HOUSE OF REPRESENTATIVES—*Wednesday, May 6 1992*

The House met at 10 a.m.

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

We are in Your presence, gracious God, with our words of thanksgiving for Your gifts to us and to all people and with our petitions for healing in our communities and in our land. With gratitude we celebrate our experience of being created as one people and in our hearts we know that You would have us live together in mutual respect. May the bonds of unity and honor bring us together, O God, and endow us with the gifts of solidarity and respect one for another. May Your blessing be upon us this day and every day, we pray. Amen.

THE JOURNAL

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

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

Mr. WALKER. 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. 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. 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 259, nays 106, not voting 69, as follows:

[Roll No. 96]

YEAS—259

Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Livingston
Lloyd
Long
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Montgomery
Moody
Moran
Morella
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
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
Traficant
Traxler
Unsoeld
Vento
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Wylie
Yates

NAYS—106

Allen
Armey
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Chandler
Clay
Coble
Coleman (MO)
Crane
Cunningham
Dannemeyer
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCrery
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Nussle
Paxon
Porter
Quillen
Ramstad
Regula
Rhodes
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—69

Abercrombie
Alexander
Allard
Archer
AuCoin
Baker
Barton
Boxer
Brewster
Byron
Callahan
Campbell (CA)
Carr
Chapman
Coughlin
Cox (CA)
DeLay
Dellums
Dingell
Dixon
Donnelly
Dooley
Dymally
Eckart
Engel
Ewing
Feighan
Foglietta
Ford (MI)
Ford (TN)
Hall (OH)
Hastert
Jefferson
Jones (NC)
Kolter
Lehman (CA)
Lipinski
Lowery (CA)
Lowey (NY)
Mavroules
McDade
Meyers
Mfume
Moakley
Mollohan
Mrazek
Neal (MA)
Nowak
Payne (NJ)
Rangel
Riggs
Roberts
Roe
Roemer
Sanders
Savage
Schaefer
Sikorski
Sundquist
Torres
Towns
Valentine
Vander Jagt
Visclosky
Waters
Weber
Whitten
Wilson
Yatron

□ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire [Mr. ZELIFF] come forward and lead the House in the Pledge of Allegiance.

Mr. ZELIFF 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.

APPOINTMENT AS MEMBERS TO COMMISSION TO PROMOTE INVESTMENT IN AMERICA'S INFRASTRUCTURE

The SPEAKER. Pursuant to the provisions of section 1081(c) of Public Law 102–240, the Chair appoints the following Members to the Commission to Promote Investment in America's Infrastructure on the part of the House:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Neil Goldschmidt of Portland, OR, and

Mr. Daniel V. Flanagan, Jr., of Arlington, VA.

APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION

The SPEAKER. Pursuant to the provisions of section 5005(d)(1) of Public Law 102-240, the Chair appoints the following Members to the National Commission on Intermodal Transportation on the part of the House:

Mr. John W. Snow of Richmond, VA, and

Mr. John G. Roach of St. Louis, MO.

APPOINTMENT AS MEMBER TO NATIONAL NUTRITION MONITORING ADVISORY COUNCIL

The SPEAKER. Pursuant to the provisions of section 201(b)(i) of Public Law 101-445, the Chair appoints Miss Sheryl L. Lee of Mesa, AZ, to the National Nutrition Monitoring Advisory Council on the part of the House.

APPOINTMENT AS MEMBERS TO CONGRESSIONAL AWARD BOARD

The SPEAKER. Pursuant to the provisions of the Congressional Award Act, section 803 of title 2, United States Code, as amended by Public Law 101-525, the Chair appoints the following individuals to the Congressional Award Board on the Part of the House:

From the U.S. House of Representatives: Mr. PAYNE of New Jersey; and from private life: Mr. Eugene Moos of Washington, DC.

APPOINTMENT AS MEMBER TO TASK FORCE ON AGING RESEARCH

The SPEAKER. Pursuant to the provisions of section 302(a)(12) of Public Law 101-557, the Chair appoints the following Member of the House to the Task Force on Aging Research:

Mr. WYDEN of Oregon.

REAPPOINTMENT AS MEMBER OF FEDERAL COUNCIL ON THE AGING

The SPEAKER. Pursuant to section 204 of Public Law 98-459, the Chair reappoints as a member of the Federal Council on the Aging on the part of the House the following person from the Private sector:

Mrs. Josephine K. Oblinger of Williamsville, IL.

APPOINTMENT AS MEMBERS TO U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Chair appoints the following Members of the House to the U.S. Holocaust Memorial Council on the part of the House:

Mr. YATES of IL;

Mr. LEHMAN of FL;

Mr. SOLARZ of NY;

Mr. LANTOS of CA; and

Mr. GREEN of NY.

APPOINTMENT OF MEMBERS AS OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of section 2211 of title 19, United States Code, and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 102d Congress:

Mr. ROSTENKOWSKI of IL;

Mr. GIBBONS of FL;

Mr. JENKINS of GA;

Mr. ARCHER of TX; and

Mr. CRANE of IL.

NATIONAL UNDERSEA RESEARCH PROGRAM ACT OF 1992

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3247, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. HUGHES] that the House suspend the rules and pass the bill, H.R. 3247, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 133, not voting 46, as follows:

[Roll No. 97]

YEAS—255

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bustamante
Camp
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dooley
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Fazio
Fish
Flake
Ford (MI)
Frank (MA)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hyde
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Miller (CA)
Miller (WA)
Mineta
Mink
Moody
Moran
Morella
Morrison
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Pursell
Rangel
Ravenel
Ray
Reed
Richardson
Ridge
Rinaldo
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Sawyer
Saxton
Scheuer
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Young (AK)
Young (FL)

NAYS—133

Allen
Archer
Armey
Ballenger
Barrett
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bruce
Bunning
Burton
Chandler
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (IL)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Espy
Fields
Franks (CT)
Gallegly
Gaydos
Gekas
Gillmor
Gingrich
Glickman
Goodling
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Hutto
Inhofe
Ireland
James
Jenkins
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Marlenee
McCandless
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Patterson
Petri
Porter
Poshard
Quillen

Rahall	Sensenbrenner	Taylor (MS)
Ramstad	Shaw	Taylor (NC)
Regula	Shays	Thomas (WY)
Rhodes	Shuster	Vucanovich
Ritter	Skeen	Walker
Rogers	Skelton	Walsh
Roth	Smith (OR)	Weldon
Roukema	Smith (TX)	Wolf
Santorum	Solomon	Wylie
Sarpalius	Stearns	Zeliff
Schiff	Stenholm	Zimmer
Schroeder	Stump	
Schulze	Swett	

NOT VOTING—46

Abercrombie	Fawell	Roemer
Allard	Feighan	Sanders
AuCoin	Foglietta	Savage
Baker	Ford (TN)	Schaefer
Boxer	Hastert	Sharp
Byron	Jefferson	Sundquist
Callahan	Jones (NC)	Torres
Campbell (CA)	McDade	Valentine
Chapman	Mfume	Vander Jagt
Cox (CA)	Moakley	Waters
Dellums	Mollohan	Weber
Dixon	Mrazek	Whitten
Donnelly	Neal (MA)	Wilson
Dymally	Nowak	Yatron
Eckart	Riggs	
Ewing	Roberts	

□ 1048

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

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

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

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

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week", and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week."

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month";

S.J. Res. 276. Joint resolution to designate May 1992, as "Older Americans Month"; and

S. Con. Res. 111. Concurrent resolution authorizing the 1992 Special Olympics Torch Relay to be run through the Capitol Grounds.

PERMISSION FOR SUBCOMMITTEE ON FORESTS, FAMILY FARMS, AND ENERGY, OF THE COMMITTEE ON AGRICULTURE TO SIT DURING 5-MINUTE RULE TODAY

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that the Subcommittee on Forests, Family Farms, and Energy of the Committee on Agriculture be allowed to sit under the 5-minute rule today.

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

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, it is my understanding that our ranking member of the Committee on Agriculture objects to this, so I would respectfully object on their behalf until we can get it cleared up.

The SPEAKER pro tempore. Does the gentleman from Indiana insist on his request?

Mr. JONTZ. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Chair would note that 10 objections are required.

(Messrs. WALKER, SOLOMON, DELAY, UPTON, MILLER of Ohio, HOUGHTON, PAXON, RHODES, RITTER, and ZELIFF also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

□ 1050

ANNOUNCING THE DEATH OF THE HONORABLE WILBUR MILLS

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

Mr. ALEXANDER. Mr. Speaker and my colleagues, I have the sad duty as dean of the Arkansas delegation to announce the death of the late Wilbur Mills. On Saturday evening, May 2, Mr. Mills died in his sleep, and he was buried yesterday in his hometown of Kensett, AR.

Those of us who had the privilege of serving with Mr. Mills remember him as the powerful and legendary chairman of the Committee on Ways and Means.

Mr. Speaker, I will join with other Members who remember Mr. Mills to take a special order some time next week in order to memorialize the great chairman. The time of the special order will be announced.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SKAGGS). The Chair will announce that 1 minutes will be limited to 10 per side.

NOT SO FAST, MR. PRESIDENT

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

Mr. BONIOR. Mr. Speaker, the President has announced he has a comprehensive plan for billions of dollars in aid. And we wants it immediately.

To help the 170 workers at United Technologies in Port Huron, MI, who, as we speak, have gotten their pink slips? To help our crumbling cities?

To help our families who are in need of aid? No; to help the former republics of the Soviet Union.

This week, over 100 of my colleagues have joined in sending the President a message: "Not so fast, Mr. President." Americans are tired of being told to wait our turn, to go to the back of the line.

For over a decade, Republican administrations have had just one domestic policy: neglect.

We have a different idea. If we can put aid to the former Soviet Union on a fast track, we can move aid on a fast track for Americans. The scrambling at the White House today to try to figure out what is happening in America, where have they been for the past 12 years? For the President, the problems of Americans have been put on a back burner and the pilot light has gone out.

This country needs a pilot, and we need a leader, and we need it now.

THE DEMOCRATS HAVE BECOME PRETTY GOOD CENSORS

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

Mr. WALKER. Mr. Speaker, some months ago when the issue was on the floor about whether or not taxpayer money should be spent for pornography, we had lots of Democrats come to the floor at that time saying it was censorship not to spend taxpayer money for pornographic art and literature and a number of other things. Now we find out the Democrats have become pretty good censors themselves.

Yesterday they threw out of the committee room the C-SPAN cameras that wanted to cover a Committee on Rules meeting, and denied them the ability to cover that.

Now we learn today that they have also thrown out of the Rayburn room a gentleman who wanted to talk about a book he has written which just happens to be critical of the House Democrats. The Democrats today told him he couldn't explain his book and talk about his book in a room on Capitol Hill.

So we are finding the Democrats are pretty good censors themselves when it comes to questions that protect their political fortunes.

VIETNAM VETERANS MEMORIAL 10TH ANNIVERSARY DAY

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

Mr. MONTGOMERY. Mr. Speaker, November 13, 1992, will be the 10th anniversary of the dedication of the Vietnam Veterans Memorial here in Washington. To mark this very important occasion, my colleague from Arizona, BOB STUMP and I are introducing a joint resolution today which designates November 13 as "Vietnam Veterans

Memorial 10th Anniversary Day" and calls on the President to issue a proclamation requesting that all citizens observe this milestone with appropriate activities.

Now the most-visited monument in the Nation's Capital, the Vietnam Veterans Memorial stands as a powerful tribute to some of our best and bravest. It honors those who served, those who died, and those who remain listed as missing in action.

None of us could have imagined the impact that this memorial would have on veterans and American society in general. It has helped heal the wounds that divided our Nation during and after the Vietnam war.

I invite each of my colleagues to cosponsor this resolution as we honor this magnificent monument, the Vietnam Memorial.

DEPARTMENT OF EDUCATION'S BUDGET SHOULD BE CUT

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

Mr. ALLEN. Mr. Speaker, the Federal Government needs to set priorities in spending and it is high time action be taken to downsize bureaucracy in favor of actual delivery of service out in the field.

I will soon introduce legislation to increase and improve the education resources and priorities of local school districts. Taxpayers are not impressed to learn that there are 4,600 bureaucrats on the $300 million payroll at the Federal Department of Education. They believe this enormous bureaucracy has no direct impact on the actual education of their children.

Mr. Speaker, my legislation will reduce the bureaucracy by calling for a 10-percent cut in the Department of Education's personnel budget by $56 million over a 2-year period. Ninety percent of these savings will be sent directly to the local schools where real education takes place, and the remaining 10 percent would be used for deficit reduction.

Local school boards and communities can best determine their education spending needs; be it textbooks, buildings or teacher salaries.

I ask my colleagues to join me in turning back the bureaucracy by signing on to my bill as an original sponsor. The choice is simple, would you rather spend this money in your local schools or in the Federal bureaucracy? This bill can put you on record in support of your local schools and in support of some deficit reduction, rather than keeping funds in Washington to feed a generally irrelevant Federal bureaucracy.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, I was called away to Detroit on urgent business on the evening of Thursday, April 30, 1952 and was unable to place my vote on H.R. 3090, the Public Health Service Act. Had I been present, I would have voted in favor of this measure.

15,000 CENTRAL FLORIDIANS SAY "CORRECT THE NOTCH"

(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 am proud to rise today and show you these petitions with the names of 15,000 Central Floridians. They want their Federal Government to correct the Social Security notch.

Legislation to correct the notch inequity has been languishing before the House Committee on Ways and Means for months now—despite having 283 cosponsors.

There is every reason to bring notch reform legislation to the House floor for a fair and open debate.

A byproduct of this matter for Florida is the benefit it would bring the State's economy. The Bureau of Economic and Business Research at the University of Florida estimates that passage of notch reform legislation would result in almost $900 million of disposable income for Florida. This would boost the State's tax base by more than $51 million from the State's sales tax alone.

Passing notch reform legislation would result in more activity for local businesses and more revenues for State, local and Federal governments.

Mr. Speaker, I urge you and other Members of the House leadership to bring H.R. 917, the notch reform bill, to the House floor. These 15,000 central Floridians deserve this action and so do the 283 Members who cosponsored it.

ARMORED CAR INDUSTRY RECIPROCITY ACT

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

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing the Armored Car Industry Reciprocity Act to ensure that States provide recognition for weapons licenses of armored car guards when they cross State lines delivering valuables.

The Federal Government ships billions of dollars' worth of currency, coins, food stamps, and precious metals across the country using armored car companies.

I was therefore surprised to learn that an armored car guard's license to carry a weapon in one State is not honored in other States. Under the current system, a guard would have to obtain a separate license in each State.

Unfortunately, what all too often happens is that the crews simply drive through the States without proper licenses. When they are stopped by authorities, the crew can face criminal charges and the valuables in the car may be placed in jeopardy.

The simplest solution to the problem of interstate commerce for valuable property is to require States to provide reciprocity for out-of-State weapons permits, solely for the purposes of armored car crews engaged in interstate commerce.

The Armored Car Industry Reciprocity Act provides such reciprocity, and is endorsed not only by the industry, but the users of armored cars, including the Federal Government. The bill is supported by the Fraternal Order of Police and the International Association of Chiefs of Police.

I want to stress that this is not an issue of gun control. The bill neither takes guns away from those armored car personnel with licenses nor puts them into the hands of those without licenses. The bill is strictly limited to the narrow situation of interstate travel by armored car crews.

For this reason, the bill has been reviewed both by the National Rifle Association and Handgun Control, and neither group raised any problems.

This is a short and commonsense bill that resolves a problem of interstate commerce. Its broad support is further proof of this fact.

There are many examples of armored car companies carrying shipments of valuables across State lines for the Federal Government. For example, the American Bank Note Co. prints food stamps in Pennsylvania, which are shipped by armored car to 3,500 distribution points across the country. A typical vehicle carries about $75 million worth of food stamps.

The U.S. Mints in Philadelphia, Denver, and San Francisco ship coins across the country by armored car. A typical shipment might take the coin from Philadelphia to Florida, passing through Delaware, Maryland Virginia, North Carolina, South Carolina, and Georgia. The return route could include a completely different set of States.

There are also problems for private companies. Problems particularly arise for companies operating in metropolitan areas near States lines. For example, companies carry currency between Gary, IN and Chicago, IL. Small, independent companies are placed at a distinct disadvantage because of the cost of obtaining multiple licenses.

There have been numerous examples of armored cars being stopped and their crew and cargo placed in jeopardy. For example, recently, an armored car company was moving $50 million in food stamps from Pennsylvania to upstate New York. When stopped at a weigh station, police asked to see the

guard and drivers weapons permits. When they produced New Jersey permits, the driver was arrested and placed in jail, while the guard was left unarmed with the truck containing the $50 million. The next day charges were dismissed.

In Louisiana, another armored car containing food stamps was stopped on a routine traffic check. The armed guards, who had licenses from Pennsylvania were arrested and taken to jail while the truck was left along the side of the road. The charges were later dismissed.

In Virginia, an armored car transporting currency from the Bureau of Engraving to North Carolina was stopped by the police and their weapons confiscated, leaving them to proceed with their multi-million dollar cargo without weapons.

As I stated earlier, there is support for the bill from the Federal agencies involved in this matter. There have been expressions of support from the Bureau of Alcohol, Tobacco and Firearms, the Bureau of the Mint, the Bureau of Engraving and Printing, the Department of Agriculture, the Interstate Commerce Commission, the FBI, and the U.S. Marshal Service.

The bill establishes minimum State standards for the granting of weapons licenses to armored car crews in order to qualify for reciprocity. These minimum standards require criminal background checks and annual classroom and range training. While States are in no way required to adopt these minimum standards—and most States already have such requirements—the attraction of reciprocity will likely encourage armored car companies and the States to adopt such standards, if they do not already exist.

□ 1100

"AMERICA'S CHALLENGE" BREAST CANCER AWARENESS IN FLORIDA

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

Mr. BILIRAKIS. Mr. Speaker, on May 9, thousands of Floridians will unite to fight a killer that will claim the lives of nearly 45,000 women nationwide this year. They will gather together in the streets, schools, parks, and on the beaches of 32 Florida towns and cities to send a message aimed at saving women's lives.

That message is America's challenge: To inform the public that every woman is at risk for breast cancer and every woman has the power to fight back by taking action.

The American Cancer Society's Florida division established the Mother's Day weekend event "America's Challenge" to help women save themselves from breast cancer. The event will occur simultaneously throughout the State and will offer participants a chance to learn more about breast cancer, as well as offer one another support by simply uniting in a common cause. The highlight of the event is an opening ceremony followed by a symbolic walk toward action on breast cancer.

This weekend, Floridian women will be taking action to have a voice in the medical and legislative processes that directly affect their lives; they will have the most visible opportunity yet to demonstrate their commitment to fighting breast cancer.

URGING THE PRESIDENT TO TAKE A LOOK AT OUR CITIES

(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, the British and the French have blamed the Reagan-Bush policies for the riots in Los Angeles. President Bush said, "Hogwash." He said, "It's all the fault of LBJ." That is right, Lyndon Baines Johnson, and to prove it, now that John Sununu is gone and the plane is available, he is going to fly to Los Angeles.

Mr. Speaker, the President should stop in Miami and Cleveland, Philadelphia and New York, Boston, Chicago, Newark, because the truth of the matter is America is on fire, and the American people are fed up, fed up with a White House that spends more time on the Mideast than the Midwest, more time on job creation in Mexico than in our own country.

Mr. Speaker, Congress and the White House better read the graffiti on all these abandoned factories in the inner city. I think it is time to take a look at our cities and at the people in America who cannot pursue life, liberty, and happiness without a job.

WHAT ARE YOU AFRAID OF, MR. SPEAKER?

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

Mr. ZELIFF. Mr. Speaker, it is no wonder Mr. Speaker, that the American people are upset with Congress. Almost every Member talks about cutting the budget, or balancing the budget, when they are back home.

Yet when the President proposes specific places to cut the budget called rescissions we are now being told that it is against Congresses rules to allow individual votes on these specific budget cuts.

People are out of work, Mr. Speaker. There is rioting in the streets. The people want jobs. The American people want us to cut the budget, to stimulate economic growth, and to create good high-paying jobs.

The American people are sick of these partisan political games. Democrats and Republicans can disagree on whether or not these budget cuts should be made.

But it is inexcusable not to let us vote on these individual proposed budget cuts. No wonder that over 50 Members are quitting Congress, when heavy-handed rules will not even let them vote, "Yes" or "No," on specific budget cuts.

Let us vote on these individual budget cuts, Mr. Speaker. Let the voices of the peoples representatives be heard. What are you afraid of, Mr. Speaker?

URGING THE PRESIDENT NOT TO VETO THE CAMPAIGN FINANCE REFORM BILL

(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, last week I talked about the brave 33, those 33 Republican challengers for Congress, who wrote the President urging him not to veto the campaign finance reform bill. I am pleased to note in this morning's Post that these brave 33 are joined by 15 cohorts, 15 former Members of Congress of the Republican Party, who have also urged the President not to veto this bill.

Mr. Speaker, for weeks I have been urging the President to sign this bill into law. It is a modest step forward. It puts limits on campaign spending, reduces the influence and clout of political action committees. It balances campaigns. It makes them more competitive.

But if not for me, Mr. Speaker, certainly for these brave Republicans, now 48, I hope that the President will, in fact, not veto that bill, but proudly sign it into law.

NATIONAL TOURIST APPRECIATION DAY

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

Mr. RITTER. Mr. Speaker, as the author of the original National Tourism Week in 1984, I am pleased to take to the floor today to call attention to this ninth National Tourism Week and, more specifically, to today as we celebrate National Tourist Appreciation Day.

So much is happening to build our jobs and our economy through the industry of tourism. So many public-private partnerships are out there. I am proud that my home State of Pennsylvania joined recently with the State of Rhode Island to cooperatively market our States as destinations for the

citizens of Germany, a very lucrative market for the United States tourism industry. There is so much German heritage in Pennsylvania, and this regional market development plan, put together by the U.S. Travel and Tourism Administration [USTTA] is a means of pooling our resources and attracting German tourists to some of the very special places that America has to offer. USTTA has done a fine job in stimulating these public-private partnerships.

In 1990, the Keystone State was visited by over 1.3 million foreign travelers, and in 1989, the last year for which we have financial data, generated over a half a billion dollars in revenues for our State and its communities.

Mr. Speaker, this is a positive story of seeking positive trade balance for our Nation. Tourism's growth has provided needed impetus for American economic development and so it is only fitting that we celebrate National Tourism Appreciation Day and National Tourism Week.

GOOD ENVIRONMENTAL POLICY IS GOOD ECONOMICS

(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, many people believe that there is a fundamental conflict between caring for our environment and building a healthy economy. Nothing could be further from the truth, and today I am introducing a bill with my colleague from New York, NITA LOWEY, that proves this point.

Our bill, the Water Pollution Control and Estuary Restoration Financing Act, has received the support of a remarkable coalition of business, labor, and environmental groups—groups who understand that unless we clean up our waterways and estuaries we will lose an important economic resource that generates millions of jobs.

In my State of Connecticut, the Long Island Sound is dying—literally choking to death. Without our help, not only will the Sound be destroyed, but so will the economy of Connecticut's shoreline communities. This is true in many other States with estuaries whose delicate ecological balance is being threatened, and with it the jobs and businesses that depend on those waterways.

Our bill would reauthorize essential components of the Clean Water Act and reaffirm the Federal commitment to clean water—and it gives voice to the increasing calls for action on the Clean Water Act.

Good environmental policy is good economics. It is time we understood this simple fact before both our natural and economic resources become hopelessly damaged.

WE NEED TO PROMOTE TOURISM IN THE UNITED STATES

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

Mr. GEKAS. Mr. Speaker, Members of the House, one of the unfortunate side effects of the Los Angeles riots, and there were many side effects, was a cancellation by major tourist firms in Japan and elsewhere on planned trips to that area which would have netted for that area millions of dollars and boosted the economy. It pointed out to many of us how important tourism is to the United States in this cycle of our economy, as in any other time. So, we want to make special effort to reemphasize how important it is to promote tourism and to make sure that we in our various several States point out the attributes of our own areas for visiting people from outside our country and within our country.

Mr. Speaker, we in Pennsylvania, as the previous speaker from Pennsylvania has noted, we have Independence Hall, and Hershey, and a lot of Revolutionary and Civil War monuments and places, like Gettysburg and Valley Forge. Tourism is alive and well, and we ought to promote it within our country and beyond its borders.

SOUTH CAROLINA ATTRACTING TOURISTS THROUGH PROMOTIONAL CAMPAIGN

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

Mr. TALLON. Mr. Speaker, as we celebrate National Tourism Week this week, I am pleased to note that my State of South Carolina has been involved with Delta Airlines in a new marketing campaign to bring visitors from the United Kingdom to South Carolina.

This has been done in conjunction with the United States Travel and Tourism Administration which just completed their historic promotional campaign in the United Kingdom featuring a video invitation from President Bush inviting the Brits to our shores.

USTTA's calculations are that British requests for information about American tourist destinations are already up by 5 percent over 1990 levels. This is good news for promotion efforts in South Carolina and nationwide.

□ 1110

THE DISTRICT DOMESTIC PARTNERSHIP ACT

(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, tomorrow I am introducing a resolution of disapproval of the District's Domestic Partnership Act. I was sought out by about 100 pastors here in the D.C. area who lobbied the council not to approve this bill.

If there ever was an attack on the family in this country, it is this Domestic Partnership Act. The ministers here see the problems that come from it.

As a member of the Select Committee on Children, Youth, and Families, I have always sought to build the family and not to destroy the family in this country. To me, this bill totally destroys the families of this country.

Just to tell my colleagues how ridiculous this bill is, to qualify for insurance as an employee of the District of Columbia, all one has to do is go down, like getting a parking permit, and sign up and say, "This is my domestic partner." One has to have no ties, no binds.

It is good for 6 months. It is good for people who live together whether it is for 1 day or if they never live together.

If one has a problem, all one has to do is go down and sign up, find a partner, and they are good.

I hope that Members will join me in cosponsoring this bill to where we can defeat it in committee.

THE RODNEY KING VERDICT

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

Mr. HAYES of Illinois. Mr. Speaker, about a week has passed since the verdict in the Rodney King Los Angeles police brutality case was rendered, and I am still disappointed, angered, and shocked. I am outraged by this travesty of justice. We all saw on tape, in living color, these officers kick, stomp, and strike Rodney King some 50 times. Yet a jury, clearly influenced and swayed by the racist ills of this society, found the officers not guilty.

Mr. Speaker, I am dismayed today not only because justice did not prevail in this case, but also because the leaders of this country have chosen to politicize an incident which requires real solutions and not 1-minute sound bites. Mr. Speaker, I can see it now. The focus on the 1992 election has been defined. Willie Horton has been set aside, and now Rodney King and the Los Angles riots have taken his place. Instead of speaking the truth and acknowledging the fact that the Government's total and callous disregard for the poor and minority throughout the Reagan-Bush era has produced an environment where race hate and violence have been able to cultivate. We cannot stand by and merely accept the outcome of this very uneven and unfair system of justice.

There is a national, multiracial outcry for justice, and we must respond. I

challenge the Attorney General William Barr to conduct a thorough and unbiased investigation of this matter. Rodney King's, as well as all Americans', civil rights are at stake. However, more importantly, we as a nation must reflect on the direction that we are moving in this country. The Rodney King incident is not an isolated case and such violent behavior cannot be accepted by so-called peacekeepers in our communities. We have come too far to turn back now, and we must not accept a return to the time when a black man can be beaten and lynched without retribution. I certainly know that I fear the message that has been sent by last week's verdict.

