker, I have long been a supporter of increasing the Social Security earnings limit, which unjustly penalizes older Americans who wish to continue working during their retirement years. While some opponents of increasing the limit have said that this would increase Federal costs without corresponding increases in revenue, I do not believe that is true. With more seniors in the work force, they are earning more and paying more taxes. Indeed, a joint study by the Institute for Policy Innovation and the National Center for Policy Analysis has found that by raising the earning limit to $20,000, as this legislation would do, tax revenues would actually increase by about $2.3 billion.

What has me irate, Mr. Speaker, is that included with this good policy is a very poor and irresponsible policy which would increase other payments, costing several billion dollars and draining Social Security funds. This type of legislation plays right into the hands of those who believe that Social Security is not a retirement program but part of a retirement program but part of our social welfare system. The new provision will continue to threaten the future solvency of the Social Security system by continuing to use Social Security for social programs, something it was not designed for. Those who stuck this provision in this legislation are making promises which the Congress cannot keep. This is highly irresponsible.

Mr. Speaker, the only way for me to vote for increasing the earnings test is by also voting for the provision I just mentioned. I am forced to vote for something which I believe is unwise public policy or be seen as opposing something which I have long supported. Mr. Speaker, this is a form of institutional blackmail and it is a disgrace. Unfortunately, this is how the House operates every day.

Mr. Speaker, I want an opportunity to vote on an adjustment to the Social Security earnings test, period. But I don't have the opportunity to do that and I know I will never be allowed a straight up or down vote on this issue by the majority. In fact, because the majority party maintains dictatorial control of the House and maintain strict control of the terms of debate on legislation, Members rarely even have the chance to offer amendments on legislation brought before the House.

Mr. Speaker, what is happening here is a perfect example of the need to drastically reform the way Congress operates.

Mr. HOUGHTON. Mr. Speaker, I rise to express my strong support for the liberalizing of the Social Security earnings limitation test—included in the reauthorization of the Older Americans Act we are considering today.

Although this provision does not go as far as many of us had hoped, it embraces a concept some of us have supported for years. In other words, seniors should be able to earn more while not suffering a loss in their Social Security benefits.

The information I get from my ex-employer, Corning, Inc., tells me that many retirees return to work part time. They want to work, they are experienced, valuable contributions, but they often must quit well before their assignment is completed. Why? They have reached their earnings limit. Most of them have already worked as much as they can for the year—right at vacation time when the company needs them most. This situation, I must believe, is duplicated over and over again in other occupations.

Now the argument we all hear so frequently about liberalizing the earnings test is that we will further increase our already out of control deficit. I am suspicious of the figures that have been tossed around. They are too near—too simple.

Consider these facts:

Today, 90 percent of all senior citizens are retired completely. This means they make no contribution to the Nation's annual output of goods and services;

If one-third of the men and women aged 65 and over reentered the labor market, and earned as little as $5 per hour, national income would be increased by more than $100 billion; and

As producers, these men and women would generate as much as $25 billion a year in Social Security and income taxes.

Isn't our best course to come to grips with the issue, not dodge it, which means to suit action to the word and harness the unused pool of the best talent there is anywhere. This talent is dedicated and experienced. Let's repeal the earnings limit. Let's do it now.

Mr. REED. Mr. Speaker, I rise today in strong support of the conference report of the Older Americans Act, H.R. 2967. When the Older Americans Act was introduced in 1965, many believed it would not survive its first reauthorization. Yet this year we celebrate its 26th anniversary by reaffirming our commitment to this successful program. I am proud to have been involved in the drafting of this important reauthorization as a member of the House Education and Labor Committee.

The Older Americans Act provides both essential social services to our Nation's elderly and a system to assure that older Americans are able to maintain their health, live independently, and continue to contribute to society.

I am especially pleased that the conference report includes a revision in the earnings limit for seniors. I believe that the earnings limit is unfair. Older Americans deserve independence, dignity, and the opportunity to remain part of the work force. This is extremely difficult when seniors age 65 to 69 are able to earn only $9,720, after which they are penalized $1 for every $3 earned. Seniors add a great deal through their lifetime of experience and productivity. They represent a valuable resource we cannot afford to exclude. In addition, many seniors use this income to supple-

ment their Social Security which allows them to stay out of poverty and remain independent.

The programs contained in this legislation are an integral part of the lives of many seniors. The senior centers in Rhode Island and throughout the country are mainstays in the lives of thousands of my constituents. The meal programs sometimes provide the only well-balanced meal a senior may get that day.

Another important part of this legislation is the establishment of a National Center on Elder Abuse. Elder abuse, exploitation, and neglect is a growing problem. More than 1 million seniors are victims of elder abuse every year. This center will coordinate efforts to provide information to law enforcement authorities regarding violations of elder abuse laws and make recommendations to Congress and the President on elder abuse policies.

Our Nation's over-55 population has increased dramatically in the past decade. This greying of America has made this reauthorization more important than ever, and I am pleased that Congress has recognized this. The well-being of our Nation's seniors represents a challenge which promises benefits for us all.

Mr. GOSS. Mr. Speaker; I am pleased to rise in support of H.R. 2967 with the perfecting amendment we are considering today. If we can pass this act today, we will be providing $2 billion for indispensible research and support programs for the rapidly growing elderly population in this country. I am also highly gratified that this body has recognized the economic constraints the Social Security earnings test has placed upon senior citizens trying to make ends meet. The amendment we are considering today addresses the unfairness of the Social Security earnings test and—although it's not a complete repeal—it is at least a meaningful step in the right direction.

When I was elected to Congress more than 3 years ago, I brought with me the desperation of seniors who walk a fine line each month, trying to earn enough to pay for prescription drugs, rent, and food, while staying beneath the earnings limitation so they can avoid the penalty. I did not forget that desperation, once inside the beltway. Living on a fixed income in these times of uncertain interest rates is not an easy task, as thousands of my constituents can assure you. If they are able to earn a living, they should be allowed to do so, unencumbered with the earnings test penalty.

Our senior citizens are a valuable, useful resource. This Government should not stand in the way of a senior who can help stimulate our Nation's economy with their earnings and their tax dollars while remaining productive as long as they are able. Multigenerational demonstration activities, a National Conference on Aging, nutritional services and many other programs that celebrate age—its wisdom and value—are constained in this legislation. We have made progress. I urge my colleagues to support and pass H.R. 2967 as amended—it will give future generations of elderly Americans hope.

Mr. DARDEN. Mr. Speaker, today the House will vote to amend a bill reauthorizing the Older Americans Act. In part, this measure will double over the next 5 years the amount that Social Security beneficiaries may earn without having their benefits reduced by the Social Security earnings test.

Today, the earnings test deals a crippling blow to those senior citizens who want to work to supplement their benefits. In 1992, Social Security recipients under age 65 may not earn more than $7,440 without losing their right to full benefits. For every $2 earned above that amount, they lose $1 in benefits. Workers aged 65 to 69 may not earn more than $10,200 without losing $1 in benefits for every $3 in outside income. Only beneficiaries aged 70 and over are not subject to a limitation on outside earnings.

Since my arrival in Congress, I have made repeal of the earnings test one of my foremost goals. To that end, I have introduced the relief for Older Workers Act, H.R. 1368, which would completely repeal this test and thereby allow senior citizens to be as productive as possible without jeopardizing their right to full Social Security benefits.

To me, the earnings test is anti-American. Why should our Government penalize those Older Americans who want to enrich our American workplace with their experience, their expertise, and their eagerness to help others? And why should we deprive our elder citizens of the proven mental and physical benefits of work, not to mention the extra dollars that may be critical to someone trying to survive on meager Social Security benefits? Our Government should not be in the business of discouraging the American work ethic that we hold so dear.

I am glad that today we are afforded an opportunity to provide significant assistance to those senior citizens who must work to supplement their benefits. I favor complete repeal of the earnings test. However, I support today's measure, which, by increasing the amount that senior citizens may earn that is not subject to the earnings test, is a step in the right direction. Let's keep moving in that direction to ensure that we do not place roadblocks in the way of those older Americans who are willing, able—and eager—to work alongside their younger colleagues.

Ms. NORTON. Mr. Speaker, I am pleased to rise in strong support of the final passage of H.R. 2967, the Older Americans Act.

It is difficult to think of a piece of legislation in the post-World War II period that has performed so well for its recipients. Its programs have literally been life lines, enabling millions of older Americans to live meaningful and purposeful lives. Home care, legal services, meals-on-wheels, and community service employment are among the many programs that continue. Added are major new provisions, for example, modifications of eligibility to permit individuals beginning at age 65 to earn up to $10,200 in income without having their Social Security retirement benefits reduced, and another provision increasing Social Security benefits for many widows and widowers who are age 80 or older.

Here in the Nation's Capital, more than 18 percent of the total population is over 60 years of age—up 4 percent since 1980. In 1985, 17 percent of the District's elderly population was living below the poverty level. We cannot imagine being without the Older Americans Act. Only through today's reauthorization of the act, however, can local governments continue to serve our seniors.

The District of Columbia Office on Aging, the local agency created to administer Federal funds from the Older Americans Act, served over 30,000 seniors in fiscal year 1990. Through that office, 42 community based agencies provide essential social and supportive services. Their efforts and these funds help many older Americans maintain a vital and active life style and continue contributing to their communities and their families. Others need the services provided under the Act just to get through each day.

Mr. Speaker, this body unanimously approved this legislation when we last considered it. Let us do no less on final passage here today. I call upon each and every one of my colleagues to cast a vote in support of the Older Americans Act.

Ms. SNOWE. Mr. Speaker, I am very pleased to join my colleagues today in support of the legislation before us today for the 1991–92 reauthorization of the Older Americans Act. I am also pleased that we are considering a modification of the Social Security earnings test as I have long been concerned about the way in which it penalizes older individuals who remain in the workforce.

Since 1965, the landmark Older Americans Act has evolved from authorizing a program of small grants to the only national infrastructure of programs—such as nutrition, homemaker, transportation and legal services—to assist older persons in remaining self-sufficient, in their own homes and communities. This extensive, complex and sophisticated aging network, which the Older Americans Act supports through the Administration on Aging, consists of 57 State agencies on aging, 670 area agencies on aging, 25,000 service providers under title III, and 194 Native American grantees under title VI. In addition, the Older Americans Act supports an extensive research, training and discretionary grant program under title IV and the Community Service Employment Program for Older Americans under title V.

Through the 13 reauthorizations of the Older Americans Act, Congress has substantially expanded the mission and responsibilities of the Act, in response to the increasing needs of the rapidly expanding aging population. Advocacy and coordination functions are key elements of these mandated responsibilities. Because of shrinking resources, Congress has also become increasingly concerned about targeting services to older populations most in need, such as low-income minorities.

It has been over 2 years since the Select Committee on Aging's Human Services Subcommittee, under the leadership of Chairman DOWNEY, and of which I am the ranking Republican member, began to hold oversight hearings to examine key issues in preparation for this reauthorization. Since then, an extensive process has culminated in the legislation before us today. Concerns and recommendations were heard from a wide range of individuals and groups—including constituents, local area agencies on aging, service providers, constituents, aging organizations, research experts, and the administration. These concerns are reflected in this reauthorization bill.

I want to commend my colleagues, Chairman FORD and MARTINEZ, and ranking Repub-

lican members GOODLING and FAWELL, and their able staffs on the House Education and Labor Committee, and the Human Resources Subcommittee, for their fine work in negotiating and drafting this comprehensive bill. I also want to commend the fine contributions of Chairmen KENNEDY and ADAMS, and ranking Republican members HATCH and COCHRAN of the Senate Labor and Human Resources Committee, and the Subcommittee on Aging and the excellent work of their staff on this comprehensive bill.

I also particularly want to thank the committee leaders and their staff of both the House and Senate who incorporated into this reauthorization bill the language or intent of almost all of the nine bills which I introduced in April, 1991, to amend the Older Americans Act.

The bills I introduced addressed a wide range of concerns such as: supportive services for family caregivers, preventive health services for osteoporosis and medication management, services for guardianship, equity for rural elderly, coordination of transportation services and requiring a White House Conference on Aging in 1993.

Through my many years of work on behalf of family caregivers, I have found them to be in great need of our support. Family members, primarily female, provide 80 percent of the care and assistance needed by the frail elderly, often in addition to a full time job. This supportive care is crucial in allowing older individuals to remain in their own homes and retain their independence and dignity. Providing this care is usually very rewarding, but stress and competing demands on the caregiver can also be physically, financially and emotionally exhausting. I introduced legislation to address some of these problems, so I am very gratified that H.R. 2967 authorizes a new program of supportive services for caregivers, and incorporates my bill for increased emphasis on outreach efforts to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's disease.

In today's complex, mobile society, the ability to easily access information about available services is crucial for caregivers, older persons, and adult children who may be trying to find assistance for their parents in their own community—or across the country. Services through area agencies on aging are often difficult to find because area agencies across the country use different names and are located in different public and private sites. Therefore, I am pleased that my bill to require area agencies on aging to list themselves as such as telephone books is included in H.R. 2967. This uniform listing would assure that persons who wish to attain services can find them wherever they are.

I recently held a subcommittee hearing and a forum in my district on the needs of the rural elderly. My district is the largest east of the Mississippi and it is predominately rural. Nationally, 25 to 30 percent of the Nation's older persons live in rural areas. The poverty rate of rural elderly is considerably higher and they usually have less access to services than older individuals who live in urban areas. During the events held in my district, constituents testified about these problems, and also the key element that it usually costs more to provide access to services in rural areas, because of transportation needs and long distances. Therefore, I am very pleased that H.R. 2967 requires state agencies to identify the actual and projected additional costs of providing services in rural areas.

Rural elderly residents and service providers at events in my district strongly emphasized that adequate transportation is critical if older persons are to get the necessary medical, nutrition, and other services they need. In order to eliminate unnecessary duplication and stretch scarce resources, increased coordination of transportation services for social service programs are essential. H.R. 2967 reflects a bill of mine by requiring coordination of planning and delivery of transportation services.

Health promotion and disease prevention programs for older Americans at congregate meal programs, senior centers and other sites have been greatly expanded under H.R. 2967. These additional services should play a significant role in leading to a healthier older population, as well as preventing some illnesses and reducing the need for medical services. I am very pleased that the intent of two provisions that I introduced are included in this package: Specifically medication management screening and education to prevent incorrect medication and adverse drug reactions; and expanded services for osteoporosis, an age-related disease.

I have also long been concerned about the many problems and abuses regarding guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared incapable of handling his or her own affairs to another person. At least 500,000 persons, particularly the elderly, are affected by this system, which severely limits their autonomy. H.R. 2967 includes several provisions which I introduced to help improve the guardianship system which include information and training for guardianship; and legal assistance for representation of wards—individuals who are allegedly incapacitated—and older individuals who are seeking to become guardians.

Mr. Speaker, I am also pleased that H.R. 2967 includes a waiver provision for additional authority to transfer funds between the congregate and home-delivered meals programs. Maine invests more in home-delivered meals than any other state since it is the most practical way to reach elderly in remote rural areas. This is necessary because of geography, lack of public transportation and the needs of frail elders. This waiver, although it is capped, is important in preserving State flexibility to design services to meet the special needs of its older population.

H.R. 2967 would also require a White House Conference on Aging in 1993, which was the intent of bills introduced by Representative DOWNEY and myself. I am hopeful that H.R. 2967 will be passed by the full Congress soon so that the conference staff will have the authority to plan and proceed towards this essential national aging conference to identify current and future problems, needs and potential of older persons, and to develop recommendations for policy and action.

Mr. Speaker, there are many major contributions to this reauthorization of the Older Americans Act, as well as essential fine tuning. In particular, I would like to stress the bill's new title VII for elder rights services, which gives special emphasis to elder abuse and ombudsman programs. H.R. 2967 also incorporates needed provisions to strengthen the Administration on Aging's administrative capabilities, and to require uniform data collection procedures in order to obtain valid information about services provided and needed under the Older Americans Act.

Mr. Speaker, for almost 27 years, the Older Americans Act has provided the strength, basic principles and flexibility to support and affirm the dignity and indepdence of millions of older Americans. Today, one out of every six Americans is age 60 or older. By the year 2030, one out of every four persons in this country will be age 60 or older. This dramatic population shift will greatly increase the need for community-based care and services for frail older persons and support for family caregivers. As we move toward the 21st century, the leadership and resources of the aging network will be increasingly challenged. As a keystone law, the Older Americans Act today, and in the future, is poised to meet the growing needs of our aging Nation. I am pleased to have played a role in this step, the 13th, 1991–92 reauthorization of the Older Americans Act.

Mr. PACKARD. Mr. Speaker, today we will consider legislation which will liberalize the amount of wages an older person may earn without having to forfeit part of their Social Security benefits.

This is a sign that the Congress is finally willing to address a grave injustice suffered by working seniors. The Social Security earnings cap was instituted during the depression in order to create jobs by discouraging older Americans from remaining in the work force. Under present legislation, seniors forfeit $1 of their Social Security benefits for every $3 they earn over $10,200 a year. This legislation we are now considering will gradually raise the earnings limit over 5 years to $20,000 by 1997.

The last thing we should do is penalize Americans who want to work. Senior citizens are one of the most valuable resources in our society. Their experience and training are a priceless commodity which must not be wasted.

I have been a strong supporter of repealing the earnings test, and during my service have introduced several pieces of legislation to accomplish this. However, I believe that this legislation is a step in the right direction.

For too long, the Federal Government has discouraged those 65 and older from working by limiting the amount of money they can make while receiving benefits that are rightfully theirs. While I would prefer to see the earnings test abandoned altogether, any relaxation of the limit should be good news to seniors who are simply trying to remain productive members of our society.

Mr. Speaker, I will continue to fight for the total repeal of the earnings limit. I urge my colleagues to support this measure, to allow older Americans to contribute to our economy and remain productive elements in our society.

Mrs. LOWEY of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, as a member of the Human Resources Subcommittee and an original co-

sponsor of H.R. 2967, I would like to rise in strong support of this legislation and to commend Chairman MARTINEZ and ranking member FAWELL for the fine job that they have done in crafting a compromise with the Senate that will truly be of great benefit to senior citizens all across this Nation.

This bill will significantly strengthen the Older Americans Act by authorizing funding for successful existing programs and necessary new initiatives.

Throughout the entire reauthorization process, the chairman and ranking member's strong commitment to our Nation's senior citizens has been self-evident. The bill before us today clearly reflects their hard work and devotion to their cause, and I want to congratulate them for a job well done.

I am especially pleased that the bill incorporates several important new initiatives which I have advocated.

First, the bill includes the language of the Older Americans Health Promotion and Disease Prevention Act, H.R. 1739, which I introduced to significantly increase access to and participation in health promotion and disease prevention services.

The subcommittee's hearings made it clear that older Americans are able to benefit significantly from health promotion and disease prevention services. Moreover, at a time when health care costs continue to skyrocket, a strong emphasis on preventive health programs can cut health care costs significantly in the long run.

I believe the expansion of preventive health programs is an essential direction for the Older Americans Act to take at the present time, and I am extremely pleased that this important initiative is contained in H.R. 2967.

Second, this reauthorization bill makes clear that title III supportive services may include information and counseling regarding private pension rights, and it contains a key new demonstration project aimed at creating models for expanding information and counseling services for older Americans regarding their private pension rights.

These amendments are of great importance. Many older Americans—particularly surviving spouses—have little or no understanding of their private pension rights, and do not have anywhere to turn to get this essential information. I am hopeful that these new provisions of the act will help make a difference—by shedding much-needed light on this complex and difficult subject, and by creating models for the provision of more comprehensive pension-related services in the future.

The bill also makes important changes with respect to the ability of senior citizens to continue working without compromising their Social Security benefits.

Since the inception of the Social Security Program, recipients have had to satisfy an earnings test. This requirement effectively penalizes senior citizens who choose to supplement their Social Security earnings by working. Americans between the ages of 65 and 69 lose $1 in benefits for every $3 earned over the current annual limit of $10,200.

Continuing to work and contribute valuable skills and experience to our economy should be a viable option for older Americans. Practically speaking, continued employment also helps seniors respond to their health care needs through employer-provided benefits as well as the income that is derived. In this day and age, that is a critically important consideration.

The bill before us today makes significant inroads toward solving this problem by nearly doubling the exempt earnings amount over the next 5 years. It sets the exempt amount at $12,000 for 1993, and raises it by $2,000 annually to $20,000 in 1997.

In another important provision, the bill increases the amount that election workers can earn per year that is not subject to Social Security tax. Current law sets a limit of $100 on such earnings, and the bill would increase this exclusion to $1,000 for 1993, and require that the figure be indexed in subsequent years to account for increases in applicable wages.

Many election workers in my district have been affected by the very low earnings limitation in current law, and this change will go a long way toward helping them fulfill their civic duty without being penalized unfairly for it.

Mr. Speaker, the Older Americans Act sets forth important goals for our Nation—goals of providing our senior citizens with lives of freedom, opportunity, and dignity. I am convinced that the bill before us today will move our Nation significantly closer to meeting these goals, and I am proud to strongly support it. I urge all of my colleagues to do so as well.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 2967, the Older Americans Reauthorization Amendments.

Earlier this year, I authored legislation (H.R. 2653) calling on the Commissioner of the Administration on Aging to carry out a Volunteer Service Credit Program. This legislation was incorporated in the House version of H.R. 2967 and, though modified, adopted by the Senate as well.

The Volunteer Service Credit Program encourages seniors to volunteer in their communities and guarantees volunteers that they will receive services when needed at a later time. The program provides important home services such as housekeeping, shopping, respite care, and meal preparation. These are precisely the types of services senior citizens need in order to remain in their homes and live their lives more independently.

H.R. 2967 contains many worthy provisions which I have supported in the past and am pleased to see that they have been incorporated into this bill. H.R. 2967 increases benefits for widows over age 80, increases the earnings test, enables disabled individuals to marry without losing Social Security disability benefits or Medicare, and it allows workers to keep more of the income they earn while working at election polls.

As a cosponsor of the original House bill, I am supportive of H.R. 2967 and encourage my colleagues to approve the legislation.

Mr. RINALDO. Mr. Speaker, I rise in strong support of the amendments to the Older Americans' Act reauthorization bill.

The quick reauthorization of this act is crucial to the many programs benefiting senior citizens. It is particularly important to ensure the success of the 1993 White House Conference on Aging, planning for which has been delayed for several months while the details of this bill has been worked out.

In addition, Mr. Speaker, I am very pleased that this measure now includes the significant reforms of the Social Security earnings test which I have proposed in my bills, H.R. 3833 and H.R. 3834. My legislation would raise the earnings limit to $20,000 and phase in changes in the law over several years to reduce the cost to the trust funds. These simple changes to the law will make it possible for the majority of working seniors to remain employed, and I commend the chairman and ranking member of the Education and Labor Committee for including these reforms in their amendments.

The Social Security earnings test keeps our Nation's most accomplished, most capable and most mature workers from remaining active and productive members of our workforce. This policy is wrong. I strongly believe that no one should ever be discouraged from remaining a productive part of our society, particularly on the basis of age.

For many years, my colleagues and I have fought for a repeal of this unfair restriction on the earnings of America's senior citizens. Through our determined efforts, legislation to repeal this penalty has attracted the support of a majority of Members. Now, we have the opportunity to make real and substantial changes in the way the Federal Government treats working seniors.

At one time, there may have been a legitimate reason to prohibit senior citizens from working, but that time has clearly passed. The Social Security earnings test is a dinosaur, and I believe that we must seize this opportunity to make it extinct. Mr. Speaker, the time has come to begin dismantling these restrictions on the work efforts of older Americans, and I urge my colleagues to support these amendments.

Mr. DOWNEY. Mr. Speaker, I am happy to see the reauthorization of the Older Americans Act on the floor of the House today. I know that this is good news for the millions of older Americans who receive so many vital services from this program. As chairman of the Select Committee on Aging's Subcommittee on Human Services, I also know that this is welcome news to the many Members of the House and the other body who drafted the current amendments. At this time, I would like to express my appreciation to Chairman FORD and Chairman MARTINEZ for their work and the consideration they have shown me in accepting my amendments. In addition, I must thank Congresswoman OLYMPIA SNOWE, my friend and the ranking Republican member of the Subcommittee on Human Services, who worked closely with me in carrying out the subcommittee's agenda of oversight hearings on the act.

Perhaps the most important advance in these amendments is the adoption of a major set of elder rights provisions in a new title VII. Senator ADAMS, chairman of the Subcommittee on Aging of the Committee on Labor and Human Resources, is to be strongly commended for creating this new title. With it, we strengthen the long-term care ombudsmen program, giving the thousands of volunteer ombudsmen across the country more resources and better tools to help them fill the role of protecting vulnerable older individuals in nursing homes. We also honor Claude Pep-

per's commitment to older Americans to protect them from the scourge of elder abuse and neglect. Over the past decade many Members have worked to forge a Federal role in elder abuse prevention and treatment. Today, we build on those first steps taken in the 1987 Older Americans Act amendments and we establish a National Center on Elder Abuse. I am particularly pleased that the act continues to allow the States broad latitude in designing their own elder abuse education, reporting and treatment programs.