A CASE OF INACTION BY THE SERBIAN GOVERNMENT

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

Mrs. BENTLEY. Mr. Speaker, Shayna Lazarevich is a bright young American mother, with two small American children. She has not been able to see these children on any type of long-term basis since October 1989, when her ex-husband fled with her two small children to Serbia.

I personally have been involved in this case for over 2 years. I have written multiple letters to Serbian President Slobodan Milosevic, traveled to Belgrade to meet with him and other officials on this case, made countless telephone calls, and arranged appeals signed by more than 30 fellow Members.

Other people involved in this case include Representative ANTHONY BEILENSON, Secretary of State James Baker, and United States Ambassador to Yugoslavia, Warren Zimmerman.

Four years ago, her ex-husband's final custody appeal in the Serbian courts was denied. We were all relieved that Shayna would get her children back.

Just to be sure, I sent an appeal signed by 14 Members to President Milosevic to ensure that the children be placed in protective custody until Shayna could get them back.

Shayna called yesterday, her children were not in school. Warren Zimmerman called this morning: the Ministry of Justice told him that Shayna's ex-husband once again had fled with the children, and that she should hire a private detective to find him.

Mr. Speaker, there simply is no excuse for the inaction of the Serbian Government in this case. I stand today to condemn the inability of the Serbian Government to come to a resolution of this case, and its callousness in its response to protect the rights of these Americans.

THE ADMINISTRATION'S SCANDAL IN IRAQ

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

Mr. GLICKMAN. Mr. Speaker, recent press reports indicate that President Bush and his operatives at the State, Justice, and Agriculture Departments repeatedly authorized food loans to Iraq, backed by taxpayer dollars, even when it is alleged that they knew, back in 1989, that the food and money were being diverted, possibly for the Iraqis to obtain weapons. Over a period of 7 years, up until 1990, the U.S. Government provided Iraq nearly $5 billion in loans, supposedly to purchase food through the Commodity Credit Corporation.

On July 28, during the floor debate on the 1990 farm bill, and 5 days before Iraq's invasion of Kuwait, I offered an amendment to cut these loans off to Iraq because the scandal started to leak to me, to other Members, and to the press. What did the administration do? They strongly lobbied against my amendment for fear it would hurt United States relations with Iraq.

The expression "hindsight is 20/20" does not apply in the case of Iraq. This misguided, ill-conceived, and obsequitous policy toward Iraq and the resulting war and lost lives may have been avoided if the administration had taken a stand against fraud and abuse the minute his advisers suspected Iraq's wrongdoing.

I urge my colleagues, including the gentleman from Texas, Congressman GONZALEZ, and the gentleman from North Carolina, Congressman ROSE, to follow up on this matter, as they have been doing in the past.

DO-NOTHING NEW WORLD ORDER

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

Mr. LEWIS of Georgia. Mr. Speaker, I would prefer the New Frontier of President John F. Kennedy, the Beloved Community of Martin Luther King, Jr, the Better World of Robert F. Kennedy, and the Great Society of Lyndon Johnson over the do-nothing New World Order of the present administration.

For too long, we have had an administration in Washington that has been out of step and out of tune. It has shown great insensitivity to the lives of minorities and low-income Americans. Too many people have been left out and left behind during the past 12 years.

We need an administration that understands the frustrations and the problems that led to the destruction and violence in Los Angeles. We need presidential leadership that understand the lives of poor and minority Americans.

Mr. Speaker, we don't have that leadership. We don't have an administration with a sense of vision or a commitment to the common good.

PROVIDING FOR CONSIDERATION OF H.R. 2039, LEGAL SERVICES REAUTHORIZATION ACT OF 1991

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 444 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 444

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes. An additional period of general debate, which shall be confined to the bill and which shall not exceed thirty minutes, to be equally divided and controlled by the chairman and ranking minority member of the Judiciary, shall be in order. Following the additional period of general debate, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be considered as having been read. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report of the Committee on Rules. It shall be in order at any time for the chairman of the Committee on the Judiciary to offer amendments en bloc consisting of amendments, and modifications in the text of any amendments which are germane thereto, printed in the report of the Committee on Rules. Such amendments en bloc shall be considered as having been read and shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The original proponents of the amendments en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc. Such amendments en bloc shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House or any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

The previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1120

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. Madam Speaker, during consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, House Resolution 444 is the second rule providing for the consideration of the bill, H.R. 2039, the Legal Services Authorization Act. As my colleagues are aware, the first rule for this legislation provided only for general debate. This rule we have before us today provides for additional general debate and for the consideration and disposition of amendments.

As I previously stated, House Resolution 444 provides for 30 additional minutes of general debate to be equally divided between and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

Madam Speaker, the rule makes in order only the amendments printed in the report to accompany the rule. The amendments are to be considered in the order and manner specified in the report and shall be debatable for the period specified in the report, the amendments are not subject to amendment, except as specified in the report.

The rule further provides the Judiciary Committee chairman the authority, at any time, to offer amendments en bloc consisting of the text of the amendments printed in the report, and germane modifications to those amendments. Madam Speaker, the amendments en bloc are debatable for 20 minutes equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

The rule also provides the original proponents of the amendments en bloc the authority to insert statements in the CONGRESSIONAL RECORD. The amendments en bloc are not subject to amendment, or to a demand for a division.

Finally, Madam Speaker, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, the bill would authorize for 5 years the Legal Services Corporation, which provides Federal funds for legal aid to the poor. The bill keeps intact the existing restrictions on lobbying, on class action suits, and on the representation of aliens.

During consideration of this bill in the Judiciary Committee, the committee added several new restrictive provisions, including those that prevent LSC funds from being used in redistricting cases and that would restrict representation of individuals convicted of the illegal sale or possession of drugs in public housing eviction cases.

Madam Speaker, I urge my colleagues to adopt House Resolution 444 and support the passage of H.R. 2039.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, as I stated a few weeks ago when I handled the first rule on Legal Services, I am opposed to having a two-part rule. This is a habit we seem to be getting into around here and one that should be broken. The first rule provided for an hour of general debate, and now we are back with the second rule which provides for additional general debate. The first rule was a complete waste of our time.

Madam Speaker, the Legal Services Corporation is an independent, not-for-profit organization that provides free civil legal assistance to the poor. It was established in 1974 through the Legal Services Corporation Act; as I stated, free civil legal assistance to the poor.

That is not always the case. I am not a great fan of Legal Services, and I hope that the members of this body will take into consideration the poor job they have done in an overall manner.

The bill authorizes appropriations for the corporation for the next 5 years. As we all know, the Legal Services Corporation has not been without controversy, as I mentioned. Since the beginning, debate over the organization has always boiled down to whether it should represent only the poor or also engage in political and social causes through class action lawsuits and lobbying. It has not been reauthorized by Congress in more than 10 years, receiving its funding through the annual appropriations process.

Madam Speaker, there are many problems with this legislation. There remain concerns over federally funded Legal Service activities, such as lobbying, redistricting, circumvention of congressional intent through the use of non-Legal Services Corporation funds, and the lack of a competitive system.

The administration's statement of policy states that if this bill were presented to the President in its current form, his senior advisors would recommend a veto. It finds that one of the most critical issues is the bill's restriction on redistricting-related activities. The bill prohibits such activity only with respect to a congressional or State legislative district.

Madam Speaker, again, I am opposed to this closed rule, even though it does not make in order some of the amendments submitted to the Committee on Rules. I urge a no vote on the rule, and I hope the membership will follow my vote and vote it down, because we should not be discussing this matter at this time or at any time.

Mr. DERRICK. Madam Speaker, for purposes of debate only, I yield 1 minute and 30 seconds to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Madam Speaker, I rise in support of the rule. I would like to commend the committee for its inclusion of provisions addressing concerns raised by farm producer organizations. I know, for instance, that my food growers in West Virginia are upset about the costs of litigation and their impact on the costs of doing business.

One grower, for instance, has told me that he faced bankruptcy in part because of high legal costs. These growers have also testified that the Legal Services organizations initiate frivolous and costly litigation. This bill's provision that a defendant can recover attorneys' fees from the Legal Services Corporation in cases in which a court finds that a plaintiff's lawsuit was "frivolous, unreasonable, or without foundation"; was brought to harass or retaliate against the defendant; or the lawsuit "maliciously abused the legal process" is a very, very important addition.

This language will provide redress for any grower who may be the target of frivolous lawsuits, while allowing Legal Aid lawyers to fulfill their obligations to clients whose employers do not comply with Federal standards.

I believe that the mere inclusion of this language serves as a brake on overzealous Legal Services lawyers, and that they must now seriously weigh the financial consequences of filing these unjustified lawsuits.

I am also delighted that the committee has assured me that it will continue to conduct continuing oversight to ensure that these provisions have the desired effect. I think these are very positive additions to this bill, and I thank the committee for including them.

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I thank the distinguished gentleman from Tennessee [Mr. QUILLEN] for yielding time to me. I rise to support the opposition of the gentleman to the rule, and urge my colleagues to defeat the rule.

Madam Speaker, this is the 40th restrictive rule reported by the Committee on Rules in this Congress. That means that 66 percent of the 61 total rules have limited the amendment process. That compares with just 15

percent worth of restrictive rules back in the 95th Congress in 1977 and 1978.

I would recall to my colleagues who was the Speaker at that time. The Speaker at that time in 1977 and in 1978 was a man revered by this body and by me in particular. He was a tough, partisan Democrat, but he was fair and he was a man who we could depend on when he gave us his word.

□ 1130

Only 15 percent of the rules were restrictive under his rule during the 1977–78 period.

The increasing number of closed rules since that time are symbolic of a House that is becoming more and more removed from the public and less democratic.

Whereas back in the seventies we prided ourselves on bringing sunshine to this Government, today, by contrast, the Capitol dome has a huge cloud hanging over it; and there are those in this House who seem to want to wrap the entire Congress in clouds of secrecy and exclusion.

Yesterday brought home a stark example of this when the Committee on Rules was to consider rules on this legal services bill we are debating now and on the omnibus rescission bill. The majority Democrats convened our meeting a half hour late and proceeded to vote against my motion to allow broadcast coverage of our hearings by C-SPAN. The only reasons we were given were that the majority was not prepared for the coverage of the meeting and that the issues involved were, listen to this, and this is a quote now, "too technical for the American people to understand anyway."

Madam Speaker, this is the first time in my 14 years in this Congress that I have witnessed such an arbitrary and politically motivated shutdown of the TV cameras. In fact, it is the only time I have witnessed this kind of lockout for other than personal privacy or national security reasons. I can recall once or twice as a member of the Foreign Affairs Committee for 6 years that we had a closed meeting for those reasons.

But, Madam Speaker, this institution is under enough of a cloud already without these new attempts at coverup and exclusion. If we begin to determine selectively what can and cannot be covered by the broadcast media, we will clearly be engaging in political censorship of the coverage of this institution, and that is wrong. That is foreign to our country and to our system of government, and it clearly violates the first amendment freedoms on which we in this body should and do ordinarily pride ourselves in protecting.

So I would urge the Rules Committee in the future not to pull the blinds of its hearing room on the video window of this world. I would also urge that we return to a policy of open rules, as under the previous speakership of Tip O'Neill, whereby all Members will be full participants in the legislative process. Our constituents will receive the full representation that they deserve.

I urge every Member to defeat this restrictive rule, and let us open up this body the way it should be.

Mr. QUILLEN. Madam Speaker, I yield 5 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Madam Speaker, I thank the gentleman for yielding time to me for the purposes of this debate. I too rise in opposition to this rule.

Frankly, this is an outrageous rule in the sense that it restricts some very important opportunities to amend this bill on the floor today, parts of this bill which really gut the opportunity for the Legal Services Corporation Board of Directors to monitor the grantees that we issue Federal money to who operate the services for the poor. I find it sad that an amendment I requested in this regard was not allowed. Only a minor amendment, which I certainly support by the gentleman from New York [Mr. FISH] in this area was allowed. I think the gentleman from New York [Mr. HORTON] also requested an amendment pertaining to this. We are concerned that the inspector general of the Legal Services Corporation and those in the Legal Services home office will not be able to go out and do their job to monitor Federal funds.

Under the present law established by court before this bill or this supposed bill out here today is adopted, under present law the Legal Services Corporation is entitled to review and have access to all of the recipient, all of the grantee documents of all of these nonprofits that we run this through throughout the country, so long as the corporation's purpose is to ensure the recipient's compliance with the Legal Services Act and the grant agreement. The rule is clear, it is bright, it is workable. However, under the bill that is out here today that we are not allowed to amend in any way we are not allowed to get into this record. There are provisions that would totally cripple the ability of the Legal Services Corporation to do its job of monitoring the use of Federal funds.

For example, all of the monitoring would be suspended completely, their entire monitoring powers until regulations are promulgated. Currently they do this administratively. They will have to promulgate formal regulations. After this bill goes into effect and after those regulations are adopted, I am sure they will be debated and litigated. Can Members imagine the kind of hamstringing that will be?

We currently protect the rights of attorney-client privilege. There has been no debate or no question over that. There have been no substantive reports of abuse of that. Nonetheless, we are going to have to promulgate regulations, and once adopted by regulation the procedures could only be changed by regulation, a cumbersome process.

The fact of the matter is the corporation will be required, under areas we are not allowed to amend, to negotiate any and all standards. The corporation home office will be required to negotiate any and all standards over the conduct of the monitoring, and that is flatly inconsistent with the nature of monitoring in the first place.

The corporation will be required to observe the privacy protections of all 50 States' privacy laws. In a State like California where they have a new constitutional privacy requirement, we do not know that this means yet, and, in fact, we do not know whether in the interpretations that may come down whether the inspector general will any longer be allowed to look at even the salaries being paid to the grantees, and that consists of the use of about 70 percent of the corporation's funds.

The bill goes on and on with these kinds of oppressive regulations. It requires that the local ethics, not Federal National American Bar ethnics rules apply in every case with regard to the access of the corporation to the records of an individual grantee. It is simply an obstructive provision in this bill that means that this bill will be vetoed by the President if it is not modified, and there is no way, save a motion to instruct when we go and move to return this to committee at the end of the bill that we can possibly raise this issue, and that is not likely to be successful.

I want all Members to understand that the President has a strong statement of policy issued on this bill saying that if a number of key amendments are not adopted, and if changes are not made in this monitoring that we are now restricted by the rule that does not allow us to make changes in the monitoring restrictions, that there will be a Presidential veto. This is an outrageous situation. It is sad. All of us on this side support continued legal services for the poor, but we cannot have a Legal Services Corporation that is emasculated and unable to monitor the Federal funds that are going out and the processes by which they are doing it, and it saddens me that the Rules Committee did not allow it.

I urge in the strongest possible terms a defeat of this rule, and if this is not done then a defeat of this bill must take place, unfortunately.

Mr. DERRICK. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Madam Speaker, as a long-time advocate of Legal Services, I would normally be inclined to support this measure we have before us today. However, due to a recent Supreme Court decision, Adams-Fruit Co. versus Barrett, the workers

compensation system benefiting farmworkers is in jeopardy and a negotiated settlement on this issue is necessary if the Legal Services Program is to be effective.

In 1985, 19 migrant workers employed by the Adams Fruit Farm departed for the fields in an overloaded van. An accident resulted, and the company was liable for a violation of the Migrant and Seasonal Agricultural Worker Protection Act. The injured received damages under the workers compensation system. Under workers compensation, the employer assumes all responsibility for any injuries with the assumption that the workers compensation program is the exclusive remedy for damages. However, in Adams-Fruit, the Supreme Court rules that the worker could also sue the employer for damages in addition to collecting workers compensation benefits.

This decision removes any incentive for employerso the workers compensation system. Without the exclusive remedy protection, there is no reason for an employer to pay into the system and then face the additional risk of being sued. The original intent of the migrant protection law was to protect farmworkers, not to provide them with additional remedies which undermines the workers compensation system.

Many individuals have worked hard to seek a solution to this problem. I would like to commend my colleagues Mr. LEON PANETTA, Mr. HOWARD BERMAN, and Mr. GEORGE MILLER, as well as the representatives from the Agricultural and Legal Services community who have participated in lengthy negotiations to get this resolved. I believe that some agreement on this issue is key to the Legal Services debate that we are having today. A good faith effort must be made on both sides to find a solution to the Adams-Fruit dilemma in a timely fashion.

As we proceed today there will be several amendments offered which would substantially alter the way Legal Services has traditionally operated. As part of this debate, I think it is necessary that some commitment be made to bring the negotiations on Adams-Fruit to a positive conclusion. While these issues may not be directly related, they are part of the overall context of reform of the Legal Services Program. I urge my colleagues who have expressed an interest in the Adams-Fruit decision to keep in mind the chilling impact of this decision during today's debate. Without a settlement, protracted litigation, unsustainable losses, and an undermining of the workers compensation system will result. My inclination is to support key amendment and oppose funding until this issue is resolved.

Madam Speaker, I appreciate the opportunity to bring this important issue to the attention of my colleagues.

□ 1140

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

Mr. DERRICK. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the resolution.

The question was taken.

Mr. QUILLEN. Madam 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.

Mr. 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 238, nays 167, answered "present" 1, not voting 28, as follows:

[Roll No. 98]

YEAS—238

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Bellenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fazio
Flake
Foglietta
Ford (MI)
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
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
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
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (NC)
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
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

NAYS—167

Allard
Allen
Archer
Armey
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
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
Jacobs
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—28

Abercrombie
AuCoin
Baker
Boxer
Byron
Campbell (CA)
Conyers
Donnelly
Dymally
Eckart
Fascell
Feighan
Ford (TN)
Jefferson
Jones (NC)
Kolter
McDade
Moakley
Neal (MA)
Nowak
Roemer
Sanders

Torres	Vander Jagt	Wilson
Valentine	Waters	Yatron

□ 1202

Messrs. GILMAN, KYL, and FISH changed their vote from "yea" to "nay."

Mr. PICKLE 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.

PERSONAL EXPLANATION

Mr. ROEMER. Mr. Chairman, yesterday, the State of Indiana held its Presidential and congressional primaries. Because the polls did not close until evening, and my return flight to Washington was delayed this morning, regrettably I missed the three rollcall votes that were held earlier today.

If I had been present, I would have voted "aye" on rollcall No. 96, approving the Journal; "aye" on rollcall No. 97, a motion to suspend the rules and pass the bill, H.R. 3247, the undersea research authorization; and "aye" on rollcall No. 98, the rule for the Legal Services Corporation authorization.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, I was unavoidably detained and was unable to be present for rollcall votes 96, 97, and 98.

I wish it to be recorded that I would have voted "aye" on all three measures.

COMMUNICATION FROM HON. J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. UNSOELD) laid before the House the following communication from the Honorable J. DENNIS HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1992.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Kane County, Illinois, in the case of Roger X. Baker vs. Osco Drug Company (American Drugstores).

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2039.

□ 1203

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes with Mr. MFUME, chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 2, 1992, all time for general debate pursuant to House Resolution 413 had expired.

Pursuant to House Resolution 444, the gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Chairman, during general debate on H.R. 2039 last month, I noted how important it is to the American people that all of its citizens have access to those instruments of government that affect them, and particularly to our Nation's legal system. The events of the past few weeks have sorely tested the trust that many Americans have in that system. This week, by reauthorizing the Legal Services Corporation, the House can show its resolve that the legal system will be available to all of our citizens, regardless of their economic circumstances.

We have a number of important amendments to the Legal Services Reauthorization Act to consider. They will enable the House to work its will on the bill in an open and constructive manner. It is my hope that we will be able to move this vital piece of legislation through the process quickly, and to approve a bill that gives renewed meaning to the phrase "justice for all."

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

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

Mr. Chairman, we are eager to begin the debate on Legal Services and its reauthorization.

Mr. Chairman, I must say some of the euphoria we felt when this issue was first joined and when it first came out of committee, where many of us felt that we were way ahead of the impasse that has occurred over the years with respect to individual and collective duties and responsibilities of the Legal Services Corporation, many of us felt, and the gentleman from Massachusetts [Mr. FRANK] so articulated that we are poised with a greater amount, greater degree of unanimity on most of the provisions than we ever have been before.

But since that time, since we have had this vacuum in time from the original general debate, certain things have happened, and certain positions are now being rearticulated that will make it more uncomfortable for us in the debate that is yet to come than we first thought might be the case.

So, with that in mind, we ask Members to review very carefully what is going to occur with respect to the individual positions on many of these amendments and to be circumspect in weighing what the real purpose of Legal Services Corporation is, namely to provide legal services for the poor in our country.

If that be the gauge by which we will proceed on this debate, I am certain that some of these amendments and substitutes and counteramendments, et cetera, will have to fall by the wayside, or it will be adopted based on that theme, the real purpose of the Legal Services Corporation.

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

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. STAGGERS] who has worked hard and long on this bill.

Mr. STAGGERS. Mr. Chairman, I want to take this opportunity to thank Chairman BROOKS for his hard work in this area and for allowing me to make a statement.

Mr. Chairman, I rise in support of the Legal Services reauthorization bill as reported by the Judiciary Committee. Chairman FRANK is to be commended for his diligent work in addressing so many of the concerns which have plagued this issue in the past and have prevented us from moving a reauthorization bill since 1977.

It is true that the bill is not perfect and will not satisfy the program's most ardent critics. However, as a Member who has worked for legal services reform for many years, this bill represents a successful reform effort by those of us who wanted to address criticisms of the legal services program, while maintaining the integrity of its mission—to provide low-income Americans access to justice.

Chairman FRANK personally worked with me on including important provisions to address agricultural industry concerns in the bill. Most importantly, the bill contains several provisions which will increase the accountability of the program to taxpayers. It also includes provisions which will guard against meritless litigation being pursued by Legal Services lawyers, and language which will increase the ability of farmers to defend against such suits. Moreover, the bill requires legal services programs to attempt negotiation and utilize alternative dispute res-

olution where appropriate. In response to complaints by farmers of phantom plaintiffs, a provision was added to require a plaintiff to sign a retainer agreement outlining the facts on which the claim is based. This agreement will be kept on file by the legal services programs for review.

On another farmer-driven provision, the bill includes a right for defendants to recover attorneys' fees from the Legal Services Corporation when they have been the victims of harassment, retaliation, or malicious abuse of the legal process, or when the action was frivolous, unreasonable, or without foundation. This provision is in direct response to complaints from farmers that they should be compensated for attorneys' fees and costs in such instances of LSC abuse. Yet another concern of farmers which was addressed in the bill is the prohibition of solicitation of potential clients by Legal Services attorneys outside of appropriate outreach activities. An important program accountability provision was added to the bill, as well, which requires strict timekeeping and recordkeeping by legal services programs.

All of these provisions combine to address the key concerns of agricultural employers. As a Member who has been deeply involved in ensuring that farmers' concerns were addressed, I urge you to support this bill.

At a time when surveys show that 80 percent of low-income Americans who are in need of legal representation do not receive it, we must move forward with legislation which balances the necessity for program accountability with effective and fair representation. Do not allow the spurious rhetoric of the Reagan years to prevent passage of this important legislation aimed at providing access to justice for those in our society who often are in the greatest need, but have the fewest resources for redress.

□ 1210

Mr. GEKAS. Mr. Chairman, I yield 7 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GEKAS] very much for yielding this time to me.

Mr. Chairman, all of us today are in support of reauthorizing the Legal Services Corporation. We may not all, however, be in support of this bill when it comes down to a final vote, and we will have a great and spirited debate over a number of amendments, I am sure.

For many years we have not been able to provide adequate resources for the poor to have true access to legal justice in this country in the civil side, the noncriminal side. We have provided inadequate resources in large measure because we simply do not have enough to go around nationwide at the Federal level. We also have not necessarily set the right priorities for that. We have gone through a grant system to States. That grant system has not, and to various nonprofit organizations, I should say, and the States and local communities; that grant system to nonprofits has not functioned as well as it should.

We have had problems of accountability. We have had instances where those organizations over the years have had attorneys that have gone out and caused disruption in the local community by filing class action suits, and raising cain, and getting involved in redistricting activities, and lots of things that are highly political, taking away from the focus of the real need of the poor, which is to provide everyday legal services on a day-to-day basis for needs that they have in all kinds of matters related to rent, and domestic relations, and so on and so forth.

Mr. Chairman, we have an opportunity with this bill to correct some of those deficiencies of the past, to set a framework in the future that we will be able to follow. However, unfortunately, and whatever happens, unless there is a motion to recommit with instructions passed, one area will remain unaddressed, and, therefore, I would submit, without that area getting addressed, without the key amendments being voted on, this bill will have to be defeated. The Legal Services Corporation Act, the President said, the authorization bill out here today in its present form, he will veto. There will be amendments today that we will call for votes on simply because we want to see the opportunity for those amendments to be heard and thought about by the Members.

The most important failure that is in this bill that we do not have a chance to remedy, except by that motion to recommit, is in the area of monitored. The current Legal Services Corporation sends its inspector general out, and gets paperwork from the individual grantees, and looks at almost anything it wants to; that is, except those things that have attorney-client privilege. We do not think though, under the kind of restrictions that are in the bill before us today, that that is going to be possible in the future.

The bill would require regulations to be promulgated that will be very time sensitive, and in the meantime, while those regulations on monitoring are being promulgated, all monitoring will be suspended. During the interval there could be chaos in the system, but beyond that fact there is no need for regulations in the first place. There has been no complaint that they are doing a bad job of monitoring or that somebody's privileges are being abused.

And in addition to that, this bill would provide that the ethics and individual rules of law of every State that every State bar has, every supreme court of every State applies to the access of these documents to be monitored by the Legal Services national board, and that does not make sense, to have 50 different State rules apply.

We are not going to be able to see the corporation get at the records they need to get at, and we have no ability, because the Committee on Rules did not grant it, to get an amendment to change that, and, unless these areas get changed to allow the Legal Services to monitor the Federal funds that are out there, then we should vote against this bill, and the President has said he will veto it, and I believe he will.

However, in the meantime we have a chance to do some constructive things. There are amendments that will be coming down that several of us will be offering today that are critical to improving the services, to efficiency, to accountability, to fairness. One of those is to put competition in the grant awards into the system. Right now all grantees, these nonprofits around the country, are presumptively re-funded. If another group wants to come forward and seek to get the funds, they cannot do that as a practical matter, and what we seek to do is to simply put into law what this Congress has sanctioned and supported in all appropriations bills since 1988, and that is to set up an implementation of a competitive bid system that would be phased in over a 3-year period after a 2-year test. The Legal Services Corporation would base this on high quality, economical, and effective legal assistance, not the cheapest program, but the most effective program.

We do not need to study it anymore. That is what is in the bill, and I urge adoption of amendment to allow the implementation of this to go forward.

We also need to close loopholes on the non-Federal funds being used to circumvent all the restrictions we have currently in the law. Right now there are a number of restrictions. We will have more today on lobbying. We will have a big debate over that, I am sure, over what the jurisdictions will actually be, but today, unless we pass an amendment in this bill that I am going to offer, we will not be able to see the restrictions that we have actually effectuated because Legal Services may now use non-Federal funds donated by bar associations or local governments to do anything that we say they cannot do.

They can circumvent completely the restrictions of Congress, and, as long as the Congress is the one that is passing the laws, and it is the Federal program, and that is what Legal Services is, it is a Federal program, we Congress men and women are held accountable for what goes on. We expect our auditing trail to be accountable for all of this and be able to know what is going on out there. The public expects that of us, and, if we pass restrictions saying

they cannot do X, Y and Z, we do not want them in those areas, then why should we allow them our hat, the Federal hat, to go out and use non-Federal money and do that? They want to do these things, let the other sources of money find other organizational structures to do it and not use the Federal imprimatur and color of doing it.