As Congress addresses the issue of long-term care in the more comprehensive manner, it is important that we do not lose sight of the need to ensure that individuals who provide in-home services are qualified and properly supervised. Because of this concern Congressman GEORGE MILLER and I introduced a provision to assure quality of care for recipients of in-home services. The legislation today, in section 212, requires the Commissioner on Aging to work with the Institute of Medicine on a study of the quality of home care. The results of this study should provide us with a base of information with which to consider whether additional changes are needed in the act.

The amendments before us today also address the issue of personnel training and development for all Older Americans Act programs. Section 202(a)(17) of the Act requires the Commissioner on Aging to develop, in coordination with other Federal agencies, a national plan for personnel training and development. Regrettably, the plan was never drafted despite the critical need for personnel training for so many of the services provided under the act. I suggested an amendment which requires the Commissioner to report to Congress on progress in implementing section 202(a)(17), and I am grateful that the committee accepted this amendment. I intend to follow this issue closely in the future.

Another provision which I offered is included in the legislation before us today, and that is the requirement for the Commissioner on Aging to publish an annual report of completed research funded under title IV, Training, Research, and Discretionary Projects and Programs. The Subcommittee on Human Services is particularly concerned about shortcomings in the dissemination of information on outcomes of demonstration and research projects. The General Accounting Office testified that the Administration on Aging lacked a comprehensive dissemination effort and this was the genesis of that provision. This provision is aimed at remedying that situation.

Mr. Speaker, for the past 3 years older Americans and their advocates have been eagerly awaiting the White House Conference on Aging. This Conference is important because it provides older Americans with the opportunity to set the broad agenda for public policy affecting elderly individuals for the next decade. Although the 1987 amendments to the act authorized the President to hold the Conference in 1991, 1991 came and went without President Bush holding the Conference. The Subcommittee on Human Services, and other Members repeatedly urged the President to proceed with the Conference, to no avail. Thus, I introduced H.R. 1504 which called for a National Conference on Aging with strong congressional participation in the planning and oversight process. I am pleased to note that following the introduction of that bill, the President did announce that he would hold a conference in 1993. I am also encouraged that the legislation before us strengthens Congress' role in the Conference by including congressional representation on the Policy Committee, a feature I introduced in H.R. 1504. By giving Congress a role in the White House Conference on Aging, we hope to be able to avoid a situation where, either through neglect or oversight, future conferences are put off. Furthermore, since Congress will have to pass any legislative recommendations which arise out of the Conference, congressional involvement from the outset is appropriate. The Policy Committee will give congressional representatives the opportunity to work directly on the Conference with representatives of the aging communities from across the country. I thank Chairmen FORD and MARTINEZ again for their willingness to adopt this reform.

As I noted when this bill first came to the floor in September, 1991, the legislation is notable for what it does not contain—mandatory cost sharing. The legislation proposed by the Bush administration recommended that Older Americans Act programs be converted to a fee-for-service basis. This radical break with the tradition of the Older Americans Act was proposed without any data that would allow us to evaluate its effect on the act's programs. The subcommittee was deeply concerned about the effect of the proposal and carried out a study, published as "Cost Sharing for the Elderly: A Survey of Current Incidence and Practice." The subcommittee found a great diversity of practice and opinion on the usefulness and impact of cost sharing. I am happy to note that this legislation today rejects mandatory cost sharing.

Adoption of these amendments today is but one more step in improving the services available to older Americans. We must monitor their implementation and we must continue to see that older Americans have a strong and effective advocate in the Administration on Aging. To that end, the General Accounting Office continues to follow developments with regard to the reorganization of the Administration on Aging within the Department of Health and Human Services. Secretary Louis Sullivan has done a great deal to improve the status of the Administration on Aging and we need to continue to provide the fiscal support to the Administration on Aging so that it can regain the ground it lost during the 1980's.

Once again, I thank all my colleagues who worked so hard on this bill; and I thank the many staffs of the various committees and subcommittees, as well as the General Accounting Office, the Congressional Research Service and the Office of Legislative Counsel, who make it possible for us to bring these amendments before you today. Finally, the continuing process of improving the Older Americans Act would not be possible without the hard work and day-by-day dedication of Older Americans Act service providers and older Americans themselves, who are the most eloquent spokespeople for the act. I urge my colleagues to support this bill.

Mr. McCANDLESS. Mr. Speaker, I want to express my strong support for H.R. 2967, the Older Americans bill which will raise the earnings test for Social Security beneficiaries ages 65 to 69 gradually from $10,200 to $20,000 beginning in 1997.

For the past 7 years, I have been working for repeal of the Social Security earnings test, and have taken every opportunity to support efforts to abolish this holdover from the Great Depression. The earnings limit was originally set up to keep older people out of the workplace and to allow more jobs to be filled by younger people. In the thirties, when jobs were scarce and very few jobs were being created, it seemed like an economic necessity. In these days, however, we have more job opportunities, and many companies are eager to hire experienced older workers.

Many retirees would like to continue to do some type of work to supplement their Social Security benefits, but the Social Security earnings test acts as a deterrent. It's a very high tax on older workers at a time when they are least able to afford it.

Mr. Speaker, H.R. 2967 will raise the earnings limit to a more manageable size, and will give retirees more opportunity to reenter the job market and do valuable work. It does not repeal the earnings limit, as I believe should be done, but it is a good step in the right direction, and I urge all my colleagues to support it.

The SPEAKER pro tempore (Mr. DE LA GARZA). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and agree to the resolution, House Resolution 433.

The question was taken.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 68, not voting 26, as follows:

[Roll No. 87]

YEAS—340

Abercrombie	Boxer	Conyers
Ackerman	Brewster	Coughlin
Alexander	Brooks	Cox (CA)
Allard	Broomfield	Coyne
Allen	Browder	Cramer
Anderson	Brown	Cunningham
Andrews (ME)	Bruce	Darden
Andrews (NJ)	Bryant	Davis
Andrews (TX)	Bunning	de la Garza
Anthony	Bustamante	DeFazio
Applegate	Byron	DeLauro
Aspin	Callahan	Dellums
AuCoin	Camp	Derrick
Bacchus	Campbell (CA)	Dickinson
Baker	Campbell (CO)	Dicks
Ballenger	Cardin	Dixon
Bentley	Carper	Donnelly
Berman	Carr	Dooley
Bevill	Chapman	Doolittle
Bilbray	Clay	Dorgan (ND)
Bilirakis	Clement	Downey
Blackwell	Coble	Duncan
Boehlert	Coleman (MO)	Durbin
Boehner	Coleman (TX)	Eckart
Bonior	Collins (IL)	Edwards (CA)
Borski	Collins (MI)	Edwards (OK)
Boucher	Combest	Emerson

Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Markey
Marlenee
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Pastor
Patterson
Paxon
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yatron
Young (FL)
Zimmer

NAYS—68

Archer
Armey
Atkins
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Bliley
Burton
Chandler
Clinger
Condit
Cooper
Cox (IL)
Crane
DeLay
Dreier
Edwards (TX)
Ewing
Gephardt
Geren
Glickman
Green
Guarini
Hamilton
Hancock
Hoagland
Hopkins
Hughes
Ireland
Jacobs
Johnson (CT)
Johnson (TX)
Kennedy
Kolbe
Luken
Matsui
Mazzoli
McCurdy
McMillan (NC)
Nichols
Oberstar
Olin
Orton
Panetta
Parker
Payne (VA)
Pease
Penny
Pickett
Porter
Pursell
Rohrabacher
Sabo
Schroeder
Schulze
Skaggs
Slattery
Stenholm
Swift
Thomas (CA)
Valentine
Vento
Visclosky
Walker
Wolf

NOT VOTING—26

Annunzio
Barnard
Costello
Dannemeyer
Dingell
Dornan (CA)
Dwyer
Dymally
Early
Foglietta
Gradison
Jones (NC)
Laughlin
Lehman (FL)
Levine (CA)
Manton
Martin
Morrison
Russo
Shuster
Smith (IA)
Weber
Whitten
Yates
Young (AK)
Zeliff

□ 2339

Messrs. CONYERS, LEWIS of California, FAZIO, and DUNCAN changed their vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, this evening I voted against the rule providing for consideration of the Older Americans Act conference report. I did this because the bill violates the 1990 budget agreement by not paying for the $7.3 billion in additional Social Security spending that would result from its enactment. In addition, a bill that authorizes spending of more than $100 million should not be placed on the suspension calendar—a special House process to expedite consideration of noncontroversial legislation.

The Older Americans Act conference report contains a provision liberalizing the earnings test to $20,000 by fiscal year 1997. Currently, a Social Security beneficiary can earn up to $10,000 each year without incurring a reduction in Social Security benefits. Although I am a cosponsor of legislation to repeal the earnings test, I cannot support legislation that does not meet the requirements of the 1990 budget agreement. This legislation increases the deficit, breaks the 1990 budget agreement, and threatens the Social Security Trust Fund.

For background, the 1990 budget deficit agreement requires Congress to pay for the legislation it enacts. In other words, any increase in spending must be offset by tax increases or spending cutbacks. Unfortunately, this bill ignores these criteria.

Furthermore, legislation that is considered on the suspension calendar is usually noncontroversial, such as naming post offices and Federal buildings. In my view, this bill should be rejected by the House and referred back to the Committee on Ways and Means until an acceptable way can be found to pay for it.

□ 2340

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE RESOLUTION 433, OLDER AMERICANS ACT AMENDMENTS OF 1992

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the resolution (H. Res. 433) relating to the consideration of the Senate amendment to H.R. 2967, the Clerk be authorized to make corrections in section numbers, punctuations and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the resolution just agreed to.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 29, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 28, 1992, it adjourn to meet at 12 noon on Wednesday, April 29, 1992.

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

There was no objection.

HOUR OF MEETING ON THURSDAY, APRIL 30, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 29, 1992, it adjourn to meet at 10 a.m. on Thursday, April 30, 1992.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 29, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 29, 1992.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, APRIL 30, 1992, TO RECEIVE IN JOINT MEETING THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in

order at any time on Thursday, April 30, 1992, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Richard von Weizsacker, President of the Federal Republic of Germany.

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

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 28, 1992, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. ON FRIDAY, APRIL 24, 1992, TO FILE SUNDRY REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until 6 p.m. on Friday, April 24, 1992, to file sundry reports.

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

There was no objection.

CONDEMNING THE EXTRACONSTITUTIONAL AND ANTIDEMOCRATIC ACTIONS OF PRESIDENT FUJIMORI OF PERU

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 306) condemning the extraconstitutional and antidemocratic actions of President Fujimori of Peru, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, and I do not intend to object, but I will ask the gentleman from Connecticut to explain the resolution very briefly.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, this resolution is very straightforward. I woud like to commend the gentleman from New York [Mr. WEISS] for his great leadership on this issue and the gentleman from California.

We had a situation where the democratically elected Government of Peru has been taken over by the President in an extraconstitutional manner. It is one of the real setbacks for democracy in Central and South America, a goal that both the Congress and the administration supports. The administration supports the resolution.

I hope those who might have some concern would hold back that concern so that we can be on record, as we have been in the Soviet Union and in Eastern Europe and throughout Latin America in favor of democratic institutions.

If we stand for anything here, Mr. Speaker, it is for democratic institutions.

Mr. Speaker, I commend my friend, the gentleman from California, for his support.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased that the House is addressing the crisis in Peru today. The latest assault on democracy in our hemisphere cannot go unanswered. President Fujimori with the Peruvian military has blatantly thrown democracy out the window—and now they must be made to pay a price.

For many years, I have followed events in Peru closely. As the largest producer of coca in the world, Peru is the key to the cocaine supply problem. Despite many public statements of support for counternarcotics—and despite a cynical effort to cloak his coup in anti-narcotics garb—President Fujimori's record on the drug issue has been abysmal.

It took a year for President Fujimori to even agree to accept U.S. counternarcotics aid. Since that time, little has been done with that aid. President Fujimori consistently refused to consider an eradication component in the antinarcotics package, thereby ignoring the explosion of coca production in the Upper Huallaga Valley. At the San Antonio drug summit, he vetoed supply reduction goals proposed by Colombia. Instead, he engaged in slanders against the Drug Enforcement Agency to divert attention from his own lack of effort.

I would like to inform my colleagues that I have been very seriously considering introducing a resolution decertifying Peru under section 481 of the Foreign Assistance Act because of their lack of effort on narcotics. Obviously, that has not been overtaken by events. I believe the coup in Peru must lead to a fundamental reexamination of our Andean strategy. It is now obvious that Peru has not been and cannot be a reliable partner in our war on drugs.

Mr. Speaker, I support this resolution and urge my colleagues to do the same.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

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

Mr. Speaker, President Fujimori and the Peruvian military have decimated freely elected government for the expedient ease of military rule.

For a nation weighted down with poverty, corruption and the frightening threat of the Shining Path, this action has effectively destroyed any hope of social and economic progress. For the hemisphere, it renders a staggering blow to regional stability. And for the world, it adds an additional burden on the backs of young democracies struggling to neutralize their own militaries.

House Concurrent Resolution 306 acknowledges our commitment to the restoration of majority rule in Peru and democratic government in general. It commends the President's swift response to the crisis, and urges him to continue to suspend economic and military assistance until the legal government is restored. It ensures the maintenance of humanitarian programs to guarantee that sanctions do not affect the poorest Peruvians. It recognizes the regional implications of this action, and calls on the President to take steps in the international community, and particularly the OAS, to end this illegitimate regime.

Mr. Speaker, the self-imposed coup of Alberto Fujimori resurrects the worst fears of those who have remained wary of the Peruvian military since it was deposed more than 12 years ago. For Peruvians, the action puts into question the future of democratic government and the progress of economic development. For the United States, it raises serious questions about the future direction and impact of United States policy in Latin America.

In the short term, we can take the steps to address these nagging questions by continuing to pressure change in Peru. But in the long run, we must recognize the implications of the events in Peru, Haiti, and Venezuela and strongly support the institutions that promote, instead of threaten, young as well as traditional democracies. We must identify new priorities and proactively respond to everyday policies that affect civil liberties, freedom of the press and assembly, and other fundamental rights wherever they may occur.

In closing, I would once again call on President Fujimori to do what is best for the Peruvian people by releasing all detained persons; restoring the Con-

gress and judiciary; reestablishing the press and other civil liberties; and returning the Government to civilian control.

Mr. LAGOMARSINO. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, it is not always pleasant to go against the entire U.S. Congress, but sometimes you have to, because the facts are these: Peru was in a state of total chaos. Murder, fear, massive drug smuggling, and guerrilla violence were rampant throughout the land. Terrorism, political violence, unprecedented suffering by the people, and corruption was the norm of the day.

Fujimori, the duly elected President, had to act or sit by and let the country dissolve. He acted.

Peru did not have democracy. Peru had chaos. Ruled by the Shining Path and the drug dealers our friends are talking about here, they ruled Peru, not the people, the very drug dealers who were sending tons and tons of drugs into our country, destroying the lives of our people and our children.

The people of Peru applauded Fujimori's action, and Fujimori said that the life of his country was more dear than his own life.

How many Members in this Congress could say that? How many in this Congress could honestly say that about our country?

This resolution states what? That the U.S. Congress is on the side of the Shining Path and the guerrillas, that the U.S. Congress is for corruption and the drug traffickers?

A judge could be bought in Peru for $5,000 to $10,000.

The Shining Path is running the prisons. Is that the kind of government you want? Do you call that democracy?

The people of Peru are with their elected President, Alberto Fujimori. They elected him. He is their spokesman, not the U.S. Congress.

The U.S. Congress does not have to go all over the world to stick its nose into other people's affairs, where quite frankly it is not wanted.

The U.S. Congress cannot take care of its own business right here at home.

Much can be said, but this Congress before it dictates to other people, should sweep in front of its own door.

When we can balance our budget, when we can handle crime right here on the streets of Washington, DC, then maybe we can tell other people how to live, but not now.

A private poll indicated that 75 percent of Lima's population favored Mr. Fujimori's actions, while 19 percent disapproved and 5 percent had no opinion.

□ 2350

Seventy-five percent approved his action. I wish members in the United States Congress could say that our people approved 75 percent of our actions. Or I wish we had a President who could say 75 percent of the people approved of my action. But that is what is happening in Peru, and you want to tell those people how to live. You want to set the standard for them.

The people of Peru decide their own fate. They do not need or want the unsolicited advice of the U.S. Congress, and I think the message to the U.S. Congress and the American people also would be, "Mind your own business. Let us see you do your job."

Mr. Speaker, this resolution is an insult to thinking people and to the people of Peru. Let us be men and women of honor and integrity and vote down this arrogant resolution. It is not our place to tell the people how they should live in Peru. Let them decide their own fate.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I know my friend has the best intentions, and I am not sure what the polls were in 1933 in Germany when democracy was swept aside. I am not sure if we had a balanced budget or a going economy then. I am not sure if the American people supported their Government, but it seems to me that the institution that we are part of, we ought to believe in and it ought not just be for North Americans, it ought not just be for Europeans, it ought to be for all citizens of this planet.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I support the resolution. I understand the frustration that President Fujimori was under and was facing; the Shining Path, the drug dealers, the corrupt judiciary, a corrupt legislature, perhaps. But it is not the right way to go.

Mr. Speaker, many of us who have met President Fujimori and held discussions with him about the grave threats facing his government, including those represented by the Shining Path guerrillas, the illicit drug trade, the deplorable economic conditions, corruption and inefficiency in the judiciary and legislature have sympathized with him on the need for major reform efforts to bring change to his beleaguered nation.

Probably the greatest threat to Peru's peace and security is that represented by the Sendero Luminoso, the radical leftist guerrilla group the Shining Path. That guerrilla group has carried out a campaign or murder, torture, repression and terror, to a degree not seen in previous guerrilla campaigns in Latin America. The impact of the Shining Path, first in rural areas of Peru and now in urban areas, has created for government leaders a challenge which has threatened the very existence of the State President Fujimori has cited the clear and present posed by Sendero as one of the primary reasons for the actions he has taken.

It is unfortunate though, that President Fujimori's actions may play into the hands of the Sendero Luminoso guerrillas.

However sympathetic we might be with President Fujimori's problems, we cannot condone the actions he has taken to suspend constitutional principles.

I am pleased this resolution recognizes the swift response of President Bush in reaching to the actions by the Peruvian President and the decision to suspend assistance. We should make it clear that the United States supports democratic government.

This resolution merits our support and I urge my colleagues to act quickly so that we can send an unambiguous message to the chief executive in Peru that he must restore constitutional rights and seek political and economic reform through constitutional means.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Connecticut?

Mr. MARLENEE. Mr. Speaker, reserving the right to object, I really hate to rise with an objection, but due to the mismanagement, due to the partisanship that we have seen, due to the fact that we have a lack of coherent scheduling, we adjourned at 1:30 yesterday without votes the rest of the afternoon and we are here at almost midnight.

Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard.

Mr. GEJDENSON. Mr. Speaker, I withdraw my unanimous-consent request saddened, Mr. Speaker, that we have disagreements here.

Mr. DREIER of California. Mr. Speaker, objection is heard.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT OF THE SENATE FROM FRIDAY, APRIL 10, 1992, OR SATURDAY, APRIL 11, 1992, TO TUESDAY, APRIL 28, 1992, AND ADJOURNMENT OF THE HOUSE FROM THURSDAY, APRIL 9, 1992, TO TUESDAY, APRIL 28, 1992

The SPEAKER laid before the House the following Senate concurrent resolution (S. Con. Res. 109) providing for adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, to Tuesday, April 28, 1992, and adjournment of the House from Thursday, April 9, 1992, to Tuesday, April 28, 1992.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 109

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 10, 1992, or Saturday, April 11, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, April 9, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock noon on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

S. Con. Res. 109. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992.

DIRECTING SECRETARY OF HEALTH AND HUMAN SERVICES TO WAIVE CERTAIN REQUIREMENTS UNDER MEDICAID PROGRAM DURING 1992 AND 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 4572) to direct the Secretary of Health and Human Services to waive certain requirements under the Medicaid Program during 1992 and 1993 for health maintenance organizations operated by the Dayton area health plan in Dayton, OH.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

Mr. OXLEY. Mr. Speaker, reserving the right to object, I shall not object, but I take this time in order to yield to my friend, the gentleman from California [Mr. WAXMAN] for an explanation of the legislation before us.

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

Mr. Speaker, the purpose of this bill is to prevent the disruption of the Dayton area health plan, a mandatory enrollment program for about 42,600 women and children who live in Montgomery County, OH, and who are eligible for Medicaid because they receive cash assistance under the Aid to Families with Dependent Children Program. Currently, these beneficiaries have a choice of receiving health care from one of three health maintenance organizations. If this bill is not sent to the President and signed into law by April 30, the State of Ohio will lose its current waivers and will have to convert the plan to a fee-for-service program in order to continue receiving Federal Medicaid matching funds.

This legislation was introduced on March 25 by Mr. HALL and seven other Members of the Ohio delegation, including my committee colleagues, Mr. ECKART and Mr. OXLEY. On Tuesday, April 7, the full Energy and Commerce Committee, at my request, discharged the Subcommittee on Health and the Environment from further consideration of the bill, adopted an amendment in the nature of a substitute which I developed with Mr. HALL, and ordered the bill, as amended, reported by voice vote, with the support of the committee minority.

Under current law, HMO's that contract with Medicaid must meet an enrollment mix requirement. After 3 years, no more than 75 percent of an HMO's enrollment can consist of individuals eligible for Medicaid or Medicare; the remaining 25 percent must be private patients. The purpose of this 75/25 rule is to assure that the HMO is providing adequate quality care by applying a market test—if 1 out of every 4 enrollees is a commercial enrollee with other options, then the HMO is probably providing an acceptable level of care to its Medicaid patients.

The Dayton area health plan is currently operating under a number of waivers granted by the Secretary of HHS relating to freedom of choice. These waivers are scheduled to run through January 31, 1994. However, they are contingent on the HMO's participating in the plan meeting the 75/25 rule by April 30. The Secretary is not authorized to waive the 75/25 rule administratively. The problem here is that one of the HMO's is currently at 90 Medicaid enrollment and will be out of compliance as of April 30. Unless we act by that date, the waivers under which the Dayton area health plan is now operating will expire, and the plan will have to convert to a nonrisk, fee-for-service basis in order to continue receiving Federal Medicaid matching funds.

As amended by the committee, the bill would direct the Secretary to waive the 75/25 rule with respect to Health Plan Network, one of the HMO's participating in the Dayton area health plan, for the period May 1, 1992, through January 31, 1994. The 75/25 rule, as interpreted by the Federal court in Oglesby versus Barry, would continue to apply to the other two HMO's affiliated with the plan. However, in computing the enrollment composition of the DAYMED Health Maintenance Plan, Inc., the Secretary would be prohibited from counting up to 4,000 children born after September 30, 1983, who are eligible for Medicaid because their families' incomes are at or below 100 percent of the Federal poverty level. These children would not count either as Medicaid or as private patients from May 1, 1992, through January 31, 1994.

According to the Congressional Budget Office, this legislation would not result in any increase in Federal Medicaid outlays.

It is my understanding that the administration does not oppose this legislation.

I also understand that both the chairman and the ranking minority member of the Senate Finance Committee will support the adoption of this bill as amended by the Committee on Energy and Commerce.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to have a colloquy with my friend, the gentleman from California [Mr. WAXMAN], on the bill.

Mr. Speaker, there are several other organizations who have similar waiver problems, especially the one here in the District of Columbia, the District of Columbia chartered health care plan.

We had already notified the committee we were not able to get the committee to add any additional HMO's on the list. I totally agree with the Dayton plan getting immediate help. But I certainly hope that the committee will see fit, some time in the near future, to look at other waivers for additional HMO's who have similar problems and that their operations of the health care plan will not be interrupted similar to the plan in Dayton that we are trying now to solve the problem with.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California so that he may respond.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, unlike the situation in Dayton, if the chartered health plan of the District of Columbia does not get a 75-25 waiver by April 30, 1992, nothing

changes for the HMO or its enrollees. In Dayton's case, the health plan would have to be restructured. The District does not lose any waivers. In Dayton's case, the State of Ohio would lose the waivers it has to restrict enrollment for AFDC recipients in Montgomery County to the Dayton plan. That is why I feel that we have to act on this particular matter. But I know that there are those who would like to urge changes in the Medicaid law that would allow HMO's to either get a waiver or not have the 75-25 requirement. That is something we are going to continue to look at.

Mr. OXLEY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, the Health and Human Services, HCFA, I guess, indicated that the D.C. chartered plan expired some 12 months ago and they are still in operation, I guess, on the cost reimbursement schedule. Hopefully, that will continue with HCFA in the D.C. human resource affiliation here in the District.

□ 2400

But I just want to be assured that at some point the gentleman's committee, as well as the full Committee on Energy and Commerce, will give us an opportunity to make sure that the home maintenance organizations will be protected when their dates have already expired, similar to the date in the latter part of the month that will happen to the Dayton HMO.

Mr. WAXMAN. Mr. Speaker, we will continue to look at the issue of the 75-25 requirements under Medicaid, which I consider an important safeguard for quality in managed case plans. The chartered health plan has not met that 75-25 requirement since October 1, 1991, and the District of Columbia has been paying on an interim negotiated rate base rather than on a risk base for the service it provides to Medicaid enrollees. I know that they would like to and prefer to return to payment on a risk basis. There is no provision in Federal law that prevents the District from continuing to pay the chartered health plan on a nonrisk basis. We will continue to get further input on the matter.

Mr. FORD of Tennessee. Mr. Speaker, I thank the gentleman from California very much.

Mr. OXLEY. Further reserving the right to object, Mr. Speaker, I yield to my friend the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Ohio for yielding to me. I will just be very brief.

Mr. Speaker, this plan takes place in my district. It is a very unique plan that has very strong support from all parts of my community. It serves poor people, it saves money, and at the same time it delivers good health care. I know that sounds impossible, but in fact this program does do that. We are asking for a temporary waiver for 18 months for the purposes that the gentleman from California [Mr. WAXMAN] has already addressed, and I want to thank him and his very, very able staff, the gentleman from Michigan [Mr. DINGELL] and his staff, the gentleman from Ohio [Mr. OXLEY], and the gentleman from New York [Mr. LENT], and certainly the cosponsor of the bill, the gentleman from Ohio [Mr. HOBSON], and Gail and Karen of my staff, for the great work they have done.

Mr. Speaker, I would urge the Members to support it.

Mr. OXLEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4572

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

SECTION 1. APPLICABILITY OF ENROLLMENT MIX REQUIREMENT TO CERTAIN HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES UNDER DAYTON AREA HEALTH PLAN.

(a) HEALTH PLAN NETWORK.—With respect to the unincorporated association affiliated with the Dayton Area Health Plan, Inc., that is known as the Health Plan Network, the Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall waive the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2.

(b) DAYMED, INC.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of determining the compliance of the DAYMED Health Maintenance Plan, Inc., with the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2, the Secretary may not treat individuals enrolled with the Plan who are described in section 1902(l)(1)(D) of such Act as individuals enrolled with the Plan on a prepaid basis.

(2) LIMITATION ON NUMBER OF INDIVIDUALS EXEMPTED.—The number of individuals enrolled with the DAYMED Health Maintenance Plan, Inc., whom the Secretary may not treat as individuals enrolled with the Plan on a prepaid basis pursuant to paragraph (1) may not exceed 4,000.

SEC. 2. PERIOD OF APPLICABILITY.

The period referred to in subsections (a) and (b)(1) of section 1 is the period that begins on May 1, 1992, and ends on January 31, 1994.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. WAXMAN:

Amend the title so as to read: "A bill to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the medicare or medicaid programs in order to enable the Dayton Area Health Plan, Inc., to continue to provide services through January 1994 to individuals residing in Montgomery County, Ohio, who are enrolled under a State plan for medical assistance under title XIX of the Social Security Act.".

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the title amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the title offered by the gentleman from California [Mr. WAXMAN].

The title amendment was agreed to.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. 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 California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees:

From the committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, WYDEN, LENT, and BLILEY.

As additional conferees from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, GAYDOS, and BALLENGER.

There was no objection.

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $133.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

AUTHORIZING SUNDRY RESCISSION MESSAGES TO BE LAID BEFORE THE HOUSE EN GROS

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to lay before the House en gros the rescission message received from the President today, and that the messages be considered as read when laid down.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the messages will be printed as separate House documents and separately referred to the Committee on Appropriations and separately indicated in the RECORD and Journal.

There was no objection.

Pursuant to the foregoing unanimous-consent authority, the texts of the messages are as follows, and each message, together with the accompanying papers, is referred to the Committee on Appropriations and ordered to be printed:

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $225.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $196.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $17.6 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $8.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $130.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $60.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $10.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $2.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $6.5 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $21.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $799.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $67.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $9.3 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $45.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $20.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $60.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $15.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $4.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $3.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission

proposal, totaling $248.8 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $5.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $6.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

RESCISSION RELATING TO THE DEPARTMENT OF DEFENSE—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 Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission proposal, totaling $70.0 million in budgetary resources.

The proposed rescission affects the Department of Defense. The details of this rescission proposal are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore (Mr. LEWIS of Georgia) 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 Government Operations.

To the Congress of the United States:

In accordance with the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92–463; 5 U.S.C. App. 2, sec. 6(c)), I hereby transmit the Twentieth Annual Report on Federal Advisory Committees for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE. *April 9, 1992.*

ACCOUNTABILITY IN GOVERNMENT ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor, the Committee on the Judiciary, the Committee on House Administration, the Committee on Post Office and Civil Service and the Committee on Government Operations, and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Accountability in Government Act of 1992".

The legislation would extend to the Congress and the White House the relevant portions of five laws that apply to the private sector. The laws in question are the Fair Labor Standards Act of 1938 (minimum wage law), the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and the damages remedy created by the Civil Rights Act of 1991. The proposal also makes available the remedies currently available to other employees for violations of these laws, rather than special remedial schemes based entirely or in large part on internal congressional grievance mechanisms.

The legislation would also extend to the analogous portions of Congress five laws that presently apply to various portions of the executive branch. The laws in question are Title VI of the Ethics in Government Act, conflicts of interest laws, the Hatch Act, the Freedom of Information Act, and the Privacy Act. The scope of this proposal has been carefully tailored to take into account the unique characteristics of the Congress and its Members. Moreover, none of the provisions of this legislation except those implicating criminal penalties calls for executive branch enforcement. Rather, all are to be enforced either by private suit, entities within the General Accounting Office (an instrumentality of the legislative branch), or both. This legislation therefore does not present the constitutional separation-of-powers questions that might be presented by general executive branch administration of laws applied to the legislative branch.

I urge the Congress to give this legislation prompt and favorable consideration.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1992.*

DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 28, 1992

The Speaker pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 9, 1992.

I hereby designate the Honorable STENY H. HOYER to sign enrolled bills and joint resolutions through April 28, 1992.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

FURTHER INFORMATION ON BNL DEALINGS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I have wanted to call attention here to the extraordinarily important information that is being brought forward by the gentleman from Texas [Mr. GONZALEZ], who chairs the House Committee on Banking, Finance and Urban Affairs, about the outrageous pattern of cover-up by this administration involving the abuses of the Iraqi regime in 1989–90.

Recently the gentleman from Texas pointed out that by the intervention of the State Department, a Jordanian who should have been indicted was not indicted.

The use of the BNL to launder funds for Iraq, the diversion by Iraq of American taxpayers' money into illegal purposes that include weapons purchases, all led to a misunderstanding on the part of the Iraqi Government as to what this Government would tolerate.

At a time when people are interested in understanding patterns of abuse, the information that has been compiled and made public by the gentleman from Texas about a systematic effort by this administration to protect illegal activities by Iraq deserves a lot of attention.

I include for the RECORD an article from the Washington Post on this indictment.

WELL-CONNECTED JORDANIAN AVOIDED INDICTMENT

(By George Lardner, Jr.)

The Justice Department decided last year not to indict a Jordanian businessman in a $5 billion Iraqi loan fraud scheme after the State Department pointed out that he was "well connected" to the King of Jordan and to U.S. grain exporters, according to records made public in the House yesterday.

Government prosecutors had been planning to name the middle-man, Wafai Dajani, as one of the defendants in a conspiracy to funnel billions of dollars in illegal bank loans to Iraq, but decided not to do so shortly before the indictment was returned on Feb. 28, 1991—the day allied forces were ordered to stop fighting in the Persian Gulf War.

In a secret internal memo that day, the State Department said it had "no objections" to indictment of any of the individuals on the prosecution's list, including Dajani, but it expressed reservations about proceeding against him in light of his connections.

Iraq received more than $5 billion worth of what the government says were "unauthorized 'off book' loans and credit commitments" from the Atlanta branch of Italy's Banco Nazionale del Lavoro (BNL) between 1985 and 1989, including some $900 million guaranteed by the U.S. Government's Commodity Credit Corp. Dajani's firms handled most of the CCC agricultural commodities once they arrived at the port of Aqaba in Jordan, according to Rep. Henry B. Gonzalez (D-Tex.), chairman of the House Banking Committee, who discussed the matter yesterday on the floor.

Gonzalez said Dajani also helped obtain arms for Iraq from firms in Portugal and Cyprus. The Banking Committee, Gonzalez added, is investigating "whether or not the Dajani's grain handling facility in Aqaba were diverted to pay for these weapons or others."

In its memo, the State Department noted that Dajani was a businessman, not a government official, but observed that "his brother is a former minister of the interior [in Jordan] and Wafai himself is considered well connected to the king and to U.S. grain exporters." The memo added that Dajani's "indictment would be seen as a further U.S. attempt to 'punish' Jordan" for siding with Iraq in the gulf war.

Gonzalez called the decision not to indict Dajani "probably the most blatant example of State Department intervention" in the case.

Justice Department officials said State's views had nothing to do with their decision not to indict Dajani last year. They said Dajani was still "a target" of their ongoing inquiries.

"If State expressed reservations about Dajani, that was not a factor in his being included in the indictment," said Gerrilyn Brill, chief of the criminal division of the U.S. Attorney's office in Atlanta.

In internal administration deliberations, the State Department along with the National Security Council continued to argue in favor of courting Iraq until shortly before the August 1990 invasion of Kuwait, despite disclosure of the BNL scandal in August 1989 and the strenuous misgivings of other government agencies about the extent of the fraud.

A confidential State Department report, for instance, about a meeting Oct. 13, 1989, with Agriculture officials said there were 10 separate investigations underway of BNL-Atlanta's dealings. The memo said Agriculture expected "the investigation could 'blow the roof off the CCC,'" and added that chances were "more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware."

"In the cases where adequate documentation exists," the memo went on, "CCC commodities can be traced as far as Jordan and Turkey, [but] in many cases it is not clear that they ever reached Iraq. Where documents indicate shipments arrived in Baghdad, the timing appears improbable—shipments arrive in Baghdad prior to arriving at interim ports.

"If smoke indicates fire, we may be facing a four-alarm blaze in the near future," the memo concluded.

The next month, at the urging of the State Department and NSC, the Agriculture Department approved a new $1 billion CCC program for Iraq for fiscal 1990.

In a related matter, the Los Angeles Times reported yesterday that the United States has paid $360.7 million to a Persian Gulf bank partly owned by Iraq to make good on CCC-guaranteed loans that Iraq left in default after the invasion. Senate Agriculture Committee Chairman Patrick J. Leahy (D-Vt.) called for an explanation in a letter to Agriculture Secretary Edward R. Madigan.

"At a time when we are all concerned that the government of Iraq continues to act in an outlaw fashion under the leadership of Saddam Hussein, I am very concerned that this payment sends a dangerous signal," Leahy wrote.

NATIONAL PAY EQUITY POLL

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Ms. OAKAR. Mr. Speaker, today I joined with the National Committee on Pay Equity in announcing the results of a national bipartisan poll which shows that 77 percent of the voting public, male, female, black, white, Democrat, Republican support fairness in pay.

We know that there are two groups of people whose jobs are undervalued and underpaid, women and minorities and particularly aging men as well. I think it is about time we enact legislation that results in pay equity. I also feel very strongly that our Presidential candidates, both Republicans and Democrats, ought not to be afraid of economic security measures like fairness in pay.

Why is a woman the poorest person in the country when she is 65? She is the poorest because when she works for a living in her younger years her job is undervalued and underpaid. Ask any nurse, teacher, secretary.

So the American people, male and female, want fairness and this poll, which I will submit for the RECORD, shows it.

The poll referred to follows:

OAKAR ANNOUNCES RESULTS OF NATIONAL PAY EQUITY POLL

Congresswoman Mary Rose Oakar (D-OH), today joined with the national committee on pay equity in announcing the results of a national, bipartisan poll which shows that 77 percent of the voting public supports pay equity. Oakar said, "this poll offers indisputable evidence that pay equity is an idea embraced by the vast majority of the American public. It is time that the leaders of this country listen to what the people are saying."

Sighting results from the poll, Congresswoman Oakar pointed out that pay equity, or the concept of elimination of sex and race-based wage discrimination, has broad, bi-partisan support. According to the survey, 81 percent of individuals who identify with the Democratic Party support pay equity, as do 72 percent of those individuals who identify with the Republican Party, and 79 percent of those who consider themselves Independent.

Oakar noted, "for decades, employers have been using gender and race to determine pay. The problem has been exacerbated by the fact that, by and large, women remain in the low-paying, traditionally female occupations. The fact that women remain in these positions is not at fault. The cause seems to be that women, by virtue of the fact that they occupy certain jobs such as nursing, teaching, library sciences, service industry, clerical and retail work have been almost victimized. The stigma of 'women don't have to work, because someone else is supporting them' has remained a part of the marketplace, but not our society."

Author of H.R. 386, the pay equity technical assistance act, legislation that calls for the creation of a clearinghouse on pay equity, Congresswomen Oakar has waged a 16 year battle in Congress to address the inequities in the work place.

In conclusion Oakar states, "I believe that the study conducted by the national committee on pay equity will be the added ammunition needed to convince the government that pay equity is an idea whose time has come."

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PACIFIC OCEAN SALMON FISHING DISASTER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation prompted by the Pacific Fisheries Management Council's recent proposal to either ban or severely restrict Pacific Ocean salmon fishing along the west coast from the Mexican border to Canada. Commercial fishermen from California, Oregon, and

Washington will suffer tremendous losses as a result of these restrictions. For many of these commercial fishermen, Pacific Ocean salmon fishing is their primary or sole source of income.

Although there is an extreme scarcity of Pacific Ocean salmon and restricting the salmon season is essential to the long-term vitality of the fishery, these fishermen are going to suffer harsh economic hardships through no fault of their own. The salmon deficiency is a result of a number of things including coastal floods, droughts, coastal urbanization, and the warming of eastern Pacific waters.

This legislation declares that the Pacific Fisheries Management Council's ban or restriction on the harvest of Pacific Ocean salmon is a disaster. This bill will provide Federal disaster assistance to commercial fishermen in the western United States adversely affected by the ban or restriction on the harvest of Pacific Ocean salmon imposed by the Pacific Fisheries Management Council.

The bill is fashioned after existing agricultural disaster relief and would work much the same way. Federal disaster assistance would be provided to commercial fishermen at a rate of 65 percent of any losses in excess of 40 percent. The economic loss will be determined by calculating the average harvest of Pacific Ocean salmon and the average price received during the years 1986 through 1990.

Mr. Speaker, this disaster relief is desperately needed. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below.

H.R. —

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 "Pacific Ocean Salmon Fishing Disaster Relief Act".

SEC. 2. DECLARATION OF DISASTER FOR PACIFIC OCEAN SALMON FISHING OPERATIONS.

The Congress finds that the imposition by the Pacific Fishery Management Council of a total ban or other severe restrictions on the harvest of Pacific Ocean salmon within the 200 miles exclusive economic zone of the United States off the coast of California, Oregon, and Washington——

(1) will result in an economic disaster for commercial salmon fishing operations operating out of ports in these States; and

(2) requires the provision of disaster assistance under this section to alleviate in part the resulting economic hardship to these operations.

SEC. 3. DISASTER ASSISTANCE FOR PACIFIC OCEAN SALMON FISHING OPERATIONS.

(a) DEFINITION.—For purposes of this section, the term "commercial salmon fishing operation" means a fishing operation that——

(1) is owned or operated by a citizen or national of the United States;

(2) operates out of California, Oregon, or Washington;

(3) is engaged in the harvest of Pacific Ocean salmon through ocean or river fishing; and

(4) has harvested Pacific Ocean salmon during each of the five preceding calendar years.

(b) OPERATIONS ELIGIBLE FOR ASSISTANCE.—A commercial salmon fishing operation shall be eligible for assistance under this section if the Secretary of Commerce determines that the operation harvests during calendar year 1992 is less than 60 percent of the average annual weight of Pacific Ocean salmon harvested by the operation during calendar years 1986 through 1990.

(c) AMOUNT OF DISASTER PAYMENT.—The Secretary of Commerce shall make a disaster payment to a commercial salmon fishing operation eligible under subsection (b) in an amount equal to the product of—

(1) the payment rate determined under subsection (d); and

(2) the deficiency in harvest of Pacific Ocean salmon in calendar year 1992 greater than 40 percent of the average annual harvest for the operation, as determined under subsection (e).

(d) PAYMENT RATE.—For purposes of subsection (c) the payment level for Pacific Ocean salmon shall be equal to 65 percent of the simple average price received by eligible salmon fishing operations, as determined by the Secretary of Commerce, during calendar years 1986 through 1990, excluding the year in which the average price was the highest and the year in which the average price was lowest.

(e) DETERMINATION OF AVERAGE HARVEST.—The Secretary of Commerce shall determine the average annual weight of Pacific Ocean salmon harvested by a commercial salmon fishing operation during calendar years 1986 through 1990 from information provided by the operation, excluding the year in which the harvest was the largest and the year in which the harvest was the lowest. In the absence of sufficient records, the Secretary may base the determination on the average annual harvest determined for similarly situated operations.

(f) ADJUSTMENTS FOR SUBSTITUTED HARVESTS.—The Secretary of Commerce shall adjust the determination of the actual harvest of a commercial salmon fishing operation to the extent the Secretary determines that the operation——

(1) compensated for the reduction in salmon harvest by harvesting other commercial fish; or

(2) failed to take reasonable methods to alleviate the economic hardship resulting from the ban or restrictions on salmon fishing.

(g) TIME FOR PAYMENTS.—The Secretary of Commerce shall make the payments required by this section not later than 30 days after the later of——

(1) the effective date of this Act; and

(2) the close of the 1992 Pacific Ocean salmon fishing season.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on October 1, 1992.

WILD BIRD CONSERVATION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to curtail imports of wild-caught birds for the pet trade, and promote the captive breeding of exotic birds at home and abroad to supply the pet industry.

Although habitat loss is the single most significant factor in the decline of wild bird populations around the world, trade has contributed significantly to the decline. The United States alone imports more than 500,000 birds annually, more than half of which belong to species listed as threatened under the Convention on the International Trade in Endangered Species.

The extent of the damage that has been done to wild bird populations is not known precisely, because many exporting countries lack the resources needed to protect their bird resources or to analyze the ecological impacts of the trade. What is clear is that some of the world's greatest breeding grounds for beautiful and unusual birds have been systematically plundered in order to supply house pets for people in America and Western Europe. The trade in wild birds is also characterized by a high degree of mortality, causing an estimated 16 percent of birds harvested for trading purposes to die in transit or quarantine.

This bill is not intended to deprive pet stores or prospective pet owners of birds. Rather, it is designed to encourage the growth of an industry for breeding and raising exotic birds in captivity for the specific purpose of supplying the pet trade.

The general concept of this legislation was endorsed by the pet industry, bird breeders, veterinarians, zoos, wildlife conservation groups, and animal welfare groups. Last year, representatives of those groups worked together to draft legislation that would reform the international bird trade. Two bills, similar in purpose, but different in detail, emerged from that effort. In order to spur debate and give all sides a chance to state their views, I introduced both bills. The bill I am introducing today is an attempt to provide common ground which can be supported by the proponents of both of the original bills.

This bill is patterned closely after a legislative proposal drafted by the Office of the Assistant Secretary of the Interior for Fish and Wildlife and Parks. It is the product of a dedicated effort by his office and the Fish and Wildlife Service to find some effective middle ground on this issue and I commend both the Assistant Secretary and the Service for their efforts. I would note that questions have been raised about whether this type of legislation might be challenged under the General Agreement on Tariffs and Trade. I personally believe that such a challenge would have very little chance of succeeding. First, the European Community has implemented a system for regulating the trade in wild birds that is very similar to that established for the United States in this bill, and it has not been challenged under GATT. Second, there is absolutely no intention on the part of its proponents or sponsor to run afoul of the obligations of the United States under the GATT. And finally, it is clear that this type of legislative proposal is absolutely necessary to conserve the wild bird populations that are so clearly imperiled.

The United States is the world's largest importer of wild-caught birds. it is incumbent upon us to restrict this trade to ensure that we do not continue to contribute to the decline in populations of these magnificent birds. I hope that the administration, after further review of this issue, will agree to join other nations which have made a commitment to solve this problem and support this legislation.

HEALTH ADMINISTRATIVE SIMPLIFICATION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK], is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am today introducing the Health Administrative Simplification Act of 1992. My bill will save tens of billions of dollars a year which currently are spent on excessive paperwork by consumers, employers, and government, which could be eliminated from the health system. My bill is based on testimony presented to the Subcommittee on Health of the Committee on Ways and Means in a hearing held April 2, 1992, and on my own observations of the health care delivery system.

In recent months, we have spent a great deal of time focusing on how to cure the ills of our health care system. As we are all very much aware, health care is far too expensive, consumes too great a share of our Nation's wealth, and leaves too many of our citizens either unprotected, or inadequately protected, from the catastrophic impact of illness. We need to start moving now to address these issues through comprehensive health reform legislation.

Administrative simplification is a particularly important part of our health reform discussions. Reducing the administrative costs, and the burdens, of the health insurance system is one place where consensus already exists.

Reducing administrative costs in health care through the use of electronic billing, uniform bills, smart cards, and other similar measures is something on which we can all agree. Whether we support a Canadian-style system, Medicare for all, pay or play, or some other plan, we need to move aggressively to put these measures in place.

There is wide agreement on what could be done to reduce the administrative expenses of the health care system. Much of what needs to be done is based on existing information processing technology. This is not an area in which we need to invent a new set of policies or processes in order to achieve our goals.

My bill sets forth a framework for administrative simplification by addressing the key administrative hassles of the health care system.

My bill would require the use of a standard health insurance card by all insurers and payers. The card would be able to read electronically, and would contain a universal and unique numbering system for identification of beneficiaries, through use of Social Security numbers. The card would be capable of electronically addressing an online system which would allow doctors and hospitals to verify eligibility and benefits for each insured person prior to services being rendered.

The use of universal insurance cards and the online electronic system for verification of eligibility and benefits would reduce substantially one of the most costly administrative bottlenecks in the current health financing system. Insured persons are not always sure which group health plan is responsible for paying their health care bills; a patient almost never knows how much of their deductible and copayments are still owed for a given year. Sending claims to the wrong payer, and chasing down the party responsible for payment, costs hospital and doctors a great deal of money. Creation of a system which lets all parties know in advance who is going to pay the bill, and what restrictions on coverage may apply, will reduce the administrative expenses of providers dramatically.

The second important reduction in unnecessary administrative expense envisioned by my bill is the creation of electronic billing systems based on standard bill formats and standard coding of diagnoses and procedures. Currently, there are literally hundreds of different bill formats which insurers demand of providers. Maintenance of multiple bill formats requires providers to spend literally billions of dollars on staff to process these claims, and interferes with the development of electronic billing systems.

In fact, the best way to assure that claims are processed in the fastest, most efficient way is to establish regional claims clearinghouses to process all claims. Similarly to the way in which bank checks are processed through the regional Federal Reserve System, a regional claims processing system will assure that provider costs for submitting claims will be minimized. My bill would require the Secretary of Health and Human Services to establish regional clearinghouses throughout the country, and to establish an interclearinghouse communications network. Through such a system, all claims will be handled in an identical manner, and coordination between multiple payers will be assured. Such a system will also allow for electronic transfer of funds between payers and providers, thus removing paper checks from the system.

My bill would also require the Secretary to develop standards for claims adjudication to make sure that the payment audits and screens applied to claims are uniform. Standards would also be developed for the data required to support utilization reviews and analysis. Under current practice, payers screen bills using widely different criteria. Dealing with these idiosyncratic rules costs providers a great deal. Standardization of these screens and audits would simplify both the process of submitting bills and the claims processing system. Both providers and insurers would save as a result. Similarly, providers face conflicting demands for large amounts of data from the patient medical record in order to support utilization review. Standardization would allow automation of many of these data requests and would reduce provider hassle to a minimum.

Consensus exists on most of these issues; moreover, the information processing technology exists to achieve a high degree of automation in each of these areas.

Where consensus breaks down is on how far we should go in developing uniform approaches in each of these areas, and what should be the role of Government in assuring that uniform approaches are in fact used by all payers and providers. Although I believe it may be possible to establish a uniform, regional health claims processing system on a voluntary basis, I am skeptical. Unfortunately, unlike the banking system, we do not have decades in which we can slowly develop the system. The skyrocketing costs of health care demand that we move much faster than was the case in banking.

Our experience to date suggests that voluntary efforts based in the private sector do not work. The history of the UB-82, the uniform bill for hospitals, makes clear that uniform approaches which are not backed up by legal requirements quickly disintegrate into idiosyncratic systems which place enormous burdens, and costs, on the system.

My bill is mandatory in nature. It requires the Secretary to establish the regional system and the uniform standards for billing, claims adjudication, and utilization review. It requires providers and insurers to participate in the system or to face penalties. I have taken this approach because I don't believe that we can develop the system any other way. We need to move quickly to get this system up and running. However, I do not want these penalties to be viewed as anything other than a way to jump start the process; for this reason, the penalties sunset after 3 years, at which time participation for other than Medicare and Medicaid would be voluntary. If those who believe a totally voluntary approach can realistically be expected to deliver a working system in the shortest possible time, I am willing to drop even the short-term enforcement provisions of my bill.

The bottom line is that the costs of health care continue to rise at unconscionable rates. Whether we favor broad change or something less sweeping, we all share the goal of reducing overhead costs and hassle.

A summary of my bill follows:

SUMMARY—HEALTH ADMINISTRATIVE SIMPLIFICATION ACT OF 1992

I. UNIVERSAL HEALTH INSURANCE CARDS

Each beneficiary of a health insurance plan, including public plans, would be issued a universal health insurance card by plans participating in the health insurance claims network.