We also have the lobbying question itself. The gentleman from Pennsylvania is going to offer an amendment that will go far more than this bill does or than the gentleman from Massachusetts does to completely bar lobbying by these folks, these attorneys. Get them out of the political arena. Get them away from issues like abortion. Get them away from redistricting, which the gentleman from Texas will do totally.

There will be lots of opportunities to get politics out of the system, to focus and refocus the direction of Legal Services to the everyday legal problems of the poor, to build more confidence in the system, and to put competition in there so that we can get accountability and get a respect for it. There will be an opportunity in the agriculture and other areas to have their problems and concerns addressed by allowing disclosure of the names of those who are plaintiffs in these class action suits so the defendants can go out and find out if the cases are truly cases against them, or they may be made up in some way, as many times they suspect.

There is a lot of opportunity to put fairness, accountability, and efficiency, and take the politics out through amendments today, and I urge the Members to support most of the amendments being offered today. Do not be fooled by the substitutes. Go for the gold, go for the bottom line, go to the basic fundamentals. There are a lot of good amendments being offered today, but the bottom line is that we do not have the chance to offer one of the best ones, and, if we cannot offer one to clean up these monitoring restrictions that are placed in the bill, I would not recommend voting for this bill, and I would recommend the President veto it.

Mr. BROOKS. Mr. Chairman, I yield myself half a minute to say that I am then going to yield very shortly to the distinguished chairman of the Subcommittee on Administrative Law and Governmental Relations, the gentleman from Massachusetts [Mr. FRANK], who has done an outstanding job on this bill. It is a complicated bill, but we have worked it out. We have a few amendments, some of them good, some of them bad. We have worked with all of the parties I think we have a good bill, and we ought to recognize the outstanding work that has been done in this effort.

Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK], chairman of the Subcommittee on Administrative Law and Governmental Relations.

□ 1220

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. BROOKS] for his very, very kind words and for his leadership. I also want to thank the ranking minority member. I have no disagreement with the way he describes the situation. We were able in subcommittee and committee I think with the ranking member of the subcommittee and then with the ranking member of the full committee substantially to narrow our differences. But it would not have been appropriate to have abolished them altogether. There are issues that ought to be decided by the full membership. The House has a right to make certain basic ones.

We have I think done our job as a committee. I would have written the rule a little differently if I was writing it, but I do believe with the inclusion of the motion to recommit, we will have every major issue presented. Not in the ideal form, I appreciate that.

I would also note that there are, as the gentleman from Florida [Mr. MCCOLLUM] pointed out, a number of other issues which will be voted on in amendments and with substitutes.

What I want to do here is just make two points. First, the issue of abortion is a very difficult and troubling one. I want to make that clear to Members, because I think Members have two sets of concerns here. Members have their concerns about abortion. They also have other concerns about the way in which the legal services system functions.

I believe we have a rule which, by putting in order an amendment by my friend, the gentleman from Pennsylvania [Mr. GEKAS], would substantially reduce abortion-related activity, whether it was pro or anti, as the gentleman has noted, by the Legal Services Corporation. The gentleman gives Members a chance to focus in his amendment on that abortion issue.

I believe in the other amendments we will have a chance to focus on questions of how the Legal Services Corporation ought to be functioning. But I do want to say to Members, we do have an amendment that will be coming up later in the process in which there will be a "yes" or "no" vote on the extent to which Legal Services ought to be litigating in the abortion area.

The second thing I want to note is that we will debate other issues. Part of the problem with the process is that debate inevitably tends to focus on areas of disagreement, and we have some. But I would not want to lead people to overlook the areas of agreement we have achieved.

For instance, one debate we had in the past was should it be a criminal Federal violation if someone steals funds of the Legal Services Corporation. There was ambiguity in that. It was not clear. The U.S. attorneys were not clear.

This bill unambiguously makes it a Federal criminal violation if you steal Legal Services funds.

We have put in provisions which severely restrict redistricting. They may be restricted further.

We have provisions in here which institute for the first time legitimate requirements of timekeeping and recordkeeping, so where there are different funding sources, different issues Legal Services can work on, we avoid the problem of cross-subsidy.

We have an amendment that is going to be offered, on which I have worked with the chairman of the full committee and the ranking member of the Committee on Government Operations who are experts on the inspector general. I believe we will have a very strong inspector general in this bill in an area that is not controversial.

We will be dealing with the right, as the gentleman from West Virginia [Mr. STAGGERS] pointed out, of people unfairly sued to recover fees.

I would say parenthetically that a lot of the problems that have arisen in the past came from two places, the left wing and the right wing. We had grantees who were not prepared to live by the rules and board members appointed who were not prepared to live by the rules. I think we have made substantial improvements in both areas and that this bill takes it a step further.

Mr. Chairman, finally I want to note that the gentleman from West Virginia [Mr. WISE] who spoke earlier has spoken to me and has made clear his concern, particularly in the agricultural area, about the need not simply to legislate, but to followup those legislative provisions with very serious oversight. I want to acknowledge that I have committed that to the extent I have any say over that, we will have that.

Mr. Chairman, I look forward to our debating those issues that are remaining between us. I did want to note first that abortion will be presented for people who asked about that in a very clear-cut way, and, second, there are going to be a number of areas that you will hear debated where we have acted, for instance in requiring that there be criminal penalties for misuse, that will, in fact, improve the situation.

Mr. Chairman, I once again thank the gentleman from Texas [Mr. BROOKS], the chairman of the full committee, for his leadership and assistance and guidance in this matter.

Mr. HORTON. Mr. Chairman, I was very pleased to hear the comments made a few minutes ago by my good friend from Texas, Chairman BROOKS regarding the LSC inspector general.

I initially had a number of concerns about the potential impact H.R. 2039 might have on

the operations of the inspector general. I brought my concerns to the attention of Chairman BROOKS, and he immediately responded and worked with me in an effort to address those issues.

The development, introduction, and enactment of the Inspector General Act of 1978 was one of the most significant steps ever taken by Congress to control spending, cut waste, and eliminate fraud. The enactment of the IG Act amendments of 1988 built upon the 1978 act by establishing inspectors general at 32 designated Federal entities. I am proud to have been a coauthor with JACK BROOKS of that legislation and I am proud of the work the inspectors general have done in serving as independent watchdogs.

I remain committed to the inspectors general concept and am pleased that Chairman BROOKS, Mr. FRANK, and others on the Judiciary Committee have been willing to help ensure that the LSC inspector general is not inappropriately constrained in his ability to perform his duties.

I fully support amendment 7 offered as part of the en bloc amendment introduced by Chairman BROOKS, and applaud the leadership shown by Chairman BROOKS in addressing this issue.

Mr. MILLER of California. Mr. Chairman, I rise today in opposition to the amendment proposed by my colleague, Representative BYRON. In lieu of her amendment, I urge this body to support the provisions of the committee bill, with the addition of the amendment proposed by Mr. FRANK.

Both of these amendments address the issue raised by critics of legal services advocates who represent migrant farmworkers against agricultural interests. Those critics claim that they are subject to spurious suits brought by legal services lawyers on behalf of farmworkers who either do not exist or who never worked for the defendants. I have heard these allegations on many occasions, but I have never seen any evidence whatsoever to suggest that there is any truth to them.

I do, however, understand that legal services attorneys are effective and successful advocates on behalf of migrant farmworkers who are among the most exploited and least protected workers in this country. I believe that the Byron amendment is just one more effort by the agricultural community to thwart the efforts of legal services attorneys to enforce the rights of farmworkers under the Agricultural Workers Protection Act and other statutes enacted to give these workers some modicum of protection against exploitation and deprivation.

Mr. FRANK's amendment would restate the presumption that exists in our courts that plaintiffs in litigation would reveal their identities, so that defendants can adequately respond to the allegations against them. I believe that such a presumption is fundamentally fair. But I also believe that there are situations where plaintiffs should be permitted by a court to bring John Doe complaints. For example, numerous courts have found that farmworkers have been subject to harassment, blacklisting, retaliation, and discrimination when they pursued their legal rights against agricultural employers. When such circumstances exist where farmworkers have legitimate fears of harassment or retaliation or where the personal safety or that of their families would be compromised by revelation of their identities, they may well need to precede without revealing their identities.

Mrs. BYRON's amendment would go much further than would Mr. FRANK. She would involve the courts at the precomplaint stage, when the issues are much more appropriately resolved by the parties themselves. She would waste the court's resources on a matter that would never even be before the court if the parties were able to resolve their differences. She would permit client identity to be protected from disclosure to the defendant only after the court held a hearing and issued a formal injunction which was found to be necessary to prevent serious harm to the potential plaintiff.

Even if the court did issue such an injunction, it would not fully protect the plaintiff's identity from disclosure. The court still would be obligated to disclose the plaintiff's identity to the defendant's attorney. If the attorney disclosed the identity to anyone except his own investigators or paralegals, he would be subject to contempt of court. This is an unprecedented requirement—it would obligate the court to reveal information that it has already determined should be protected. It would force the defendant's attorney into an impossible conflict of interest between his own desire to be free of punishment for contempt and his obligation to fully represent his client. Even If the attorney did not directly disclose the plaintiff's identity to his client, there is nothing to ensure that the attorney would not use the information to the detriment of the plaintiff. And all this takes place before there is even a lawsuit filed.

This amendment is simply one more example of the lengths that opponents of legal services will go to erect barriers to effective representation of poor people. We should not be party to efforts to single out the poor and their attorneys for additional burdens that are not shouldered by any other litigants in our society. And we should certainly not require the courts to intervene in private disputes long before a complaint is filed.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 2039, the Legal Services Corporation Authorization Act.

For nearly 20 years, the Legal Services Corporation [LSC] has been invaluable in providing legal representation and advice to Americans who do not otherwise have the means to afford a private attorney. Recent events in Los Angeles have served to highlight the tremendous disenfranchisement felt by many low-income Americans who believe the legal system does not and cannot work on their behalf. In fact, it has long been evident that, often times, the law is only as fair as your wallet is thick.

It is that very fact, or perception thereof, which the Legal Services Corporation seeks to combat. By providing funds to local legal aid programs, the Legal Services Corporation assures that those low-income Americans, who need legal counsel in civil matters, will receive it. These moneys are not used to defend criminals and, to the greatest extent possible, are to be used in a nonpartisan and nonpolitical manner.

Some of my colleagues, however, want to inject their own rightwing agenda into the debate by offering mischievous amendments in an attempt to limit some of the important work performed by the Legal Services Corporation on behalf of the Nation's poor, and I want to just highlight a few of these amendments.

One such amendment would prohibit any group receiving Legal Services funding from representing women in abortion-related cases. This is, however, simply another backdoor attempt by the administration to prevent women from learning about their legal reproductive rights. Mr. Chairman, the Congress has already voted down the title X gag rule and I urge my colleagues to do the same with this attempt at gagging LSC attorneys.

Another amendment seeks to curtail Legal Services Corporation funds from being used for local redistricting activities. However, it is often only through the assistance of Legal Services attorneys that minorities and the poor can gain appropriate representation in local governing bodies. This is not meant to help or hinder either political party, Mr. Chairman, but to simply again assure that low-income Americans have the same opportunities to participate in the decisionmaking process as wealthier Americans have. Again, I urge my colleagues to reject these restrictions on local redistricting counseling.

Finally, some would like to further restrict the LSC from lobbying Government bodies on behalf of the poor. As we all know, however, the legal process does not simply take place within the courtroom, but is a continuous process between all three branches of Government. While wealthy Americans can afford high-priced attorneys to do their bidding, the poor can neither afford proper representation, nor can they gain access to appropriate channels for legislative or regulatory action. You will recall, Mr. Chairman, that the Reagan administration took great pride in dismantling the Community Services Administration which was an effective avenue through which needs of the poor could be advocated. Now this Bush administration wants to eliminate this last bastion of advocacy for our Nation's poor. Let us in this House not close and lock the door on the right of all Americans to petition their Government for action and let us vote down this unjust amendment.

Mr. Chairman, we have all become aware in recent days of the tragic consequences when one group in society believes that the institutions of Government are working against them rather than for them. The Legal Services Corporation seeks to assure that all Americans receive proper legal counseling and representation and I urge my colleagues to support H.R. 2039 and to strike down the amendments which would further erode our democratic system.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 2039, the Legal Services Corporation authorization. Although this program has not been properly authorized for 12 years, Legal Services Corporation [LSC] attorneys have provided a tremendous service to this country by protecting the rights of the most vulnerable in our society. As with even the best of programs, a few problems have arisen, and H.R. 2039 addresses these issues in a fair, balanced manner.

I would like to commend my colleagues, Mr. BROOKS, chairman of the House Judiciary

Committee, and Mr. FRANK, chairman of the Subcommittee on Administrative Law and Governmental Relations, for their work in crafting this legislation. For poorer Americans, the access to the legal system provided by the Legal Services Corporation is essential to protect their rights and to ensure that they are not victimized simply because they lack financial resources.

The bill as approved by the House Judiciary Committee, with a few correcting amendments to be offered by Mr. BROOKS, makes several important changes in the current Legal Services guidelines. In addition to the current restrictions on the use of Federal LSC funds, the bill restricts what activities LSC attorneys can pursue with private funds, including bans on political activities and representing persons convicted of drug crimes in drug-related housing eviction proceedings.

The bill bans the use of Federal funds to represent illegal aliens and permits defendants to win attorney's fees from the LSC if an LSC plaintiff's suit is found to be "frivolous," to be intended to harass or retaliate against the defendant, or to maliciously abuse the legal process.

The bill also provides for a study on whether competitive bidding should be used to select LSC grantees. While this study may lead to future savings, we must be careful that we do not head toward a day when the rich receive the best legal representation money can buy while the poor receive the cheapest, regardless of quality.

Given the long hours and low pay that are standard for most Legal Services attorneys, I find it hard to believe that similar quality representation can be found at a significant savings. Competitive bidding should be carefully examined before it is considered, and it would be a mistake to adopt a competitive bidding amendment before the study has been completed and thoroughly reviewed.

In closing, Mr. Chairman, H.R. 2039 is a good bill, one that addresses the legitimate concerns brought to the Judiciary Committee's attention and strikes a proper balance between ensuring access to the legal system and limiting LSC activities to protect defendants from meritless litigation. We need to move forward with this legislation, and I urge my colleagues to support it.

Mr. WEISS. Mr. Chairman, I am in strong support of H.R. 2039, the Legal Services Corporation authorization for fiscal years 1992–96.

For close to 20 years the Legal Services Corporation has provided essential legal services and representation to those persons financially unable to afford them. During this time it has served an extraordinarily broad array of American society; the elderly, the inner city poor, migrant farm workers and many others, who sadly, do not have the resources to obtain essential legal services. Without the legal representation provided by the local LSC supported agencies there are many people in our society who would be effectively locked out of the country's legal system.

Founded in 1974, the Legal Services Corporation was last authorized by Congress for the 3-year period 1977–80. For the last dozen years it has been forced to survive, due in large part to administration opposition, on year to year funding through Commerce-Justice-State Appropriations Acts. We have the opportunity today to provide long-term stability to the program.

The foundation of this country's freedoms are the liberties guaranteed us by the Constitution. If, however, all Americans are not granted equal access to these laws, then the cause of equality, for which these laws were established, is undermined. Tragically, there are many people in our country who are locked out of our legal system. Because of limited financial resources many are unable to gain access to the legal counsel necessary to work through a complicated and difficult legal system that has become impossible to navigate without professional assistance. This bill supports the means by which the poor and financially disadvantaged can obtain the legal assistance and protection that should be guaranteed to all Americans.

The law is not the domain of the rich, access to it is the right of all Americans. I urge my colleagues to join me in supporting this legislation which keeps the doors to the American legal system open to all citizens.

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

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

The CHAIRMAN pro tempore (Mr. MFUME). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute is considered as having been read for amendment under the 5-minute rule.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2039

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Legal Services Reauthorization Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Reference to the Legal Services Corporation Act.
Sec. 3. Authorization of appropriations.
Sec. 4. Protection against theft and fraud.
Sec. 5. Prohibitions on lobbying.
Sec. 6. Enforcement, sanctions, and monitoring.
Sec. 7. Class actions.
Sec. 8. Negotiation requirement.
Sec. 9. Prohibition on use of funds for redistricting.
Sec. 10. Restrictions on use of funds for legal assistance to aliens.
Sec. 11. Governing bodies of recipients.
Sec. 12. Professional responsibilities.
Sec. 13. Solicitation.
Sec. 14. Certain eviction proceedings.
Sec. 15. Procedural safeguards for litigation.
Sec. 16. Competition study.
Sec. 17. Training.
Sec. 18. Limitation on use amendments.
Sec. 19. Recordkeeping and noncorporation funds.
Sec. 20. Evasion.
Sec. 21. Fee-generating case provisions.
Sec. 22. Attorneys' fees provisions.
Sec. 23. Corporation board control over policy.
Sec. 24. Reprogramming provisions.
Sec. 25. 12-month grants.
Sec. 26. Establishment of local priorities.
Sec. 27. Study on legal assistance to older Americans.

SEC. 2. REFERENCE TO THE LEGAL SERVICES CORPORATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Legal Services Corporation Act (42 U.S.C. 2996 and following).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1010(a) (42 U.S.C. 2996i(a)) is amended by striking the first three sentences and inserting the following: "There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation such sums as may be necessary for each of fiscal years 1992, 1993, 1994, 1995, and 1996.".

SEC. 4. PROTECTION AGAINST THEFT AND FRAUD.

Section 1005 (42 U.S.C. 2996d) is amended by adding at the end the following:

"(h) For purposes of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code, the Corporation shall be considered to be a department or agency of the United States Government.

"(i) For purposes of sections 3729 through 3733 of title 31, United States Code, the term 'United States Government' shall include the Corporation, except that actions that are authorized by section 3730(b) of such title to be brought by persons may not be brought against the Corporation, any recipient, other grantee or contractor of the Corporation, subgrantee or subcontractor of any such entity, or employee thereof.

"(j) For purposes of section 1516 of title 18, United States Code—

"(1) the term 'Federal auditor' shall include any auditor employed or retained on a contractual basis by the Corporation,

"(2) the term 'contract' shall include any grant or contract made by the Corporation, and

"(3) the term 'person', as used in subsection (a) of such section, shall include any recipient or other grantee or contractor receiving financial assistance under section 1006(a)(1) or 1006(a)(3).

"(k) Funds provided by the Corporation under section 1006 shall be deemed to be Federal appropriations for the purpose of all Federal criminal laws when used by a recipient, another grantee or contractor of the Corporation, or any subgrantee or subcontractor of any such entity.

"(l) For purposes of section 666 of title 18, United States Code, funds provided by the Corporation shall be deemed to be benefits under a Federal program involving a grant or contract.".

SEC. 5. PROHIBITIONS ON LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available by the Corporation to any recipient or other grantee or contractor are used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, or to pay for any publicity or propaganda, intended or designed—

"(A) to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient or other grantee or contractor of the Corporation to an eligible client on a particular application, claim, case, or other matter, which directly involves the client's legal rights or responsibilities, or

"(B) to influence any Member of Congress or any other Federal, State, or local elected official

to favor or oppose any Act, bill, resolution, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body,

except that this paragraph shall not preclude such funds from being used in connection with—

"(i) any communication made in response to any Federal, State, or local agency or elected official,

"(ii) any communication to a Federal, State, or local elected official pertaining to the authorization or appropriation of funds or any other measure affecting the authority, functions, or funding of the recipient, grantee, or contractor, or the Corporation or pertaining to oversight measures directly affecting the recipient, grantee, or contractor, or the Corporation, if the project director or designee of the recipient, grantee, or contractor has expressly determined that the legislative body involved is considering such authorization, appropriation, or other measure, or is conducting oversight of the recipient, grantee, or contractor, or the Corporation, or

"(iii) any communication on behalf of an eligible client in the course of representation of that client before a legislative body, if the project director or designee of the recipient, grantee, or contractor has expressly approved such representation in accordance with policy established by the governing or policy body of the recipient, grantee, or contractor, and if such project director or designee has determined, before approving the undertaking of such representation, that—

"(I) the client seeks representation to protect the client's existing legal rights or interests or is in need of relief which can be provided by the legislative body involved, and

"(II) documentation specifically authorizing such representation has been secured from the eligible client by a recipient or other grantee or contractor,

but nothing in this paragraph shall be construed to permit an attorney or an employee of a recipient or other grantee or contractor of the Corporation to engage in any publicity or propaganda intended or designed to support or defeat legislation pending before the Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency or to solicit a client, in violation of professional responsibilities, for the purpose of making possible any activity permitted by this paragraph;".

SEC. 6. ENFORCEMENT, SANCTIONS, AND MONITORING.

(a) ENFORCEMENT.—Section 1006(b)(1)(A) (42 U.S.C. 2996e(b)(1)(A)) is amended to read as follows:

"(b)(1)(A)(i) The Corporation shall have the authority to ensure the compliance of recipients, other grantees and contractors of the Corporation, and their respective employees with the provisions of this title. The Corporation may issue rules, regulations, guidelines, and instructions to interpret the provisions of this title, but may not impose, by regulation or otherwise, restrictions or limitations on types of cases or forms of representation of clients unless such restrictions or limitations are explicitly authorized by this title or other applicable law, and may not impose, by regulation or otherwise, restrictions or requirements on such recipients, grantees, or contractors that are in addition to or inconsistent with the provisions of this title and other applicable law.

"(ii) The Corporation shall have the authority to enforce the rules, regulations, guidelines, and instructions issued under this title, and to terminate, in accordance with the standards described in paragraph (5) of this subsection, financial support to a recipient or other grantee or contractor of the Corporation. Pursuant to regulations adopted by the Corporation under section 1008(e), the Corporation shall—

"(I) arrange for independent evaluations to determine whether recipients and other grantees and contractors of the Corporation are providing comprehensive, economical, and effective legal assistance of high quality to eligible clients, and

"(II) conduct reasonable monitoring and investigations into allegations that a recipient or other grantee or contractor has violated this title, the rules, regulations, guidelines, or instructions issued under this title, or other laws.

"(iii) Not later than 30 days after receiving a written request by any person to investigate an allegation that a recipient or other grantee or contractor has violated this title, the rules, regulations, guidelines, or instructions issued under this title, or other laws, the Corporation shall either reject the request as groundless or commence such investigation and shall notify the recipient, grantee, or contractor of the allegations and of any such rejection or investigation. Such notification shall specify the case, event, or circumstances involved and those provisions of this title, the rules, regulations, guidelines, or instructions, or other laws that are alleged to have been violated. The Corporation shall provide to the recipient, grantee, or contractor a reasonable opportunity to respond to the allegations. The Corporation shall complete such investigation not later than 90 days after its commencement, and shall inform the recipient, grantee, or contractor of the findings of such investigation. Without the consent of the recipient, grantee, or contractor under investigation, the Corporation, unless required by law, shall not disclose, until the Corporation issues a final report on the investigation, the findings of its investigation with respect to the allegations to any person other than the staff of the Corporation, consultants working on the investigation, or the recipient, grantee, or contractor under investigation. If the Corporation determines, after the investigation, that it will take an action requiring a hearing under paragraph (5) of this subsection, the Corporation shall notify the recipient, grantee, or contractor of its option to request a hearing. Not later than 30 days after such notification, the recipient, grantee, or contractor may request such a hearing.".

(b) REGULATIONS FOR ENFORCEMENT.—Section 1006(b)(5) (42 U.S.C. 2996e(b)(5)) is amended to read as follows:

"(5)(A) The Board shall issue regulations to provide for the enforcement of this title. Such regulations may include, among available remedies, provisions for the immediate suspension of financial assistance under this title, suspension or termination of an employee of the Corporation, or of any employee of a recipient or other grantee or contractor by such recipient, grantee, or contractor, the reduction or termination of such financial assistance or employment, and denial of an application for refunding. The Corporation may suspend, reduce, or terminate financial assistance under this title, or deny an application for refunding under this title—

"(i) when there has been a substantial failure to comply with the provisions of this title, or rules, regulations, guidelines, or instructions issued under this title, or of other laws, and after notice and an opportunity to correct such failure has been provided to the recipient, grantee, or contractor involved; or

"(ii) when independent evaluations demonstrate that a recipient or other grantee or contractor has consistently failed to use its resources to provide economical and effective legal assistance of high quality as measured by generally accepted professional standards, and after notice and an opportunity to correct such failure has been provided to such recipient, grantee, or contractor.

The Corporation may deny an application for refunding of a recipient or other grantee or contractor when the Corporation has identified an applicant for financial assistance under this title that is better able to provide high quality, comprehensive, economical, and effective legal assistance for the geographic area served by such recipient, grantee, or contractor, consistent with the provisions of sections 1007(a)(2) and 1007(c) of this title.

"(B) Financial assistance under this title may not be terminated or suspended, an application for refunding under this title may not be denied, and the annual level of financial assistance under this title may not be reduced by more than 5 percent or $20,000, whichever is less, unless the recipient or other grantee or contractor involved has been afforded reasonable notice and, at the request of the recipient, grantee, or contractor, a timely and fair hearing before an independent hearing examiner pursuant to regulations issued by the Corporation. Such regulations shall provide for commencement of the hearing before an independent hearing examiner at the earliest appropriate date, but in no case more than 45 days after a request for such a hearing is received. As soon as practical after the hearing, but in no case more than 60 days after its conclusion, the independent hearing examiner shall make a recommended decision on the matter involved. A copy of the recommended decision shall be sent to the Corporation and the recipient, grantee, or contractor involved. If neither the Corporation nor the recipient, grantee, or contractor involved requests review by the president of the Corporation of that recommended decision within 10 days after the date the recipient, grantee, or contractor receives a copy of the decision, that decision shall become final. Within 30 days after receipt of a request for a review of a recommended decision, the president of the Corporation shall make a final decision with respect to that recommended decision. In addition to other remedies provided by law, the recipient, grantee, or contractor may appeal the final decision to the Board.".

(c) MONITORING AND INDEPENDENT EVALUATIONS OF PROGRAMS.—Section 1007(d) (42 U.S.C. 2996f(d)) is amended to read as follows:

"(d)(1) The Corporation shall monitor recipients and other grantees and contractors of the Corporation in order to ensure that the provisions of this title, the rules, regulations, guidelines, and instructions issued under this title, and other laws are carried out by such recipients, grantees, and contractors, and shall provide for independent evaluations to determine whether such recipients, grantees, and contractors are providing economical and effective legal assistance of high quality to eligible clients. The Corporation shall adopt standards and procedures to implement the provisions of section 1006(b)(1)(A) and this subsection as regulations under section 1008(e).

"(2) The standards and procedures adopted under paragraph (1) shall take into account—

"(A) that the responsibility of the Corporation with regard to monitoring and evaluation is to ensure compliance with this title, the rules, regulations, guidelines, and instructions issued under this title, and any other laws and to provide for independent evaluations to assess the extent to which the overall delivery of legal assistance by a recipient or other grantee or contractor is economical, effective, and of high quality and not to manage the day-to-day operations of recipients and other grantees and contractors;

"(B) that each recipient or other grantee or contractor has the responsibility to manage its

day-to-day operations and to assure that its employees comply with all applicable law and deliver high quality legal assistance in an effective and economical manner;

"(C) the requirements of section 552a of title 5, United States Code, the privacy protections of State law, and the principle that matters and records that are personal or private and that relate to an individual employee should be protected from examination by the Corporation, and

"(D) the rules of ethics and professional responsibility that are applicable in the jurisdiction where a recipient or other grantee or contractor delivers legal assistance.

The Corporation may not require disclosure of records described in subparagraph (C) except to the extent such records can be expected to contain information directly pertinent and necessary to an investigation of a likely pattern of discrimination, lack of compliance with the law, or poor performance by a recipient or other grantee or contractor which is indicated by other external evidence.

"(3) The Corporation shall ensure that the monitoring process is fair and conducted in a manner that does not cause more than necessary disruption to the provision of legal services provided by the recipient or other grantee or contractor being monitored, and provides—

"(A) sufficient notice before monitoring is conducted;

"(B) flexibility to negotiate with the Corporation when disagreements arise over the timing and conduct of monitoring;

"(C) reasonable opportunity to respond and comment on draft reports on monitoring;

"(D) protection from disclosure to third parties of the results of monitoring and the contents of any draft reports on monitoring before a final report on the monitoring is issued; and

"(E) protection from disclosure to third parties of any documents obtained during monitoring except to the extent necessary to carry out the monitoring, consistent with the laws and the rules of ethics and professional responsibility applicable to the jurisdiction where such documents are maintained, except that the Corporation shall at all times have the authority to make evidence of criminal conduct available to the appropriate legal authority.

The Corporation shall ensure that the monitoring process is reasonably related to the purposes which the monitoring is intended to accomplish.

"(4) The Corporation, in cooperation with recipients and other appropriate groups, shall develop criteria for evaluating the capability and performance of recipients and other grantees and contractors of the Corporation. Such criteria shall provide for the assessment of—

"(A) the degree to which any such recipient, grantee, or contractor provides a comprehensive range of legal assistance to eligible clients, including, in the case of support entities, a comprehensive range of appropriate support services;

"(B) the past demonstrated record of any such recipient, grantee, or contractor in providing effective, economical, and high quality legal services to poor individuals and in developing additional resources, including pro bono services from the private bar;

"(C) the ability of any such recipient, grantee, or contractor to determine and address the needs of eligible clients for particular services, including, in the case of support entities, the range of support services needed in the geographical or subject matter area served;

"(D) the adherence by any such recipient, grantee, or contractor to accepted norms of performance to guide the provision of legal assistance to poor individuals; and

"(E) the adherence by any such recipient, grantee, or contractor to applicable rules of professional responsibility for attorneys providing legal assistance to poor individuals.".

(d) TECHNICAL AMENDMENTS.—

(1) Section 1006(b) (42 U.S.C. 2996e(b)) is amended by adding at the end the following:

"(7) The Corporation shall ensure that—

"(A) no employee of the Corporation or of any recipient or other grantee or contractor of the Corporation (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities supported under this title, engages in, or encourages others to engage in, any public demonstration or picketing, boycott, or strike; and

"(B) no such employee, at any time, engages in, or encourages others to engage in—

"(i) any rioting or civil disturbance,

"(ii) any activity which is in violation of an outstanding injunction of any court of competent jurisdiction,

"(iii) any other illegal activity, or

"(iv) any intentional identification of the Corporation or any recipient or other grantee or contractor of the Corporation with any political activity prohibited by section 1007(a)(6).".

(2) Section 1006(b)(2) (42 U.S.C. 2996e(b)(2)) is amended by striking "provisions of section 1011" and inserting "regulations issued under paragraph (5) of this subsection".

(3) Section 1007(a)(9) (42 U.S.C. 2996f(a)(9)) is amended by striking "1011" and inserting "1006(b)(5)".

(4) Section 1011 (42 U.S.C. 2996j) is repealed.

SEC. 7. CLASS ACTIONS.

Section 1006(d)(5) is amended—

(1) by striking "No" and inserting "(A) Subject to subparagraph (B), no"; and

(2) by adding at the end the following:

"(B) No recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor may bring a class action suit against the Federal Government or any State or local government unless—

"(i) the project director of the recipient, grantee, or contractor has expressly approved the filing of such an action in accordance with policies established by the governing or policy body of the recipient, grantee, or contractor and the filing of such action has not been expressly disapproved by such governing or policy body;

"(ii) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance under this title; and

"(iii) before filing such an action, the project director of the recipient, grantee, or contractor determines that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient, grantee, or contractor has given notice of its intention to seek class relief, and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients.".

SEC. 8. NEGOTIATION REQUIREMENT.

Section 1007(a) (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9) by striking "and" after the semicolon; and

(2) by adding at the end the following:

"(11) require recipients and other grantees and contractors of the Corporation to adopt policies, consistent with the rules of ethics and professional responsibility that apply in the jurisdiction in which legal assistance is to be provided, which require employees of the recipients, grantees, and contractors to attempt to negotiate settlements and to use alternative dispute resolution mechanisms, where appropriate and available, before filing suit, except that nothing in this paragraph shall be construed to permit the Corporation—

"(A) to require policies which restrict representation of clients to matters where the clients agree to such negotiation or use of alternative dispute resolution mechanisms; or

"(B) to preclude an attorney from filing suit where the attorney's professional responsibility to the client requires that litigation be commenced without notice to or negotiations with the opposing parties.".

SEC. 9. PROHIBITION ON USE OF FUNDS FOR REDISTRICTING.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended—

(1) in paragraph (10) by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(11) to—

"(A) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

"(B) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a Congressional or State legislative district.".

SEC. 10. RESTRICTIONS ON USE OF FUNDS FOR LEGAL ASSISTANCE TO ALIENS.

Section 1007 (42 U.S.C. 2996(f)) is amended by adding at the end the following:

"(i) No funds appropriated to the Legal Services Corporation may be used to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)), including aliens who acquire the status of lawful permanent resident aliens under the provisions of section 216 or 245A of that Act (8 U.S.C. 1186a, 1255a);

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under 21 years of age of such citizen and who has filed an application to adjust status to lawful permanent resident under the Immigration and Nationality Act, and such application has not been finally adjudicated;

"(3)(A) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), who has been granted suspension of deportation under section 244 of the Immigration and Nationality Act, or who has been granted asylum by the Attorney General under such Act, or

"(B) an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

"(5) an alien whose employment to perform temporary agricultural labor or services is authorized by the Immigration and Naturalization Service;

"(6) an alien who is permanently residing in the United States under color of law; or

"(7) an alien who is eligible for medical assistance for treatment of an emergency medical condition under title XIX of the Social Security Act, if the legal assistance to be provided is needed in order to help obtain such medical assistance.".

SEC. 11. GOVERNING BODIES OF RECIPIENTS.

Section 1007(c) (42 U.S.C. 2996f(c)) is amended to read as follows:

"(c)(1) In making grants or entering into contracts for legal assistance, the Corporation shall ensure that—

"(A) any recipient which has as one of its purposes the provision of legal assistance to eligible clients is governed by a body—

"(i) the majority of which is comprised of attorneys who are appointed by the governing bodies of State, county, or local bar associations the memberships of which represent a majority of the attorneys practicing law in the locality in which the recipient is to provide legal assistance or, in the case of programs providing service in more than one State, in the State or locality in which the principal office of the recipient is located;

"(ii) at least 60 percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation may grant, pursuant to regulations issued by the Corporation, a waiver of the requirements of this clause for recipients which, because of the nature of the population they serve, are unable to comply with such requirement); and

"(iii) at least one-third of which consists of persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients; and

"(B) any other recipient, grantee, or contractor of the Corporation is governed by a body that meets the requirements of subparagraph (A) or has established a policy body, whose membership is selected consistent with such requirements, to establish policy with respect to the administration of any grant or contract under this title.

Any attorney serving on a governing body or policy body of a recipient, grantee, or contractor described in this paragraph may not, while so serving, receive compensation from such recipient, grantee, or contractor.

"(2) Consistent with the provisions of this title, the rules, regulations, guidelines, and instructions issued under this title, and any other laws, each recipient or other grantee or contractor of the Corporation, pursuant to the direction and control of its governing or policy body, and not the Corporation, shall determine all broad policies concerning its provision of legal assistance and other activities of the recipient, grantee, or contractor, including—

"(A) financial eligibility criteria of clients represented, consistent with the guidelines established pursuant to section 1007(a)(2);

"(B) the services that the recipient, grantee, or contractor will make available;

"(C) the policies that will govern the fiscal, administrative, and representational activities of the recipient, grantee, or contractor, in compliance with the provisions of this title and regulations issued under this title, other applicable law, or requirements imposed by grantors of resources to the recipient, grantee, or contractor;

"(D) subject to the prohibitions contained in this title, the priorities of the recipient, grantee, or contractor for the use of all available resources, including the policies regarding the types of cases or matters attorneys, paralegal staff, and other staff may undertake using such resources; and

"(E) significant policy decisions concerning the use of staff attorneys and other available and appropriate staff and nonstaff resources, including private attorneys and others, to provide legal assistance to eligible clients and to carry out activities relating to the delivery of legal assistance.

"(3) The governing or policy body of a recipient or other grantee or contractor of the Corporation shall—

"(A) not interfere with the lawyer-client relationship in the representation of specific clients by the recipient, grantee, or contractor;

"(B) comply with the legal and ethical requirements on conflicts of interest that apply in the jurisdiction where the recipient, grantee, or contractor is located;

"(C) not act on a case-by-case basis in setting priorities, except that the governing or policy body may reconsider priorities at any time for future applications for services in light of changing legal needs of clients or in light of an emergency; and

"(D) ensure that activities under this title are carried out in a manner consistent with attorneys' professional responsibilities to a client as established in the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided.

"(4) The Corporation shall not—

"(A) interfere with the governing or policy bodies described in paragraph (1) in their determinations of the broad policy matters described in paragraph (2),

"(B) impose requirements or limitations on the types of cases or representation of clients unless those requirements or limitations are explicitly authorized by this title or other applicable law; or

"(C) impose requirements or limitations on the governing or policy bodies of recipients and other grantees or contractors of the Corporation that are additional to, or more restrictive than, the provisions of this subsection, including requirements or limitations with respect to—

"(i) the procedures of appointment, the political affiliations, or the length of terms of board members,

"(ii) the size, quorum requirements, and committee operations of such governing or policy bodies;

"(iii) the content of the bylaws of such recipients, grantees, or contractors; or

"(iv) the communications between governing or policy bodies and appointing authorities specified in paragraph (1).".

SEC. 12. PROFESSIONAL RESPONSIBILITIES.

(a) STATEMENT OF FINDINGS.—Section 1001(6) (42 U.S.C. 2996(6)) is amended to read as follows:

"(6) attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided and the high standards of the legal profession.".

(b) RESPONSIBILITIES OF THE CORPORATION.—Section 1006(b)(3) (42 U.S.C. 2996e(b)(3)) is amended to read as follows:

"(3) The Corporation shall not, under any provision of this title, interfere with any attorney in carrying out his or her ethical or professional responsibilities to a client as established in the rules of ethics and professional responsibility that apply in the jurisdiction where the legal assistance is provided or abrogate as to attorneys in programs assisted under this title the authority of a State or other jurisdiction to enforce the standards of professional responsibility generally applicable to attorneys in such jurisdiction.".

(c) GRANTS AND CONTRACTS.—Section 1007(a)(10) (42 U.S.C. 2996f(a)(10)) is amended to read as follows:

"(10) ensure that all attorneys, while engaged in legal assistance activities supported, in whole or in part, by the Corporation, refrain from the persistent incitement of litigation and any other activity prohibited by the rules of ethics or professional responsibility that apply in the jurisdiction where the legal assistance is provided, and ensure that such attorneys refrain from personal representation for a private fee in any cases in which they were involved while engaged in such legal assistance activities; and"

(d) ACCESS TO RECORDS.—Section 1009(d) (42 U.S.C. 2996h(d)) is amended by inserting before the period at the end the following: "or protected from disclosure by the laws or the rules of ethics or professional responsibility that apply in the jurisdiction where such reports or records are maintained".

SEC. 13. SOLICITATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(j) Any recipient or other grantee or contractor of the Corporation, and any employee of any such recipient, grantee, or contractor, who has given in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action shall not accept employment resulting from that advice, or refer that nonattorney to another such recipient, grantee, contractor, or employee, except that—

"(1) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may accept employment by a close friend, relative, former client (if the advice given is germane to the previous employment by the client), or person whom the recipient, grantee, contractor, or employee reasonably believes to be a client because the recipient, grantee, contractor, or employee is currently handling an active legal matter or case for that specific person;

"(2) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may accept employment or refer a nonattorney to another such recipient, grantee, contractor, or employee when the employment or referral (as the case may be) results from the participation of the recipient, grantee, contractor, or employee in activities designed to educate nonattorneys about their legal rights, to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such outreach activities are conducted or sponsored by the recipient, grantee, contractor, or other legal assistance organization; and

"(3) without affecting the right of a recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor to accept employment, any such recipient, grantee, contractor, or employee may speak publicly or write for publication on legal topics so long as such recipient, grantee, contractor, or employee does not emphasize his, her, or its own professional experience or reputation and does not undertake to give individual advice in such speech or publication.".

SEC. 14. CERTAIN EVICTION PROCEEDINGS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(k)(1) No funds made available by or through the Corporation may be used for initiating the defense of a person in a proceeding to evict that person from a public housing project if the person has been convicted of the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

"(2) As used in this subsection—

"(A) the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(B) the terms 'public housing project' and 'public housing agency' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).".

SEC. 15. PROCEDURAL SAFEGUARDS FOR LITIGATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(l) No recipient, other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor may engage in

precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless a written retainer agreement which enumerates the particular facts on which the claim or controversy is initially based has been signed by the plaintiffs (including named plaintiffs in a class action). Such retainer agreement shall be executed when representation commences or, if not possible at that time because of an emergency situation, then as soon thereafter as is practicable. Such retainer agreement—

"(1) shall be kept on file by the recipient, grantee, or contractor, in a manner that does not disclose information protected by the attorney-client privilege or by the rules of ethics or professional responsibility that apply in the jurisdiction in which the legal assistance is provided, and

"(2) shall be made available—

"(A) to any Federal department or agency that is auditing the activities of the Corporation or of any such recipient, grantee, or contractor, and

"(B) to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation.

Other parties shall have access to such agreement only through the applicable rules of discovery after litigation has begun. Claims of attorney-client privilege shall not protect information contained in such agreement which, after the agreement is signed, is disclosed by the plaintiff or the plaintiff's counsel to third parties during precomplaint settlement negotiations or litigation. The recipient, grantee, or contractor is not required to execute a written retainer agreement under this subsection when the only service to be provided is brief advice and consultation.".

SEC. 16. COMPETITION STUDY.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1) The Corporation shall study the feasibility of a system of competition in the awarding of some or all grants or contracts for legal assistance and related activities under section 1006 (a)(1) and (a)(3) of this title. The Corporation shall, within 3 years after the date of the enactment of the Legal Services Reauthorization Act of 1991, report to the Congress the results of this study, based on independent evaluation. Such study shall be conducted in conjunction with an advisory committee which includes project directors, attorneys providing legal assistance, the organized bar, and eligible clients, who are selected by appropriate representatives of these groups.

"(2) The study under paragraph (1) shall examine how a system of competition would—

"(A) ensure access to, and the continued provision of, high-quality, economical, and effective legal services to resolve problems of clients, consistent with section 1001,

"(B) take into account locally determined needs for particular kinds of cases or services,

"(C) take into account the ongoing ethical and professional responsibilities of recipients, other grantees or contractors of the Corporation, and their attorneys for existing cases, the potential disruption in client services, and loss of experienced staff, pro bono services, funds from sources other than the Corporation, and other resources if an existing recipient or other grantee or contractor were replaced,

"(D) ensure that every recipient or other grantee or contractor seeking a grant or contract through a competitive bidding process will comply with all provisions of this title and the rules, regulations, guidelines, and instructions issued under this title that are applicable to those recipients and other grantees and contractors organized for the purpose of providing legal services to eligible clients; and

"(E) ensure that a new recipient or other grantee or contractor selected would provide a sufficient level of quality, economy, and effectiveness to justify the burdens of replacing the current recipient, grantee, or contractor, using the criteria set forth in this paragraph and those developed by the Corporation in accordance with section 1007(d)(4).".

SEC. 17. TRAINING.

Section 1007(b)(6) (42 U.S.C. 2996f(b)(6)) is amended to read as follows:

"(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients, to advise any eligible client as to the nature of the legislative process, or to inform any eligible client of his or her rights under any statute, order, or regulation;".

SEC. 18. LIMITATION ON USE AMENDMENTS.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (9) and redesignating paragraph (10) and paragraph (11) (as added by section 9 of this Act) as paragraphs (9) and (10), respectively.

SEC. 19. RECORDKEEPING AND NONCORPORATION FUNDS.

(a) NON-CORPORATION FUNDS.—Section 1010(c) (42 U.S.C. 2996i(c)) is amended to read as follows:

"(c) Private funds received by a recipient or other grantee or contractor of the Corporation for the provision of legal assistance shall not be used to engage in publicity or propaganda as restricted by section 1007(a)(5) or in activities prohibited by section 1006(b)(7), section 1007(a)(10), paragraph (2), (3), (4), (6), (7), or (9) of section 1007(b), or section 1007(k). This subsection shall not be construed to prevent recipients and other grantees and contractors of the Corporation from receiving tribal funds (including foundation funds benefiting Indians or Indian tribes) and expending them in accordance with the purposes for which they are provided or to prevent contracting or making other arrangements with private attorneys, private law firms, or other State or local entities of attorneys or with legal aid societies having separate public defender programs for the provision of legal assistance to eligible clients under this title.".

(b) TIMEKEEPING.—Section 1008(b) (42 U.S.C. 2996g(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Corporation, by regulation adopted pursuant to section 1008(e), shall require each recipient or other grantee or contractor of the Corporation to maintain records of time spent on the cases or matters with respect to which that recipient, grantee, or contractor is engaged in activities and to maintain a recordkeeping system that discloses the source of funds to be charged for each such case or matter. The specific time and recordkeeping system to be employed shall be determined by the recipient or other grantee or contractor in a manner that meets the requirements of a recordkeeping system as set forth in the preceding sentence and meets obligations that are imposed by other funding sources. Pursuant to regulations adopted under this paragraph, each employee of such recipient, grantee, or contractor, who is an attorney or paralegal, shall be required to keep contemporaneous records of the time spent by case or matter and the type of case or matter.".

SEC. 20. EVASION.

The Legal Services Corporation Act is amended—

(1) by redesignating sections 1013 and 1014 as sections 1014 and 1015, respectively; and

(2) by inserting after section 1012 the following new section:

"EVASION

"SEC. 1013. The use of 'alternative corporations' to avoid or otherwise evade the provisions of this title or the Legal Services Reauthorization Act of 1991 is prohibited. The term 'alternative corporation' means any corporation, law firm, business association, group, entity, or enterprise which, through shared staff or control over workload or interlocking boards of directors, has a single identity of interest with a recipient or other grantee or contractor of the Corporation. Any recipient or other grantee or contractor of the Corporation which shares employees with any other corporation, law firm, business association, group, entity, or enterprise shall specify with particularity the use of any funds by such employees in accordance with the timekeeping and recordkeeping requirements established under section 1008(b).".

SEC. 21. FEE-GENERATING CASE PROVISIONS.

Section 1007(b)(1) (42 U.S.C. 2996f(b)(1)) is amended by striking "(which guidelines" and all that follows through the end of the paragraph and inserting the following: ", except that—

"(A) such guidelines shall not preclude the provision of legal assistance in cases in which a client seeks only statutory benefits and appropriate private representation is not available; and

"(B) the Corporation may not—

"(i) prevent recipients or other grantees or contractors of the Corporation from seeking, receiving, or retaining attorneys' fees awarded or approved by a court or administrative body or included in a settlement in any matter that may be appropriately undertaken under the guidelines promulgated under this paragraph, or

"(ii) offset attorneys' fees against grant amounts or take into account the amount of any such attorneys' fees in establishing funding levels, fund balances, or distributing funds appropriated under this title;".

SEC. 22. ATTORNEYS' FEES PROVISIONS.

Section 1006(f) (42 U.S.C. 2996e(f)) is amended to read as follows:

"(f) If any court finds, based on substantial evidence, that a recipient or other grantee or contractor of the Corporation commenced an action for the purpose of harassment or retaliation or maliciously abused legal process, or that the plaintiff's action was frivolous, unreasonable, or without foundation, the court may award reasonable costs and attorneys' fees incurred by the defendant in defending the action. Any such costs and fees shall be paid directly by the Corporation. The Corporation may recover the amount of any costs and fees paid by the Corporation from the recipient, grantee, or contractor against whom the award was made by offsetting that amount against future grant awards made by the Corporation to such recipient, grantee, or contractor. Unless otherwise agreed by the Corporation and the recipient, grantee, or contractor, the Corporation, in any one grant year, may not deduct more than 5 percent of a grant for purposes of recoupment of such costs and fees.".

SEC. 23. CORPORATION BOARD CONTROL OVER POLICY.

Section 1006 (42 U.S.C. 2996e) is amended by adding at the end the following:

"(g) All rules, regulations, guidelines, instructions, and grant conditions under this title, and all policies or changes in policy directly affecting recipients or other grantees or contractors of the Corporation, shall be adopted by the Board of the Corporation after notice and comment. For purposes of this subsection, policies or changes in policies include, but are not limited to, increasing or decreasing funding to, imposing new terms and conditions on, or making

changes in the classes of recipients or other grantees or contractors which provide and support the delivery of legal assistance. This subsection shall not preclude the staff of the Corporation from imposing, without notice and comment, specific conditions on a grant to an individual recipient or other grantee, or on a contract with a recipient or other contractor, that are not applicable to other such recipients, grantees, or contractors if the conditions relate specifically to a prior determination that the recipient, grantee, or contractor has not complied with the provisions of this title or the rules, regulations, guidelines, or instructions issued under this title.".

SEC. 24. REPROGRAMMING PROVISIONS.

Section 1008 (42 U.S.C. 2996h) is amended by adding at the end the following:

"(f) The Corporation may not promulgate rules, regulations, guidelines, or instructions under this title unless the Corporation has so notified the Committees on Appropriations and on the Judiciary of the House of Representatives and the Committees on Appropriations and on Labor and Human Resources of the Senate at least 15 days before final publication of the rules, regulations, guidelines, or instructions, and has given such committees an opportunity to comment on such rules, regulations, guidelines or instructions.".

SEC. 25. 12-MONTH GRANTS.

Section 1010 (42 U.S.C. 2996i) is amended by adding to the end the following:

"(e) All grants and contracts made pursuant to sections 1006(a) (1) and (3) for calendar years 1992, 1993, 1994, 1995, and 1996 shall be made for a period of at least 12 months.".

SEC. 26. ESTABLISHMENT OF LOCAL PRIORITIES.

Section 1007(a) (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (2)(C)(i) by striking "goals established by the Corporation" and inserting "the principles of section 1001 of this title and any goals established by law"; and

(2) by adding after paragraph (11) (as added by section 8(2) of this Act) the following:

"The procedures adopted pursuant to paragraph (2)(C)(i) shall require the governing or policy bodies of recipients and other grantees and contractors of the Corporation to review annually the priorities that are determined in accordance with such procedures, and periodically analyze the legal needs of clients in the area served by each such recipient, grantee, or contractor to take into account new or changing circumstances of such clients. As part of such analysis, each such recipient, grantee, or contractor shall seek comments and information from clients, the organized bar, and program staff, as well as other parties with relevant information concerning client needs, including community groups, private attorneys participating in the private attorney involvement plans of the recipient, grantee, or contractor, and human services agencies. In the case of support entities, their governing or policy bodies shall also periodically analyze the advocacy, support, and coordination needs of recipients served by the support entity.".

SEC. 27. STUDY ON LEGAL ASSISTANCE TO OLDER AMERICANS.

The Legal Services Corporation shall conduct a study to determine the extent and effectiveness of legal assistance provided to older Americans by recipients and other grantees and contractors under the Legal Services Corporation Act. The Corporation shall submit to the Congress, not later than 6 months after the date of the enactment of this Act, a report on the study, together with any recommendations that the Corporation has on ways to improve the provision of such legal assistance to older Americans.

The CHAIRMAN pro tempore. No amendments to the amendment in the nature of a substitute are in order except the amendments printed in House Report 102–512. Said amendments shall be considered in the order and manner specified, shall be considered as having been read and shall not be subject to amendment, except as specified in House Report 102–512. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order for the chairman of the Committee on the Judiciary to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which is germane thereto, printed in House Report 102–512. Said amendments en bloc are considered as having been read and are not subject to amendment or to a demand for a division of the question.

Said amendments en bloc shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The original proponents of the amendments en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 1 printed in House Report 102–512.

AMENDMENTS EN BLOC OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BROOKS:

Page 31, line 11, strike "legal assistance".

—

2. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 24, strike lines 14 through 19 and insert the following:

"except that the Corporation—

"(I) shall, upon application, grant waivers of the requirements of this clause for a legal services program, supported under section 222(a)(3) of the Economic Opportunity Act of 1964, which on the date of the enactment of this title has a majority of persons who are not attorneys on its policymaking board, and

"(II) may grant, pursuant to regulations issued by the Corporation, a waiver of the requirements of this clause for recipients which, because of the nature of the population they serve, are unable to comply with such requirements; and

—

21. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 20 minutes:

Page 17, line 8, strike the quotation marks and second period.

Page 17, insert the following after line 8:

"(5) Notwithstanding the preceding provisions of this subsection, the Inspector General of the Corporation shall not, in carrying out his or her functions, be subject to any restriction that—

"(A) is contained in the standards and procedures adopted by the Corporation under this subsection; and

"(B) limits access by the Corporation to documents or other information.".

Modification to the amendment offered by Mr. FRANK to H.R. 2039, As Reported:

Add at the end of the amendment the following:

In section 1007(d)(2) of the Legal Services Corporation Act, as contained in section 6(c) of the bill, in the last sentence strike "an investigation" and insert "an audit, or to an investigation".

—

3. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 42, line 22, insert after "12 months" the following: ", except for any grant to a new program commencing operation after the beginning of the applicable calendar year."

—

10. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 43, add the following after line 24 and redesignate the succeeding section accordingly:

SEC. 27. STAFF ATTORNEYS.

Section 1002(7) (42 U.S.C. 2996a(7)) is amended to read as follows:

"(7) 'staff attorney' means an attorney who—

"(A) is employed by a recipient organized in whole or in part for the provision of legal assistance to eligible clients under this title, and

"(B) receives more than one-half of his or her annual professional salary from the proceeds of a grant or contract from the Corporation to such recipient.".

—

4. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 10, line 18, insert the following after "application for refunding.": "Any such employee may be terminated only after consideration of other remedial measures and only after the employee has been affordable reasonable notice and opportunity for a timely, full, and fair hearing. When requested, such hearing shall be conducted by an independent hearing examiner.".

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5. The amendments en bloc to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes. The amendments en bloc are not subject to a demand for a division of the question in the House or in the Committee of the Whole:

Strike "Legal Services Reauthorization Act of 1991" each place it appears in the bill and insert "Legal Services Reauthorization Act of 1992"

Page 14, line 12, strike the comma after "Corporation" and insert a semicolon.

Page 42, lines 14 and 15, strike "guidelines or instructions" and insert "guidelines, or instructions".

—

6. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 37, line 1, insert after "(c)" the following: "Non-Federal funds received by the Corporation, and funds received by any recipient or other grantee or contractor of the Corporation from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.".

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7. The amendment to be offered by Representative FRANK of Massachusetts or his designee, debatable for not to exceed 10 minutes:

Page 25, line 9, add the following after the period: "Subparagraph (A)(i) shall not be construed to prevent the governing body of a bar association from appointing members of the governing or policy bodies of more than one recipient or other grantee or contractor of the Corporation.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 10 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Chairman, of the many amendments filed on H.R. 2039 and in order on the floor today, there are a number by Chairman FRANK that I believe are noncontroversial. As we have a lot of work ahead of us, I am now offering those amendments en bloc to help speed up our evaluation on the other amendments.