1. Cards would be similar to ATM cards, and would be readable by electronic card readers.

2. Each card would include a universal health insurance identification number, which would be the social security number of the beneficiary.

II. UNIFORM ELECTRONIC CLAIMS

1. All claims submitted by providers would be transmitted using a uniform electronic format to be developed by the Secretary.

2. Coding of procedures and diagnoses would follow uniform formats based on the CPT-4 and the ICDM-9 with additional coding developed as necessary by the Secretary.

III. PROVIDER SUBMISSION OF CLAIMS

1. For insurers voluntarily participating in a regional health claims network, providers would be required to submit all claims for payment to the regional network.

2. Each provider would be required to submit claims using a unique provider identification number similar to the UPIN used for Medicare.

3. Claims for Medicare, Medicaid, and other public programs would be submitted through a regional health claims network.

IV. VERIFICATION OF ELIGIBILITY AND BENEFITS

A. Verification of eligibility and benefits by providers

1. For insurers participating in a regional network, providers could inquire regarding which health plan covered a patient and the benefits to which the patient was entitled under the plan.

2. Each health insurer participating in the network would provide, and regularly update, information on the eligibility of covered persons for benefits.

B. Type of communications

1. Each clearinghouse would be required to accept inquiries electronically through the use of electronic card readers, touchtone telephones, or computer modems.

2. For an additional fee, clearinghouses would accept voice inquiries not using electronic equipment.

V. UNIFORM HOSPITAL REPORTING

All hospitals would be required to submit cost reporting data based on uniform hospital reports required to be developed under OBRA '87.

VI. STANDARDS FOR CLAIMS ADJUDICATION AND UTILIZATION REVIEW

In consultation with the Agency for Health Care Policy and Research the Secretary would be required to develop uniform standards for medical audits and screens used for claims adjudication, and utilization review.

VII. PUBLIC DOMAIN SOFTWARE

The Secretary would develop public domain software which could be used by hospitals, physicians, and other providers to submit claims to the health claims network.

VIII. CREATION OF HEALTH CLAIMS NETWORK

A. Health claims clearinghouses

Health claims clearinghouses would be established in each region of the country by the Secretary of HHS.

1. Clearinghouses would process all claims for payment by providers by plans participating in the network.

2. Clearinghouses would primarily assure that each claim was "clean" and could be paid by the payer.

3. Clearinghouses would be authorized to impose a charge on payers and providers for processing of claims.

a. The amount of the charge would be limited to an amount determined in the clearinghouse's contract with the Secretary.

4. Payers could also arrange for the clearinghouse to pay the claims directly.

B. Inter-clearinghouse network

1. Clearinghouses would be linked together electronically to allow for out-of-area claims processing and eligibility determinations.

IX. SELECTION OF CLEARINGHOUSE CONTRACTORS

A. Contracts with clearinghouses

1. The Secretary will contract with a public or private organization to serve as the health claims clearinghouse for each region of the country.

2. Regions will be designated by the Secretary and will encompass areas of approximately 5 million people.

B. Selection of organizations to serve as clearinghouses

The Secretary would consider:

1. The price charged by the organization to process health claims.

2. The organization's ability to process, and experience in processing, claims.

3. The organization's experience in relating to the various providers in the region.

X. ENFORCEMENT

Insurers and employer-sponsored plans would be required to issue universal health insurance cards, provide standardized benefits, and participate in the health claims network. Insurers would be subject to an excise tax on premiums, and providers would be subject to civil monetary penalties, if they did not comply. The excise tax and civil monetary penalties would sunset three years after they applied to insurers and providers.

XI. EFFECTIVE DATES

The Secretary would be required to develop standards within eighteen months of enactment, enter into contracts within 24 months of enactment, and have the network in operation within 27 months of enactment. Hospitals would be required to use uniform hospital reports during FY 1993.

TRIBUTE TO CARMEN E. TURNER

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

Mr. HOYER. Mr. Speaker, I rise today to inform the House of the loss of a dear friend both to me and many in this institution. This morning at 11 a.m., Carmen Turner, Under Secretary of the Smithsonian Institution, and former General Manager to the Washington Metropolitan Area Transit Authority, succumbed to the cancer that she had battled day in and day out these past few years.

Mr. Speaker, Carmen Turner was a giant of a person. Her leadership, her grace, and her strength of character were second to none. Every one of us here, who had the honor and the pleasure of working with Carmen Turner, can call these qualities to mind, as we can her warmth and personality that lit up every room she entered.

From 1983 to 1990, Carmen established a legacy of quality and excellence at the Washington Metropolitan Area Transit Authority through her service as General Manager. More than any other single person, she deserves credit for shepherding the authorization through the Congress necessary to complete the 103-mile Metrorail system.

Carmen's greatest skill was that of building a consensus that would not only work, but that would last. She knit together diverse local governments and built a regional approach to mass transit that has led Metro through rapids that have swamped less skillfully captained projects. She was able to work with Members from both parties in this institution, spanning even an ideology that was less supportive of mass transit during the Reagan administration.

There were not many people who could bring Ralph Stanley, former UMTA Administrator under President Reagan, to yield. But on more than one occasion, I saw firsthand how Carmen's command of detail, style and wit turned someone who many termed an adversary to an admirer.

Under her leadership, the rapid rail system doubled in size, and WMATA was honored with the title of the No. 1 transit system in North America by the American Public Transit Association. It was an honor that could well have been termed the No. 1 general manager in the country as well.

Mr. Speaker, it is impossible to summarize the accomplishments of one life, so precious and valuable, in any statement on this floor: Carmen Turner's life was one of public service. She gave of herself to this region and this country—and made America greater by her contribution.

For 26 years, Carmen served in the Federal Service. And today, when public servants are taking a beating in the eyes of many of the public, it is important to note that public service is still this country's highest calling—whether it be in the military or in the Civil Service. Day in and day out, public servants educate our children, protect our families, defend our rights, and improve the quality of our lives. Carmen Turner was the epitome of public service.

In her short tenure as Under Secretary at the Smithsonian, Carmen Turner's firm hand brought order and her vision brought direction to an institution that finds itself often pulled in many directions. The Smithsonian has suffered a great loss today as well. It will sorely miss her guidance and direction.

Mr. Speaker, let me close by saying this. Carmen Turner was my friend. She touched my life and made me the better for it. In these last few months, Carmen fought a long and terrible battle with cancer. And the courage and strength that I witnessed in this battle made it all the clearer to me what a friend I had, and what a giant that friend was.

Mr. Speaker, I rise today to mourn our loss, my loss, and the loss to this great country. There is a void in this town this day. A void that will not be filled again.

I commend my friend Carmen Turner, who, in the words of St. Paul, "has run the good race and kept the faith."

God bless you, Carmen. God bless your family. Our prayers go out to you, to your family, and for all of us. We have lost a friend, a great lady. We will remember her always.

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Carmen E. Turner, who passed today, Thursday, April 9, 1992, here in Washington, DC.

Mrs. Carmen Turner was the Under Secretary of the Smithsonian Institution. She was formerly the general manager of the Washington Metropolitan Area Transit Authority, the metrorail system. It is in that capacity that I and many Members of the House of Representatives knew her. Many of my colleagues have paid tribute to her here on the floor of this body for her outstanding leadership and superb management for 7½ years of the Washington Metrorail System, universally recognized as one of the finest in the world.

It is a tribute to her inspiring leadership and ability that we in the Congress were successful in 1990 in passing Public Law 101–551, the additional authorization of Federal funds to complete the total 103-mile regional metrorail system. The metrorail system is an essential part of our National Capital transportation system and because she ran it so well it made our task so much easier here in Congress, to pass supportive legislation. As I recall, the Washington Metro System won the 1988 American Public Transit Association's highest honor.

Our Nation and this city has lost an outstanding leader, Washingtonian, and friend, one with demonstrated intellect and compassion. I am proud to give these remarks today about a truly outstanding woman and African American.

Mr. WOLF. Mr. Speaker, it is with sadness that I address the House today to bring to my colleagues' attention the tragic death of Carmen E. Turner, Under Secretary of the Smithsonian Institution and former general manager of the Washington Metropolitan Area Transit Authority. Mrs. Turner, who was 61 years old, passed away today at Washington Hospital Center after a battle with cancer.

I had the privilege of working with Carmen Turner while she was at Metro and also most recently in her new position at the Smithsonian. She was a dedicated public servant and a truly wonderful person. Under her guidance and indomitable spirit, Washington's Metro System came of age, so to speak. It was under her leadership that Metro expanded by 40 percent to serve a wider area of the Nation's Capital region. It was also Carmen Turner's persuasive professionalism which convinced the Congress to fund the completion of the full 103-mile metro system. It was nearly impossible to say no to Carmen Turner.

After her distinguished career at the helm at Metro, she moved in late 1990 to the Smithsonian, where she was the chief operating officer and to where she brought that same successful leadership style that had served her so well in the transit industry.

The Nation and the Washington metropolitan region have lost a true leader and friend. I offer our sympathy to her husband and family.

Mr. Speaker, I would like to share the following news release from the Smithsonian about the death of Mrs. Turner:

CARMEN E. TURNER, SMITHSONIAN UNDER SECRETARY, DIES

Carmen E. Turner, under secretary of the Smithsonian since mid-December 1990, died today (April 9) of cancer. She was 61 years old. Mrs. Turner died in Washington Hospital Center.

As under secretary of the Smithsonian, Turner was the Chief Operating Officer and second ranking official at the Smithsonian and was responsible for the day-to-day operations of the world's largest museum and research complex. The Smithsonian operate 15 museums and galleries, the National Zoological Park and research facilities in eight states and the Republic of Panama. Its total net budget in fiscal year 1992 is $429.2 million, including federal and trust funds. The institution has approximately 6,500 employees.

"We have lost a wise, compassionate, wonderfully dedicated and far-seeing leader, friend and colleague," Robert McC. Adams, Secretary of the Smithsonian said. "In the all-too-brief period of service to the Smithsonian that was allowed to her, she humanized and transformed our ideas of management itself. It is given to very, very few among us to make the permanent improvements she did in diverse institutions whose purpose is to serve and reach out to people. Her spirit and example will live on in our work."

Mrs. Turner had previously served as general manager of the Washington Metropolitan Area Transit Authority, chief executive officer of Metro, the second largest rail-transit and forth largest bus-transit system in the United States, since July 1983. In that capacity, she developed and managed a $615 million annual operating budget and a $100 million annual capital budget for an organization with approximately 9,000 employees.

Under her leadership, the Metrorail system grew from 42.37 miles and 47 stations to 73 miles and 63 stations, expanding by 40 percent. In the fall of 1990, Mrs. Turner secured a firm commitment from Congress to fund the completion of the full 103-mile Metrorail system.

Turner, a native of New Jersey, grew up in Washington, D.C. She received a bachelor's degree in government from Howard University in 1968 and a master's degree in public administration from the American University in 1972. She joined Metro in 1977 as assistant general manager for administration.

Prior to joining Metro, she worked from 1970 to 1977 in the U.S. Department of Transportation in civil rights and equal employment opportunity programs in a variety of positions, including acting director for civil rights (1976 to 1977).

Turner had received many honors and awards for her work at Metro and her service to the community, including an honorary doctor of humane letters from the University of the District of Columbia (1990) and from Southeastern University (1987). She received an honorary doctor of laws degree from Youngstown State University in 1986.

In October 1988, the American Public Transit Association chose WMATA to receive its Public Transit Agency Outstanding Achievement Award, given annually to the top transit agency in North America. This was followed in 1989 with APTA presenting Mrs. Turner with the Jesse L. Haugh award, given annually to the transit manager of the year "who has done the most to advance the urban transit industry in the United States and Canada."

She was named Washingtonian of the Year by Washingtonian magazine in 1987, Distinguished Citizen of the Region by the Greater Washington Research Center (1986), Distinguished Black Woman of the Year by the Black Women in Sisterhood Action (1986) and Woman of the Year by the YWCA National Capital Region (1985).

She received alumni recognition awards from American University in 1986 and from Howard University in 1984.

A dedicated volunteer, Mrs. Turner was a past and present member of many community groups. She has been serving as a member of the boards of trustees of Howard University, George Washington University and WETA-TV. In 1988, she was appointed cochair of the D.C. Committee on Public Education, a committee established by the Federal City Council to conduct an independent assessment of the public schools in the District of Columbia and to develop a long-range plan to improve them. The plan was presented in June 1989. Mrs. Turner was also the cofounder of the Conference of Minority Transit Officials.

Mrs. Turner was a resident of Washington, D.C. She is survived by her husband, Frederick Turner Jr.; two grown sons—Frederick B. Turner III, of Canoga Park, Calif.; and Douglas P. Turner of Washington, D.C.—two granddaughters, Morgan and Lindsey; her mother, Carmen Pawley, and a Sister, Dolores Dickerson, both the Silver Spring Md.

A viewing will be held at McGuire Funeral Home, 7400 Georgia Ave., Washington, D.C., at 6 p.m., Sunday April 12. A memorial service will be held Monday, April 13, at 11 a.m., in Washington National Cathedral. Plans for a memorial service at the Smithsonian Institution will be announced.

Ms. NORTON. Mr. Speaker, I rise to commemorate the life of Carmen E. Turner, Under Secretary of the Smithsonian Institution, who died this morning after a life of service to the District of Columbia, the metropolitan region, and our country. Carmen was a great and unforgettable friend, a uniquely accomplished professional, and an instinctive public servant.

Carmen Turner's work as general manager at the Washington Metropolitan Area Transit Authority is admired by many Members of Congress and millions of tourists. She had a special way with Congress, which respected her skill so much that she won funds for an unprecedented expansion of the system and a commitment to complete it. Carmen left the WMATA the second largest rail and fourth largest bus transit system in the country. Carmen Turner's Metro was honored as the Nation's best transit agency, and she was named the transit manager "who has done the most to advance the urban transit industry in the United States."

Carmen Turner's excellence as an administrator led another great institution to call her to service, and after 7 years of excellence at Metro, Carmen brought her skills to the Smithsonian as its second highest officer.

Carmen gave the words "role model" new meaning. A graduate of Dunbar High School and Howard University, she nevertheless started as a typist in the Federal Government. But as discrimination diminished, she progressed in the federal system until she left to join Metro. There, she quickly rose from an assistant general manager to run the agency.

"Washingtonian of the Year," "Distinguished Citizen of the Region," "Woman of the Year," "Distinguished Black Woman of the Year,"—there was no honor Carmen Turner did not get or deserve.

To know Carmen, however, was to admire her for far more than her consummate professional skill and her breakthroughs to new heights for women and people of color. Carmen was all human, all compassion, all heart—and all business. Carmen, the rarest of combinations, put it all together and gave it her all. She was so radiant that her light still shines across this city and this region. I have lost a wonderful friend. Washington has lost that and much more.

Mr. MCMILLEN of Maryland. Mr. Speaker, today, is a sad day for the Washington community as it loses one of its finest citizens. Carmen Turner served this community with remarkable competency and personal character. Her rise through the ranks from a GS-2 clerk-typist to general manager of the Washington Metropolitan Area Transit Authority until her final accomplishment as chief operating officer of the Smithsonian has been marked by charm, character, and conviction.

I am pleased and grateful that I had the opportunity to work with Carmen Turner when she was the director of Metro. Her far-reaching leadership and dedicated management style kept Metro growing while also effectively addressing the day-to-day challenges of Washington's intricate mass transit system. Much of the national acclaim given to Metro is a direct result of the talents of Carmen Turner.

Carmen Turner was a leader with a strong, unflappable, and responsive manner that won

her admiration and respect from anyone who came in contact with her. The Washington community will miss this very fine person. I pass my condolences onto her family and wish them well in these difficult times. I hope that the sadness they feel today can be tempered in some way by the community's outpouring of respect and affection for Carmen Turner.

Once again, my condolences to her family, Carmen Turner will be truly missed.

SAM WALTON, AN AMERICAN ORIGINAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 30 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, this past Sunday our Nation lost one of its truly great citizens—Samuel Moore Walton, better known to those of us in northwest Arkansas as Mr. Sam.

As the founder of Wal-Mart Stores, Inc., Sam Walton revolutionized the retail market in this country. Starting with a single store in 1962 at the age of 44, he went on to build an empire that currently encompasses over 2,000 stores and subsidiaries. He accomplished this feat building upon a very basic prinicple—provide the customer with a quality product at the lowest price in a friendly and helpful environment.

I was privileged to know Sam for over 30 years. In fact, the Waltons opened their second Wal-Mart store across the street from my family's lumber company in 1964. Yet, despite his great success, he never lost his down-to-earth commonsense approach to life or his ability to talk to all kinds of people.

Sam Walton was more than just a marketing genius—he was an individual who lived his life in a selfless manner, always looking for ways in which he could better the lives of his fellow man. He was a man who loved his family and loved his employees or "associates" as he liked to call them.

Last month, I was honored to travel with the President and Senator PRYOR to Arkansas where the President presented Sam with our Nation's highest civilian award, the Medal of Freedom. In presenting this honor to him, the President outlined his success in business and in life. In accepting the award, and I might add in typical Sam Walton fashion, he immediately shared the credit saying "this is a labor of a partnership, a labor of folks who have pulled together and have enjoyed what they have done and have become partners in what we have accomplished."

As the President said this past Sunday, Sam Walton was an American original who embodied the entrepreneurial spirit and epitomized the American dream. His commitment to family and selfless giving to others is an example to us all.

Sam Walton touched the lives of thousands of people and families, both collectively and individually. The world is a better place for many because of his life and faith.

My family and I extend our heartfelt condolences to the entire Walton family. Mr. Sam will be sorely missed.

Mr. Speaker, I know my colleagues would be interested in the following articles, which chronicle the amazing, wonderful, and productive life of Samuel Moore Walton.

[From the Arkansas Democrat Gazette, Apr. 7, 1992]

SAM WALTON

The Democrat-Gazette joins Arkansans and Americans everywhere today in taking sad and solemn pause in remembrance of populist hero Sam Walton, 74, the unpretentious founder of Wal-Mart.

He may have been the most successful businessman of this century, but his vast wealth never diminished his need to remain a friend among hometown neighbors and to be one of them. The sight of Sam Walton wearing his Wal-Mart cap and driving his pickup truck around Bentonville will be sorely missed.

Sam Walton lost his courageous fight against complications of bone cancer Sunday morning, barely two weeks after President Bush had bestowed upon him the nation's highest civilian award—the Medal of Freedom.

"Mr. Sam," as he was fondly known to his 380,000-member Wal-Mart family, truly was one of the thousand points of light the president mentions often—an institution, not only to them and his beloved family, but to most other Americans as well.

As President Bush said in presenting the medal, Sam Walton epitomized what's good about America. And we'll add, certainly good for Arkansas. As everyone knows, Mr. Sam made things good for Arkansas in more ways than can be counted. In describing Sam Walton, adjectives such as "genuine," "selfless" "generous" somehow seem as inadequate as trying to list his philanthropic gifts, which are so well-known among educational institutions, Arkansas Children's Hospital and members of his religious denomination.

What irony there was in Mr. Sam's rise to the pinnacle of the retailing world, having begun as a J.C. Penney Co., trainee in 1940, only to later surpass that national chain's retail sales with his own retailing enterprise.

Walton first founded a small group of Ben Franklin five-and-dime stores before establishing his first Wal-Mart discount store in 1962 at the age of 44. The chain's meteoric rise from that single store is now history, having resulted in today's 2,000 stores and subsidiaries, which last year topped Sears, its last remaining obstacle, by posting sales totaling $43.9 billion.

Though the amassing of such a vast fortune was phenomenal, Sam Walton was about much more than wealth, as President Bush observed during his visit to Wal-Mart headquarters. Walton's hard work, his vision, the risks he took to help his company grow bigger and stronger, his "Buy American" campaign, his ability to listen to and bring out the best in people are the things most fondly remembered.

Typically, "Mr. Sam's" response was to give his employees the credit. "This is a labor of folks who have pulled together and enjoyed what they've done, and become partners," he said. "They deserve all the credit. I've helped . . . and the greatest thing is that we've gotten ideas from all 380,000 people in this company . . . that's the secret."

Only his family meant more to him than his associates, said Wal-Mart President and Chief Executive Officer David D. Glass. "Literally, his second home was a Wal-Mart store somewhere in America." And he often said that he was always comfortable there, surrounded by associates and customers.

It's hard to think of any Arkansan who accomplished more in his lifetime, or had more of an impact on not only Arkansas but small town America, than Sam Walton.

Considering that Walton did not open his first discount store until age 44, perhaps his greatest legacy will be as an inspiration to thousands of future entrepreneurs. They couldn't have a better role model.

Arkansas and America have lost a great man, one who will be missed but always remembered and revered.

[From the Northwest Arkansas Times, Monday, Apr. 6, 1992]

WALTON TOUCHED US ALL

It is a rare man whose death can be said to be a loss to the entire nation. But the life of San Moore Walton has ended with just that kind of outpouring, and Northwest Arkansas mourns with the rest of the country. We genuinely grieve for this man who meant so much to us all, and whether or not we knew him personally, it always seemed that he knew us.

Walton, 74, died Sunday in Little Rock after a long, harrowing battle with cancer. Much as it hurt, everyone realized Walton would probably lose this round with the disease, so in recent weeks, those who knew him have simply waited and watched as one of America's premier businessmen and an inspiration to so many did battle, and reflect on the contributions he has made to our way of life.

Walton was and is on icon. How many people can take their small business to the grand heights Walton did with his? How many can lay claim to the fact that they, without the usual flash and hype, was such an innovator and yet never lost his common touch with the people who helped make him what he was?

Sam Walton's gift was that despite his tireless work and salesmanship, he made it look easy. He reminded us that the American dream is still attainable, and proved it.

With his cheerleading leadership style and patriotic dedication to American commerce, Walton put on all the trappings of the dedicated salesman that he was, but he was also a moralist, and never put himself at the center of his success. The credit, he always said, went to someone else.

Even when he was ranked as America's richest man in an era when the U.S. economy was beginning to dwindle a few years ago, Walton maintained his modesty about his achievement, and always kept in touch with the people he felt closest to.

Walton himself was a regular fixture around downtown Bentonville, and his pickup truck was a familiar sight anywhere he went. He always believed that those who profited should give something back to their communities, and he lived by this philosophy. We needn't travel far to see the many contributions he made to our area, or the many tributes paid to him in return.

Walton, it has been said, created an entire American culture around his business, and made our state the envy of the nation.

There was much to learn from this man, and we hope our country has taken the opportunity to do so. It would be impossible to duplicate what Sam Walton did, since there will never be another like him, but at least we had the chance to see such a man in action, and to have gained something from his wisdom.

[From the Washington Post, Apr. 7, 1992]

SAM WALTON

Sam Walton was as direct and unglamorous as his business, which consisted

mostly of finding out what people wanted and selling it to them at the lowest possible price. Although he was, by the mid-'80s, considered the world's richest man, chances are that if you lived in the urban Northeast you didn't know much about him or his principal works: the hundreds of discount department stores that have helped transform much of small-town America. In fact, he did little to draw attention to himself, unless driving an old pickup truck and continuing to lead a simple Arkansas existence could be considered an oblique bid for notoriety.

Mr. Sam—as he liked to be called by his employees, whom he liked in turn to call "associates"—had the idea some 30 years ago that there was big business to be done in small towns, much bigger than was being done in the 15 Ben Franklin five-and-dime francheses he and his brother had acquired since starting with a single store in Arkansas in 1945. He set out on his own in 1962 to build a chain. By the time of his death this week at 74, there were more than 1,700 Wal-Marts, mostly in the South and Midwest, with annual sales well over $40 billion.

The pattern with Wal-Mart has been to scout out promising towns and open a store nearby that combines under one vast roof much of the merchandise available in an old-fashioned town center, from drugs to clothes to bicycles. Understandably enough, Mr. Walton has been criticized as a despoiler of downtowns because of the many small merchants driven out of business by his relentless cost-cutting and low prices. But he was hardly the first to realize that Main Streets were being replaced by parking lots, and there is no denying that the demand was there for what Wal-Marts offered: low prices, convenience and helpful clerks.

He drove himself hard until near the end of his life, generally getting to work at 4:30 a.m. and going at high speed all day long. He was also a hard driver of others. The "associates" have never received high salaries, but they are encouraged to take advantage of company stock plans, which have been lucrative for many of them and no doubt encourage a greater attention to making the stores work. Mr. Walton seems to have conducted a lifelong war against complacency, within both his company and himself. Perhaps he disdained the trappings of wealth out of a fear that he would lose his feel for what it takes to meet the simpler needs of ordinary people. No one had better cause to know how demanding a business that can be.

[From the Associated Press]

AFTER REACHING FIRST GOAL, WALTON DIDN'T LIMIT HIMSELF ON FIVE-YEAR PLANS

BENTONVILLE, AR.—A longtime friend of Sam Walton said the founder of what became the nation's largest retailer hoped in the early years eventually to have 25 to 50 stores.

When the 74-year-old billionaire died Sunday, 1,735 Wal-Mart stores and 212 Sam's Club stores were in operation.

A.L. Miles of Bentonville worked for Walton for 23 years, retiring in 1991 as executive vice president for special projects.