Concern has been expressed that the bill's present section 6(c)—which deals with monitoring—might impact the work of the Legal Services Corporation's inspector general in some way. This was never intended, and amendment No. 7 ensures that there is absolutely no impact on the inspector general from section 6(c) of this bill.

During my tenure as chairman of the House Committee on Government Operations, I had the distinct honor and pleasure of working closely with our distinguished colleague, Mr. FRANK HORTON of New York—was then, and is now, the ranking minority member. Together, we developed and introduced the Inspector General Act of 1978.

Based on our years of experience with the Inspector General Act at the Government Operations Committee, Mr. HORTON, the ranking minority member of the committee, and I together worked out amendment No. 7. He and I are in complete agreement that this amendment is consistent with the Inspector General Act, and that it fully addresses any legitimate concerns raised by the inspector general of the Legal Services Corporation with regard to section 6(c).

On another issue, amendment No. 12 addresses another concern of our colleague from Florida, Mr. MCCOLLUM. A provision in current law which prohibits the commingling of Legal Services Corporation funds and non-LSC funds was inadvertently dropped by a Republican amendment offered during the Judiciary Committee's markup of H.R. 2039. Amendment No. 12 completely restores the requirement in current law that non-Legal Services Corporation funds be specifically "accounted for and reported as receipts and disbursements separate and distinct from Federal funds."

Amendment No. 9 dealing with the definition of staff attorney and No. 13 dealing with the appointment of members to governing bodies also resolve concerns raised by our colleague from Florida, Mr. MCCOLLUM. The other amendments are technical, and I urge our colleagues to support this en bloc amendment.

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

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

Mr. Chairman, I take it that the chairman of the full Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], is representing that these noncontroversial amendments have been cleared by the minority side. If that be so, I just want to let the gentleman know that I personally did not assent to them.

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

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I did not say that they had been cleared by the minority. I am proposing that we consider them en bloc because of my conviction that they either answer minority concerns in the bill or are technical, and that they have been given to Members to evaluate. I do not say that the gentleman has read them and cleared them. I want the gentleman to read them and look at them. I have no problems with them.

□ 1230

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I would say in some cases amendments that the committee or subcommittee offered were in conflict with the members of the minority. In all those cases they stayed out of the en bloc, to my understanding. That is, where there were different ways of doing things as between us, those will be debated on the floor.

My understanding was that these were all areas where we had frankly agreed, during committee debate, to accommodate some of the concerns that had been raised to further tighten up some provisions. And these were relatively noncontroversial ways of doing this.

There were, with regard to inspector general, some different approaches, but as the chairman had said, we worked this one out with the approval of the ranking minority member of the Committee on Government Operations, who we frankly had felt to be one of the great experts on inspector general, the gentleman from New York [Mr. HORTON].

But that is the genesis of these. These were areas where we made commitments in committee debate to go a couple of steps further and where, as we looked at the list of amendments, there were no competing ways of doing it.

Where there were competing ways of doing it, with regard to privacy of names or attorney fees, we got them out of the en bloc. And we will be offering them as specific substitutes to competing ways of doing this.

Mr. GEKAS. Mr. Chairman, I do not question any of the representations made by either the chairman of the full committee or the chairman of the subcommittee. I simply want to make sure that we are going to be finally adopting the same kind of language, if we agree to these.

I would suggest, before yielding to the gentleman from Florida to see if he would concur, that we pose some questions to the chairman on what he has presented to us here. And then afterwards, I may want to request, perhaps by agreement, that we postpone the final vote on this amendment, perhaps to the end of the process, if that can be done parliamentarily, without any great harm.

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

Mr. GEKAS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding to me.

Those that I have been able to look at here do not look like they are egregious or bad. They are fairly noncontroversial.

I would say, with regard to the amendment with regard to the inspector general, it is a fine amendment, nothing wrong with it at all. It does embrace what I believe was an agreed-upon understanding with the gentleman from New York [Mr. HORTON].

I would point out that it does not go as far as this Member and others would like, which was why the debate on the rules and opening here about how we did not get to go to our monitoring, because there still would be restrictions on what could be seen based upon State and local bar rules that are now being adopted in the bill.

So there are still problems. The amendment itself that is being offered is not a problem.

I would like to ask a couple questions, if I could. One of them, if I could ask, has to do with the very first one, the so-called No. 3, originally dealing with the outreach programs.

The gentleman from Massachusetts crafted one to apparently, if I read this

right, allow any organization to conduct an outreach program, not just the Legal Services grantees and not just the recipients or whatever.

The language looks like recipient, grantee, or contractor, or other organization.

Would the gentleman explain what he has in mind with that?

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman repeat the question?

Mr. McCOLLUM. If the gentleman will continue to yield, I am curious, there was a slip that went out originally saying that the people who would be able to do outreach programs would include church organizations, but I read this as any organization.

In other words, it would not just be a grantee, just a recipient of money, but it would be, it could be any. I do not know what the gentleman has in mind by that, whether it is the local Kiwanis Club or who is going to be conducting the outreach programs under the proposal of this amendment.

I just want clarification.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman, the gentleman from West Virginia [Mr. STAGGERS] had been approached by people who wanted to make these grants. And what we decided was that if someone wanted to make the grant available, we would accept it as long as it did not transgress any specific prohibition.

And what we were told was that we might, if we tried to write too specific a definition, we would be perhaps inadvertently excluding someone to which no one had an objection.

We did want to make it clear that nothing in here overrides any specific prohibitions to the contrary.

Mr. McCOLLUM. Mr. Chairman, then my understanding is correct that any organization could conduct the outreach.

Mr. FRANK of Massachusetts. Mr. Chairman, that is correct.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, maybe we will want to work toward perfecting that because that is pretty broad.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say this, at the conference stage, if we reach that, if we do not it is not relevant, I would be delighted to work to narrow that if they thought that was a reasonable thing.

I would ask that we include the gentleman from West Virginia.

Mr. McCOLLUM. Mr. Chairman, we would be glad to.

There is one other question I wanted to ask. On No. 10, No. 10 has to do with the question regarding the Corporation's due process on firing employees. There is some representation we have seen out in some of the paperwork that this is nothing more than codifying existing rights.

My understanding is that presently the Corporation is not a Federal agency and, therefore, Federal personnel policies do not apply and that the due process procedures we are setting up here are new.

Am I correct, they are completely new? They do not exist presently?

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, my understanding is that this provision is in the current law that governs Legal Services and that it was just inadvertently dropped out.

Mr. McCOLLUM. Mr. Chairman, if that is true for us, we do not have a problem with it. But our research over here indicated that right now DC laws were applicable and after this law it no longer would be the DC laws that applied to this area.

Mr. FRANK of Massachusetts. Mr. Chairman, our intention was simply, if the gentleman has the pamphlet, the Legal Service Corporation Act, as amended 1977, it was section 1006(b) under rules and regulations, we were simply trying to reincorporate that which had been in an editing error dropped out.

Mr. McCOLLUM. Would the gentleman and the chairman consider removing that one amendment from the en bloc so we could take a look at it and study that?

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

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I have been informed by counsel that this section 10 would restore the current law. The current law in Legal Services provided for this. It was left out inadvertently when we rewrote the law.

If we do not put that in, it is not going to be part of the Legal Services operation at all. That is what it is.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman.

I just want to comment that I believe the gentleman's counsel is giving credible advice to us. If that is the intent, I have no objection to it.

But our reading of it was that it went further than that. I guess the best I can say is that if it is not going to be separated out for further looking at, then we will look at it with the gentleman and maybe if we go into a situation where we have a conference on it, we can straighten it out, if it is a problem.

What the gentleman is stating is not a problem for us, if that is, indeed, the way it really reads.

I do not think there are any other amendments I have a problem with except to comment that the commingling of funds amendment, straightening that out does not resolve my problems over the non-Federal funds. I do not think they ought to be used for going around the restrictions.

We will have an amendment to discuss that later on.

I think the gentleman has done a good thing by squaring away the fact that we do not want to commingle our funds, and I do support that.

Mr. BROOKS. Mr. Chairman, we take these things one step at a time.

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

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, these outreach programs that we are going to give to everybody in sight now, what are they?

Mr. GEKAS. Mr. Chairman, if the gentleman will take the explanation that I have, which is very hazy at this moment, that this is still to be restricted and that the general prohibitions that we have for other kinds of activities, such as church-related and others, would still be the law.

This one would allow that simple extension, and it is very hazy to me.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, does this mean that, for instance in farming communities, that we could have a lot of these groups now deciding that they were going to become involved in migrant worker types of questions and thereby stir up the community in order to get Legal Services lawyers on the backs of local farmers and so on?

Mr. GEKAS. Mr. Chairman, I must say to the gentleman that when the chairman of the full committee began to explain these provisions, then the further statements made by the gentleman from Massachusetts, I began to see a gigantic loophole opening up to allow all kinds of pressure groups to become involved.

Mr. WALKER. So we could literally form an organization that would then become an outreach organization under this that would then have the ability to influence decisionmaking?

□ 1240

Mr. GEKAS. Presumably so, I would have to say to the gentleman.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his inquiry.

Mr. WALKER. Mr. Chairman, the amendments were put en bloc. Each of the amendments was assigned an amount of time. It seems to me that the time, then, was reduced considerably by putting them en bloc. Can we not have debate time equaling the amount of time of the amendments that were included in the en bloc amendment?

The CHAIRMAN. Under the rule, amendments offered en bloc by the

chairman of the Committee on the Judiciary, who holds that option, are debatable for 20 minutes, equally divided.

Mr. WALKER. And further inquiring, Mr. Chairman, this side has now used its 10 minutes?

The CHAIRMAN. The gentleman is correct. The gentleman from Pennsylvania [Mr. GEKAS] has used the 10 minutes allotted to him.

Mr. BROOKS. Mr. Chairman, could I yield the gentleman from Pennsylvania [Mr. GEKAS] some of my time?

The CHAIRMAN. The gentleman may certainly do that.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] yields 5 minutes to the gentleman from Pennsylvania. Without objection, the gentleman from Pennsylvania may control that time.

There was no objection.

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

Mr. Chairman, as the matter stands now, I am so, how shall I say, puzzled by the possibilities of mischief in this amendment that I am constrained to urge my colleagues to vote against it. Even though it started out as an en bloc amendment that seemed to satisfy both sides, I am not satisfied, I must say.

Mr. WALKER. Mr. Chairman, would the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman give us an idea of what the outreach activities include?

Mr. GEKAS. I cannot.

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

Mr. GEKAS. I yield to the gentleman from Massachusetts [Mr. FRANK] again to reiterate his definition of outreach.

Mr. FRANK of Massachusetts. Mr. Chairman, what we have, the problem is that we want to be clear that Legal Services should not engage in solicitation of clients. They are allowed under this to work with organizations that approach them. I am told that the specific reason that the word "legal assistance" was stricken was concern that church groups would thereby be excluded. This is one of the areas we were told where Legal Services people are approached by church groups that say, "We have been hearing about this problem."

The way it works is that other groups would set up a meeting, invite a Legal Services lawyer, it would have to be another organization, they would set up a meeting and invite a Legal Services lawyer and say, "These people are concerned about rents, these people are concerned about what they think might be an environmental problem," et cetera, "and we would like you to explain to them what their rights are and then see if any of them would want to be legally represented."

The original word said if it was a legal assistance organization the concern was that this might ban church groups. That is as I understand it.

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

Mr. GEKAS. I yield further to the gentleman.

Mr. WALKER. That explanation then becomes very worrisome, because it sounds to me what they could literally do is set up advocacy groups that would then take on these issues.

Mr. GEKAS. Yes.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would yield further, if the gentleman would allow me to put the words "legal assistance" back in.

Mr. WALKER. Mr. Chairman, I would ask the gentleman what this means.

Mr. GEKAS. Mr. Chairman, maybe it is because I am befuddled, but I cannot envision anything but the possibilities of mischief here, unintended, but to create another loophole where we on this side have been trying valiantly for many years to close loopholes.

I would have to urge my colleagues to vote against this, unless the gentleman would entertain withdrawing the amendment for now. If the gentleman will withdraw the amendment en bloc for now and allow our staffs to brief each other on it.

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

Mr. GEKAS. Yes, I will yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. If this is a major problem for the gentleman and he needs a little time to consider it, we can do that. We can go over it again with his staff. There is a communication problem with his staff, sometimes, I am afraid, because we have been over all these with my staff backward and forward. I think they told somebody over there.

At any rate, to resolve this and get this thing moving, I would ask unanimous consent that that amendment be withdrawn from the en bloc amendments and considered later as an individual amendment.

The CHAIRMAN. Could the gentleman state, by number in the report of the Committee on Rules, which amendment the gentleman makes reference to?

Mr. BROOKS. No. 10.

The CHAIRMAN. No. 10?

Mr. BROOKS. No. 10, by the gentleman from Massachusetts [Mr. FRANK].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GEKAS. No. 1, we believe, is it not?

Mr. BROOKS. No. No. 1, pardon me. No. 3.

The CHAIRMAN. The committee will suspend for just a moment.

Mr. BROOKS. Pardon me, Mr. Chairman. Let me restate that. Under the rule the amendment that we are asking to be postponed and reconsidered later is No. 1.

The CHAIRMAN. Amendment No. 1.

Mr. WALKER. Mr. Chairman, reserving the right to object, just to assure ourselves this amendment No. 1 referred to is the amendment which allows outreach activities to be supported by church groups and, as we have now found out, all organizations, is that the Chair's understanding?

The CHAIRMAN. That is the understanding of the Chair.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

Mr. GEKAS. Mr. Chairman, we have no objection.

The CHAIRMAN. Is there objection to the proposed modification?

There was no objection.

The CHAIRMAN. The amendment relating to page 31, line 11, is redacted from the en bloc amendments as originally proposed by the chairman of the Committee on the Judiciary.

Mr. GEKAS. There is no objection to that.

Mr. BROOKS. Mr. Chairman, the Chair has already withdrawn it by unanimous consent, the one amendment. The en bloc amendment resolved, I think, that the gentleman from Pennsylvania [Mr. GEKAS] has no further time.

I will state it again. The unanimous consent request is to withdraw from the en bloc amendments and to consider it later under the rule in the bill with other amendments individually when called up.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time on the en bloc amendments.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. BROOKS], as modified.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 3, answered "present" 1, not voting 20, as follows:

[Roll No. 99]

AYES—410

Abercrombie	Anthony	Bateman
Ackerman	Applegate	Beilenson
Alexander	Archer	Bennett
Allard	Aspin	Bentley
Allen	Atkins	Bereuter
Anderson	Bacchus	Berman
Andrews (ME)	Baker	Bevill
Andrews (NJ)	Ballenger	Bilbray
Andrews (TX)	Barrett	Bilirakis
Annunzio	Barton	Blackwell

Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—3

Armey
Cox (CA)
Crane

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Barnard
Boxer
Byron
Campbell (CA)
Davis
Dymally
Eckart
Ford (TN)
Hertel
Ireland
Jones (GA)
McDade
Moakley
Sanders
Valentine
Waters
Wheat
Wise
Yatron

□ 1310

Mr. ARMEY and Mr. CRANE changed their vote from "aye" to "no."

Mr. ORTIZ changed his vote from "no" to "aye."

So the amendment en bloc, as modified, were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. BROOKS

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

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

The text of the amendment is as follows:

Amendment offered by Mr. BROOKS: Page 31, line 11, strike "legal assistance".

MODIFICATION OF AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the amendment be modified to read that after the words "legal assistance," we add the words "or church."

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. BROOKS: Page 31, line 11, after the words "legal assistance", all the words "or church".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to modify the amendment?

Mr. GEKAS. Reserving the right to object, Mr. Chairman, and I do not intend to object, but I want the chairman to know that we are in accord with the language change, the modification that the committee chairman has offered here. We are not going to object to that.

What we want to try to do is to expand on the rationale on that for a moment, because we anticipate there might be some objection to the amendment, even though we have no opposition to the modification, if the gentleman would understand.

Under the language that the gentleman is adding now, the gentleman is in effect expanding legal assistance simply by putting one other activity in it that is permissible that would be church related. Is that not the purport of the modification?

Mr. BROOKS. Mr. Chairman, if the gentleman will yield, I believe that is a fair interpretation.

Mr. GEKAS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. The modification to the amendment is agreed to.

Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

I understand that the nature of the modified amendment now is to substantially narrow the number of organizations that might be characterized as providing outreach. However, I am still somewhat disturbed by the language of this amendment.

As I understand it, what we are doing is creating an outreach scenario that first of all in this particular case by adding the word "church" does strike some of us as kind of odd coming from a party who for years has told us that we have to have absolute separation of church and State. Whenever we have discussed school prayer and some of these kinds of issues, it has been suggested that we have to have absolute separation; but of course, when they want to go out and do political activity, using the church as a basis, then they put it into the bill.

Second, I am concerned about the realities of what we are seeing happen in Legal Services. The churches are already being used as a place to bring,

for instance, migrant workers in to tell them of their legal rights and tell them how they can take action against the farmer that they work for. It seems to me that if you have some looney left minister who is essentially the pastor of a conservative church that has been having trouble getting his church to go along with some of this kind of activity, he can now point to the law and say, "Oh, the law requires that we do this. Here is carte blanche authority for these kinds of activities."

I will tell you, coming from someone who represents a farming community, I think there is room for untold mischief in this particular amendment. I think it is exactly the kind of thing that we do not want to see happening in the Legal Services framework.

So I would suggest that while the amendment may be narrower than what was originally contemplated, it is in fact an amendment which is unacceptable to those of us who have seen the kinds of problems that have been created by the Legal Services in the agricultural community, and I would suggest that Members may want to vote "no" on this particular amendment.

Mr. BROOKS. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK], the chairman of the subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I just wanted to say publicly about a conversation we had privately, namely, that obviously none of us like to totally legislate on the floor. I would just like to say that if we can work out, and I think we probably can, some further narrowing and further clarification of this, I would be glad to agree to it.

I offered to the minority that we will continue to work on this, and I would be glad to abide by any further suggestions they would have as this bill goes through conference and later on to be even more specific about what we meant.

Mr. GEKAS. Mr. Chairman, I am glad to hear that the gentleman from Massachusetts is continuing to be willing to do that. I intend to take the gentleman up on that, because I am not satisfied that we are not, as the gentleman from Pennsylvania is saying, creating a new possibility for mischief here.

I, too, am worried about the impact in the agricultural and farming community here, and I have got to sort that out. Pending that, I must vote "no" on this.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I want to reassure my friend that I am not, and I do not think any of us on this side are in this particular amendment trying to create any new mischief.

I would like to note that outreach now goes on. As I understand it, this would narrow it some, but I would reiterate my agreement to work with the gentleman to further narrow this.

Mr. GEKAS. Mr. Chairman, we want to do that.

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 150, answered "present" 1, not voting 20, as follows:

[Roll No. 100]

AYES—263

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bereuter
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hyde
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Moody
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Rinaldo
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates

NOES—150

Allard
Allen
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Billirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Coble
Coleman (MO)
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goss
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hutto
Inhofe
Ireland
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pursell
Quillen
Ray
Regula
Rhodes
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skelton
Smith (OR)
Smith (TX)
Solomon
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Barnard
Boxer
Byron
Campbell (CA)
Ewing
Ford (TN)
Goodling
Hancock
Kolter
Kopetski
McDade
Moakley
Moran
Sanders
Spratt
Torres
Valentine
Waters
Yatron

□ 1339

Messers. DICKINSON, RAY, and MILLER of Washington changed their vote from "aye" to "no."

Mr. MCMILLAN of North Carolina changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I was unexpectedly detained with some of my constituents and missed a vote on the amendment offered by Mr. BROOKS of Texas to the Legal Services Reauthorization Act (H.R. 2039), rollcall No. 100. Had I been present, however, I would have voted "no" on the amendment.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Chairman, during rollcall vote No. 100 on H.R. 2039 I was unavoidably detained. Had I been present I would have voted "aye."

□ 1340

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 8 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

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

The text of the amendment is as follows:

Amendment offered by Mr. MCCOLLUM: Strike section 16 (page 34, line 7, through page 36, line 2) and insert the following:

SEC. 16. PHASED IMPLEMENTATION OF COMPETITION; DISTRIBUTION OF GRANTS AND CONTRACTS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1)(A) Ten percent of all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title shall be awarded under a competitive bidding system developed by the Corporation to test the use of competition in providing effective and efficient legal services of high quality. This competitive system shall—

"(i) ensure access to high-quality, economical, and effective legal services for eligible clients, consistent with section 1001,

"(ii) minimize disruption of client services, and

"(iii) ensure that every recipient or other grantee or contractor seeking a grant or contract through this competitive bidding process complies with all provisions of this title and the applicable rules, regulations, guidelines, and instructions issued under this title.

"(B) The competitive bidding system developed under subparagraph (A) shall be implemented in fiscal years 1993 and 1994.

"(C) The Corporation shall, not later than 18 months after implementation of the competitive bidding system under subparagraph (A), report to the Congress on the effectiveness of the system.

"(D) If at the end of fiscal year 1994 the Corporation determines that the competitive bidding system has met the requirements of subparagraph (A), the Corporation shall so notify the Congress and shall proceed to phase in, during the next 3 fiscal years, the implementation, for all grants and contracts awarded by the Corporation, of a competitive bidding system that meets the requirements of subparagraph (A).

"(2) Rights under sections 1007(a)(9) and 1006(b)(5) shall not apply to the termination or denial of financial resistance under this title as a result of the competitive award of any grant or contract under paragraph (1), and the expiration of any grant or contract under this title as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1006(b)(5).

"(n)(1) Funds appropriated to the Corporation shall be distributed to each grantee or contractor on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, in accordance with paragraphs (2) and (3).

"(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation under section 1006(a)(1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code, regardless of the level of funding for any geographic area before the enactment of the Legal Services Reauthorization Act of 1991.

"(3) Beginning with the fiscal year beginning after the results of the most recent decennial census have been reported to the President under section 141(b) of title 13, United States Code, funding of geographic areas served by recipients shall be redetermined, in accordance with paragraph (2), based on the per capita poverty population in each such geographic area under that decennial census.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, this is in my judgment one of the more important amendments this body will consider to the Legal Services Corporation bill today. It provides for the implementation of a competitive bid process for the awarding of legal services grants.

Around the country today, the way we dispense the money and the way this program operates is by the Legal Services Corporation Board taking the federally appropriated dollars and awarding grants to various nonprofit organizations in the State and local communities to do the job of providing legal services to the poor.

For quite a number of years, at least 10 or 12 years, there has been presumptive refunding of all of these organizations. As a practical matter that has meant that all of these folks that have an exclusive franchise for a given geographical area to do the work are going to get the Federal money. The Legal Services Board has no real discretion in deciding that they do not get it any more, that maybe if somebody wanted to come forward and provide services, another nonprofit group that would say "We could do that, we would like to have the franchise to do legal services for the poor in this area," they have not been able to grant them that privilege. They have not had a mechanism to do that.

Over the years we have asked them to study that issue and they have studied it quite extensively at the national board level.

Since 1988 our appropriations bills that we have passed without the authorization having been there have contained provisions that have asked for the implementation of this. The only reason that it has not is that there has been a trigger mechanism that said the Board cannot implement it.

The only drawback or restriction was a trigger mechanism in those appropriations bills that said that the Board could not proceed with the implementation of the competitive bid process until such time as a board was confirmed by the Senate. Because of the great dispute through the Reagan era over the existence of Legal Services, for whatever reason it has carried on, even though there is not a controversial board presently. It is a very bipartisan, noncontroversial board.

For whatever reason, the Senate has never confirmed the Board as such and they are operating as Presidential appointees as they have the power to do in the interim. But I think it is certainly appropriate that we take that appropriations lead and put it in the authorization bill. Now after 14 years of not having an authorization bill we are going to do that.

That is really all my amendment does. It provides that a competitive bid process for the grantees will be implemented over a 5-year period, a 2-year test period with 10 percent of the grants going for that purpose, and then a phasein period for 3 years.

At the end of the test of the 10-percent grant period, there must be a report to Congress. Actually the report has to come at the end of 18 months to let us know what they are doing. They have to go ahead and do it.

In the bill right now there is no requirement they go forward. There is just a study. Since it has been so many years since we have had an authorization bill, and who knows when we are going to get another one, the way this thing has gone, it seems to me to make a lot of sense, since this is not controversial, to go ahead and put the final touches on this and make sure we do get a competitive bid process worked out.

The exact form of it is left to the Legal Services Board to describe and work out. But we do give them the guidance in the amendment that they must consider the three basic things of high-quality, economical, and effective legal assistance as the criteria.

This is not a lowest cost bidder scheme. This is not like a defense contract bid scheme. This is designed for them to look at others who might apply for legal assistance franchises on the basis of the highest quality service that they can provide, the most effective service they can provide, not the lowest cost bidder.

Mr. Chairman, if we do put this in, it seems to me we will have a far better system than we have right now. There is no way that anybody can be assured that we are getting better services if we do not have the opportunity for others to come forward and apply.

May I remind my colleagues that under this proposal all the restrictions on the composition of the local boards remain so that they still have to have the 60 percent attorneys and they still have to have the representation of the poor on whatever competitive bid group that comes forward, and the local bar still has control over the majority of the boards and so forth. So whatever other organizations came forward would still have to be out of that same mold. Nobody is making a change there, and there might not be any that come forward in most of the jurisdictions.

What it does is it opens the opportunity. It gives the kinds of flexibility that we need if we are going to have accountability and we are going to have efficiency in the legal services delivery system. It is long overdue.

Again, as I said, my proposal is essentially what has been in every appropriations bill since 1988, and I urge its adoption.

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

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

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

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

Mr. Chairman, when companies compete against each other in any given market, it generally results in better products and better prices for consumers. For many years I have encouraged Federal agencies to increase competition in their procurement processes. I am for competition. But, looking for a good lawyer is entirely different from shopping for a television set.

Awarding contracts for professional services is a complicated and difficult process. In the architect and engineering services area, we have an entirely separate law which governs the acquisition process. That law—which took years to develop—takes into account the unique nature of professional services and the needs to be met by them.

Based on my experience in this area, I caution Members that we need to tread carefully in this area of professional services. Past competitive contracting for delivery of criminal defense for the poor was an acknowledged failure. The successful bids came in very low, but over time the quality of presentation deteriorated dramatically; costs rose to a level exceeding that of both public defenders and assigned counsel; and substantial administrative costs were incurred.

No one has questioned the high quality of the work done by these legal services attorneys. Indeed, the complaint heard by the committee is that these lawyers may be doing their work too well to suit some opponents of the program.

We have to be very careful before we take all of legal services and put them out to the lowest bidders. The committee bill requires a study on the feasibility of competitive bidding for legal service grants and a report back to us within 3 years. That study is a positive step which will give us sufficient empirical evidence on which to base future decisions in this area.

I believe the study presently in H.R. 2039 should be retained, and I strongly urge the rejection of this amendment—just as it was rejected in the Judiciary Committee on a bipartisan vote of 23 to 10.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, unlike other Federal grant programs, grantees of the Legal Services Corporation enjoy presumptive refunding simply because a program received a grant to provide legal services 15 to 20 years ago, that program is virtually assured of receiving an annual grant regardless of the program's competence or effectiveness. It is almost impossible to terminate any legal services grantee regardless of the grantee's ineffectiveness or unrefuted evidence that the grantee has violated the Legal Services Corporation Act and its regulations. Even if the corporation is successful in terminating a grantee, the process is lengthy and expensive. Without a doubt, presumptive funding has had a negative impact on the entire program's performance.

Guaranteed funding has adversely affected productivity as well as accountability. Several scholars have documented the impact that a lack of competition has had on the Federal Legal Services Program. For example, in a recent study of the Legal Services Program by the American Enterprise Institute, Douglas Besharov finds that the productivity of legal services programs has declined as much as 20 percent in the last 18 years. He cited the lack of competition as the major cause. In another study, Stephen Cox found that legal services attorneys took longer to service routine cases, and had a higher cost per case compared to private attorneys.