"He was my hero almost my idol if God would let us have one on Earth," Miles said in a copyright story Sunday in a special issue of the Benton County Daily Record. "It is kind of a cliche to say it this way, but right now Mr. Sam is organizing folks in heaven to get together to see what they can do for the folks down here on Earth."

Miles said that in the early days 25-50 stores seemed an impossible goal.

"Once we achieved it, he would continue to write out his five-year plan on a legal pad, but he never again put a figure to the number of stores he wanted," Miles said. "He would talk about osmosis of the stores taking this good store and spreading it across the world, not the United States but the world. And that will happen, spreading across the world, because of his partners.

Another longtime friend remembers the day the name Wal-Mart came into being.

The Wal-Mart name was coined one day while flying over Mount Gaylor on the way to Fort Smith, Bob Bogle explained.

"He (Walton) jerked a card out of his pocket while he was tootling along," said Bogle, who worked for Walton from 1955 until 1982. "He scribbled three or four names and said that he had to name the store he was putting in Rogers.

"He couldn't call it a Ben Franklin because another man had the franchise in Rogers.

"He had three or four words in each name and asked me to pick. I look at them and, knowing how much signs cost, knew to keep it simple. I scribbled Walmart the squiggly (hyphen) didn't come along until later.

"He looked at it, said, 'Huh,' and stuck it in his pocket. I didn't hear anything and a few days later was checking out the building and I saw the sign painter climbing up a ladder. I looked have to be Vanna White to figure out the name. Now I see it in hundreds of places."

Charlie Cate of Rogers, who started working for Walton as a stock boy in 1954 and worked in management when he retired in 1981, said Walton was a father figure.

"I've lost a good friend and a legend," Cate said. "Sam Walton is like a daddy, and he was certainly the fairest man I've ever met. He was the most honest man I ever saw in the retail business."

Cate said he's the only person who ever saw Walton crash an airplane.

"It happened in 1958 in Kansas City," Cate said, noting that Walton had visited a store in Kansas City and Cate was taking him back to the airport. "There was 18 inches of snow on the ground and I was worried he wouldn't make it, so I stayed to watch. A crosswind caught him and he nosed over and totaled that plane. We always laughed about it that I'm the only one who ever saw him crash."

Bogle said Walton often took his dogs with him on hunting trips.

"Old Roy (after which the company's dog food was named) would go in the airplane everywhere," Bogle said. "That dog attended a lot of Wal-Mart meetings." He laughed. "And as recently as two or three years ago, he flew home from (a hunting camp in) south Texas with Helen and eight dogs. There were four in cages, and four loose in the plane. It takes quite a devoted wife to go on a ride like that."

[From the Arkansas Democrat Gazette, April 6, 1992]

BILLIONAIRE SAM WALTON, 74, DIES

(By Andrea Harter)

Sam Walton, who piloted Wal-Mart Stores Inc. to heights never before reached in the world of retailing, died Sunday from complications related to cancer.

Walton, 74, who had been at University Hospital in Little Rock since March 26, died at 8 a.m. Sunday.

The family has requested a private funeral service. Walton will be buried Tuesday in Bentonville.

No public memorial service has been announced.

Wal-Mart President and Chief Executive Officer David D. Glass notified the 380,000 employees of Walton's death over the Wal-Mart radio network which links more than 2,000 Wal-Mart related stores and subsidiaries by satellite.

Flags at the general offices in Bentonville and Wal-Mart stores across the nations were lowered to half-staff.

"I speak for Wal-Mart associates across the nation when I say we have lost more than our chairman and founder...we have lost a friend. For many of us, a mentor," Glass said in a prepared statement.

"Only his family meant more to Sam Walton than his beloved associates. Literally, his second home was a Wal-Mart store somewhere in America," Glass said.

"Sam said many times he was always comfortable there, surrounded by associates and customers," he added.

"We miss him deeply," Glass said.

"But what he taught us, instilled in us; to respect the value of each individual, that the customer is always right, and the love for God and country, will live on forever.

The family asked that memorials be made to the Arkansas Cancer Research Center or the First Presbyterian Church Endowment Fund for Missions. Accounts have been established at the Bank of Bentonville.

Walton's son, S. Robson Walton, issued a statement saying the family would not sell any of its stock. The Waltons own an estimated 38 percent of the outstanding shares, valued at between $20 billion and $23 billion.

The company said no management changes are planned.

In 1982, Sam Walton was diagnosed with hairy cell leukemia, but interferon treatments helped him send the disease into remission.

In 1989, Walton was diagnosed with multiple myeloma, or bone marrow cancer. In his second bout with cancer, he underwent extensive chemotherapy, radiation treatments and took experimental medicine.

Walton's last public appearance was in front of his employees, or "associates" as he called them, when the retailer accepted the Medal of Freedom from President Bush on March 17 at corporate headquarters in Bentonville.

Using a wheelchair and struggling for strength to speak, Walton called Bush's visit the "highlight of our career, my career and of our entire company. It is a memorable day for Bentonville, and we will always remember it."

Walton had been hospitalized several times in Houston and Arkansas since January.

He is survived by his wife, Helen; a brother, J.L. "Bud" Walton of Bentonville; three sons, S. Robson Walton and James Walton of Bentonville, and John Walton of National City, Calif.; a daughter, Alice Walton of Lowell, and 10 grandchildren.

At news of his death, many employees at central Arkansas Wal-Mart stores on Sunday donned black ribbons on their work clothes and displayed photographs of Walton at their stores.

Samuel Moore Walton was known as "Mr. Sam" to employees and customers alike. He defied conventional retailing wisdom in the 1960s when he put discount stores in small towns, which other retailers had ignored while looking for larger markets.

What resulted is a retailing empire stretching across 43 states in 1,735 Wal-Mart stores and 212 Sam's Club wholesale warehouse stores. Wal-Mart has more than 400,000 employees.

At Walton's death, Wal-Mart had more than $43.8 billion in annual sales and was the nation's largest retail chain, surpassing Kmart and Sears Roebuck & Co.

His success made him one of the wealthiest people in America. In recent years, he spread his wealth among family members.

From Wal-Mart's headquarters in Bentonville, Walton built his retailing empire with a blend of sharp business sense, boundless energy and a common touch that set him apart as a business leader.

"He was a man who never wanted the store lights to go out," Gary Reinboth, a retired Wal-Mart Stores Inc. regional vice president, said. Reinboth was handpicked by Walton in 1964 to nurture the then-infant concept of nationwide discount stores.

IN THE BEGINNING

Sam and Bud Walton operated a chain of 15 Ben Franklin Stores when in 1962 they opened the first Wal-Mart Discount City store in Rogers.

Walton, who cut his retailing teeth as a trainee at a J.C. Penney store in Des Moines, Iowa, and became a successful Ben Franklin franchisee, began Wal-Mart as an experiment.

Working with their Ben Franklin stores, Walton and his brother learned that they could operate large stores in small towns.

In a 1987 interview for the 25th anniversary of *Wal-Mart World*, a company publication, Walton said they were doing an inordinate amount of business in a 15,000-square-foot store. The volume was out of character for a town of 2,000 people, he said.

The Waltons approached Ben Franklin executives with an idea of putting large stores in rural centers that would sell a high volume of goods at very low margins. Company officials, who scoffed at them, couldn't see any value in it, Sam Walton recalled.

DISAPPOINTMENT

Disappointed with the lack of enthusiasm at Ben Franklin, the Waltons decided to go out on their own. Their 16,000-square-foot Rogers store was stocked with anything Sam Walton could buy at discounted wholesale prices. It did $975,000 in sales the first year.

In a 1979 interview, Sam Walton said he did not decide he was going to have a string of discount department stores in small towns. He added that early on he did not set a sales goal.

Rather, he said, he started out with one store, and it did well. It was then a challenge to see if he could do well with a few more. When he did well with them, he opened a few more, he said.

It was two years before the second Wal-Mart was opened in Harrison, but the pace picked up as the chain opened store after store.

The company targeted rural towns, creating epicenters of commerce that reshaped Main Street America in the South.

With Walton's increasing buying power and knowledge of exactly what was needed for a healthy profit margin, Wal-Mart was able to undercut most Main Street merchants' prices. Many of those merchants became bitter critics of the Wal-Mart phenomenon.

MOVING UP

In calendar 1970, the company had 38 stores and $44 million in sales. Moving rapidly, the company in calendar 1980 climbed to 246 stores and $1.248 billion in sales. By fiscal 1985, it had 745 stores and $6.4 billion in sales, and in fiscal 1990, 1,402 stores and $25.8 billion in sales.

At the company's 1991 annual meeting in Fayetteville, Walton said the company would likely have $100 billion in sales by the end of the decade. The company has a goal of $54 billion in sales for the current fiscal year.

Underwritten by Stephens Inc. of Little Rock and White, Weld & Co., New York, Wal-Mart had its first stock offering in 1970.

The stock has split nine times in 22 years, each in a 2-for-1 transaction.

In recent years, Walton set up a management team that is expected to keep the company strong and on the path he cleared long before he died.

Walton's first-born, Rob Walton, is vice chairman of the company. Bud Walton, Sam Walton's younger brother, is a senior vice-president and director.

A charismatic man—known to wear moderately priced suits, casual shoes and an ever-present Wal-Mart baseball cap—Sam Walton said there was no genius involved in his success. It was more a matter of circumstance and luck, he said.

But many observers noted that he combined luck wiht great retailing talent and a solid corporate culture that transformed small-town America and mass merchandising.

Discounting was a tolerated stepchild to mainstream retailing when Sam Walton started his chain. By the 1980s, however, he and his Wal-Mart team had put together stores that drew customers in furs and high heels, as well as those in sneakers and sweat shirts.

"Wal-Mart has certainly written the most significant chapter in retailing history, and they've done it in an extremely quick fashion," said Don Spindel, an analyst with A.G. Edwards & Sons in St. Louis. "Their meteoric rise to the top has not been paralleled."

Despite its success, Wal-Mart has had its share of difficulties.

For example, Wal-Mart was underfinanced to the point of panic at times during the early years. One of its saviors was James H. Jones, a former New Orleans banker who is now on the Wal-Mart board of directors, according to author Vance Trimble in his unauthorized biography of Sam Walton.

To see how Walton built his company requires a look at his origins.

Sam Walton was born in Kingfisher, Okla., the sone of Nancy and Thomas Walton. His mother died in 1950 of cancer at age 52. His father died at age 92.

OVERACHIEVING NATURE

Sam Walton's overachieving nature was visible at an early age.

Thomas Walton was quoted by Trimble as saying that his main goal as a father was "teaching the boys to work, work and work."

The Waltons moved from Oklahoma to Columbia, Mo., while Sam Walton was still young.

He was voted "Most Versatile Boy" by his Missouri high school classmates.

His leadership ability was seen as early as 1936 when, in spite of the nickname "Stumbling Sam," he quarterbacked his high school football team to an unbeaten, untied season.

After high school, he stayed in Columbia, where he attended the university of Missouri and earned a degree in economics in 1940.

He was labeled a "tough scrapper" and "Hustler Walton" by his University of Missouri fraternity brothers.

His plan had been to go into insurance, but during college he became interested in retail. Upon graduation, he joined J.C. Penney Co. Inc. as a trainee.

Walton's career at Penney's ended when he joined the Army, where he served as a captain in the Army Intelligence Corps. He married Helen Robson on Feb. 14, 1943, in Claremore, Okla.

Walton took up retailing again when he left the service in 1945, buying the Ben Franklin franchise in Newport, Ark. By 1947, he had opened a second store in Newport called the Eagle store.

"When Sam came to Newport, he wanted to learn from everybody," said Tom Jefferson, district manager of a Sterling Variety Store across the street from the Walton-franchised Ben Franklin store.

"He believed in people and those who worked for him. Well, he wanted them to have everything he had—drive and success," Jefferson said.

Jefferson joined Wal-Mart in 1972 and worked for the company for 15 years, most of the time as a Walton confidant and executive vice president of store operations.

TURNING POINT

Sam Walton reached a turning point in 1950 when he lost the lease on the Ben Franklin store in Newport. Details of the event are told by Trimble in his book.

Walton achieved success in Newport from 1945–50 with a $25,000 initial investment from his father-in-law. The growth of his business eventually caused its demise.

Walton was in competition with P.K. Holmes, a businessman who owned a department store and the building for Walton's Ben Franklin store. When Walton's lease was up for renewal, Holmes refused to negotiate an additional term.

Before leaving Newport in 1950, Walton rented a building next to the Sterling store, another of his competitors, to block its expansion. He then turned to Siloam Springs.

A Siloam Springs shopowner wanted $5,000 more for his shop than Walton was willing to pay, so Walton headed north to Bentonville, where he found an aging merchandiser looking to sell his town-square business.

Walton bought a Bentonville store for $15,000 and opened a Walton's five-and-ten-cent store.

The building still stands today, and in May 1990 was reopened by Wal-Mart as a visitors center with displays and information on the history of the company.

Walton moved his wife and four children into a rented house and nailed an orange crate to the wall at the Bentonville store for use as a bookshelf. With two sawhorses and a sheet of plywood, he fashioned a desk.

It was in Bentonville that the idea for a national chain of discount stores began to take shape, corporate historians say.

Wal-Mart directly employs more than 3,000 in its general offices in Bentonville, and in four distribution warehouses and support industries.

BIG ACCOMPLISHMENT

On May 11, 1950, the *Benton County Democrat* (later purchased by Walton and renamed the *Benton County Daily Record*), hailed the arrival of the new retailer, saying, "it is a big accomplishment to have people such as the Waltons come here to live. This is a fine family, and their progressive plans mean much to the business life of this city."

With a twist of fate and timely financial backing, Walton could have made Little Rock his home, and mall developing his life's focus.

Early in his career, he tried to develop Arkansas' first shopping mall in Little Rock, where Park Plaza now stands. He failed for lack of capital.

W.R. "Witt" Stephens, founder of Little Rock's Stephens Inc. and another Akansas business legend, bought out Walton and developed the project.

Walton has received numerous prestigious retailing and business awards since 1978.

In 1984, he received the Horatio Alger Award from the Horatio Alger Association of

Distinguished Americans, based in Alexandria, Va.

The annual award is presented to individuals whose initiative and efforts led to significant career success.

A compulsive worker, Walton carried his work with him into quail-hunting fields and onto tennis courts, sites of his two main non-Wal-Mart hobbies, said Ron Loveless, a retired Wal-Mart executive who had know Walton most of his life.

"He was 100 percent business 100 percent of the time," Loveless said.

Loveless' mother was the Walton housekeeper, and Ron Loveless was privy to an inside glimpse of the man who is credited with rewriting the standards for retail sales and customer service, now known as the Wal-Mart way."

'It wasn't hard to know his routine. In the early days he was at work about 4 a.m., checked the mail and paperwork until about 7 a.m., then he hit the stores," Loveless said.

When the Sam's Club wholesale concept emerged in 1983, "it was an exciting time for the company," Loveless said.

Walton made no secret of scoping out the competition for good retailing ideas.

The Sam's Club idea came from the California-based Price Club chain.

"People often asked, 'Was he just ambitous, or was he power hungry? . . . I say no. He just wanted to be the best at everything," Loveless said. "I've seen entire company policy change in one day over one constructive comment submitted by a stockman."

IMMENSE IMPACT

Walton had an immense impact on Arkansas, especially the northwestern corner of the state.

"Every man, woman and child who understands how the economy works should thank Sam Walton for our prosperity in Northwest Arkansas," said George Westmoreland, a first vice president for Merrill, Lynch, Pierce Fenner & Smith.

Walton served on the Bentonville City Council and was president of the Bentonville Chamber of Commerce.

His family, which gave $5 million to the University of Arkansas at Fayetteville for construction of a performing arts center, also gives generously to other schools.

Loveless, who declined a college education promised by Walton, decided to enter the Wal-Mart chain as a pet department worker.

"It got into you blood. You just wanted to be like him," Loveless said. Loveless retired five years ago as head of the Sam's Club division.

Walton retired for a short time in 1974, but after a 20-month leave returned to the company, saying he couldn't keep "my hands out of it."

While Wal-Mart was making money in the late 1970s and early 1980s, organizers unsuccessfully tried to unionize company employees.

UNION TALK

In response to union talk, Walton devised a profit-sharing plan that has made several Northwest Arkansas residents millionaires, or at the very least, handsomely wealthy.

Still, the retail company has drawn criticism over the years for employing many part-time workers not privy to health-care insurance benefits.

More recently, manufacturers' sales representatives have begun a national campaign to try to change Wal-Mart's relatively new policy of dealing only with most vendors' top officials, bypassing the sales representatives.

Walton's retailing success in Oklahoma, Missouri, Kansas and Arkansas drew him into other ventures.

Walton entered banking in 1961 when he bought, with a loan co-signed with his wife, Helen, the Bank of Bentonville for $350,000.

The Bank of Bentonville is now the flagship bank for the Walton bank holding company, Arvest Bank Group, which has 10 banks stretching from Fayetteville to Bella Vista.

Arvest also has a half interest in a Norman, Okla., bank and in August 1991 bought State Bank N.A. in Tulsa in an attempt to gain a large business stake in the oil town's economy.

ARVEST BANK GROUP

Arvest Bank Group has assets in excess of $1 billion, with the Bank of Bentonville holding about $300 million in assets.

Walton, in 1987 introduced Hypermart, based in Garland, Texas. Hypermart is a gigantic Wal-Mart Discount City store that includes a full-scale grocery.

In the late 1980s and early 1990s, Walton downsized the Hypermart concept into the newest, fastest-growing segment of the company—Supercenters.

There will be six Supercenters in Arkansas by the end of 1992, with Bentonville's showcase store scheduled to open in May.

In 1991, the company expanded into Mexico, opening a Sam's Club version of its store through a partnership with Cifra S.A., Mexico's largest retailer. Also, Wal-Mart is nearing completion of its first non-mainland store in Puerto Rico.

In February, Walton announced that he had signed a deal with Doubleday, a New York publishing house, to write his autobiography with the help of John Huey, senior editor of Fortune magazine.

Walton reportedly received an advance of $4 million for the rights to his story, which company officials said would be donated to charity.

As for the formula behind Walton's achievements, "There was only one secret for Wal-Mart success, and it wasn't a secret. People just couldn't believe it was so simple," retired Wal-Mart executive Gary Reinboth said. "It was the customer."

"Many times we could have changed our liberal (merchandise) return policy and saved some money," Reinboth said.

"But it didn't pay dividends to take care of a customer by turning him away," he said. "That point was always driven home by Sam. His mind was always working."

Searching and scraping for ideas, Walton was never at a loss for words when rallying his employees.

In a 1982 company publication about his life-threatening illness, Walton told his employees:

"If I'm to have a health problem, I'm really fortunate to have this type of disorder," he wrote.

"I am completely confident, too, that with the right treatment, I'll be able to continue doing things I enjoy most for at least another 20 or 25 years."

"The last thing I need or want would be undue sympathy or undue conversation concerning my health."

TO COMMEMORATE THE 50TH ANNIVERSARY OF THE CORO FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PETERSON] is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased and honored to join with my colleagues here today to commemorate the 50th anniversary of the Coro Foundation for Public Affairs. As my predecessors have indicated, Coro had its beginning in 1942 in San Francisco, CA. Since then Coro has opened additional training centers in Los Angeles, New York, Kansas City, and in 1973, a center to serve the Midwest in St. Louis, MI.

The St. Louis center is, in every sense of the word, a midwestern center. Its graduates hail from a number of States surrounding Missouri, including Illinois, Texas, Oklahoma, and my home State, Minnesota. Coro Midwest makes an active effort to recruit young people from Minnesota in order to add diversity of experience and perspective to their classes of trainees.

The Coro Fellows in the St. Louis center use the entire Midwest as their training campus. For example, in 1987, the St. Louis class of fellows traveled to St. Paul, MN, to study State government there. I am proud to say that my home State was selected for study because of its fine reputation for honest politics, progressive approach to public policy, and fine quality of life enjoyed by the citizens of Minnesota.

The Coro Foundation in the last 50 years has trained thousands of people in public affairs. A number of these graduates have gone on to distinguished careers, including the Cabinet, media, the foreign service, and the nonprofit sector. I am confident that our country has benefited in many unrecognized ways from the contributions of Coro graduates. I send my heartiest congratulations to the Coro Foundation on this, their 50th anniversary, and I extend my sincerest wishes for another 50 successful years.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992–96

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

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the fifth report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102–69, the conference re-

port to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 8, 1992.

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

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 121

REFLECTING COMPLETED ACTION AS OF APR. 7, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year 1992	Fiscal years 1992–96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,277,082	(1)
Outlays	1,207,718	(1)
Revenues	853,364	4,829,000
Current level over (+)/under (−) appropriate level:		
Budget authority	+7,782	(1)
Outlays	+6,119	(1)
Revenues	+2,964	−3,000

[1] Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and 2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $2,964 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in million of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
House committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	(1)
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	0
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level		0	0	0	4	0
Difference	0	0	−56	0	+4	−20,153
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2		+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(1)	0	0	(1)
Difference			(1)			(1)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514	0	0	113,048	0	0
Difference	+2,156	0	0	−4,751	0	0
Science Space, and Technology:						
Appropriate level	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in million of dollars]

	1992		New entitlement authority	1992–96		New entitlement authority
	Budget authority	Outlays		Budget authority	Outlays	
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	0	5	378	0	19	2,182
Difference	0	+5	−106	0	+19	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	7,036	7,036	8,036	7,458	7,458	9,098
Difference	+7,036	+7,036	+8,036	+7,458	+7,458	+8,478
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	(1)

[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-Judiciary	21,070	20,714	21,029	20,708	−41	−6
Defense	270,244	275,222	269,860	275,038	−384	−184
District of Columbia	700	690	700	690	0	0
Energy and water development	21,875	20,770	21,875	20,720	0	−50
Foreign operations	15,285	13,556	14,448	13,470	−837	−86
Interior	13,102	12,050	13,105	12,198	3	148
Labor, Health and Human Services, and Education	59,087	57,797	59,096	57,843	9	46
Legislative	2,344	2,317	2,343	2,310	−1	−7
Military construction	8,564	8,482	8,563	8,433	−1	−49
Rural development, agriculture, and related agencies	12,299	11,226	12,299	11,223	0	−3
Transportation	13,765	31,800	13,762	31,799	−3	−1
Treasury-Postal Service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-Independent Agencies	63,953	61,714	63,942	61,711	−11	−3
Grand total	513,113	527,458	511,846	527,262	−1,267	−196

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 8, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business April 7, 1992 and is summarized as follows:

[In million of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,277,082	1,269,300	+7,782
Outlays	1,207,718	1,201,600	+6,119
Revenues:			
1992	853,364	850,400	+2,964
1992–96	4,829,000	4,832,000	−3,000

Since my last report, dated March 11, 1992, the Congress has cleared and the President has signed the Technical Correction to the Food Stamp Act (P.L. 102–265) and the joint resolution making further continuing appropriations for fiscal year 1992 (P.L. 102–266), changing the current level estimates of budget authority and outlays. P.L. 102–266 provides full year funding for foreign aid programs previously funded in P.L. 102–145 that expired March 31, 1992 and emergency funding for the Small Business Administration disaster loans program.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS APR. 7, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			$853,364
Permanents and other spending legislation	$807,617	$727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American technology preeminence (Public Law 102–245)			(3)
Further continuing appropriations, 1992 (Public Law 102–266) [2]	14,178	5,724	
Total enacted this session	16,884	8,430	
MANDATORY ADJUSTMENTS [1]			
Technical correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Total current level	1,277,082	1,207,719	853,364
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution	7,782	6,119	2,964
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

[2] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[3] Less than $500,000.

EXECUTIVE COMMUNICATIONS, ETC.

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

3297. A letter from the Assistant Secretary for Health [HHS], and the Acting Assistant Secretary for Science and Education, Department of Agriculture, transmitting the eighth progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture.

3298. A letter from the Deputy Assistant Secretary, Department of Air Force, transmitting notification that a study has been conducted with respect to converting the custodial services function at USAF Academy, CO, and a decision has been made that performance under contract is the most cost-effective method, pursuant to Public Law 100–463, section 8061 (102 Stat. 2270–27); to the Committee on Appropriations.

3299. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1992, pursuant to 2 U.S.C. 685(e); to the Committee on Appropriations and ordered to be printed.

3300. A letter from the Assistant Secretary for Acquisition, Department of the Air Force, transmitting notification of the plan to study the conversion to contractor performance the Air Training Command's base operation support function at Laughlin Air Force Base, TX, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

3301. A letter from the Director, Defense Security Assistance Agency, transmitting

the Department of the Army's proposed lease of defense articles to Colombia (Transmittal No. 11-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3302. A letter from the President, Overseas Private Investment Corporation, transmitting the OPIC's management report; a report on U.S. effects of fiscal year 1991 projects; a report on enhancing private political risk insurance industry; and a report on internal control structure and compliance with laws and regulations, pursuant to Public Law 101-576, section 306(a); 22 U.S.C. 2200a FAA 240A; 31 U.S.C. 3512(c)(3); to the Committee on Foreign Affairs.

3303. A letter from the Manager, Federal Crop Insurance Corporation, transmitting the FCIC's management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee of Government Operations.

3304. A letter from the Chairman, Federal Election Commission, transmitting 39 recommendations for legislative action, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

3305. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of U.S. securities and obligations, to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on the Judiciary.

3306. A communication from the President of the United States, transmitting the administration's report on Soviet noncompliance with arms control agreements, pursuant to 22 U.S.C. 2592a; jointly, to the Committees on Armed Services and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GAYDOS: Committee on House Administration. House Resolution 429. Resolution providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by the standing and select committees of the House from May 1, 1992, through May 31, 1992 (Rept. 102-491). Referred to the House Calendar.

Mr. LAFALCE: Committee on Small Business. H.R. 4111. A bill to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes; with an amendment (Rept. 102-492). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H. Con. Res. 303. Resolution authorizing the presentation of a program on the Capitol grounds in connection with National Physical Fitness and Sports Month (Rept. 102-493). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4572. A bill to direct the Secretary of Health and Human Services to waive certain requirements under the medicaid program during 1992 and 1993 for health maintenance organizations operated by the Dayton Area Health Plan in Dayton, Ohio; with amendments (Rept. 102-494). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4156. A bill to authorize appropriations for fiscal year 1993 for the Federal Maritime Commission, and for other purposes; with an amendment (Rept. 102-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GRAZA: Committee on Agriculture. H.R. 4774. A bill to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries. (Rept. 102-496). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. H.R. 432. Resolution providing for the consideration of 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. (Rept. 102-497). 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 Mr. UPTON (for himself and Mr. WOLPE):

H.R. 4839. A bill to amend the Foreign Assistance Act of 1961 to establish an American Products for International Consumption and Services Program; to the Committee on Foreign Affairs.

By Mr. COMBEST (for himself, Mr. ROBERTS, Mr. Herger, Mr. Boehner, Mr. EMERSON, Mr. JOHNSON of South Dakota, Mr. SARPALIUS, Mr. HOPKINS, Mr. MARLENEE, Mr. STENHOLM, and Mr. BARRETT):

H.R. 4840. A bill to ensure equal treatment for playa lakes, prairie potholes, vernal pools, pocosins, and other special wetlands under Federal wetland delineation criteria; jointly, to the Committee on Merchant Marine and Fisheries, Public Works and Transportation, and Agriculture.

By Mr. SWETT (for himself, Mr. ANDREWS of Maine, Ms. SNOWE, and Mr. ZELIFF):

H.R. 4841. A bill granting the consent of the congress to the New Hampshire-Maine Interstate School Compact; to the Committee on the Judiciary.

By Mr. SWIFT (for himself and Mr. DICKS):

H.R. 4842. A bill to authorize the release of restrictions and a reversionary interest in certain lands in Clallam County, WA; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI (for himself, Mr. POSHARD, Mr. ATKINS, Mr. JACOBS, and Mr. SYNAR):

H.R. 4843. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Administration.

By Mr. SWIFT (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. MILLER of Washington, Mr. MORRISON, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 4844. A bill to restore Olympic National Park And the Elwha River ecosystem and fisheries in the State of Washington; jointly, to the Committee on Merchant Marine and Fisheries, Interior and Insular Affairs, and Energy and Commerce.

By Mr. PANETTA (for himself, Mr. STARK, Mr. DEFAZIO, Ms. PELOSI, Mr. AUCOIN, Mr. KOPETSKI, Mr. RIGGS, Mr. MINETA, Mr. DELLUMS, Mrs. BOXER, Mr. LANTOS, Mr. MILLER of California, Mr. DICKS, Mr. WYDEN, and Mrs. UNSOELD).

H.R. 4845. A bill to provide disaster assistance to ocean and river commercial salmon fishing operations in the western United States adversely affected by the ban or restriction imposed by the United States on the harvest of Pacific Ocean salmon; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDEN:

H.R. 4846. A bill to provide for the education and training of health professions students with respect to the identification and treatment of medical conditions arising from domestic violence; to the Committee on Energy and Commerce.

By Mr. MICHEL:

H.R. 4847. A bill to provide greater accountability in government by bringing Congress within the scope of certain laws presently covering the private sector, the executive branch, or both; jointly, to the Committees on House Administration, Education and Labor, the Judiciary, Post Office and Civil Service, and Government Operations.

By Mr. WAXMAN (for himself and Mr. GEPHARDT):

H.R. 4848. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ALLEN (for himself, Mr. YOUNG of Alaska, and Mr. MARLENEE):

H.R. 4849. A bill to amend the Historic Preservation Act; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY:

H.R. 4850. A bill to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FAWELL (for himself and Mr. PENNY) (both by request):

H.R. 4851. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

By Mr. FAWELL (for himself and Mr. PENNY) (both by request):

H.R. 4852. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4853. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4854. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4855. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4856. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4857. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4858. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4859. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4860. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4861. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4862. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4863. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4864. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4865. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4866. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4867. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4868. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4869. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4870. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4871. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4872. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4873. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4874. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4875. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4876. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4877. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

H.R. 4878. A bill to approve the President's rescission proposal transmitted to the Congress on April 9, 1992; to the Committee on Appropriations.

By Mr. ARCHER (for himself, Mr. GUARINI, Mr. JENKINS, and Mr. SUNDQUIST):

H.R. 4879. A bill to suspend temporarily the duty on 5-(N,N-dibenzylglycyl)-salicylamide); 2-(N-benzyl-N-tert-butylamino)-4'-hydroxy-3'-hydromethylacetophenone hydrochloride; Flutamide; and Loratadine; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. SPENCE) (both by request):

H.R. 4880. A bill to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; to the Committee on Armed Services.

By Mrs. BOXER:

H.R. 4881. A bill to provide increased flexibility to States in carrying out certain highway and transportation projects; to the Committee on Public Works and Transportation.

By Mr. BROWN (for himself, Mr. TRAXLER, Mr. ROYBAL, Mr. EVANS, Mr. HENRY, Mr. WOLPE, Mrs. LLOYD, and Mr. BRUCE):

H.R. 4882. A bill to provide for the multilateral negotiation of Western Hemisphere environmental, labor, and agricultural standards, to implement as United States negotiating objectives in any free trade area negotiations pursuant to the Enterprise for the Americas Initiative certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive multilateral dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the Western Hemisphere free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

H.R. 4883. A bill to provide for the trilateral negotiation of North American environmental, labor, and agricultural standards, to implement as United States negotiating objectives in the North American free trade area negotiations certain threshold protections regarding worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive trinational dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the North American free trade area, including those involving the systematic denial or practical negation of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. SCHUMER):

H.R. 4884. A bill to enhance the competition in the soft drink industry by improving the application of the antitrust laws to soft drink piggyback license arrangements for a temporary period of time; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 4885. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a pilot program for the deposit of authorized waste on the deep seabed; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. CALLAHAN:

H.R. 4886. A bill to suspend until January 1, 1995, the duty of certain chemicals; to the Committee on Ways and Means.

H.R. 4887. A bill to suspend until January 1, 1995, the duty on 2-(2H-benzotriazol-2-yl)-6-dodecyl-4-methylphenol, branched and linear; to the Committee on Ways and Means.

By Mr. CAMPBELL of Colorado (for himself and Mr. MCGRATH):

H.R. 4888. A bill to suspend for a 3-year period the duty on continuous oxidized polyacrylonitrile fiber tow; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4889. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for health insurance coverage for workers and the public in a manner that contains the costs of health care in the United States; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. CARPER:

H.R. 4890. A bill to suspend until January 1, 1995, the duty on Thallium 203; to the Committee on Ways and Means.

H.R. 4891. A bill to suspend until January 1, 1995, the duty on Zinc-68; to the Committee on Ways and Means.

H.R. 4892. A bill to suspend until January 1, 1995, the duty on Nickel-58; to the Committee on Ways and Means.

By Mr. CHANDLER:

H.R. 4893. A bill to require reauthorization of budget authority for Government programs at least every 5 years, to provide for review of Government programs at least every 5 years, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

H.R. 4894. A bill to provide that the Congress shall be covered by certain employment and civil rights laws, and for other purposes; jointly, to the Committees on House Administration, Education and Labor, Ways and Means, Government Operations, and the Judiciary.

By Mr. CHANDLER (for himself, Mr. WYDEN, Mr. IRELAND, Mr. MORRISON, Mr. GUNDERSON, Mr. SISISKY, Mrs. UNSOELD, Mr. MILLER of Washington, and Mr. SENSENBRENNER):

H.R. 4895. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies; to the Committee on Small Business.

By Mr. CLAY (for himself, Mr. BLILEY, Mr. BOUCHER, Mr. CARR, Mr. COBLE, Mr. COUGHLIN, Mr. GALLO, Mr. MCCOLLUM, Mr. SCHIFF, Mr. SMITH of Texas, and Mr. SYNAR):

H.R. 4896. A bill to extend the patent term of certain products; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself and Mr. HALL of Texas):

H.R. 4897. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to deny grant funds to States unless law enforcement officers are permitted to carry concealed firearms; to the Committee on the Judiciary.

By Mr. DAVIS:

H.R. 4898. A bill to amend title II of the Social Security Act to permit the State of Michigan to obtain social security coverage for State and local policemen and firemen under its State agreement entered into pursuant to section 218 of such act; to the Committee on Ways and Means.

By Mr. DE LA GARZA (for himself, Mr. MILLER of California, Mr. JONES of North Carolina, Mr. VENTO, Mr. VOLKMER, and Mr. STUDDS):

H.R. 4899. A bill to establish an Old-Growth Forest Reserve, and for other purpose; joint-

ly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 4900. A bill to ensure the financial soundness and solvency of insurers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DE LUGO:

H.R. 4901. A bill to amend the Revised Organic Act of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 4902. A bill to amend the Internal Revenue Code of 1986 to provide a temporary investment tax credit for new property that is an integral part of manufacturing, production, or extraction; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 4903. A bill to amend the Small Business Act to eliminate a restriction on the maximum term of disaster loans available to businesses able to obtain credit elsewhere; to the Committee on Small Business.

By Mr. DUNCAN:

H.R. 4904. A bill to suspend until January 1, 1997 the duty on certain bicycle parts to the Committee on Ways and Means.

By Mr. ECKART:

H.R. 4905. A bill to amend the Solid Waste Disposal Act to regulate the disposal of waste associated with the exploration, development, and production of crude oil and natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself and Mr. PENNY):

H.R. 4906. A bill to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration, and to amend the Farm Credit Act of 1971 and for other purposes; to the Committee on Agriculture.

By Mr. FAZIO:

H.R. 4907. A bill to provide for assistance to customers of the Western Area Power Administration for the design and development of cost-effective renewable energy projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FIELDS (for himself, Mr. TAUZIN, Mr. DAVIS, Mr. LENT, and Ms. SNOWE):

H.R. 4908. A bill to amend title 46 United States Code, to prohibit the establishment and collection of any fee or charge for the issuance of certain entry level merchant seaman licenses and merchant mariners' documents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FISH:

H.R. 4909. A bill to amend chapter 11 of title 38, United States Code, to provide that veterans who are former prisoners of war shall be deemed to have a service-connected disability rated as total for the purposes of determining the benefits due to such veterans; to the Committee on Veterans' Affairs.

H.R. 4910. A bill to delay the effective date of the provisions of the Capitol Police Retirement Act which relate to mandatory retirement; to the Committee on House Administration.

H.R. 4911. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for depreciation of new domestically manufactured automobiles used for personal purposes; to the Committee on Ways and Means.

By Mr. GEREN of Texas (for himself and Mr. CRAMER):

H.R. 4912. A bill to amend title 28, United States Code, to remove from the district courts jurisdiction over actions to determine questions regarding inmate capacity at State penal and correctional institutions; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. CRANE) (both by request):

H.R. 4913. A bill to amend the Harmonized Tariff Schedule of the United States provisions implementing annex D of the Nairobi protocol to the Florence agreement on the importation of education, scientific, and cultural materials, and for other purposes; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 4914. A bill to establish a manufacturing alliance program within the Technology Administration of the Department of Commerce to assist small manufacturers in research and development, technology transfer, and worker training; jointly, to the Committees on Science, Space, and Technology and Education and Labor.

By Mr. HOLLOWAY:

H.R. 4915. A bill to suspend until January 1, 1995, the duty on isphytol; to the Committee on Ways and Means.

H.R. 4916. A bill to suspend until January 1, 1995, the duty of riboflavin; to the Committee on Ways and Means.

H.R. 4917. A bill to suspend until January 1, 1995, the duty on trimethylhydroquinone; to the Committee on Ways and Means.

By Ms. HORN (for herself, Mr. KASTMAYER, Mr. BUSTAMANTE, Mrs. LLOYD, Mr. OLVER, and Mr. WYDEN):

H.R. 4918. A bill to authorize appropriations to the Secretary of Defense to provide financial assistance for manufacturing extension programs and critical technology application centers; to the Committee on Armed Services.

By Mr. HUGHES (for himself, Mr. BOEHLERT, Mr. WASHINGTON, Mr. LEVIN of Michigan, Mr. ROYBAL, Mr. DOWNEY, Mrs. LLOYD, Mr. LEWIS of Georgia, Mr. STUDDS, Mr. PENNY, Mr. LIPINSKI, Mr. JONTZ, and Ms. PELOSI):

H.R. 4919. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify and improve the applicability of such title to multiple employer welfare arrangements and employee leasing welfare arrangements and to provide for more effective State regulation thereof; jointly, to the Committees on Education and Labor and Rules.

By Mr. HYDE (for himself, Mr. HORTON, Mr. JEFFERSON, Ms. MOLINARI, Mr. EMERSON, Mr. FROST, Mr. MILLER of Ohio, Mr. PETRI, Mr. FISH, Mr. ECKART, Mr. SMITH of New Jersey, and Mr. DORNAN of California):

H.R. 4920. A bill to amend title II of the Social Security Act to disregard, for purposes of the requirement for recency of work in order to be insured for disability insurance benefits or to qualify for periods of disability, up to 60 calendar quarters for which the worker does not earn a quarter of coverage while caring for a child at home; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4921. A bill to suspend for a 2-year period the duty on Malathion; to the Committee on Ways and Means.

H.R. 4922. A bill to provide duty-free entry privileges to participants in, and other individuals associated with, the XXVI Summer Olympiad in Atlanta, GA, and for other purposes; to the Committee on Ways and Means.

H.R. 4923. A bill to extend the temporary suspension of the duty on nitro sulfon B; to the Committee on Ways and Means.

By Mr. JONTZ (for himself, Mr. EVANS, Mr. POSHARD, Ms. KAPTUR, Mr. LIPINSKI, Mr. OWENS of New York, and Mr. LEVINE of California):

H.R. 4924. A bill to reform the operations and structure of the Resolution Trust Corporation to serve the real economy of the country, provide accountability to the taxpayers and consumers, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mrs. KENNELLY:

H.R. 4925. A bill to extend January 1, 1995, the existing suspension of duty on wicker products; to the Committee on Ways and Means.

H.R. 4926. A bill to suspend until January 1, 1995, the duty on certain glass articles; to the Committee on Ways and Means.

H.R. 4927. A bill to establish economic conversion programs in the Department of Defense to assist communities, businesses, and workers adversely affected by reductions in defense contracts and spending and closures of military installations; jointly, to the Committees on Armed Services, Ways and Means, Education and Labor, and Banking, Finance and Urban Affairs.

By Mr. KOLBE (for himself, Mr. LEWIS of California, Mr. SKEEN, and Mr. SMITH of Texas):

H.R. 4928. A bill to establish a bilateral United States-Mexico Commission to study issues of economic development and infrastructure along the border between the United States and Mexico; to the Committee on Foreign Affairs.

By Mr. KOLBE:

H.R. 4929. A bill to provide incentives for certain voluntarily separated military personnel to become elementary and secondary school teachers; jointly, to the Committees on Armed Services and Education and Labor.

H.R. 4930. A bill to provide for forfeiture of property involved in the commission of Federal health care offenses and to establish the Health Care Fraud Forfeiture Fund in the Treasury; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 4931. A bill to provide for an extended deadline for passage of a referendum to approve the establishment of the Quad Cities Interstate Authority; to the Committee on the Judiciary.

By Mr. LEHMAN of Florida (for himself and Mr. SHAW):

H.R. 4932. A bill to correct the tariff treatment of certain articles covered by the Nairobi protocol; to the Committee on Ways and Means.

By Mr. LOWERY of California:

H.R. 4933. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for reform, greater accountability and honesty in the budget process, and for other purposes; jointly, to the Committees on Government Operations, Rules, Appropriations, and Ways and Means.

H.R. 4934. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by providing for reform of campaign finance laws and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. MACHTLEY:

H.R. 4935. A bill to amend title 10, United States Code, to establish in the Office of the Secretary of Defense the position of Assistant Secretary of Defense for Drug Enforcement Policy; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 4936. A bill to suspend until January 1, 1995, the duty on Neurolite (complete dos-

age kits) and Bicisate Dihydrochloride 0.9 mg (ECE=2HCl); to the Committee on Ways and Means.

H.R. 4937. A bill to suspend until January 1, 1995, the duty on Cardiolite (complete dosage kits) and Tetrakis (1-isontrilo-2-methoxy-2-methylpropane) Cu (I) tetrafluoroborate (1 mg); to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. RINALDO) (both by request);

H.R. 4938. A bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act and through business development companies; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 4939. A bill to correct the tariff treatment of certain gauze laparotomy pads and sponges; to the Committee on Ways and Means.

By Mr. NAGLE:

H.R. 4940. A bill to suspend until January 1, 1995, the duty on sulfapyridine; to the Committee on Ways and Means.

H.R. 4941. A bill to make improvements in the operation of the Generalized System of Preferences under title V of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4942. A bill to amend section 212 of the HOME Investment Partnerships Act to authorize participating jurisdictions to use assistance under such act for administrative costs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OWENS of New York:

H.R. 4943. A bill to reduce the cost of operating the military service academies, to establish a program of college scholarships to assist the education of students in exchange for services in the Federal Government, and to increase Montgomery GI bill benefits; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. PAXON (for himself, Mr. CUNNINGHAM, and Mr. DANNEMEYER):

H.R. 4944. A bill to amend the Congressional Budget Act of 1974 to require that the Congressional Budget Office prepare an analysis of the job loss or gain that would result from each reported bill; to the Committee on Rules.

By Mr. PAYNE of New Jersey:

H.R. 4945. A bill to reduce until January 1, 1995, the duty on succinnic anhydride; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4946. A bill to suspend until January 1, 1995, the duty on Tacrolimus (FK506); to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4947. A bill to amend chapter 15 of the National Security Act of 1947 to promote the transfer of technology to U.S. industries for the national welfare; jointly, to the Committees on Banking, Finance and Urban Affairs, Science, Space, and Technology, and Armed Services.

By Mr. RHODES:

H.R. 4948. A bill to amend the act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), to authorize certain uses of water by the Ak-Chin Indian Community, AZ; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 4949. A bill to amend the Solid Waste Disposal Act to provide for the phaseout of toxic persistent and bioaccumulative substances, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. ROUKEMA (for herself and Mr. VOLKMER):

H.R. 4950. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 4951. A bill to suspend until January 1, 1995, the duty on Calan IR and Calan SR; to the Committee on Ways and Means.

H.R. 4952. A bill to suspend until January 1, 1995, the duty on TFA and DM-8; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. CAMPBELL of Colorado, Mr. SKAGGS, Mr. HEFLEY, and Mr. HAMILTON):

H.R. 4953. A bill to amend the base closure laws to improve the provision of adjustment assistance to employees of the Department of Defense adversely affected by the closure or realignment of a military installation; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. SCHUMER:

H.R. 4954. A bill to prohibit the receipt of advance fees by unregulated loan brokers; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. SKELTON:

H.R. 4955. A bill to amend titles 10 and 37, United States Code, to authorize service by a member of the Senior Reserve Officer Training Corps Program on active duty other than for training while concurrently an enlisted member of the Selected Reserve to be credited in computing length of service as a member of the Armed Forces for basic pay and other purposes; to the Committee on Armed Services.

By Mr. STARK:

H.R. 4956: A bill to provide for administrative simplification in the administration of health care services in the United States; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STEARNS:

H.R. 4957: A bill to amend title II of the Social Security Act to exclude from amounts treated as wages to applying the earnings test remuneration for teaching in public elementary or secondary schools; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 4958: A bill to promote the conservation of exotic wild birds; jointly to the Committees on Ways and Means, the Judiciary, and Merchant Marine and Fisheries.

By Mr. STUDDS (for himself and Mr. WAXMAN):

H.R. 4959: A bill to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act, and for others purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS of California:

H.R. 4960: A bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes; to the Committee on Ways and Means.

H.R. 4961: A bill to remove the restrictions on the export of Alaskan North Slope oil; jointly, to the Committees on Foreign Affairs Energy and Commerce, and Interior and Insular Affairs.

By Mr. TOWNS (for himself, Mr. COYNE, Ms. OAKAR, and Mr. WEBER):

H.R. 4962: A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TOWNS (for himself, Mr. COYNE, Mr. AUCOIN, Ms. OAKAR, and Mr. WEBER):

H.R. 4963. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GREEN of New York:

H.R. 4964. A bill to reduce temporarily the duty on certain food coloring solutions; to the Committee on Ways and Means.

By Ms. WATERS (for herself and Mr. COLEMAN of Texas):

H.R. 4965. A bill to amend title 10, United States Code, to provide that enlisted members of the Armed Forces who have completed 18, but less than 20, years of active duty shall be treated in the same manner as officers with respect to retention on active duty until becoming eligible for retired pay; to the Committee on Armed Services.

H.R. 4966. A bill to amend title 10, United States Code, to provide that reductions in military retired pay for purposes of the Supplemental Survivor Benefit Plan under subchapter III of chapter 73 of that title shall be computed based upon the same methodology as applies to reductions in retired pay under the Survivor Benefit Plan for spouse coverage; to the Committee on Armed Services.

H.R. 4967. A bill to restore reductions in veterans' benefits made by the Omnibus Budget Reconciliation Act of 1990; to the Committee on Veterans' Affairs.

H.R. 4968. A bill to provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before March 21, 1974; to the Committee on Armed Services.

H.R. 4969. A bill to provide a 10-percent increase in the retired pay of members of the Armed Forces whose retired pay is based on rates of basic pay in effect before October 1, 1963, and in the annuities of their surviving spouses; to the Committee on Armed Services.

By Mr. WILLIAMS (for himself, Mr. MARLENEE, Mr. OWENS of Utah, Mr. YOUNG of Alaska, Mr. LEHMAN of California, Mr. CAMPBELL of Colorado, Mr. RICHARDSON, Mr. RAHALL, Mr. MURPHY, Mr. OBERSTAR, Mr. ALLARD, Mr. SKEEN, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. LAROCCO, Mr. DE LUGO, Mr. DOOLEY, Mr. HANSEN, Mrs. VUCANOVICH, Mr. RHODES, Mr. THOMAS of Wyoming, Mr. HEFLEY, Mr. ORTON, Mr. CHANDLER, Mr. KOPETSKI, Mr. SWETT, Mr. BILBRAY, Mr. MORRISON, Mrs. UNSOELD, Mr. DE FAZIO, Mr. CONDIT, Mrs. SCHROEDER, Mr. DICKS, Mr. SCHAEFER, Mr. SCHIFF, Mr. DOOLITTLE, Mr. HERGER, Mr. LEWIS of California, Mr. THOMAS of California, Mr. ZELIFF, Mr. STUMP, Mr. DE FAZIO, Mr. STALLINGS, Mr. SWIFT, and Mr. SKAGGS):

H.R. 4970. A bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands; jointly, to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. WILLIAMS (for himself, Mr. MARLENEE, Mr. OWENS of Utah, Mr.

YOUNG of Alaska, Mr. LEHMAN of Florida, Mr. CAMPBELL of Colorado, Mr. RICHARDSON, Mr. DE FAZIO, Mr. STALLINGS, Mr. SKAGGS, Mr. RAHALL, Mr. MURPHY, Mr. OBERSTAR, Mr. ALLARD, Mr. SKEEN, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. LAROCCO, Mr. DE LUGO, Mr. DOOLEY, Mr. HANSEN, Mrs. VUCANOVICH, Mr. RHODES, Mr. THOMAS of Wyoming, Mr. HEFLEY, Mr. ORTON, Mr. CHANDLER, Mr. KOPETSKI, Mr. SWETT, Mr. BILBRAY, Mr. MORRISON, Mrs. UNSOELD, Mr. FAZIO, Mr. CONDIT, Mrs. SCHROEDER, Mr. DICKS, Mr. SCHAEFER, Mr. SCHIFF, Mr. DOOLITTLE, Mr. HERGER, Mr. LEWIS of California, Mr. THOMAS of California, Mr. ZELIFF, and Mr. STUMP):

H.R. 4971. A bill to clarify authorities of the Secretary of Agriculture in considering and issuing certain special use permits on National Forest System lands; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. ANDREWS of Maine:

H.R. 4972. A bill to amend title 5, United States Code, to limit the time within which the Office of Special Counsel must determine whether or not reasonable grounds exist to support an allegation that a prohibited personnel practice has occurred, exists, or is to be taken, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BAKER (for himself and Mr. NEAL of North Carolina):

H.R. 4973. A bill to modernize the Federal Home Loan Bank System to meet the needs of a changing housing finance industry, and to enhance the safety, soundness, and future of the Federal Home Loan Bank System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLAZ (for himself, Mr. MONTGOMERY, Mr. PICKETT, Mr. STUMP, Mr. BREWSTER, Mr. YOUNG of Alaska, Mr. KENNEDY, and Mr. LAGOMARSINO):

H.R. 4974. A bill to provide for additional development at War in the Pacific National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GILCHREST (for himself, Mr. ZIMMER, Mr. RAVENEL, Mrs. MORELLA, Mrs. JOHNSON of Connecticut, and Mr. RHODES):

H.R. 4975. A bill to provide for a moratorium on the construction of incinerators in the United States for the chemical munitions demilitarization of the Army until the Secretary of the Army certifies to Congress that the incineration disposal process to be used in the program is the safest means available at a reasonable cost; to the Committee on Armed Services.