Of course, legal services programs protest the suggestion that legal services programs should be submitted to the ordinary grant-making procedures of competitive bidding. Normally parties which benefit from a monopoly do not welcome competition.

H.R. 2039 would delay progress in carrying through on implementation of competition by requiring a study. Further study is not needed. What is needed is competitive bidding for Federal legal services grants. The McCollum amendment directs the Legal Services Corporation to institute a limited 2-year test, followed by a 3-year phase-in, of a competitive system for awarding legal services grants. Under this system, grantees would compete based on their delivery of high-quality, economical, and effective legal services. The Legal Services Corporation would report to Congress on the program after 18 months. I urge my colleagues to support the McCollum amendment.

□ 1350

I listened very carefully to the chairman's remarks and found myself in much agreement, but by the same token, we have a program that has taken us 10 years to get to the reauthorization process, of which I commend the chairman and the gentleman from Massachusetts [Mr. FRANK] for the work of the bill.

We have made major progress today, but I do believe that we could, in fact, make this Legal Services Corporation system a much better institution for those that it is intended to serve, the poor of this Nation, by providing competition, by providing that those who have the responsibility of providing that legal services have that opportunity to compete.

I think it would, in fact, make for a better system.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the full committee.

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

The first point that we should recognize is that the committee bill does include a very capital study designed to assess the effective implementation of competition in the legal services system. It also is sensitive to the need to preserve local control and also to maintain the highest state of ethical conduct in the delivery of legal services. It is this approach that, I think, is the better approach.

The amendment that is offered by the gentleman from Florida, although purporting to produce efficiency or quality, I think may very well lead to chaos. First, it would require frequent changes in the delivery of the system of legal services. There are no real statements as far as awards to be made, and it would lead perhaps to arbitrary, ideological decisions rather than decisions based upon the highest quality of legal services to the poor.

Indeed, the proposal would virtually eliminate all procedural safeguards in the determination of a Legal Services Corporation under the rubric of competition, and this, I think, would be chaotic and detrimental to the program. The other effect it would have would be to dismantle the existing locally based and specialized, coordinated and integrated delivery system. The possibility exists of stripping off various functions, disseminating throughout the community so that some people would skim the system. The effect would be for those poor people with limited resources looking for legal services is that they could be shuttled from pillar to post looking for one specific type of advice or another, and that would be wrong. Indeed, although there is some genuflection to quality, perhaps the overriding criterion would be cost. A system that is driven by cost, a legal system driven by cost has serious potential ethical problems.

Furthermore, the proposal could very well undermine existing pro bono efforts; 12.5 percent of Legal Services funds are used to provide a catalyst for voluntary legal services by private attorneys. If these private attorneys were suddenly allowed to compete directly for funds, this pro bono effort may be severely diminished, and that would be a detrimental effect to the system overall.

It would, I believe, undermine local controls and private attorneys are no longer answerable directly to the local boards which govern Legal Services Corporation and which affect the community-based policy to deliver the best possible services in their community.

Finally, the amendment fails to recognize that competitive bidding has not worked in the area of criminal defense or civil legal aid. In fact, these experiments have resulted in rising costs, deterioration of quality and instability increasing.

Indeed, these proposals are not germane to the delivery of legal services. The proposal, I think, should be rejected. We should, in fact, study carefully and clearly, with articulated standards, whether or not competition is adaptable to this particular model. If we do that, if we follow the committee print, we will make a step forward.

I urge that this amendment be rejected.

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

I respect very much what the gentleman was saying and most of the points he has made of concern about what might happen in certain cases. I, too, would share that concern if I really thought that was the case. But I have far more confidence in our Legal Services Board that is now in operation than perhaps the gentleman does.

I have watched them operate. They are a balanced board. They have good disputes among themselves.

There is no desire to end the system. I also have confidence in something this Congress adopted of mine that was passed as an amendment years ago, the last time an authorization bill came up here. It never became the law as an authorization bill, but we passed it in the House only. It has been adopted in each appropriations bill thereafter.

That is the local checks that are required that say that local bar associations control the majority of the boards of directors of every one of the Legal Services Corporation granteees. I think that is a very important piece of legislation that was adopted. I think it needs to stand.

My proposal today in no way would detract from that. I authored that back then. I am proud of how it has worked. I have had high compliments from the field and people who are out there today about it.

I would assure the gentleman who just spoke and all others who are concerned about my proposal today that that provides a check on the concerns they are expressing. No proposed grantee could come forward seeking to bid instead of the one that has the money right now and the grant that was not comprised exactly the same way.

We have to have the local bar sanctions. We have to have the same composition, and we have a tremendous check in our local bar associations on that, any kind of mischief that one might envision in that regard.

What my proposal does offer is the opportunity for the National Board to do its job, to be able to have the opportunity to pick and choose among maybe two or three groups that might provide for efficiency, not lower cost but more efficiency in the way to deliver the service. And they would be able to provide what is not provided. That is a check on the quality of that service, a discretion that I think above all else they need to have, not over the individual everyday cases but over the quality of the attorney performances that are there, generally, over the general services being delivered.

If we had a bidding system, that could occur.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the cooperative spirit in which we have worked here. My problem is that I see that this is creating potentially some transaction costs without some of the benefits for this reason.

The gentleman just affirmed that his amendment, which he deserves credit for, which requires, I think he misspoke, not a majority but every single grantee must be approved by, must have a board, a majority of which is approved by the local bar association, every single grantee.

Mr. McCOLLUM. Mr. Chairman, that is correct.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, as the gentleman points out, he keeps that in this amendment. So what we have is the local bar association must approve a majority of the existing board, and one could not be eligible to take the grant in the future unless one were also approved by the bar association.

So the question is, Are we expecting the local bar association simultaneously to approve one board and then empower another to compete with it? Because as the gentleman from Florida knows, under the operation of his amendment, I could tell him as chairman of the subcommittee, I have insisted on full enforcement of that when it has ever been questioned.

If the local bar association withdraws its confidence from the grantee, they have the effective power to terminate the grant.

□ 1400

So what have we gained except a lot of transaction costs if the local bar association is then going to be empowered to name several competitors?

Mr. McCOLLUM. Reclaiming my time, the point of the gentleman from Massachusetts [Mr. FRANK] is not valid because, quite frankly, I used to sit on boards of the bar locally. We have in my own hometown area over 2,000 attorneys in our bar. There are many diverse views. The board, the council there that governs it, might well promote two or three and say, "OK, they are all fine folks. You decide, Legal Services Corporation."

I am not expecting that we are going to see a lot of competitive bids, but my amendment would allow that to go forward, something this body sanctioned, as I said, in every appropriations bill since 1988. All that is in the bill now is to study it some more. It has been studied to death. What we need to do now is to give the charge to the national board, put the confidence in them that I think they deserve to have at this point, and say, "Go ahead and develop that system. We trust you to do that. We have given you broad guidelines to do it. Where there is an appropriate competitive situation, then you choose, and if not, continue with the grant that is there now." There is no real harm in it. There is a 2-year test involved in it, and after it is implemented, an 18-month report required to us so we can review it and kick it out if we do not agree to it.

I honestly believe, and I respect the gentleman greatly, but I believe that what we need to have is the opportunity for competition to come into the system. It is a mild proposal that I

am offering. Again, it is a proposal that has been offered several times.

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

The CHAIRMAN (Mr. MFUME). The Chair would advise Members controlling the debate that the gentleman from Texas [Mr. BROOKS] has 9 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 2 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank the gentleman from Texas [Mr. BROOKS] for yielding me this time, and congratulate the Committee on the Judiciary for bringing forward this very important bill to reauthorize the Legal Services programs in our country.

Mr. Chairman, I rise in opposition to the McCollum amendment. I think it is important to point out that poor people start out at a disadvantage in our civil legal system. A study that was done in Maryland, that I had the opportunity to chair a couple of years ago, pointed out that very few people who need legal services—poor people—have the opportunity of even getting legal help today. As a result, for poor people in our judicial system, our civil judicial system is not as favorable as to those who have greater access to lawyers.

This amendment will make the circumstances worse. Rest assured that the law firm that is on the other side of the person, the poor person who has legal help, will not have been selected through a competitive bid process. When people go out to hire private attorneys, they do not shop through competitive bid. They look for a law firm that specializes and has a reputation in the field that is important for the need for which that person seeks legal help. This amendment removes the parity, and I think that is very important.

Yes, it is important that we provide legal help to people who otherwise could not afford it, but it is equally important that we provide that lawyer on the same parity as the opponent lawyer would be. The competitive bid procedure that the gentleman from Florida [Mr. MCCOLLUM] is suggesting would diminish that equality and deny the type of representation that is important.

We are developing specialties in poverty law advocates in this country. The Legal Services Corporation grants help us to get law firms that will specialize in this type of legal work. The McCollum amendment takes a giant step backward in allowing law firms to be able to become expert in poverty law matters. I urge my colleagues to defeat the McCollum amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], the chairman of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to vote against this amendment. First let us make one thing very clear when we talk about competition. Competition is often used as a way to increase efficiency. Legal Services indisputably is one of the great bargains the Federal Government gets. The people who work for the Legal Services Corporation are the lowest paid lawyers working for the Federal Government. One FDIC or RTC case probably contains far more than the budget for most States for legal services for a year.

Mr. Chairman, we are talking about people with an average salary, my staff informs me, for a staff attorney of $26,000 for a lawyer, and $837. I do not want to understate. If one has been there more than 15 years, the average is $39,079. Competition, if it worked at all, would probably boost those costs.

Yes, we should regulate how the Legal Services attorneys work; yes, we should restrain the excessive zeal that has from time to time led, I believe, well-intentioned people into error and into ignoring the rules. But the notion that we should introduce what would be substantial transaction costs for very little change, and the gentleman from Florida [Mr. MCCOLLUM] acknowledged he was not looking for enormous change, but the transaction costs, the uncertainty, they are great.

This is one other reason for continuity. We are talking about cases, and cases do not begin and expire nearly according to a Federal contract. Cases do not come and go according to the Federal contract cycle. At any given time if we were to stop a contract there would be a very substantial number of ongoing cases, negotiations, litigation, et cetera.

In the interests of efficiency I would hope we would reject this amendment, reminding Members again that every grantee is subject to rules, new rules here, and the approval of a majority of the local bar association at all times.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. I especially thank him because I am probably going to vote no on this amendment.

I was not even sure when I asked him for time exactly what my vote was going to be, but I am convinced that I must vote no, I believe, for this reason. All of us have consulted from time to time not with just our Legal Services attorneys back home but also with the lawyers in the bar association and others who watch carefully the workings of the Legal Services entities in our particular regions. All of them feel that some modification has to be made, some reforms have to be put in place, and including many of those that the gentleman from Florida and I are espousing here today, none of them sees any benefit to injecting into this process a competition mode.

So conceding to them and deferring to them on this issue, I would oppose the position of the gentleman from Florida.

One saving grace, however, for the McCollum amendment, which, if I had thought about more fully earlier, may have changed my already changing mind, and that is that it is a proposition which phases in this proposition, which allows a trial to take place, a trial mode, for the establishment of this competition. On that basis, those who feel that it might be a good idea should vote for it, keeping it clear for them.

If there is anything more ambiguous I can say about this, I cannot think of it, but I do feel strongly about the competitive angle.

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

Mr. MCCOLLUM. Mr. Chairman, I have only 30 seconds and I yield that to myself.

Mr. Chairman, I simply want to point out that all we are doing in this amendment is providing a test opportunity, a field opportunity, but we are requiring it to be implemented, instead of having to come back here again. We are doing exactly the same thing on competition that anybody else would do. Competition is a good idea. It is important if we are going to have accountability in this system. We cannot let Legal Services grantees run rampant around the country and not be checked by the national corporation.

Let us put the power in the hands of the board that is designed to run this organization to decide who gets the money, and not let them be having to give it every time to the same group who might be abusing the process. Let us vote for competition, vote for the McCollum amendment, vote for implementation of competition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 251, answered "present" 1, not voting 12, as follows:

[Roll No. 101]

AYES—170

Allard	Barton	Bunning
Allen	Bateman	Burton
Archer	Bentley	Callahan
Armey	Bereuter	Camp
Baker	Bilirakis	Chandler
Ballenger	Bliley	Clinger
Barnard	Boehner	Coble
Barrett	Broomfield	Coleman (MO)

Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—251

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
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)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates

ANSWERED "PRESENT"—1

James

NOT VOTING—12

AuCoin
Boxer
Byron
Campbell (CA)
Ford (TN)
Kolter
McDade
Moakley
Torres
Valentine
Waters
Yatron

□ 1420

The Clerk announced the following pair:

On this vote:

Mrs. Byron for, with Mr. AuCoin against.

Mr. DERRICK changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Chairman, due to an emergency meeting on the urban crisis in America, I was absent earlier today during rollcall votes 96, 97, 98, 99, 100, and 101. If I had been present, I would have voted "yes" on each of these rollcalls.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM: Page 40, strike line 11 and insert the following:

"(f)(1) A recipient, or any client of such recipient, may not claim or collect attorneys' fees from non-governmental parties to litigation initiated by such client with the assistance of such recipient.

"(2) If any court finds, based on a preponderance of the evidence,

Page 40, line 16, strike "may award" and insert "shall award".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes and a member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

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

Mr. Chairman, the amendment I am offering to H.R. 2039 prohibits Federal Legal Services' recipients from collecting attorneys fees from nongovernmental defendants. Private parties who are sued by federally funded attorneys pay four times: First, their taxes, second, their own attorney's fees; third, a money judgment; and fourth, the attorney's fees for taxpayer funded attorneys who sued them. I don't think this is fair.

Opponents of my amendment might ask why I am treating Legal Services' attorneys differently than those practicing in the private sector. Simply put, because they are different. Attorneys practicing in the private sector are not federally subsidized. Unlike a lawyer in his own practice, a Federal Legal Services attorney has less incentive to carefully assess the merits of a case because his legal fees are paid regardless of the outcome.

A better example would be to compare a Federal prosecutor to a Legal Services' attorney. If a U.S. attorney prosecutes a case, they do not sue the defendant for fees. It should be no different for federally funded Legal Services' attorneys.

There are many excellent examples of the need for this amendment. I know of a case in the Panhandle of Texas. The case grew out of a 1980 attempt by the Texas Farm Workers Union to organize workers in two counties during onion harvest. The judge in the case acknowledges that Legal Services' attorneys were on the picket lines almost every day during the strike to lend assistance.

Seventeen grower companies and organizations filed suit under Texas State law to stop the union and Legal Services' organizing activities. Growers also alleged widespread instances of trespassing, blocking entrances to fields, and other activities. The trial judge issued a temporary restraining order banning activities illegal under Texas law and it barred the Legal Services' attorneys from participating in the strike.

The Legal Services Program and union organizers filed a counterclaim in Federal court alleging that their civil rights and freedom of speech had been violated by the temporary re-

straining order. The Legal Service Program acted as counsel for the entire case, on its own behalf as plaintiff as well as representing the union.

In 1985, the Federal district court dismissed the case with regard to all plaintiffs except one individual union organizer, and awarded him $500, significantly less than the $150,000 demanded in the lawsuit. In the process, the judge also overturned seven Texas right-to-work statutes.

In 1988, both the union and the Legal Services Program sued to recover attorneys' fees from the growers organizations. Even though the union organizer received only a minimal damage award and the Legal Services Program was dismissed from the case, the judge awarded $250,000 to the federally funded Legal Services Program. She compensated the taxpayer-funded Legal Services attorneys at $175 an hour, even though affidavits filed in the case showed that during the nearly one decade the case took to wind through the courts, local attorneys billed on the average of $50 to $75 dollars an hour. She also awarded generous sums for study time and travel time.

Altogether, growers spent $250,000 to $300,000 on their attorney fees, plus $250,000 in fee awards to the LSC-funded attorneys. This half-million plus expenditure recovered only the $500 for a union organizer.

Interestingly, the union organizer has since countersued the Legal Services Program to recover some of the $250,000 attorney fee award, which he claims he is owed for his participation in the suit.

This particular suit is directly attributable to the demise of the fruit and vegetable industry in the High Plains area of Texas. Of the 19 growers in the area in 1980, only 2 remain. The $12 million payroll in 1980 declined to a negligible amount by 1990.

This is just one example of the need for this amendment. I urge my colleagues to support it.

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

The CHAIRMAN. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I oppose this amendment.

This amendment prohibits local programs or their clients from recovering costs or attorney fees from non-Government defendants under any circumstances. If this amendment were adopted, only poor people would be denied the benefit of fee-shifting statutes such as the Federal Civil Rights Attorneys' Fee Award Act and other Federal and State fee-shifting statutes.

Those existing statutes are designed not just to reimburse plaintiff costs and attorneys' fee, but also to deter the defendant's illegal conduct. It should be remembered that attorneys' fees are only awarded to Legal Services when the case is proven against culpable defendants.

By seeking to remove the salutary deterrent effects of fee-shifting statutes, this amendment would deny to the poor the same litigation options and incentives afforded others under Federal and State law. It further makes it easier for defendants—defendants alone—to collect costs and attorney fees from the Legal Services Program without allowing courts the discretion to consider the fairness of such awards.

H.R. 2039 already substantially expands the circumstances under which a court, using its discretion, can award costs and fees to a defendant. I think the committee bill strikes the right balance, and I strongly urge the rejection of this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, I think this is one of those critical amendments out here today that we really need to pass, because the Corporation does not have to get money back. We provide that resource through the process of collecting attorneys' fees in cases like this.

I find it to be rather egregious when you really think about it to sue to recover attorney fees. The clients themselves are not put out of pocket one dime. This is not the type of case where you have a client who has to shell out X-amount of dollars to hire the attorney. This is the kind of a case we are dealing with here today where the Legal Services lawyers are representing the poor in case after case, and they are getting paid. They are getting paid the amount of money that they are going to get from the grant services that are here, not from some client who is out there.

We are encouraging lawsuits and litigation and actually causing an unnecessary burden on lots of defense out there by having attorneys' fees recovered.

The whole purpose of the recovery of attorneys' fees in law and the recovery of cost is to keep somebody from being out of pocket.

□ 1440

We are not doing that in this case. We are not fining the individual client out of pocket. And the Government, who is paying for these attorneys it seems to me should not be going out and trying to recover attorneys' fees which add on to the burden of the whole process.

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

Mr. MCCOLLUM. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman concede that if other governmental entities, like a local district attorney in their consumer fraud division or environmental division or civil rights division, or a county counsel or an attorney general, brought actions under a statute providing attorneys' fees, that even though those lawyers are paid for by taxpayer funds, that they would be eligible for collection of attorneys' fees?

Mr. MCCOLLUM. If I may reclaim my time, there are cases where some of this does go on, but that does not mean that two wrongs will make a right. The fact of the matter is that we have sometimes thousands of dollars of attorneys' fees being collected for a piddly case that is only $50 or $500 or whatever, by Legal Services lawyers representing the poor. We are driving the cost of litigation up. It is a good amendment. I urge an "aye" vote for it.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND], a distinguished member of the committee.

Mr. HOAGLAND. Mr. Chairman and colleagues, I rise today in opposition to the amendment of my colleague, the gentleman from Texas [Mr. STENHOLM]. It is clearly well meaning, but I think it is a serious mistake for us to adapt this standard.

You know, we in America have had a traditional standard for the awarding of attorneys fees. Unlike the British, we have always attempted to open access to the courts in accordance with other traditions of our constitutional statutory history by saying that at the end of a lawsuit both sides have to pay for their own attorney fees.

Now, in England, where the opposite is true, access to the courts is significantly deterred for the poor or for others who simply cannot withstand the possibility of being saddled by the other side's attorneys fees. But we do, in America, make specific exceptions.

In our legislatures around the country and in this body, the U.S. Congress, they have through the years developed a number of exceptions to the rule. Those exceptions are always where it is very much in the interest of public policy to enforce broader statutes out there, to allow private causes of action, to allow people to recover attorneys fees. In the case of the sort of cases, the lawsuits we are talking about that might be represented by a Legal Aid attorney where the rights of the poor are at stake.

Now, the truth of the matter is that the State legislatures have created many more attorney fee award situations than the Federal Government has.

In the Nebraska Legislature, for instance, we allow attorneys fees to en-

force our Consumer Protection Act, to enforce our truth-in-lending laws, and so forth. Now, the problem with the Stenholm amendment is it takes away this opportunity for attorneys to represent the poor in enforcing these statutory mandates at the Federal or State level. It takes those rights away only for a particular class of Americans, and that is the poor and the very poor who seek assistance through legal aid agencies around the country.

As it is, legal aid agencies only have the resources to represent 20 percent to 30 percent of the poor who really need their services. And if we take away this opportunity, why, then, many other poor individuals will go unrepresented and, more important, many of these important Federal and State statutes will go unenforced.

So I think it is a mistake.

Mr. Chairman, I would urge opposition to the amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

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

Mr. Chairman, I rise in strong support of the LSC reform amendment offered by my esteemed colleague, Mr. STENHOLM, to prohibit the recovery of attorney fees from nongovernmental defendants. Under current law, Government attorneys can sue to recover attorneys' fees from nongovernmental defendants. This is fundamentally unfair, and it distorts the purpose of the recovery of attorneys' fees in the first place.

When private litigants go to court, the plaintiff foots the bill of all of the up-front expenses. If the suit is successful, part of the plaintiff's recovery will effectively pay for those expenses. Usually, also, the plaintiff's attorney will take anywhere from one-third to 40 percent of the award as a fee. The net effect is a smaller award for the plaintiff. Therefore, when private plaintiffs recover attorneys' fees, the purpose is to allow the plaintiff to keep all of the funds to which he or she is entitled.

When LSC attorneys go to court, however, their fees and expenses are paid by the Government. Plaintiffs don't pay them any fees. We all pay their fees through our taxes. The plaintiffs already keep their entire award; they don't have to fork over one-third to their lawyers. Attorneys' fees are available to make plaintiffs whole, and when the plaintiffs are already whole, there is no need for them to recover attorneys' fees.

It is an admirable goal to provide legal services to the poor. I believe that we, as a society, should assist those folks who cannot afford to assert their legal rights. This is why we have a Legal Services Corporation in the first place, and why we support it with our tax dollars. When private defendants are forced to pay attorneys' fees on behalf of plaintiffs who don't pay them in the first place, we are shifting the burden of representing the poor from all of us to those few who are defendants in the cases. This means that defendants pay taxes for attorneys to attack them; they pay their own attorneys; if they are liable, they pay the judgment to the plaintiffs; and under current law, they pay more money to the Government attorneys to generate more lawsuits. Once these defendants have paid the judgment, they've paid their due, and the plaintiffs are made whole. It is fundamentally unfair to place society's burden squarely on the shoulders of a few defendants. I urge my colleagues to support the Stenholm amendment.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the committee.

Mr. REED. I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the amendment. The amendment would effectively deny the Legal Services Corporation and its clients from receiving awards of attorneys' fees under various fee-shifting statutes, both Federal and State. This amendment would undercut strongly held and long-recognized public policy positions of the United States.

These fee-shifting statutes are designed to promote enforcement of fundamental rights, to deter illegal conduct, and to provide resources to encourage attorneys to handle these difficult cases.

The effect of this amendment would be to undercut seriously these important objectives of our criminal justice system and our justice system overall.

The other thing that is most disturbing about the amendment is that it truly treats clients of Legal Services as second-class citizens. Other citizens could avail themselves of this measure, but Legal Services lawyers or their clients could not. Indeed, the irony of this amendment, as I read it, is that those very nongovernmental parties protected in this suit could, in a proper situation, claim these legal fees under the fee-shifting statutes. That, it seems to me, is unjust, unfair, and unwise.

If there is a complaint here today by the gentleman from Texas [Mr. STENHOLM] or the gentleman from Florida [Mr. MCCOLLUM], it is not against the Legal Services Corporation, it is against the judges who award these fees, because you have to recognize that it is at the discretion of the judge that these fees are awarded. It is not an automatic consequence of succeeding at trial by a Legal Services Corporation attorney. And if there is an attempt to remedy this situation, it is not here in the Legal Services Corporation Act, it is in looking at other acts and looking at the discretion we give to judges.

So I think the amendment indeed is inappropriate at this juncture in our deliberations.

Finally, there is a perception being circulated and promoted that the defendants in these cases, generally business companies or business enterprises, are not without some type of public subsidy. Indeed, they are publicly subsidized because, by and large, they deduct their legal expenses from their income taxes.

So, to suggest that it is the poor, downtrodden individual being oppressed by Legal Services Corporation is, I think, unfair and wrong.

Mr. Chairman, I oppose the amendment.

Mr. STENHOLM. Mr. Chairman, I have no remaining speakers. Do I have the privilege to close on my amendment, or does the chairman?

The CHAIRMAN pro tempore (Mr. MFUME). The chairman has the right to close debate.

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

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. I thank the gentleman from Texas for allowing me this time.

Mr. Chairman, I rise today in opposition to the amendment proposed by my good friend, the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, I come to this issue with a degree of experience because my first job out of law school was working in my hometown as a legal services attorney. So I have worked with poor clients, I have worked in a poor environment, and I know how valuable legal services can be and how much they depend on those services.

In our system of justice, statutes that provide for attorneys' fees are not just to reimburse clients for legal fees; they are enacted to promote the enforcement of fundamental rights, to deter and to punish illegal conduct that violates those rights. Mr. Chairman, finally, to ensure that the victims of illegal conduct can find legal help to vindicate those rights.

□ 1450

Simply put, I believe that this particular amendment, although well meaning, will put these poor clients in the status of second-class citizens. We are being asked to ratify a separate system for citizens who cannot afford private counsel. We are being asked to implement or do a system of justice, and that, in and of itself, would be an injustice, and that simply is wrong.

Mr. Chairman, I know from experience that most attorney fee awards against private parties are made in individual cases and are in very modest amounts. They are awarded in cases

where the courts have found serious violation of poor people's rights under State or Federal antidiscrimination laws. They are awarded where the courts have found serious violations of consumer protection laws, violations of landlord-tenant statutes and under domestic violence statutes. These awards are made against unscrupulous landlords, against crooked car dealers, and phony home improvement contractors. They are made against finance companies that illegally take advantage of poor people, against abusive spouses who are rarely criminally charged for beating their wives or their children. These awards are made against real estate agents who steer minorities and others away from white neighborhoods, against local businesses who illegally discriminate, and the list goes on and on.

All I am saying is that few of these cases produce large damage awards, and, without the deterrent effect of a possible attorneys fee award, these private parties would feel free to continue to violate the rights of the poor with impunity. The fee awards in these cases are relatively small, but they often have a large impact in deterring defendants from repeating their illegal actions.

And finally I would say this in summation: Let me point out something that every Member of this House already knows, that resources available for legal services for the poor is already woefully inadequate. While most attorneys fee awards are modest, when pooled together they are an important source of additional funds that enable legal services programs to provide more legal assistance to the poor than they otherwise do.

So, I urge my colleagues to reject this dual system of justice that this amendment implies, and I urge my colleagues to ensure that the poor have the same rights to legal representation as everyone else. Vote against this amendment.

Mr. STENHOLM. Mr. Chairman, I do not quarrel with the gentleman from Mississippi [Mr. ESPY] and the remarks that he has made, and that is certainly not my intent, and to all of those who have referred to my amendment as causing poor people to be made second-class citizens, I would respectfully ask them to take a real good look at, not only the amendment, as it is written, but the practical effect of the amendment, and that is the money that we are talking about go to the attorneys, the Legal Services Corporation, not to the people that we are talking about who have been aggrieved.