By Mr. GUNDERSON (for himself and Mr. GOODLING):

H.R. 4976. A bill to improve the transition from school to work and promote youth apprenticeship, and for other purposes; to the Committee on Education and Labor.

By Mr. HUGHES (for himself and Mr. ANDREWS of New Jersey):

H.R. 4977. A bill to prohibit use of appropriated amounts by any Federal agency for services that are not directly related to the official functions of the agency, and for other purposes; jointly, to the Committee on Government Operations and the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 4978. A bill to amend title 35, United States Code, to harmonize the U.S. patent system with foreign patent systems; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. EVANS, Mr. LIPINSKI, Ms. KAPTUR, Mr. OWENS of New York, and Mr. LEVINE of California):

H.R. 4979. A bill to provide consumers with a stronger voice in the financial services industry and before Government bodies through the establishment of the Financial Consumers Association, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. LAROCCO (for himself, Mr. STALLINGS, Mr. CAMPBELL of Colorado, Mr. LEWIS of Georgia, Mr. MORRISON, Mr. DICKS, Mrs. UNSOELD, Mr. BILBRAY, Mr. DOOLEY, Mr. RAHALL, Mr. ORTON, Mr. RICHARDSON, Mr. SWIFT, Mr. JOHNSON of South Dakota, Mr. ABERCROMBIE, Mr. KOPETSKI, Mr. HERGER, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Mr. MARLENEE, Mr. MILLER of California, Mr. CHANDLER, Mr. COX of Illinois, and Mr. DEFAZIO):

H.R. 4980. A bill to require an annual report from the Secretary of Agriculture evaluating the overall health of trees in the National Forest System and identifying opportunities to salvage dead and dying trees and to provide expedited procedures for conducting salvage sales and reforestation activities that are consistent with land and resource management plans; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. MACHTLEY:

H.R. 4981. A bill to require the Secretary of Defense to establish a Defense Adjustment Institute; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. MAZZOLI:

H.R. 4982. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidates political committees; to the Committee on House Administration.

By Mr. SANTORUM (for himself, Mr. WEBER, Mr. WOLF, Mr. VOLKMER, Mr. DOOLITTLE, Mr. HOLLOWAY, and Mr. KOLTER):

H.R. 4983. A bill to amend the Public Health Service Act to make modifications in the program for adolescent family life demonstration projects; to the Committee on Energy and Commerce.

By Mr. STUDDS (for himself and Ms. PELOSI):

H.R. 4984. A bill to authorize the Administrator to Evaluate the Effectiveness of Advanced, Ecologically Engineered Wastewater Treatment Technology for coastal communities and other locations; to the Committee on Public Works and Transportation.

By Mr. WISE:

H.R. 4985. A bill to provide a separate appropriation for all congressional foreign travel, and for other purposes; jointly, to the Committees on House Administration and Rules.

By Mr. WOLPE (for himself, Mr. RINALDO, Mr. SYNAR, Mr. ECKART, Mr. SIKORSKI, Mr. MARKEY, Mr. WAXMAN, Mr. BILIRAKIS, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mr. COOPER, Mr. TOWNS, Mr. SCHEUER, Mr. STUDDS, Mr. KOSTMAYER, Mr. BRYANT, Mr. MANTON, Mr. ANDREWS of Maine, Mr. GALLO, Mr. BONIOR, Mr. TRAXLER, Mr. HENRY, Mr. LEWIS of Florida, Mr. ZIMMER, Mr. SABO, Ms. KAPTUR, Mr. CONDIT, Mr. MORAN, Mr. PEASE, Mr. FRANK of Massachusetts, Mr. FASCELL, Mr. BERMAN, Mr. TORRES, Mr. KILDEE, Mr. WEISS, Mr. DELLUMS, Mr. AUCOIN, Mr. KENNEDY, Mr. MOODY, Mrs. BOXER, Mr. SKAGGS, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. VENTO, Mr. ANDREWS of New Jersey, Mrs. COLLINS of Michigan, Mr. MCDERMOTT, Ms. PELOSI, Mr. PENNY, Ms. NORTON, Mrs. LOWEY of New York, Mr. VALENTINE, Mr. STARK, Ms. MOLINARI, Mr. KOLTER, Mr. SENSENBRENNER, Mr. ENGEL, Mr. COX of Illinois, Mr. FAZIO, Mr. EVANS, Mr. COLEMAN of Texas, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. BROWN, Mr. NEAL of Massachusetts, Mr. ZELIFF, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. MCMILLEN of Maryland, Mr. ANDREWS of Texas, Mr. OBEY, Mr. SANDERS, Mrs. MEYERS of Kansas, Mr. ACKERMAN, Mrs. SCHROEDER, Mr. LEHMAN of California, and Mr. JONTZ):

H.R. 4986. A bill to require Federal facilities to comply with the Emergency Planning and Community Right-To-Know Act; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.J. Res. 468. Joint resolution designating March 20, 1993, as "National Quilting Day"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. TOWNS, Mr. HEFNER, Mr. ROYBAL, Mr. TALLON, Mr. MATSUI, Mr. ALEXANDER, Ms. LONG, Mr. ESPY, Mr. SCHEUER, Mr. SOLARZ, Mr. FEIGHAN, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. LAFALCE, Ms. OAKAR, Mr. MCMILLEN of Maryland, Mr. DWYER of New Jersey, Mr. WOLF, Mr. LEHMAN of Florida, Mr. VALENTINE, Mr. ERDREICH, Ms. NORTON, Mr. GINGRICH, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. WOLPE, Mr. MACHTLEY, Mr. BILBRAY, Mr. HARRIS, Mr. DE LA GARZA, Mr. LANCASTER, Mr. KOPETSKI, Mr. WHEAT, Mr. JONTZ, Mr. WEISS, Mr. HAYES of Illinois, Mr. LAGOMARSINO, Mr. SWETT, Mr. JEFFERSON, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. EVANS, Mr. TRAXLER, Mr. WALSH, Mr. OWENS of Utah, Mr. CRAMER, Mr. SANDERS, Mrs. BOXER, Mrs. PATTERSON, Mr. LIPINSKI, Mr. JENKINS, and Mr. KLUG):

H.J. Res. 469. Joint resolution to designate the second Sunday in October of 1992 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.J. Res. 470. Joint resolution to designate the month of September 1992 as "National Spina Bifida Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.J. Res. 471. Joint resolution designating September 16, 1992, as "National Occupational Therapy Day"; to the Committee on Post Office and Civil Service.

By Mr. DOOLEY:

H.J. Res. 472. Joint resolution proposing an amendment to the Constitution of the United States to grant to the President line-item veto authority; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. ROHRABACHER, and Mr. ABERCROMBIE):

H. Con. Res. 308. Concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of

Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass transfer of military arms; to the Committee on Foreign Affairs.

By Mr. BUNNING (for himself, Mr. MCCLOSKEY, and Mr. MONTGOMERY):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress that the current Canadian quota regime on chicken imports should be removed as part of the Uruguay round and North American Free-Trade Agreement negotiations and that Canada's imposition of quotas on United States processed chicken violates article XI of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. GREEN of New York, Mr. KOSTMAYER, Mr. MCMILLEN of Maryland, Mr. RITTER, and Mr. TOWNS):

H. Con. Res. 310. Concurrent resolution to express the sense of the Congress that current natural gas economic or market demand "prorationing" policies being considered by several States are contrary to the public interest of the citizens of the United States of America; to the Committee on Energy and Commerce.

By Mr. DOOLITTLE:

H. Res. 430. Resolution requiring an explanation from the chairman and vice chairman of the Ad Hoc Committee Investigating the Post Office of the Committee on House Administration of the allegations regarding disruption of the ongoing investigation; considered and agreed to.

By Mr. RIGGS:

H. Res. 431. Resolution requiring an investigation into the published reports of illegal hiring practices in the House of Representatives; considered and laid on the table.

By Mr. FORD of Michigan:

H. Res. 433. Resolution relating to the consideration of the Senate amendment to H.R. 2967; considered and agreed to.

By Mr. WALKER:

H. Res. 434. Resolution requiring the counsel to the Clerk of the House to recuse himself from any and all legal requests made by the Department of Justice concerning its investigation into the Office of the Postmaster; considered and laid on the table.

By Mr. CAMP (for himself and Mr. UPTON):

H. Res. 435. Resolution amending the Rules of the House to limit the availability of appropriations for salaries and expenses of the House to 1 year and to require certain excess allowance amounts to be returned to the Treasury; to the Committee on Rules.

By Mr. LOWERY of California:

H. Res. 436. Resolution amending the Rules of the House of Representatives to provide for a chief financial officer for the House, a general counsel, an inspector general, enact major reform of House rules, and for other purposes. jointly, to the Committees on Rules, House Administration, Government Operations, and Post Office and Civil Service.

By Mr. ROBERTS:

H. Res. 437. Resolution providing for savings in the operations of the House of Representatives to be achieved by transferring functions to private sector entities and eliminating staff positions; to the Committee on House Administration.

By Mr. JAMES:

H. Res. 438. Resolution creating a bipartisan search committee to recommend to the House an individual to fill the position of Sergeant-at-Arms; to the Committee on Rules.

MEMORIALS

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

367. By the SPEAKER: Memorial of the Senate of the Commonwealth of Virginia, relative to POW's and MIA's; jointly, to the Committees on Government Operations and Armed Services.

368. Also, memorial of the Legislature of the State of Florida, relative to H.R. 4066; jointly, to the Committees on Foreign Affairs, Intelligence (Permanent Select), and Ways and Means.

369. Also, memorial of the Legislature of the State of Maine, relative to reinvestment in Hometown America; jointly, to the Committees on Armed Services, Energy and Commerce, Banking, Finance and Urban Affairs, Education and Labor, Public Works, and Transportation, and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILCHREST:

H.R. 4987. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 4988. A bill for the relief of A.N. Deringer, Inc.; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

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

H.R. 25: Mr. SIKORSKI.

H.R. 44: Mr. COSTELLO, Mrs. VUCANOVICH, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mrs. MORELLA, Mr. HALL of Texas, Mr. HATCHER, and Mr. SANTORUM.

H.R. 520: Mr. MORAN.

H.R. 617: Mr. ERDREICH.

H.R. 700: Mr. GALLO.

H.R. 840: Mr. FAZIO.

H.R. 911: Mr. NEAL of North Carolina.

H.R. 1063: Mrs. BOXER.

H.R. 1092: Mr. GORDON.

H.R. 1124: Mr. COSTELLO.

H.R. 1189: Mr. SABO.

H.R. 1218: Mr. MFUME and Mr. CONYERS.

H.R. 1330: Mr. DAVIS and Mr. JOHNSON of Texas.

H.R. 1393: Mr. HUGHES.

H.R. 1430: Mr. PALLONE and Mr. BLACKWELL.

H.R. 1468: Mr. ENGLISH.

H.R. 1482: Mr. NUSSLE, Mr. LEWIS of Florida, Mr. VALENTINE, Mr. YATES, Mr. MINETA, Mr. GORDON, Mr. QUILLEN, Mrs. MORELLA, Mr. DARDEN, and Mr. STOKES.

H.R. 1509: Mr. CHAPMAN.

H.R. 1546: Mr. SWETT.

H.R. 1547: Mr. SWETT and Mr. GILCHREST.

H.R. 1566: Mr. HUBBARD and Mr. BRUCE.

H.R. 1572: Mr. DORGAN of North Dakota, Mr. DOOLEY, and Mr. JOHNSON of Texas.

H.R. 1601: Mr. ATKINS.

H.R. 1618: Mrs. MORELLA.

H.R. 1692: Mr. BLAZ.

H.R. 1723: Mr. ENGEL and Mr. SMITH of New Jersey.

H.R. 1774: Mr. DWYER of New Jersey.

H.R. 1790: Mr. SANTORUM.

H.R. 1889: Mr. ROWLAND.

H.R. 1987: Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mr. RIDGE, Ms. LONG, Mr. DIXON, Mr. SHARP, and Mr. OBERSTAR.

H.R. 2075: Mr. DAVIS, Mr. TRAXLER, Mr. JONES of North Carolina, and Mr. BEREUTER.

H.R. 2232: Mr. MCMILLEN of Maryland.

H.R. 2238: Mr. MCMILLEN of Maryland.

H.R. 2293: Mr. LIPINSKI, Mr. HAYES of Illinois, and Mr. KENNEDY.

H.R. 2303: Mr. ATKINS.

H.R. 2336: Mr. STUDDS and Mr. ENGEL.

H.R. 2407: Mr. POSHARD.

H.R. 2419: Mr. ENGEL.

H.R. 2437: Mr. SMITH of Florida, Mr. BILBRAY, Mr. RAHALL, Mrs. VUCANOVICH, and Mr. BROWDER.

H.R. 2464: Mr. LEHMAN of California, Mr. COYNE, Mr. GRANDY, and Mr. DORNAN of California.

H.R. 2678: Mr. SABO.

H.R. 2695: Mr. PETERSON of Florida, Mr. SMITH of New Jersey, Mr. ENGLISH, Mr. CHAPMAN, and Mr. FISH.

H.R. 2782: Mr. PANETTA, Mr. COYNE, Mr. DONNELLY, Mr. WEISS, and Mr. MAVROULES.

H.R. 2840: Mr. JOHNSON of South Dakota.

H.R. 2898: Mr. HALL of Ohio and Ms. SNOWE.

H.R. 2966: Mr. COYNE, Mr. GAYDOS, Mr. NAGLE, Mr. HALL of Texas, and Mr. RICHARDSON.

H.R. 3026: Mr. PAYNE of New Jersey.

H.R. 3067: Mr. SOLOMON, Mr. ALLEN, and Mr. PAXON.

H.R. 3109: Mr. PETERSON of Minnesota, Mr. HATCHER, Mr. SUNDQUIST, Mr. EMERSON, Mr. DARDEN, and Mr. THOMAS of California.

H.R. 3221: Mr. MCCRERY.

H.R. 3222: Mr. MARKEY.

H.R. 3238: Mr. CLAY.

H.R. 3253: Mr. ENGEL.

H.R. 3311: Mr. MATSUI.

H.R. 3349: Mrs. ROUKEMA.

H.R. 3360: Mr. ROEMER, Mr. THORNTON, Mr. MANTON, Mrs. LLOYD, Mr. NAGLE, Mr. SCHEUER, Mr. TRAFICANT, and Mr. HALL of Texas.

H.R. 3373: Mr. MANTON, Mr. KLUG, Mr. RHODES, Mr. PETERSON of Florida, Mrs. KENNELLY, Mr. FISH, and Mr. MCCRERY.

H.R. 3526: Mr. ROYBAL.

H.R. 3603: Mr. LEHMAN of Florida, Mr. KENNEDY, Mr. TOWNS, Mr. LIPINSKI, and Mr. RANGEL.

H.R. 3636: Mr. DERRICK, Mr. OBEY, Mr. ORTIZ, Mrs. JOHNSON of Connecticut, Mr. ANNUNZIO, Mr. PERKINS, Mr. YATRON, and Mr. ROE.

H.R. 3678: Mr. UPTON.

H.R. 3736: Mr. SCHAEFER, Mr. GLICKMAN, Ms. PELOSI, Mr. MARKEY, and Mr. ENGEL.

H.R. 3748: Mr. HOCHBRUECKNER, Mr. RICHARDSON, Mr. SKAGGS, and Mr. GUARINI.

H.R. 3763: Mr. LOWERY of California.

H.R. 3782: Mr. BROWN.

H.R. 3794: Mr. LEACH.

H.R. 3806: Mr. ROWLAND, Mr. TRAXLER, Mr. ABERCROMBIE, and Mr. BORSKI.

H.R. 3836: Mrs. MEYERS of Kansas.

H.R. 3838: Mr. SMITH of Oregon, Mr. TOWNS, Ms. HORN, Mr. KOLBE, Mr. BILIRAKIS, Mr. STEARNS, Mr. GEJDENSON, Mr. LIGHTFOOT, Mr. SARPALIUS, and Mr. GALLO.

H.R. 3849: Mr. HYDE, Mr. BENNETT, and Mr. KENNEDY.

H.R. 3953: Mr. HALL of Texas.

H.R. 3975: Mr. OWENS of New York, Mr. OLVER, Mr. STOKES, Mr. COX of Illinois, Mr. MARKEY, and Mr. STALLINGS.

H.R. 4007: Mr. FRANK of Massachusetts and Mrs. BOXER.

H.R. 4013: Mr. SLATTERY.

H.R. 4045: Mr. COLEMAN of Texas and Mr. LEHMAN of Florida.

H.R. 4053: Mr. DOOLEY, Mr. WILSON, Mr. RITTER, Mrs. MORELLA, Mr. SCHIFF, Mr. CONYERS, Mr. HUGHES, Mr. BROWN, Mr. CARDIN, Mr. ROYBAL, Mr. HERTEL, Mr. ABERCROMBIE, Mr. PETERSON of Florida, Mr. GILLMOR, Mr. JOHNSON of South Dakota, Mr. HOYER, Mr. LAFALCE, and Mr. KOPETSKI.

H.R. 4076: Mr. BUSTAMANTE and Mr. PERKINS.

H.R. 4093: Mr. BARRETT.

H.R. 4097: Mr. KOPETSKI.

H.R. 4100: Mr. TOWNS, Ms. OAKAR, Mr. MURPHY, and Ms. WATERS.

H.R. 4155: Mrs. JOHNSON of Connecticut, Mr. ZELIFF, Mr. KYL, and Mr. GILMAN.

H.R. 4163: Mr. HUNTER.

H.R. 4175: Mr. MARKEY, Mr. SIKORSKI, Mr. FOGLIETTA, Mrs. COLLINS of Illinois, Mr. FASCELL, Mr. FAZIO, Mrs. BYRON, Mr. SMITH of New Jersey, and Mr. DOWNEY.

H.R. 4199: Mr. RANGEL, Mr. JEFFERSON, Mr. ZELIFF, Mr. FROST, Mr. MCCANDLESS, Mr. SOLOMON, and Mr. ATKINS.

H.R. 4206: Mr. NOWAK and Ms. DELAURO.

H.R. 4218: Mr. BENNETT, Mr. FOGLIETTA, and Ms. KAPTUR.

H.R. 4230: Mr. ATKINS and Mr. BLACKWELL.

H.R. 4234: Mr. MCGRATH.

H.R. 4235: Mr. HOCHBRUECKNER.

H.R. 4249: Mr. GINGRICH.

H.R. 4253: Mr. SPRATT, Mr. MONTGOMERY, Mr. JONTZ, Mr. TRAXLER, Mr. LAUGHLIN, Mr. LEVINE of California, Mr. EVANS, Mr. HORTON, Mr. BLAZ, Mr. COLEMAN of Texas, and Mr. FROST.

H.R. 4255: Mr. BLACKWELL, Mr. DE LUGO, Mr. DIXON, Mr. JACOBS, Mr. KENNEDY, Mr. KLECZKA, Mr. MAVROULES, Mr. MCDERMOTT, Mr. MRAZEK, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. SANDERS, Mr. SANGMEISTER, Mr. SCHEUER, Mr. SIKORSKI, Mr. SKAGGS, Mr. STOKES, and Mr. DOWNEY.

H.R. 4256: Mr. BAKER, Mr. PAXON, Ms. NORTON, and Mr. LAFALCE.

H.R. 4280: Mr. KYL.

H.R. 4300: Mr. ACKERMAN, Mr. LEHMAN of Florida, and Mr. OBERSTAR.

H.R. 4334: Mr. ANDREWS of Texas, Mr. LAUGHLIN, Mr. INHOFE, Mr. BARTON of Texas, Mr. COX of California, Mr. FAWELL, and Mr. ZELIFF.

H.R. 4350: Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. JOHNSTON of Florida, Mr. LAFALCE, Mr. ATKINS, Mr. STARK, Ms. HORN, and Mr. DWYER of New Jersey.

H.R. 4356: Mr. ALEXANDER, Mr. FOGLIETTA, Mr. DEFAZIO, Ms. HORN, and Mr. FROST.

H.R. 4366: Ms. COLLINS of Michigan and Mr. MCCLOSKEY.

H.R. 4372: Mr. FOGLIETTA and Mr. EVANS.

H.R. 4377: Ms. NORTON and Mr. LIPINSKI.

H.R. 4383: Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. ENGEL, Mr. SCHEUER, Mr. SCHUMER, Mr. RANGEL, Mr. SOLARZ, Mr. NOWAK, Mr. WEISS, and Mr. CONYERS.

H.R. 4386: Mr. KOPETSKI, Mr. ATKINS, and Mr. MFUME.

H.R. 4393: Mr. BILIRAKIS, Mr. CALLAHAN, Mr. DARDEN, Mr. ENGEL, Mr. FASCELL, Mr. FISH, Mr. GINGRICH, Mr. GORDON, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. LEWIS of Florida, Mr. MANTON, Mr. RAY, Mr. STEARNS, and Mr. THORNTON.

H.R. 4399: Mr. MANTON, Mr. TOWNS, Mr. ZELIFF, Mr. PALLONE, and Mr. APPLEGATE.

H.R. 4405: Mr. FALEOMAVAEGA, Mrs. BYRON, Mr. RAHALL, Mr. ATKINS, Mr. REED, and Mr. FROST.

H.R. 4414: Mr. WELDON and Mr. EVANS.

H.R. 4416: Mrs. KENNELLY, Mr. DOWNEY, Mr. LIPINSKI, and Mr. ATKINS.

H.R. 4434: Mr. BRYANT, Mr. OWENS of Utah, and Mr. LIPINSKI.

H.R. 4458: Mr. EVANS.

H.R. 4463: Mr. AUCOIN and Mr. MAZZOLI.

H.R. 4464: Mr. THOMAS of Wyoming.

H.R. 4488: Mr. IRELAND, Mr. COBLE, Mr. RITTER, Mr. SCHULZE, Mr. MCCRERY, Mr. JONES of North Carolina, Mr. HAYES of Louisiana, Mr. BAKER, Mr. DANNEMEYER, Mr. LEWIS of Florida, Mr. MONTGOMERY, Mr. VALENTINE, and Mr. PARKER.

H.R. 4493: Mr. HORTON, Mr. ROE, and Mr. LAGOMARSINO.

H.R. 4507: Mr. BLACKWELL, Mr. BENNETT, Mr. LEACH, Mr. KYL, Ms. OAKAR, Mr. ALLARD, Mr. MANTON, Mr. SCHEUER, Mr. WYLIE, Mr. RICHARDSON, Mr. CONYERS, Mr. FISH, Mr. SMITH of New Jersey, Mr. COMBEST, Mr. MCCANDLESS, Mr. WALSH, Mr. SKELTON, Mr. RHODES, Mr. GUNDERSON, and Mr. PASTOR.

H.R. 4537: Mr. EVANS, Mr. TOWNS, Mr. BLAZ, Mr. BEILENSON, Mr. MCCLOSKEY, and Mr. TALLON.

H.R. 4538: Mr. HAYES of Illinois, Mr. ROE, Mr. PAYNE of New Jersey, Mr. FEIGHAN, Mr. OWENS of New York, Mr. RANGEL, Ms. NORTON, Mr. TOWNS, Mrs. MORELLA, Mr. MCGRATH, Mr. DEFAZIO, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. FROST, Mr. PASTOR, and Mr. ENGEL.

H.R. 4551: Mr. MOAKLEY, Mr. LEHMAN of California, Mr. GILMAN, Mr. HAYES of Illinois, Ms. WATERS, Mr. MCNULTY, Mr. KENNEDY, Mr. TORRES, Mr. FEIGHAN, Mr. CAMPBELL of California, Mr. MRAZEK, Ms. HORN, Mr. STUDDS, and Mr. KOPETSKI.

H.R. 4591: Mr. LAFALCE, Mr. ALLEN, Mr. ATKINS, and Mr. FROST.

H.R. 4599: Mr. TOWNS and Mr. POSHARD.

H.R. 4617: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4618: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4619: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4620: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4621: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4622: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4623: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4624: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4625: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4626: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4627: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4628: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4629: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4630: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4631: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4632: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4633: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4634: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4635: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of

California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4636: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4637: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4638: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4639: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4640: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4641: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4642: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4643: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4644: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4645: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4646: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4647: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4648: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4649: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4650: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4651: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4652: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4653: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4654: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4655: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4656: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4657: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4658: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R 4659: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4660: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4661: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER, of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4662: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4663: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4664: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4665: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4666: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4667: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4668: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4669: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4670: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4671: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of

California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4672: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4673: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4674: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4675: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4676: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4677: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4678: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4679: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4680: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4681: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4682: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4683: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GINGRICH, and Mr. HEFLEY.