I would not be here offering any amendments today if we had been successful in totally removing the Legal Services Corporation from social activism, from politics. As I have made very clear in my remarks, and I will repeat it again, I commend the gentleman from Texas [Mr. BROOKS] and the gentleman from Massachusetts [Mr. FRANK] for the work they have done in bringing this bill to the floor in the manner in which they have brought it. My part in this amending process is not to destroy. It is to improve upon a system that I support.

I believe, as it has already been stated, that 20 or 30 percent of those people in America who need legal assistance are unable to get it because there is not enough money, and the fight that I have brought on this for 10 years in the belief that if the Legal Services Corporation, their attendees, et cetera, would spend more time delivering legal services for poor people, there would be more of them receiving that which they need, and in this case I sincerely ask my colleagues to answer this question: "Do you believe that it is appropriate for a government-funded organization to sue private enterprise on a social activism program and then to receive compensation for the attorney fees that the taxpayers have already paid for?"

I say to my colleagues, "If you do, vote 'no'." Very simple. But I also ask my colleagues to consider how in the world can that affect those people who are supposedly being wronged.

What we would like to see is the Legal Services attorneys do what the gentleman from Mississippi [Mr. ESPY] has done, and others have done, and the program is working great in those areas where they stay out of politics and social activism. But what we are proposing here is to put a little bit of a break on those who participate in the system on a wrong basis.

I ask for an aye vote on my amendment.

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

Mr. BROOKS. Mr. Chairman, I yield such time as may be remaining to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], for yielding this time to me.

My friend, the gentleman from Texas [Mr. STENHOLM], in his sincere attempt to change this law makes the argument that he does not begrudge legal services for poor people, that huge numbers of poor people do not have the resources because of the limitations on Legal Services, and he wants to see less politics and less social activism. But this amendment has nothing to do with politics or social activism. It has to do with whether or not poor people who retain a Legal Services attorney have the same kind of deterrent effect in their actions as any other plaintiff in society would. This is not about whether taxpayers are funding Legal Services. Otherwise the gentleman and the other supporters of the amendment would be prohibiting the Attorney General, the U.S. attorney, the local DA's, every other public entity that sues based on consumer fraud, or RICO cases, or civil rights or the other statutes which provide attorney fees. They would be prohibiting the Government from collecting attorney fees in those cases.

It also comes from a failure to understand what attorney fees are about. The gentleman from Mississippi [Mr. ESPY] made reference to it. One element in the awarding of attorney fees is deterrence and punishment, and why a defendant who has committed wrongdoing, who has been judged by an independent judge and jury to have violated the law, that defendant should have that particular deterrent removed and, therefore, less disincentive to commit the same activity again because the attorney for the client comes from a legal services program I cannot understand. The fact is any recoveries for attorneys' fees go just for the purpose that the gentleman from Texas [Mr. STENHOLM] has indicated that he supports. That is it adds the resources to serve more people who are not able to retain counsel on their own because of a lack of income.

Mr. Chairman, I urge that this amendment be rejected.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to an amendment proposed by my colleague from Maryland, Representative BYRON, that would prohibit Legal Services attorneys from concealing their clients' identity. The names of litigants would have to be revealed not just in litigation but in negotiations conducted prior to litigation, a requirement that no other litigant is required to endure. This is a perfect example of how the so-called reformers of legal services are attempting to weaken the legal service programs into a provider of second-class justice to the poor people it was established to serve.

This amendment had its genesis in unsubstantiated claims that legal services programs were representing fictional farmworkers with imagined claims against farmers. As has been amply demonstrated in the recent report of the Select Committee on Aging, farmworkers, more than almost any other group of people, receive second-class treatment from virtually every person and institution with which they come in contact.

I do not believe that Legal Services attorneys should, as a matter of course, be permitted to conceal their client's identify in precomplaint negotiations or lawsuits. But this protection must be readily available in that very limited number of situations where a farmworker, or other poor person, has a legitimate fear of retaliation if their identify is disclosed. Unfortunately, experience has shown that these fears are not imaginary and that retaliation is not uncommon. In some cases, the retaliation has included beatings, physical threats, loss of job, eviction from employer-supplied housing, blacklisting from future jobs, and threats against friends and family.

Many disputes can be easily resolved without resort to litigation when the client's identity

can be protected. This amendment would virtually assure that this kind of pretrial resolution would never happen, because it would escalate the conflict long before suit was filed. Disputes often affect large groups of farmworkers; if an individual's identity cannot be protected, it is unlikely that one individual will step forward to complain on behalf of the group. Even with a Federal court order, this amendment would require that the identity be revealed to the defendant's lawyer. There is little reason for an exploited farmworker to trust the information will go no further.

Attorneys must be able to determine whether a client's interest would be well served by revealing the identity. In most cases, there is little reason to conceal it, but in those few situations where it is critically important to do so, the option must be preserved, especially at the precomplaint stage where the issue can often be resolved quickly and cheaply with a few phone calls and a little cooperation by all concerned. Please let us not further subject farmworkers to second-class treatment. We should be doing all we can to help improve the lot of the poor, rather than singling them out for further limitation on their access to justice. I urge my colleagues to vote against the Byron amendment.

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

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 240, answered "present" 1, not voting 15, as follows:

[Roll No. 102]

AYES—178

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (TX)
Kanjorski
Kasich
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Wylie
Young (FL)
Zeliff

NOES—240

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Rinaldo
Roe
Roemer
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Walsh
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Young (AK)
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—15

AuCoin
Boxer
Browder
Byron
Campbell (CA)
Ford (TN)
Kleczka
Kolter
Manton
McDade
Moakley
Torres
Valentine
Waters
Yatron

□ 1519

The Clerk announced the following pair:

On this vote:

Mrs. Byron for, with Mr. AuCoin against.

Mr. GONZALEZ changed his vote from "aye" to "no."

Messrs. SMITH of Oregon, MCHUGH, ENGLISH, and APPLEGATE changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 11, printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, as the designee of the gentlewoman from Maryland [Mrs. BYRON] I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM:

Page 32, line 21, insert "(1)" after "(1)".

Page 33, line 8, strike "(1)" and insert "(A)".

Page 33, line 14, strike "(2)" and insert "(B)".

Page 33, line 15, strike "(A)" and insert "(i)".

Page 33, line 19, strike "(B)" and insert "(ii)".

Page 34, line 6, strike the quotation marks and second period.

Page 34, insert the following after line 6:

"(2) No recipient or employee of a recipient may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless all plaintiffs have been specifically identified, by name, for purposes of such negotiations or litigation, except to the extent that a court of competent jurisdiction has granted leave to protect the identity of any plaintiff.

"(3)(A) Subject to subparagraph (B), any Federal district court of competent jurisdiction, after notice to potential parties to negotiations or litigation referred to in paragraph (1) and after an opportunity for a hear-

ing, may enjoin the disclosure of the identify of any potential plaintiff pending the outcome of such negotiations or litigation, upon the establishment of reasonable cause to believe that such an injunction is necessary to prevent probable, serious harm to such potential plaintiff.

"(B) Notwithstanding subparagraph (A), the court shall, in a case in which subparagraph (A) applies, order the disclosure of the identity of any potential plaintiff to counsel for potential defendants upon the condition that counsel for potential defendants not disclose the identity of such potential plaintiff (other than to investigators or paralegals hired by such counsel), unless authorized in writing by such potential plaintiff's counsel or the court.

"(C) Counsel for potential defendants and the recipient or employee counsel of the recipient may execute an agreement, in lieu of seeking a court order under subparagraph (A), governing disclosure of the identify of any potential plaintiff.

"(D) The court may punish as a contempt of court any violation of an order of the court under subparagraph (A) or (B) or of an agreement under subparagraph (C).".

□ 1520

The CHAIRMAN pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 10 minutes, and a Member opposed to the amendment will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, I have a substitute amendment made in order by the rule. At what point is it appropriate for me to offer the substitute?

The CHAIRMAN pro tempore. The gentleman may offer it at any time.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS AS A SUBSTITUTE FOR THE AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM OF TEXAS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment as a substitute for the amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts as a substitute for the amendments en bloc offered by Mr. STENHOLM:

Page 34, line 6, insert after "consultation." the following: "Unless authorized by a court of competent jurisdiction, no recipient, grantee, or contractor of the Corporation or employee of such recipient, grantee, or contractor may file a complaint or petition in a court until all plaintiffs known to plaintiff's counsel at the time have been specifically identified in the complaint or petition.".

The CHAIRMAN pro tempore. The Chair will treat the time as fungible under the two amendments. The gentleman from Texas [Mr. STENHOLM] will be recognized for 20 minutes and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I have an amendment at the desk. It is amendment number 18 and I am the designee under the rule. This amendment requires identification of all plaintiffs for purposes of negotiation or litigation. If the legal services' attorney believes that it is necessary for his clients protection not to disclose his name to the defendant, a Federal district judge may allow the plaintiffs name to remain confidential. However, disclosure must still be made to the defendant's counsel.

This is a simple, straightforward amendment. It is not directed at the majority of legal services programs, who are doing a good job in representing the civil legal needs of this Nation's poor. Rather, it is aimed at the handful of federally funded attorneys who unscrupulously use their resources to harass and extort settlements from taxpaying defendants, who in many cases are agricultural producers.

One of the reasons I first became interested in reform of the Federal Legal Services Program was because of the large number of cases of abuse related to me by the agriculture community. I want to share an excerpt from a letter by one producer who is experiencing such a problem.

We seem to continually be subject to one or two harassment or new precedent setting lawsuits, despite our best efforts to be good and far above average farm labor employers. Currently, we are working toward settlement (estimated at $20,000 plus my $15,000 legal fees) over wage payments and MISWAPA (Migrant Seasonal Worker Agriculture Protection Act) violations on employees that never, we believe, worked for either us or our labor contractor. We survived wage and housing scrutiny during the season and yet two years later without any notification we are sent a copy of a suit filed against us by a group of people who claim they worked for us and were not properly paid. Naturally they claim record keeping violation because how can we have payroll records on people who didn't work. Why did it take two years for a group to "remember" they worked and were not paid? * * * We will be forced to take the "rational" choice and settle $70,000 worth of allegations. * * * The big lesson we learned was not to operate where legal services is militant.

Another example of the need for this particular reform is the recent case in New Jersey. A Florida Legal Services' attorney claimed that approximately 150 plaintiffs were employed on a New Jersey blueberry farm during the 1986, 1987, 1988, and 1989 crop years during the blueberry harvest. This case was brought in the U.S. District Court for the District of New Jersey as a class action lawsuit in June 1990.

The same Legal Services' attorney filed a similar suit against two other farms in the same court in June 1990, claiming that 140 plaintiffs were employed in 1986, 1987, and 1988.

Growers knew that fewer than one-third of the named plaintiffs represented by the legal services attorney had ever worked on any of the farms. Grower records showed that only 45 of the 150 plaintiffs in the former case worked on that farm, and only 16 of the 140 plaintiffs in the latter case had been employed on those farms. In fact, many had never worked in New Jersey at all during the 4-year period. Grower attorneys advised the legal services attorney repeatedly of these facts and recommended that they drop the bogus plaintiffs and settle the case on the basis of legitimate plaintiffs. The federally funded attorney refused and proceeded with the case.

The Legal Services' attorney subsequently refused to produce the 150 and 140 plaintiffs for depositions and interrogatories during the discovery phase of the trial, which lasted well into 1991. Finally, the grower attorney filed a motion to dismiss plaintiffs together with a rule 11 sanctions motion against both plaintiffs and counsel in February 1991. Eventually, in June 1991, the federally funded Legal Services attorney moved to dismiss 67 plaintiffs in the first farm case, and dropped 82 and 94 plaintiffs in the suit against the other farms.

How could a federally funded Legal Services attorney have brought suit against these growers so lacking in basic knowledge of the true facts? The plain truth was that the Florida Legal Services attorney knew, and had known from the beginning of the cases, that most of the workers had never been in New Jersey, much less worked for any of the individual farms. It was engineered from the start.

During discovery, one worker attested that in 1989 the Legal Services attorney held a meeting in Florida to solicit plaintiffs for the New Jersey cases. During the meeting, the Legal Services' attorney said that he would "get them money" if they joined the suits, and that the growers couldn't prove they hadn't worked there, and that the workers "would not go to jail for joining the lawsuit."

Further, New Jersey attorneys for the growers compared notes with Florida growers' attorneys. They discovered that many of the workers in the New Jersey cases were named plaintiffs against growers in Florida, Georgia, Alabama, and Maryland during 1986, 1987, 1988, and 1989. In these cases, the workers provided detailed information on their employment history and residences between 1986 and 1989. The Florida federally funded Legal Services' attorneys managed and actively participated in all aspects of the cases, including pleadings, motions, and discovery.

The cost to the growers of unraveling the complexity of this case, and de-

fending themselves against patently false claims, has been enormous. To date, over six figures in legal fees have been incurred by the farms. Settlement of the case is still pending.

Again, this is a simple, straightforward amendment. I am not an attorney, but many of my colleagues are. Tell me would it be difficult, if not near impossible, to defend a case if you didn't know who was suing you?

This amendment is about fairness and attempts to eliminate some of the abuse that can and does occur in the Federal Legal Services Program. I urge my colleagues to support this much-needed reform.

Is it so unreasonable to expect this House to demand one simple thing of our Legal Services Corporation, that we know who is suing us? It is a fundamental right of our legal system. I do not understand how anybody could oppose this amendment.

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

Mr. STENHOLM. I am happy to yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to try to answer the question, but I am sure my friend, the gentleman from Texas, recognizes that this, if it were adopted, would only apply to this area of the law. What about in private litigation? Let us remove the question of Legal Services altogether. Can the gentleman not think of situations where, because of the unequal position of the parties, this may have a chilling effect on the rights of plaintiffs?

Mr. STENHOLM. Our amendment provides that where there is a question of the rights, that a judge may intervene, and certainly the secrecy of the plaintiff may be determined by a judge in this case, and certainly in the case that you mention, absolutely.

Mr. WASHINGTON. If the gentleman will continue to yield, the sense difference between your amendment and I think the amendment of the gentleman from Massachusetts [Mr. FRANK]—and I am not going to take up all the gentleman's time with this—is that he at least allows a complaint to be filed, and then upon a showing of good cause a judge would make the decision.

The primary objection I have to the amendment of the gentleman from Texas [Mr. STENHOLM] is that it would take up valuable time of the court to make that decision, and the parties may end up settling without even filing a lawsuit.

Mr. STENHOLM. Again, what I am trying to avoid is some of the extremely bad situations that I think my friend from Texas would agree have been egregious abuses of the law. That is what we think our amendment does. I believe it does. I certainly do not have the intent of doing the things that the gentleman suggests might happen as a result of this. This is not the purpose.

Mr. WASHINGTON. If the gentleman will yield further, no one condones those kinds of egregious situations, because they breed disrespect for the law. The lawyer who does that ought to be disbarred, in my opinion. We are not trying to protect those lawyers.

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

□ 1530

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

Mr. Chairman, I have offered a substitute which says that at the time you go to court you have to name the plaintiffs unless you can get a court to give you permission to keep them unnamed.

Now I would note that the amendment offered by my friend from Texas, on behalf of the gentlewoman from Maryland [Mrs. BYRON], also would allow a court to do that. We all recognize there are circumstances. But there is one very big difference right away. I am the States rights player in this game as opposed to my federalizing friend from Texas, because in the amendment of the gentlewoman from Maryland, if Legal Services brings a State court complaint and they have a reason to keep private the names of the plaintiffs, under the amendment of the gentlewoman from Maryland they would have to go to Federal court for permission to do that. So a Federal judge would have to step in and say OK, State of Texas, we will decide whether or not this will happen. And it does seem to me it makes much more sense, as it does in the amendment I offer, to leave the whole proceeding in State court.

The question then is why must you name the names early on. It is clear that there are good reasons, sometimes, for keeping the plaintiffs private, and in fairness to my friend from Texas and the gentlewoman from Maryland, they acknowledge that. We all agree that in certain circumstances you can keep the names private.

I read from a case, Gomez against Buckeye Sugars in which Federal District Judge Young says, "Suits have been brought by the Secretary of Labor on behalf of unnamed persons for violation of the Fair Labor Standards Act. The Secretary, relying upon his Government privilege," now hers, "need not divulge the names of the real plaintiffs and protect them from possible reprisal."

Let me say with regard to the gentleman from Texas, the statements he made about abuses are outrageous. Under the bill we have brought forward, in other provisions the Legal Services Corporation could be sanctioned and should be sanctioned if its grantees did this, and it would come out of the hides of those grantees. That is, lawyers who brought a case with no basis under the bill we have brought forward would be subject to penalties from the court, as they should be, and the grantees would have to pay them.

Whether or not you keep the name of a plaintiff quiet does not deal with those abuses. Remember, if you are a defendant and you believe that you are being assailed on behalf of ghost plaintiffs, you have a very easy response. You say, "Fine, I'll see you in court. I'll see you in court and you will have to name those plaintiffs." And if someone then proceeds to court with ghost plaintiffs, not only should he or she be subject to the disciplinary action my friend from Texas mentioned of disbarment, but the legal services grantee could be sanctioned. That is, any Legal Services grantee who brings a complaint on behalf of nonexistent employees, if you are the defendant, you say under our bill, "I'll see you in court, and when you get to court be ready to pay me if you cannot show me some real live employees."

So I believe that the proposal we have, which says you can threaten me, you can tell me you are going to file a suit, and if I do not believe you have a real plaintiff I will ignore you, and the day you take me to court you have the burden of either producing those names or persuading a judge that you have to keep them secret. I do not think you will be able to persuade many judges to keep nonexistent people secret. Then if you have brought such a case I am going to get recovery from you.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, the gentleman from Massachusetts obviously was very persuasive with the States rights argument. I concede that point.

I guess the only question that I have in this is why do we have to go to court to settle some of the problems that we have all agreed should never be occurring. That is the fundamental problem that I have with this and why we believe that our amendment was in a positive light.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to respond. In fairness, I say to my friend that the reason to go to court is this: If there is a legitimate dispute we both agree that there will be circumstances in which you ought to keep the name secret, but we need an arbiter to do that. At the complaint stage there is none, and obviously it would not make sense if I have to give you the names at the complaint stage. What am I going to do at the court stage, make you forget them? So that is the reason that there is no neutral arbiter to do that until we reach the complaint stage. But I would add, thanks in part to the prodding the gentleman from Texas has given me and others, we now have very clearly for

any defendant wrongfully sued a right to recover, as my friend acknowledges, and he should take credit for that. And I think together, that is the protection.

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

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

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] as a substitute for the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

The amendment offered as a substitute for the amendments en bloc was agreed to.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM], as amended.

The amendments en bloc, as amended, were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. GEKAS

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

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

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Strike section 5 (page 4, line 16 through page 7, line 15) and insert the following:

SEC. 5. LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available to recipients are used at any time, directly or indirectly—

"(A) to pay for any publicity or propaganda intended or designed—

"(i) to support or defeat legislation pending before the Congress or State or local legislative bodies,

"(ii) to influence any decision by a Federal, State, or local agency, or

"(iii) to influence the passage or defeat of any State proposal made by initiative petition or referendum;

"(B) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities and which does not involve the issuance, amendment, or revocation of any Executive order or similar promulgation by any Federal, State, or local agency; or

"(C) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

"(i) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedures of the Congress, any State legislature, any local council, or any similar governing body acting in a legislative capacity,

"(ii) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation,

"(iii) to influence the conduct of oversight proceedings of a recipient or the Corporation, or

"(iv) to favor or oppose any Act, bill, resolution, or similar legislation;

and ensure that no funds made available to recipients are used to pay for any administrative or related costs associated with an activity prohibited in subparagraph (A), (B), or (C);".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

AMENDMENT OFFERED BY MR. FRANK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STENHOLM

Mr. FRANK of Massachusetts. Mr. Chairman, pursuant to the rule, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. FRANK as a substitute for the amendment offered by Mr. GEKAS: Page 37, line 17, insert after "title." the following: "Public funds received by any recipient or other grantee or contractor of the Corporation, including funds from Interest on Lawyer Trust Account (IOLTA) programs, shall not be used to engage in publicity or propaganda as restricted by section 1007(a)(5).".

The CHAIRMAN. Pursuant to the rule, the Chair announces that the time will be fungible, and the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when Legal Services was first established in this country, everyone applauded who felt that this was intended to do, and in the large measure did, fill the tremendous gap that had arisen between access to the courts for the poor and access for everyone else. And it was determined, as time went on, that we were going to do as a Congress what was necessary to do, not only to fund but to create a structure that would facilitate the flow of Legal Services to the poor.

An unfortunate thing grew out of all of this, unfortunate in the eyes of many, and I share that view that it was and is unfortunate when Legal Services entities in our various communities began using their now considerable power to begin to lobby. When I say lobby I mean to veer away from the stated purposes of Legal Services; namely, to offer legal representation in the courts, in front of district justices and of magistrates for cases that have arisen by reason of a poor person's inability to deal with his or her landlord and inability to deal with some domestic situation that grew out of child abuse, or spousal abuse, or some domestic difficulty, veer away from all of that, which was why we instituted Legal Services in the first place. And all of a sudden to see attorneys from Legal Services appearing to lobby in front of the legislatures, in front of groups who have the power to change the law, or to change regulations, or to change guidelines in the way governmental entities would conduct their business.

□ 1540

Then one modification came up after another, and pretty soon it became clear that many times—and this really grated some of the Members of Congress—that the lobbying efforts were actually used to move against the U.S. Government which was in itself funding, and espousing, and posturing Legal Services, so we saw the whole matter convoluted.

Who were suffering, in our judgment, at that time while this gigantic battle was teeming? The poor people who wanted to fight a rental problem had to wait their turn while the tremendous debate was going on on the Federal Government's policy, general policy nationwide, on this subject or that subject. This, whether actual or perceived, was militating against the stated purposes indicated for the establishment of Legal Services in the first place.

My amendment simply makes it clear once and for all that lobbying services will no longer be permitted or granted by or to Legal Services entities in our country. This is not to say that in our pursuit of a case in representing a poor person that the Legal Services attorney cannot contact a State government agency or even a Federal Government agency to determine what are the informational background materials that are required to pursue a case on behalf of a poor person. But no longer, after my amendment is adopted, which I hope it will be, will the poor people's services be diverted for some gigantic theme that the Legal Services entity wishes to foment in front of a legislative body.

I ask that there be support for my amendment, and naturally a vote in opposition to the Frank amendment which is being offered as a substitute.

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

Mr. GEKAS. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, the gentleman's amendment, among many

other things, seeks to prohibit Legal Services programs from lobbying Congress regarding funding of Legal Services programs. Is that an accurate conclusion of that part of the gentleman's amendment?

Mr. GEKAS. If it is not, I want it to be.

Mr. BERMAN. All right. It does. Does the gentleman know how much the Department of Defense, the Department of Transportation, the Department of State, the cities, and the counties spend of their funds to lobby Congress on programs and funding directly affecting their departments?

Mr. GEKAS. No. And I do not care.

Mr. BERMAN. Could the gentleman care to tell us why this one group of governmentally funded people should not be able to approach us about their funding?

Mr. GEKAS. If the gentleman were listening, and I am willing to provide him a transcript of the remarks I just made, I have tried, and I will try again, to make it abundantly clear that for every effort that the Legal Services Corporation mounts in a generic lobbying effort in front of a legislative body, or an administrative agency, or the Congress—which, of course, is a legislative body, to that extent—they are robbing the poor people who have individual pressing personal, emotional problems, many, many times from attending to that kind of duty which we prescribe for them in the first place, and if we allow to continue some of the things that we have seen where another total industry has grown up for money being provided and activity being fomented for lobbying services, we see that we could probably, if we took any accounting, that most of the Legal Services activity is vented in one way rather than in the way that we intended, rental problems, spouse problems, domestic problems, landlord problems, garbage collection problems. Those are the kinds of things that we want to make sure poor people will have the ability to have access to the courts to provide.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. What the gentleman's amendment does is it says, first of all, if a Legal Services program wants to spend a dime of its LSC, congressionally appropriated funds, to lobby for a dollar so it can serve more people, the kind that the gentleman spoke so eloquently to, they cannot do it. But, secondly, it says if a State wants to provide funding or if the State bar in a State wants to provide funding so they can lobby on the level of Federal funding of Legal Services programs, they cannot. If a private philanthropic foundation wants to provide money so that no taxpayers' money at the State level, no compelled funding is being used to lobby on something that every other Federal, State, and local agency can lobby about regarding their programs, and when the Department of Defense lobbies, they say, "We are spending some taxpayer moneys because we think what we are lobbying about, that is, us getting more money, helps our national security," and the Department of Transportation says, "It helps our roads," and all of this, and I cannot fathom what the gentleman's justification for that kind of a distinction is.

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

Mr. BERMAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. That is true. You cannot.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I would like to invite the gentleman from Pennsylvania to engage in the 3 minutes allotted to me.

As the gentleman well knows, section 5 that is in the bill severely restricts the ability, I believe we would agree, the possibility of Legal Services Corporation attorneys from participating in that activity we call lobbying.

To begin with, as I understand it, it precludes communication with Federal, State, or local officials except upon the request of such an official. It prohibits them from lobbying where the measure under consideration affects appropriation to the functioning of the Legal Services Corporation or where the communication is on behalf of an eligible client affected by a measure who has retained the recipient to represent his or her interest therein. So there are only two or three situations that I can think of, and I am not saying that I can think of all of them, but the instances are so very limited now, the question then arises: Who then will allow the poor people to redress their grievances? With the gentleman's amendment adopted, who then, what lawyer, where, will be able to come before a committee of the Congress?

Sometimes these people have good ideas, I say to the gentleman from Pennsylvania [Mr. GEKAS], and the gentleman and I both know that, and that as many minds as we can put on any problem, in a sense they deal hands-on with the people who are affected by some of the laws that we try to pass on a regular basis. Why do we take away the only person who is in a position in the capacity of a lawyer to be able to assist them?

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

Mr. WASHINGTON. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, that does not, in my judgment, I respectfully submit, deprive them at all.

There are legislators, there are representatives on the school board, there are other representatives on legal entities and governmental bodies that will always be available. I meet, and I know the gentleman does, with the poor people all the time and try to translate their needs, legislative needs, into broad policy changes and into other changes that reflect their needs. But when they have a rent problem with their landlord, they do not want Representative WASHINGTON or Representative GEKAS, they want immediate service to determine what the outcome will be of their rental future. And if we are going to allow the Legal Services entity to get involved in what CRAIG WASHINGTON ought to be involved in, and GEKAS, we are keeping them away from their remedy.

Mr. WASHINGTON. Two quick points: Let us use the gentleman's example about the rent. Suppose you, as a conscientious Congressman that you are, get out there among the poor people in your district or wherever, and that you find a problem that, in your judgment, requires Federal intervention, and you want to introduce a bill, you are preventing the very people that you are trying to help from having Legal Services lawyers represent them to help you persuade the rest of the Members to pass such a bill, sir.

Mr. GEKAS. If the gentleman will yield further, I would be glad, and have done so in the past, to promise, and to then produce and introduce a bill. I just did so on eviction of the elderly based on something very similar that the gentleman is discussing, and do not need the Legal Services attorney to advise me how to do it. They do not need to lobby me to tell me. I have already been lobbied.

□ 1550

The CHAIRMAN pro tempore (Mr. MFUME). The time of the gentleman from Texas [Mr. WASHINGTON] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to conclude the question and I will give the gentleman from Pennsylvania the balance of the minute. It will take me about 45 seconds to answer the question.