H.R. 4684: Mr. OXLEY, Mr. SMITH of Texas, Mr. STUMP, Mr. MCEWEN, Mr. SOLOMON, Mr. BROOMFIELD, Mr. GUNDERSON, Mr. THOMAS of California, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. HOBSON, Mr. CHANDLER, Mr. MILLER of Washington, Mr. GALLEGLY, and Mr. GINGRICH.

H.R. 4689: Mr. GOSS, Mr. JOHNSON of South Dakota, Mr. RAMSTAD, Mr. SKAGGS, Mr. GALLEGLY, Mr. RAY, and Mr. SANTORUM.

H.R. 4700: Ms. LONG, Mr. LANTOS, Mr. CHAPMAN, Mr. PANETTA, Mr. TOWNS, Mr. PENNY, and Mr. YATRON.

H.R. 4724: Mr. WYDEN, Mr. BACCHUS, Mr. BILBRAY, Mr. HALL of Ohio, Mr. JONES of North Carolina, Mr. KOSTMAYER, Mr. LIPINSKI, Mrs. MINK, Mr. MURPHY, Mr. OBERSTAR, Mr. TANNER, Mr. TOWNS, Mr. ANDREWS of New Jersey, Mr. ERDREICH, Mr. KOPETSKI, and Mr. SPENCE.

H.R. 4727: Mr. GREEN of New York and Mr. HUBBARD.

H.R. 4750: Mr. BACCHUS, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. JOHNSON of South Dakota, Mrs. COLLINS of Michigan, Mr. OLVER, Ms. NORTON, Mr. LANCASTER, Mr. PASTOR, Mr. WALSH, Mr. MINETA, Mr. GIBBONS, Mr. NEAL of North Carolina, Mr. FORD of Tennessee, Mr. DYMALLY, Mr. SHAYS, Mr. REED, Mr. ACKERMAN, Mr. SPRATT, Mr. LEWIS of Georgia, Mr. OBEY, and Ms. DELAURO.

H.R. 4754: Mr. MCCANDLESS and Mr. DORNAN of California.

H.R. 4755: Mr. BEREUTER, Mr. ENGLISH, Mr. KLUG, and Mr. NEAL of North Carolina.

H.R. 4761: Mr. MCCLOSKEY.

H.R. 4775: Mrs. MORELLA, Mrs. COLLINS of Michigan, Mr. YOUNG of Alaska, Mr. SIKORSKI, Ms. OAKAR, Mrs. SCHROEDER, and Mr. SAWYER.

H.J. Res. 237: Mr. JONES of Georgia.

H.J. Res. 271: Mr. BLAZ and Mr. FROST.

H.J. Res. 290: Mr. MAZZOLI, Mr. HALL of Ohio, Mr. COX of Illinois, Ms. HORN, and Mr. HOAGLAND.

H.J. Res. 318: Ms. SLAUGHTER, Mr. DOOLITTLE, Mr. DIXON, Mr. SISISKY, Mr. GILCHREST, Mr. HAMILTON, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr. HOYER, Mr. HYDE, Mr. LEACH, Mrs. UNSOELD, Mr. EVANS, Mr. WELDON, Mr. LANTOS, Mr. MCCLOSKEY, Mr. MARTIN, Mr. OWENS of New York, Mr. PERKINS, Mr. BLILEY, Mr. RIGGS, Mr. GEREN of Texas, Mrs. MINK, Mr. DWYER of New Jersey, and Mr. FEIGHAN.

H.J. Res. 336: Mr. DARDEN.

H.J. Res. 353: Mr. LIGHTFOOT.

H.J. Res. 358: Mr. PANETTA, Ms. PELOSI, Mr. REED, Mr. BORSKI, Ms. DELAURO, Mr. DOWNEY, Mr. DURBIN, Mr. JOHNSTON of Florida, Mr. HEFNER, Mr. MOODY, Mr. ORTON, Mr. PALLONE, Mr. ROHRABACHER, Mr. SABO, Mr. WEISS, Mr. WELDON, Mr. WISE, Mr. ANDREWS of Maine, Mr. BACCHUS, Mr. HAYES of Louisiana, Mr. LANCASTER, Mrs. LOWEY of New York, Mr. PICKETT, Mr. SAWYER, Mr. SYNAR, Mr. TANNER, Mr. VOLKMER, Mr. YATES, Mr. BEVILL, Mr. ROE, Mr. GLICKMAN, Mr. SARPALIUS, Mr. APPLEGATE, Mr. BILBRAY, Mr. DARDEN, Mr. DOOLEY, Mr. ECKART, Mr. HEFLEY, Mr. JONES of Georgia, Mrs. PATTERSON, Mr. RAHALL, Mr. SMITH of Iowa, Mr. STALLINGS, Mr. THOMAS of Wyoming, Mr. ENGLISH, Mr. CARR, Mr. DELLUMS, Mr. HOYER, Mr. ORTIZ, Mr. PRICE, Mr. SAVAGE, Mr. TORRES, Mr. ANDERSON, Mr. ACKERMAN, Mr. MOAKLEY, Mr. MRAZEK, Mr. OLVER, Mr. PURSELL, Mr. SWETT, Mr. SWIFT, Mr. TRAFICANT, Mr. WHEAT, Mr. WOLF, Mr. CAMP, Ms. COLLINS of Michigan, Mr. CRAMER, Mr. DICKS, Mr. FEIGHAN, Mr. GIBBONS, Mr. GUNDERSON, Mr. LEHMAN of Florida, Mrs. MINK, Ms. OAKAR, Mr. SHARP, Mr. SIKORSKI, Mr. TRAXLER, Mr. UPTON, Mr. WOLPE, Mr. GEPHARDT, Mr. HOUGHTON, Mr. BEREUTER, Mr. SMITH of Florida, Mr. ANTHONY, Mr. BROWN, Mr. HERGER, Mr. PARKER, Mr. PERKINS, Mrs. UNSOELD, Mr. WEBER, Mr. SANGMEISTER, Mr. MINETA, Mr. MACHTLEY, Ms. KAPTUR, Mr. ALLEN, Mr. BROOKS, Mr. CLEMENT, Mr. COOPER, Mr. DE LA GARZA, Mr. EMERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HUCKABY, Mr. JENKINS, and Mr. LANTOS.

H.J. Res. 384: Mr. DUNCAN and Mr. UPTON.

H.J. Res. 391: Mr. BROWDER, Mr. STUMP, Mr. CONDIT, Mr. NAGLE, Mr. BRUCE, Mr. HUCKABY, Mrs. BYRON, Mr. NEAL of North Carolina, Mr. TAYLOR of Mississippi, Mr. VOLKMER, Mr. SKELTON, Mr. LUKEN, Mr. WOLF, Mr. MORAN, Mr. STAGGERS, Mr. WISE, Mr. GRANDY, Mr. RAHALL, Mr. MAZZOLI, MR. CLEMENT, Mr. OWENS of Utah, Ms. HARRIS, Mr. Payne of Virginia, Mr. OLVER, and Mr. SLATTERY.

H.J. Res. 397: Mr. REED, Mr. PETERSON of Minnesota, Mr. MOODY, Mr. FROST, Mr. FEIGHAN, Mr. SIKORSKI, and Mr. SHAYS.

H.J. Res. 399: Mr. GALLO.

H.J. Res. 421: Mr. ALEXANDER, Mr. ANDERSON, Mr. BATEMAN, Mr. BROWDER, Mr. CRAMER, Mr. DAVIS, Mr. DIXON, Mr. FISH, Mr. FORD of Tennessee, Mr. GEJDENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. HEFNER, Mr. HERTEL, Mr. HOYER, Mr. HYDE, Mr. JEFFERSON, Mr. JONES of North Carolina, Mr. KENNEDY, Mr. KILDEE, Mr. KOPETSKI, Mr. LANTOS, Mr. LEVINE of California, Mr. LIPINSKI, Ms. LONG, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MASHTLEY, Mr. MARTIN, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. MOODY, Mrs. MORELLA, Mr. MURPHY, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PICKETT, Mr. PORTER, Mr. RAVENEL, Mr. REGULA, Mr. RHODES, Mr. SABO, Mr. SANDERS, Mr. SAVAGE, Mr. SERRANO, Mr. SIKORSKI, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of Texas, Mr. STARK, Mr. SWETT, Mr. THORNTON, Mr. WYDEN, Mr. YATES, Mr. ZELIFF, Mr. BILBRAY, Mr. GALLO, and Mr. SMITH of Iowa.

H.J. Res. 424: Mr. MCDERMOTT and Mr. SPENCE.

H.J. Res. 425: Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. BACCHUS, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. JONES of North Carolina, Mr. OWENS of New York, Mr. KOSTMAYER, Mr. BROWDER, Mr. MCDERMOTT, Mr. ECKART, Mr. SWIFT, Mr. MCMILLEN of Maryland, Mr. MANTON, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Mr. DONNELLY, Ms. MOLINARI, Mr. SOLOMON, Mr. SCHAEFER, Mr. BUNNING, Mr. SMITH of Oregon, Mr. GEJDENSON, Mr. THORNTON, Mr. VOLKMER, Mr. SLATTERY, Mr. NAGLE, Mr. DURBIN, Ms. SLAUGHTER, Mr. HUBBARD, Mr. MAVROULES, Mr. STUMP, Mr. ACKERMAN, Mr. LIGHTFOOT, Mr. HYDE, Mr. HASTERT, Mr. MCNULTY, Ms. KAPTUR, Mr. GEPHARDT, Mr. EDWARDS of California, Mr. STARK, Mr. ROSE, Mr. RAY, Mr. LIVINGSTON, Mr. KILDEE, Mr. BOUCHER, Mr. TRAXLER, Mr. DEFAZIO, Mr. MINETA, Mr. BATEMAN, Mrs. MORELLA, Mr. HAMILTON, Mr. CARDIN, Mr. FORD of Tennessee, Mr. MILLER of California, Mr. SAWYER, Mr. HAYES of Illinois, Mr. EDWARDS of Texas, Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. KLECZKA, Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. HOAGLAND, Mr. CONDIT, Mr. MOAKLEY, Mr. Weiss, Mrs. BYRON, Mr. FROST, Mr. SHARP, Mrs. LOWEY of New York, Mr. MURPHY, Mr. ROBERTS, Mrs. UNSOELD, Mr. Hoyer, Mr. Fazio, Mr. HENRY, Mr. EARLY, Mr. LUKEN,

Mr. BROOKS, Mr. HALL of Ohio, Mr. WHEAT, Mr. SYNAR, Mr. WASHINGTON, Mr. BENNETT, Mr. DELLUMS, Mr. STAGGERS, Mr. FLAKE, Mr. BERMAN Mr. GAYDOS, Mr. MURTHA, Mr. TRAFICANT, Mr. HOCHBRUECKNER, Ms. LONG, Ms. OAKAR, Mr. MARKEY, Mr. LEHMAN of California, Mr. STALLINGS, Mr. ROGERS, Mrs. COLLINS of Michigan, Ms. WATERS, Mr. SCHEUER, Mr. BALLENGER, Mr. HERGER, and Mrs. BENTLEY.

H.J. Res. 430: Mr. GORDON, Mr. BILBRAY, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. BENNETT, Mr. PAYNE of New Jersey, Mr. DARDEN, Mrs. JOHNSON of Connecticut, Mr. MINETA, Mr. ANDERSON, Mr. PETERSON of Florida, Mr. BROWN, Mr. WILSON, Mr. DELLUMS, Mr. WEISS, and Mr. CLINGER.

H.J. Res. 431: Mr. MATSUI, Mr. MILLER of Ohio, Mr. GALLO, Mr. HAMILTON, Mr. ANDREWS of New Jersey, Mr. COOPER, Mr. SANDERS, Mrs. VUCANOVICH, Mr. SAWYER, Mr. RAVENEL, Mr. ANTHONY, Mr. LEHMAN of Florida, Mr. ORTON, Mr. MACHTLEY, Mr. HUBBARD, Mr. WYLIE, Mr. HEFNER, Mr. SHAW, Mr. ARCHER, Mr. LAROCCO, Mr. MILLER of Washington, Mr. LIVINGSTON, Mr. MORAN, Mr. KENNEDY, Mrs. LLOYD, Mr. EMERSON, Mr. KLECZKA, Mr. SLATTERY, Mr. GILLMOR, Mr. NUSSLE, Mr. DARDEN, Mr. HOUGHTON, Mr. CLEMENT, Mr. JEFFERSON, Mr. ROHRABACHER, Mr. PRICE, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. OXLEY, Mr. JONES of Georgia, Mr. COSTELLO, Mr. BILBRAY, Mr. DELLUMS, Mr. LANTOS, Mr. FASCELL, Mr. LEVINE of California, Mr. FISH, Mr. MAVROULES, Mr. FROST, Mr. THOMAS of Georgia, Mrs. MEYERS of Kansas, Mr. COBLE, Mr. QUILLEN, Mr. KLUG, Mr. BROOMFIELD, Mr. DORNAN of California, Ms. KAPTUR, Mr. HUGHES, Mr. MCNULTY, Mr. OWENS of Utah, Mr. JACOBS, Mr. LEHMAN of California, Mr. UPTON, Mr. RIGGS, Mr. MCDADE, Mr. BLACKWELL, Mr. PARKER, Mr. ESPY, Mr. DE LUGO, Mr. LENT, Mr. STALLINGS, Mr. BLILEY, Mr. BUNNING, Mr. COLEMAN of Texas, Mr. WHEAT, Mr. MCCLOSKEY, Mr. EVANS, Mr. BENNETT, Mr. MAZZOLI, Mr. ANNUNZIO, Mr. SABO, Mr. HAYES of Illinois, Ms. HORN, Mr. SKEEN, Mr. MONTGOMERY, Ms. NORTON, Mr. BARNARD, Mr. GINGRICH, Mr. GRANDY, Mr. HATCHER, Mr. FAWELL, Mr. BACCHUS, Mrs. MORELLA, Mr. TANNER, Mr. GONZALEZ, Mr. RAHALL, and Mr. YOUNG of Florida.

H.J. Res. 440: Mr. FASCELL, Mr. FROST, Mr. HAMILTON, Mr. HEFNER, Ms. HORN, and Mr. OWENS of Utah.

H.J. Res. 442: Mr. DORNAN of California, Mr. COBLE, Mr. FASCELL, Mr. PETERSON of Florida, Mr. MANTON, Mr. ACKERMAN, Mr. HAMILTON, Mr. JONES of North Carolina, Mr. HOAGLAND, Mr. DYMALLY, Mr. SANDERS, Mr. GORDON, Mr. MAZZOLI, Mr. CLINGER, Mr. ROSE, Mr. HALL of Texas, Mr. MCGRATH, and Mr. WAXMAN.

H.J. Res. 449: Mrs. MINK, Mr. MCMILLEN of Maryland, Mr. MORAN, Mr. MCDERMOTT, Mr. ESPY, Mr. MATSUI, Mr. FALEOMAVAEGA, Mr. LEHMAN of Florida, Mr. DORNAN of California, Mr. TRAXLER, Mrs. PATTERSON, Mr. WALSH, Mr. LAFALCE, Mr. LIPINSKI, Mr. OWENS of Utah, Mr. EMERSON, Mr. VALENTINE, Mr. WOLPE, Mr. MCGRATH, Mrs. ROUKEMA, Mr. RANGEL, and Mr. BLILEY.

H.J. Res. 450: Mr. EVANS, Mr. QUILLAN, Mr. KOPETSKI, Mr. FROST, Mr. BLILEY, and Mr. BUSTAMANTE.

H.J. Res. 454: Mr. SMITH of Oregon, Mr. HOCHBRUECKNER, Mr. MACHTLEY, Mr. YATES, Mr. MYERS of Indiana, Mr. BURTON of Indiana, Mr. MCCLOSKEY, Mr. BLACKWELL, Mr. WYDEN, Mr. SHAYS, Mr. WOLF, Mr. RIGGS, Mrs. MORELLA, Mr. HYDE, Mr. TOWNS, Mr. WEISS, Mr. LEVINE of California, Mr. WILLIAMS, Mr. WALSH, Mrs. ROUKEMA, Mr. MORRISON, Mr. BERMAN, Mr. DANNEMEYER, Mr. CAMP, Mr. DOOLEY, Mr. PRICE, Mr. SMITH of Florida, Mr. HUGHES, Mr. SANDERS, Mr. COYNE, Mr. MARLENEE, Mr. EVANS, Mr. DIXON, and Mr. LAFALCE.

H.J. Res. 458: Mr. COBLE, Mr. LEVINE of California, and Mr. ALEXANDER.

H.J. Res. 459: Mr. EMERSON, Mr. FROST, Mr. HUGHES, and Mr. ROSE.

H. Con. Res. 42: Mr. HYDE, Mr. LENT, and Mrs. LLOYD.

H. Con. Res. 92: Mr. WILLIAMS and Mr. MCHUGH.

H. Con. Res. 96: Mr. ALLEN, Mr. PAXON, and Mr. Nichols.

H. Con. Res. 192: Mr. BRYANT, Mr. RICHARDSON, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DREIER of California, Mr. TALLON, Mr. ABERCROMBIE, Ms. COLLINS OF MICHIGAN, Mr. GEPHARDT, Mr. HOYER, Mrs. MEYERS of Kansas, and Mr. FAZIO.

H. Con. Res. 233: Mrs. Roukema, Mr. DOOLITTLE, Mr. MCNULTY, Mr. DARDEN, Mr. PAXON, Mr. HARRIS, and Mr. QUILLEN.

H. Con. Res. 246: Mr. SHAYS, Mr. NEAL of North Carolina, Mr. COYNE, Mrs. SCHROEDER, and Mr. LUKEN.

H. Con. Res. 257: Mr. CHANDLER, Mr. LAGOMARSINO, Mr. LENT, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MORRISON, Mr. NOWAK, and Mr. RIGGS.

H. Con. Res. 276: Mr. LIPINSKI.

H. Con. Res. 295: Mr. CONYERS, Mr. DELLUMS, Mr. GORDON, Mr. DOWNEY, Mr. TOWNS, Mr. HORTON, Mr. COX of Illinois, Mr. LIPINSKI, Mr. SHAYS, Mr. RANGEL, Mr. HOCHBRUECKNER, Mr. DWYER, of New Jersey, and Mr. BUSTAMANTE.

H. Con. Res. 306: Mr. YATRON, Mr. LEVINE of California, Mr. GOSS, and Mr. PAYNE of New Jersey.

H. Con. Res. 307: Mr. WILSON, Mr. OXLEY, Mr. HAYES of Louisiana, Mr. SPENCE, Mr. HERGER, Mr. SANTORUM, and Mr. FAWELL.

H. Res. 359: Mr. Fazio.

H. Res. 376: Mr. ZELIFF and Mr. SCHAEFER.

H. Res. 404: Mr. COBLE.

H. Res. 406: Mr. MCEWEN, Mr. SHAYS, Mr. TAYLOR of Mississippi, Mr. ZELIFF, Mr. SIKORSKI, Mr. RAMSTAD, and Mr. ATKINS.

H. Res. 411: Mr. MACHTLEY, Mr. WALSH, Mr. DARDEN, Mr. HORTON, and Mr. FROST.

H. Res. 417: Mr. LIPINSKI, Mr. OWENS of New York, Ms. HORN, Mr. DURBIN, Mr. GORDON, and Mr. CLAY.

H. Res. 419: Mr. SHAW, Mr. SHAYS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STUMP, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. BAKER, Mr. KASICH, Mr. DUNCAN, Mr. PETRI, Mr. GALLEGLY, Mr. RINALDO, Mr. KLUG, Mr. LEWIS of Florida, Mr. BILIRAKIS, Mr. ZIMMER, Mr. KYL, Mr. ROHRABACHER, Mr. COLEMAN of Missouri, Mr. DREIER of California, Mr. MCGRATH, Mr. GALLO, Mr. FAWELL, Mr. IRELAND, Mr. ALLEN, Mr. KOLBE, Mr. FIELDS, Mr. ARMEY, Mr. BATEMAN, Mr. BLILEY, Mr. BUNNING, Mr. COMBEST, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. EDWARDS of Oklahoma, Mr. EWING, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HERGER, Mr. HOLLOWAY, Mr. HUNTER, Mr. INHOFE, Mr. LEACH, Mr. LOWERY of California, Mr. MCCANDLESS, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MORRISON, Mr. PACKARD, Mr. PORTER, Mr. PURSELL, Mr. FISH, Mr. RIGGS, Mr. SANTORUM, Mr. STEARNS, and Ms. SNOWE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 330: Mr. ROSE.

H.R. 2437: Mr. MCMILLAN of North Carolina.

H.R. 3211: Mr. SANTORUM.

H.R. 3221: Ms. COLLINS of Michigan.

H.R. 3484: Mrs. BENTLEY.

H.R. 4617: Mr. PORTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

149. By the SPEAKER: Petition of the National League of Cities, relative to metropolitan disparities and economic growth; to the Committee on Government Operations.

150. Also, petition of the city of council of the city of La Puente, CA, relative to H.R. 3936; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

151. Also, petition of the city council of the city of La Puente, CA, relative to H.R. 2806; jointly, to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3484

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3484.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARTIN (at the request of Mr. MICHEL), for today, on account of official business in his congressional district.

Mr. ZELIFF (at the request of Mr. MICHEL), from 3 p.m. today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

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

Mr. NUSSLE, for 60 minutes, today.

Mr. DOOLITTLE, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, today.

Mr. HAMMERSCHMIDT, for 30 minutes, today.

Mrs. BENTLEY, for 60 minutes, on April 28 and May 1.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCA, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. STUDDS, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. HOYER, for 60 minutes, today.
Mr. OWENS of New York, for 60 minutes, on May 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 26, 27, 28, and 29.

EXTENSION OF REMARKS

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

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

Mr. FIELDS in two instances.
Mr. BROOMFIELD.
Mr. KYL in two instances.
Mr. BEREUTER.
Ms. SNOWE.
Mr. HENRY.
Mr. RINALDO in four instances.
Mr. SOLOMON.
Mr. RHODES.
Mr. SCHULZE.
Mr. MCEWEN in three instances.
Mr. BUNNING.
Mr. FISH.
Mr. PACKARD.
Mr. REGULA.
Ms. ROS-LEHTINEN in 10 instances.
Mr. GALLEGLY in two instances.
Mrs. JOHNSON of Connecticut.
Ms. MOLINARI.
Mr. BALLENGER in two instances.
Mr. DELAY.
Mr. SPENCE in three instances.
Mr. DORNAN of California.
Mr. MORRISON.
Mr. BLAZ in two instances.
Mrs. VUCANOVICH.
Mr. GUNDERSON.
Mr. GOODLING.
Mr. HAMMERSCHMIDT.
Mr. WOLF.
Mr. GILMAN.
Mr. SANTORUM.
Mr. CLINGER.
Mr. LEWIS of Florida.

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

Mr. MILLER of California.
Mr. EDWARDS of California.
Mr. WAXMAN.
Mr. STUDDS in two instances.
Mr. DEFAZIO.
Mr. DINGELL.
Mr. MARKEY.
Mr. ATKINS.
Mr. FROST in two instances.
Mr. ACKERMAN.
Mr. WILLIAMS.
Mrs. BYRON.
Mr. BROWN.
Mr. NOWAK.
Ms. SLAUGHTER in two instances.
Mr. LEVINE of California in two instances.
Mr. SCHUMER.
Mr. TOWNS in four instances.
Mr. MFUME.
Ms. NORTON.
Mr. SHARP.
Mr. HOCHBRUECKNER.
Mr. DORGAN of North Dakota.
Mr. LAUGHLIN.
Mr. SKELTON.
Mr. SWETT in four instances.
Mr. FALEOMAVAEGA in two instances.
Mr. BONIOR in three instances.
Mr. ROE in two instances.
Mr. LEHMAN of Florida.
Mr. OWENS of New York.
Mr. DE LA GARZA.
Mrs. KENNELLY.
Mr. JOHNSON of South Dakota.
Mr. DYMALLY.
Ms. DELAURO.
Mr. LANTOS.
Mr. FASCELL in four instances.
Mr. MAZZOLI in two instances.
Mr. CLAY.
Mr. WEISS in two instances.
Mr. MCMILLEN of Maryland.

SENATE BILL REFERRED

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

S. 1882. An act to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Commerce.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3686. An act to amend title 28, United States Code, to make changes in the places of holding court in the Eastern District of North Carolina; and

H.R. 4449. An act to authorize jurisdiction receiving funds for fiscal year 1992 under the HOME Investment Partnerships Act that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolution of the Senate of the following titles:

S. 606. An act to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes;

S. 985. An act to assure the people of the Horn of Africa the right to food and the other basic necessities of life and to promote peace and development in the region;

S. 1743. An act to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes; and

S.J. Res. 246. Joint resolution to designate April 25, 1992 as "National Recycling Day."

ADJOURNMENT TO TUESDAY, APRIL 28, 1992

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

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 109 of the 102d Congress, the House stands adjourned until 12 noon, Tuesday, April 28, 1992.

Thereupon (at 12 o'clock and 20 minutes a.m.), pursuant to Senate Concurrent Resolution 109, the House adjourned until Tuesday, April 28, 1992, at 12 noon.