If we follow what the gentleman says to its logical conclusion, there should not be any lobbyists. Rich people should not get any lobbyists. Middle-income people should not get any lobbyists, because if we carry what the gentleman has said to its logical conclusion, the gentleman has said that if we do our jobs right and if we go out and investigate and all, we do not need any lobbyists. If that is true, then I meet with rich people and middle-income people and poor people. If poor people do not need lobbyists to help me

since I go out and talk to them and the gentleman goes out and talks to them, all we have to do as Members of Congress is go out and talk to all the different strata of people in our communities and we do not need all these high-powered paid lobbyists who line the Halls around here.

Mr. GEKAS. But does the gentleman not see, the nonpoor do not need legal assistance to promote their problems or to promote solutions to their problems.

Mr. WASHINGTON. The poor people do?

Mr. GEKAS. The poor people do, and we are providing an entity for them. We do not have to provide anything else for them while we are trying to concentrate on their needs as poor people, not as engines of change in policy which we as legislators must be the engines.

Mr. WASHINGTON. If we were really taking care of the business of poor people, there would not be so many of them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will advise those persons in the gallery that they are here as guests of the House of Representatives and that there should not be any displays of emotion, either for or against legislation or debate.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, I think the debate now has degenerated a little bit on this issue. The gentleman from Massachusetts [Mr. FRANK] has one proposal. The gentleman from Pennsylvania [Mr. GEKAS] has another.

The proposal of the gentleman from Massachusetts [Mr. FRANK] honestly, I am sure in his judgment, says we are going to ban lobbying at the grass roots and so forth, for the same reasons, I presume, that I support banning lobbying, and that is trying to take some of the politics out of this whole process in order to get more support for Legal Services, and because we all believe, and we have only about $350 million in resources, and we simply cannot afford to be spending that on all kinds of things. We have to narrow the scope of where it is spent.

But there is a big difference between what the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Massachusetts [Mr. FRANK] propose, despite their basic approach in similarities, and that is that the gentleman from Massachusetts [Mr. FRANK] makes exceptions, and big railroad engine type exceptions, one of them being to allow for lobbying in situations where there is an eligible client and there is approval for it by the project director, or his designee.

I would submit to my colleagues that means, practically speaking, that you are going to have all the lobbying up here or in Tallahassee, in my home capital, or anybody else's State capital that we have always had, or maybe even more so, and that is going to be self-defeating. That is not doing the job.

The only way we can prohibit and restrict lobbying, which I do not think most Members in this body want to see Legal Services lawyers do, is by adopting the Gekas proposal, not the Frank proposal. That is the only way, because the exceptions are too great in here.

Now, why do we not want to do lobbying? Lobbying is, first of all, not the primary purpose of the Legal Services Corporation lawyers. They are out there to provide everyday Legal Services in the courtroom, in litigation, in domestic relations cases, in landlord-tenant problems, in things that we do not have enough money to get enough lawyers to do as it is to provide those services and that kind of relief. Instead, too many lawyers historically, which has given Legal Services such a bad name and why we had so many other problems. We are debating over monitoring and so on today, we have had these lawyers representing themselves to be on behalf of their clients, many of whom do not have a very strong relationship, they are class action groups, that they go out and get. They have been going up to the State capitals. They have been coming up to Washington. They have been trying to change poverty law. They have been trying to eradicate things in the broad picture of solving the problems of the poor, instead of spending their time working on the everyday legal problems that poor people have plenty of and do not have lawyers to represent them on.

So our purpose and why the Gekas proposal is so important is to narrow that back down, take some of the politics out of this, get them out of the business of lobbying and get them back to the business of using the minimum resources available to do the job they were intended to do and always have the resources to get them to do, and that is to provide poor people access to the courts and to handle their everyday litigation matters and their everyday contract matters, and not to be sending them up to the capitols to be involved in the process of politicking for some cause or celeb of a broad nature that many of these lawyers want.

So Mr. Chairman, I urge defeat of the Frank proposal that does not prohibit lobbying at all, because it has railroad train size, engine size holes in it, and I urge the adoption of the Gekas antilobbying proposal.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR], one of the leading members of the Committee on the Judiciary.

Mr. SYNAR. Mr. Chairman, I rise to urge my colleagues to support the Frank amendment to the Gekas amendment. While I am not totally satisfied with the restriction, I am willing to agree that it may be a necessary compromise.

There are absolutely no grounds, however, on which to support the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] and it should be rejected.

The amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] purports to limit my ability and right as a Member of Congress to speak to and request information from local Legal Services programs in my State of Oklahoma at any time and in any manner I so choose.

Let me give you an example of the absurdity of this amendment. I was the original sponsor of chapter 12, the Family Farmer Bankruptcy Act. This act is set to sunset in 1993.

For the past few months I have been holding meetings to gather information from farmers, bankers, bankruptcy judges, trustees, and bankruptcy practitioners in order to make an informed decision about the possible extension of this bankruptcy section.

Family farmers involved in bankruptcy are sometimes represented by Legal Services attorneys. These attorneys have been contacted both in writing and by telephone to discuss particular aspects of the farm bankruptcy issue.

Since they are practitioners they have been asked, as all others have been asked to comment on the value of the statute. They may not have a specific client directly.

This is democracy in action. I have received valuable assistance and information critical to my job as a legislator and representative of my district.

In many instances Congress considers legislation that has a direct impact on the rights and responsibilities of low-income clients involving such issues as Medicare/Medicaid, food stamps, child support, and adequate low-income housing.

Often Legal Services attorneys know the law better than the agency personnel and may be the only ones in the legal community who may represent these clients. Thus, only they will have the relevant information.

The gentleman from Pennsylvania [Mr. GEKAS] suggests that I should not have the right to obtain such information. There is a suggestion that it is somehow tainted because it is federally funded.

If that is the case I would like to eliminate every White House and Federal agency lobbyist/personnel that comes up here to inform me or my staff about that particular agency's views or wishes on a certain bill.

Much more disturbing is that, once again, that side of the aisle wants to

perpetuate the dual system of justice and representation in this country for the poor.

They have continually attacked the poor in the criminal justice system and now want to squeeze the poor out of full representation on the civil side.

Why is it that Members see no problem subsidizing the lobbying, rulemaking intervention or administrative representation done on behalf of the rich and powerful corporations in this country through tax deductions and yet are eager to deny the poor the right to have even a limited voice in their own democratic government?

In fact the Federal Government, through the auspices of Vice President QUAYLE subsidizes direct corporate interference in Government rulemaking through his secret meetings on competitiveness.

Unless any of you have forgotten, one of the prime moving forces behind the creation of legal services was to provide an entry into the judicial system for the poor and disadvantaged so that other more violent means of protest could be forestalled.

Access to the system of Government and a feeling that there is true participation is essential to curbing the rising feeling of alienation felt by the low-income citizens of this country.

The amendment proposed by the gentleman from Pennsylvania [Mr. GEKAS] directly and intentionally interferes with my responsibilities as a representative and is unduly restrictive on my rights as a Member of this House.

I will not put up with the continuing assault on my rights as a Member of this House.

I suggest that this amendment is unwarranted and unconscionable and urge Members to not further the gap between the rich and the poor. The amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] must be rejected.

□ 1600

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

Mr. Chairman, the Member of Congress who ought to look at this—the gentleman from Oklahoma says Members of Congress ought to look at this—is the gentleman from Oklahoma. There is nothing in the Gekas amendment that prohibits this very groundroots, grassroots kind of information seeking to which the gentleman refers. His bankruptcy hearings, et cetera, even when the Gekas amendment should be adopted, would not prevent the gentleman from Oklahoma from contacting legal aid to determine what procedures are available, what informational background there might be, what materials there might be to help in determining what change in policy he, the gentleman from Oklahoma, as a Member of Congress, wants to try to bring about in the Halls of Congress. We are simply saying information seeking which the Gekas amendment permits is not lobbying and lobbying is what we seek to prohibit and, therefore, implicit, and with a studied review by lawyer like the gentleman from Oklahoma or California or Massachusetts or Texas or any place, would lead to that conclusion.

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

Mr. GEKAS. I yield to the gentleman.

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

Mr. Chairman, I must disagree with my friend as to what his own amendment will do. I will read from the gentleman's amendment. He says, "No funds made available to recipients are used at any time"——

Mr. GEKAS. Mr. Chairman, where is the gentleman reading from?

Mr. FRANK of Massachusetts. The first page. No. 5, "Insure that no funds made available to recipients are used at any time to directly or indirectly," and then I skip down, "to influence the passage or defeat of any decision by a Federal, State or local agency, to support or defeat legislation pending in Congress." Then let us go to page 2: "To pay for any oral or written communication, personal service, advertisement, telegram, letter or other device, written matter intended or designed to influence any decision by a Federal, State or local agency."

Now, in other words, on C, and this is very relevant to the comments of the gentleman from Oklahoma, it is most relevant—and I will yield time to the gentleman later.

Mr. GEKAS. Mr. Chairman, I will take back my time and reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, what the gentleman's amendment says is, "No funds made available at any time may directly or indirectly," and I will move down to line 15, "to pay for any oral or written communication," et cetera, "intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State or local elected official."

In other words, when the gentleman from Oklahoma asks a Legal Services attorney under this amendment, "What do you think the impact of that will be on the poor?", the Legal Services attorney may not answer, because the gentleman says, "No funds may be used directly or indirectly to try to influence a legislator."

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

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

Mr. SYNAR. I thank the gentleman for yielding.

Mr. Chairman, let me say that it is even worse than that because the gentleman from Pennsylvania in committee had this language, which said, "except that nothing in this paragraph shall prevent any response to a specific written request by a Federal, State or local agency or an elected official for information," and they took that out. That means legal aid cannot even respond if I a U.S. Congressman asked them their thoughts.

Mr. FRANK of Massachusetts. Or if the gentleman from Pennsylvania [Mr. GEKAS] asks them, which is even worse/worse.

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

Mr. FRANK of Massachusetts. I yield from my time to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

The gentleman from Massachusetts quotes the exact language that this lawyer says, that this lawyer from Massachusetts is erroneously interpreting. The language that he quotes is the language that specifically, or by reading into it as intended, says the gentleman from Massachusetts says that this is the pertinent language, "intended or designed to influence any decision."

Now, that is what I am saying. If the gentleman from Oklahoma calls the Legal Services entity in Oklahoma and asks for information as to bankruptcy, unless the information there is intended to influence, it is innocuous and only helpful to the legislator.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, we are at the nub of this. What the gentleman says is you can talk to the gentleman from Oklahoma as long as it is your sworn intention to have no impact whatsoever on anything he does. What are you going to say, "Good morning, MIKE, how are you doing? Great boots," but you cannot talk about legislation?

The gentleman misread his own amendment. It does not just say you cannot try to influence a decision; it says you cannot pay for a telephone call, any communication, of the time of the employee, you may not communicate with him if what you are doing is "intended or designed to influence any Member of Congress," or any other Federal, State, or local official. In other words, you may not discuss public policy if you work for Legal Services with any Federal, State, or local official unless you are absolutely guaranteed to try to have no impact on him whatsoever.

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

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

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I add to what the gentleman just said, and you cannot do that even if you are paid 100 percent by private foundation money, by State grants for this purpose, regardless of what a local or State decision is or what a private party contributes. This is the most incredible reach I have seen in any legislation.

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

Mr. FRANK of Massachusetts. I yield to my friend from Oklahoma, and then I will yield to the gentleman from Pennsylvania.

Mr. SYNAR. I thank the gentleman for yielding.

Mr. Chairman, I would ask the gentleman from Pennsylvania why he struck this paragraph that legal aid cannot even respond to a U.S. Congressman's request if it was such a good thing in committee?

Mr. FRANK of Massachusetts. I yield to my friend from Pennsylvania, as long as he does not try to influence the gentleman from Oklahoma.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I do not know which one to answer. I have only limited time. But if the gentleman from Oklahoma is saying that when he makes an inquiry of the legal services entity about the bankruptcy seminars which he is holding, under my amendment the information that he seeks, the information that he asks for and would receive can be interpreted not to intend and not designed to influence the passage or defeat of any legislation.

Mr. FRANK of Massachusetts. Let me say to my friend—and I will yield myself 2 additional minutes—the gentleman from Oklahoma goes to a Legal Services attorney and says, "I want to do the right thing in bankruptcy. I do not want to cheat the creditor, but I don't want to unduly oppress the debtor. What is the best thing to do?" What the gentleman from Pennsylvania says in his amendment, I say to my friend, is you cannot respond in a way that would try to influence not a decision of the legislative body but that of the gentleman. The gentleman's language on lines 22, 23, and 24 say you may not engage in any communication if you are being paid by any source "intended or designed to influence any Member of Congress," any Federal, State, or local official. You may not, therefore, give your views on public policies to any local official, any State official, or any Federal official. That goes way too far.

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

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman.

Mr. Chairman, I ought to hesitate for getting into this legal argument, because the last discussion sort of left me out in the cold. I have read the same law, I have read the same language that the attorneys are arguing. For the life of me, I do not see how anybody who has a Legal Services attorney is precluded from having that attorney advise me regarding the specifics in this legislation.

What I read when I read this amendment is very clear; section 5, lobbying, A, "to pay for any publicity or propaganda intended." Now, that is why I support the Gekas amendment. I am not talking about precluding an individual poor person from having the opportunity to have legal counsel from legal services to deal with those legitimate ideas of the client that are specified in section B, in which it says, "an exception, when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim or case which directly involves the client's legal rights or responsibilities."

That is what the amendment says.

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

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

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

Mr. Chairman, would my friend look at lines 22, 23, and 24 on page 2 of the Gekas amendment?

Mr. STENHOLM. I do not have the numbers on mine.

Mr. FRANK of Massachusetts. The last three lines, page 2. There is additional language.

By the way, I also in my amendment say, in my substitute, "no publicity or propaganda."

But here is the language that bothers the gentleman from Oklahoma and me—and I will yield the gentleman an additional minute when we re-do the time.

□ 1610

Mr. Chairman, the amendment of the gentleman from Pennsylvania [Mr. GEKAS] says, "You cannot have any oral or written communication, et cetera, intended or designed to influence any Member of Congress, or Federal, State or local official."

A local legal services person may not talk to the gentleman from Texas under this amendment if there is a chance that it would influence his views on public policy, and, frankly, a lot of people would not want to talk to us, charming as we may be, if they could not influence our views on public policy.

Mr. STENHOLM. Except when legal assistance is provided by any employee of a recipient to an eligible client on a particular application, claim or case.

Mr. FRANK of Massachusetts. I would say to the gentleman——

Mr. STENHOLM. It is all the same amendment.

Mr. FRANK of Massachusetts. But that is not bankruptcy law in general. Yes, the gentleman is correct, but the example of the gentleman from Oklahoma was not a particular claim, it was not a particular case from a particular client. In this case there was not a special client. The gentleman from Oklahoma was asking for expertise about public policy in general, and the exception that my friend, the gentleman from Texas [Mr. STENHOLM] has mentioned would not work in the case of the gentleman from Oklahoma.

Mr. STENHOLM. Boy, that is where the lawyers lose me. I mean the English is plain in this amendment.

Let me just say in conclusion my support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS] is very simply this:

Last year, 1991, 361-plus legal services spent 14,437 hours lobbying. Now we cannot have it both ways. We have limited resources, and that is my total interest.

I do not quarrel with the gentleman from Oklahoma in what he said. That makes good sense. I do not read the amendment to do all of those things.

The CHAIRMAN pro tempore (Mr. MFUME). The time of the gentleman from Texas [Mr. STENHOLM] has expired.

Mr. GEKAS. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. STENHOLM. But the bottom line is, unless we can go somehow a little bit further in tightening some of the loopholes and some of the things that allow some, some of the Legal Services Corporations, around the country from doing these things, we cannot be concerned about the lack of legal care for poor people and at the same time not want to tighten up further the restrictions on those who want to stretch this language and do things that this Member does not read that it is doing. Part of it says yes. Part of it says no. We either support lobbying, or not, and I think we can get all kinds of organizations to lobby. My support of the Gekas amendment is that we do not need to have the Legal Services Corporation involved in lobbying. Yes, providing legal services if they need to talk to this Member or any other Member, and I read the amendment that it permits that. Others say no.

Mr. Chairman, I urge support of the amendment of the gentleman from Pennsylvania [Mr. GEKAS].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania, which would prevent the poor from having legal representation in administrative rulemaking and before legislative bodies. The Gekas amendment ignores the fact that legal problems are not always best addressed in the courts.

Legislative and administrative rulemaking representation is frequently the more appropriate and effective means of resolving the legal problem of an eligible client. Rules of professional responsibility require lawyers to consult with their clients about the means that are to be used to pursue a solution to their problems. If the client were a fee-paying client, and the most effective approach to the problem would be seeking a legislative clarification or change, that option certainly would be presented to the client. Clearly, low income people should have access to the same full range of legal options.

Also, as a former practicing attorney, I know that such representation is cost effective. Eligible clients often require legal services attorneys to effectively influence legislatures to protect existing legal rights or obtain relief which can often only be provided by a legislative body. Other legal problems arise from administrative agency policies that affect the poor and benefits to which they are entitled. Representation is essential to protect existing rights, assure conformity with legislation, and inform agency officials of the impact which the proposed policies will have on indigent people.

The bottom line here is this: By denying access to legislative bodies and in administrative rulemaking, the Gekas amendment encourages protracted and expensive litigation on matters that are best resolved by these bodies, and thus will waste scarce program dollars and judicial resources.

The Gekas amendment also bars grantees from responding to requests of elected officials. Clearly, there is no justification to deny legislators unfettered access to critical information they need to effectively legislate. When it comes to legislation affecting the poor, obviously legal services attorneys possess a certain expertise that should not be off-limits to elected officials.

In Minnesota, less than 2 percent of the work of legal services programs is devoted to this kind of client representation. But Minnesota's programs have benefited many thousands of low-income people through legislative and administrative representation in such areas as public benefits, child custody and support, consumer protection, farm programs, health care, social services, landlord-tenant relations, housing, and special education. The value of this representation is great and would be sorely missed.

Mr. Chairman, H.R. 2039 correctly prohibits grassroots lobbying. There is no justification, however, to ban all legal representation before legislative bodies and in administrative rulemaking. I urge my colleagues to support the Frank substitute to the Gekas amendment.

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

Mr. Chairman, I think the gentleman from Minnesota [Mr. RAMSTAD] has really outlined in his very strong opposition to the Gekas amendment what the problem is, which we owe it to ourselves to reiterate; namely, what is the basic and foremost purpose of the Legal Services entity in the first place? The gentleman from Minnesota says that we must allow for full implementation of whatever Legal Services wants to do I support of administrative agencies and full lobbying efforts. Yet even the amendment of the gentleman from Massachusetts [Mr. FRANK] purports to prohibit lobbying. The same amendment that the gentleman from Oklahoma supports, the Frank amendment, prohibits lobbying, at least in its original cited purpose, and then goes on to allow certain exceptions. It is in this field where we are trying to narrow the debate.

Mr. Chairman, the Gekas amendment makes it abundantly clear that lobbying shall not be the chief rationale for the existence of the legal services entity. That is what the gentleman from Minnesota wishes to see accomplished. He would like to see, from what his remarks are, a full ability of the Legal Services clients to go before legislatures and administrative agencies. Well, that was not the original purpose. Now, if he says that that should be the purpose, well, that is a different argument. But he also states only 2 percent, or something like that, have in the past, of the resources of the Legal Services, have been devoted to this type of activity. We have information that says that in the year 1988, with less than half of the Legal Services Corporation's grantees completely reporting their lobbying activities, the report showed that 128 grantees hired 603 lobbyists, dedicated 55,000 and some hours, and spent over $2 million for legislative and administrative lobbying efforts. We are saying the amendment of the gentleman from Massachusetts [Mr. FRANK] prohibits lobbying. The Gekas amendment prohibits lobbying, but the Gekas amendment makes it clear that there is an absolute division between lobbying and the pure purpose of the Legal Services Corporation.

Mr. Chairman, the amendment of the gentleman from Massachusetts [Mr. FRANK] fudges it, allows loopholes to exist, and, by a convolution of language, does not prohibit lobbying.

□ 1620

I say reject the Frank amendment and give yourself a chance to support the Gekas amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN] to fudge further.

Mr. BERMAN. Mr. Chairman, the gentleman's amendment is a very strange one when it is fully understood. This distinction that came up in the colloquy that the gentleman from Pennsylvania [Mr. GEKAS] had with the gentleman from Massachusetts [Mr. FRANK] and others seeks to differentiate between some detached arm's length providing of information and the design to influence a result. It is an effort to sanitize a process that cannot be sanitized. It is an effort that ignores the fundamental pluralistic nature of our society. It is an effort I might expect to see from some people on this side saying "How do we keep big business from influencing Congress," or "How do we keep polluters from influencing Congress," or "How do we keep people who are milking consumers from influencing Congress."

It is an effort that essentially says that we, listening to different sides of a question, cannot make intelligent judgments. It is a fundamental rejection of this entire process.

But it is only done for one group. It is not done for the polluters, not done for the big businessmen, not the bankers, and not the insurance industry. It is done for issues that have direct impact on poor people. It is a very bizarre way to start the process of insulating us from inappropriate pressures or contacts by people who want to influence the process.

Under the immigration law there is a provision that says growers in Pennsylvania who cannot find enough domestic farm workers can bring in temporary labor to pick their crops. It says but the growers who want to take advantage of that special program have to provide certain kinds of farm labor housing. The Congress passes that law. Now, the Secretary of Labor has to promulgate regulations.

Tell me how the Secretary of Labor should engage in that process of finding out what kind of housing that grower must provide or what kind of transportation that grower must provide without getting input from all sides?

Under the process the gentleman suggests through his amendment, the Secretary of Labor is essentially an administerial function through delegated authority to set up standards for housing will get massive briefs from the Farm Bureau, from the Pennsylvania Growers Association, from the chambers of commerce to which the growers are members, massive briefs seeking to have as low and as least costly standards as possible. Understandably, this is part of the process.

But the people who are best able to martial the interests of the farm workers because they have been working with them and communicate in a way that the process encourages through briefings, through public comments, through the discussions that will come on behalf of the growers, not only through the open and formal processes, but through all the formal processes, through the White House, through the

Senators, through the Members of Congress seeking meetings with their leaders, all of that will be allowed. But even at the request of the Congressmen, even at the request of the Secretary of Labor, even with money not paid for through the Legal Services Corporation, the Legal Services attorneys will not be allowed, who are specialists and who know about these standards and farm labor housing, will not be able to bring forth the perspective of farm labor. That is just not fair.

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

Mr. BERMAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, the gentleman from California [Mr. BERMAN] supports the Frank amendment. Will the gentleman tell me which section of the Frank amendment, which prohibits lobbying, does the gentleman support, and what kind of lobbying is the gentleman from California willing to vote to prohibit? If that is so, all I want to say is the Gekas amendment clarifies whatever the gentleman supports in the Frank amendment. Mine clarifies and makes it easier for you to support it.

Mr. BERMAN. Mr. Chairman, reclaiming my time, here is the distinction: I am not one of the great fans of the Frank amendment, because the Frank amendment seeks to prohibit certain activities that I think go beyond what I would want to prohibit. It prohibits any activities on behalf of grassroots organizing through the Legal Services Corporation. It prohibits involving one's self in electoral ballot initiatives. It prohibits coming up not in response to congressional inquires and seeking to influence the process. It goes too far.

It codifies in many respects and goes beyond in the areas of grassroots lobbying the restrictions which have been attached to appropriation riders for all these years. I did not like the riders then and I do not like them now.

But what it does not do is to so completely isolate the interests of these people, the people who are least able to find alternative ways of organizing and marshaling their positions to the policymakers, the executives, regulatory, Federal, State and local, it does not put them in those kinds of shackles, and, therefore, is a fairer approach.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will inform Members engaged in the debate that although the time for both the amendment and the substitute is fungible, it is the right of the gentleman from Massachusetts [Mr. FRANK] to close debate.

Mr. GEKAS. Mr. Chairman, might I inquire how much time is remaining on the Gekas amendment?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] has 11½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 4 minutes remaining.

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

Mr. Chairman, the gentleman from California [Mr. BERMAN] is therefore willing to say to the gentleman from Texas [Mr. WASHINGTON] that in our original colloquy the grassroots type of lobbying that the Frank amendment prohibits, that kind of ability on the part of poor people is going to be prohibited? That is prohibited by the Frank amendment, and why is the gentleman from California willing to embrace it?

The gentleman from California is willing to embrace the Frank amendment, which prohibits grassroots organizations from having the legal entity or legal services lobby.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, let me say on behalf of my friend, the gentleman from Texas [Mr. WASHINGTON], I think I got a handshake from him, but it was not an embrace.

Mr. GEKAS. Mr. Chairman, reclaiming my time, if the gentleman from California [Mr. BERMAN] is willing to prohibit lobbying on a grassroots level, then the gentleman from Texas [Mr. WASHINGTON], or the gentleman from Oklahoma [Mr. SYNAR], are going to be caught in a little bit of a trap, because their interest in grassroots organizations for rental control or for bankruptcy control or whatever is going to be limited. But the gentleman from California is willing to support the Frank amendment, which prohibits lobbying in that accord.

Mr. Chairman, I am saying that what the gentleman from California [Mr. BERMAN] is saying in supporting the Frank amendment is that he understands for the first time and is saying on the floor that he understands that there is a tremendous delineation between the original purpose of Legal Services to provide individual poor clients with help where they need it most, and this wild area of endeavor that has started unintentionally, never intended by the Congress when they established Legal Services, of a lobbying effort on so many different subjects that actually draw resources away and attention away from the public and everything else, to the detriment of that individual that the gentleman from Texas [Mr. WASHINGTON] wants to help and the gentleman from Oklahoma [Mr. SYNAR] wants to help and the gentleman from California [Mr. BERMAN] wants to help, and where they agree with the Frank amendment should not be involved in lobbying efforts.

That, to me, is unfathomable. The lobbying efforts to which the gentleman refers on the private sector are funded by our fellow American citizens with nontax dollars.

What the gentleman from California [Mr. BERMAN] is saying is that what they can do by raising private funds, we ought to allow Legal Services to be victimized on taxpayer funds where we are trying to serve poor people, to allow those resources to be used for lobbying efforts.

Mr. Chairman, I submit that we ought to reject the Frank amendment and do a little better thing, support the Gekas amendment. Both of them support lobbying.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, let us talk about these wild endeavors. Let us talk about this diverting of resources to the detriment of clients. Let me give you three examples from my own State of Oklahoma.

First, juvenile justice reform. For decades, regrettably, my State had a very troubled youth program where we locked away youth that were very seriously physically abused.

□ 1630

The Oklahoma Legislature started considering sweeping juvenile justice reform. Because many of the abused children were represented by Legal Services, they asked the Legal Aid of western Oklahoma to help them draft that legislation. That would not be allowed under the Gekas amendment.

Second, the garnishment of exempted funds. Many elderly in my State should enjoy the same basic rights as any other elderly throughout the country; that is, to have their disability benefits exempted from State and Federal garnishment. But our Oklahoma law did not provide that. Because of that, there was a change in the law.

That law was written by a Legal Aid attorney in western Oklahoma at the request of the legislature following a court decision.

Finally, remedies to domestic violence. A State legislator in Oklahoma was concerned about the plight of the domestic violence victims and, since a lot of our Legal Aid lawyers represent those people, he asked that person to come and draft the legislation to solve that problem. That would not be permitted under the Gekas amendment.

What we are talking about here are two basic things: First, allowing us to go to the people who are the best experts many times, better than the agencies themselves, to give us the information to make good decisions. Second, for us to perform our job as U.S. Congressmen, and not to limit the access of information that we get from one source so that we can make better legislation, so that we can make the laws work properly. That is what this is all about.

I do not like the Frank amendment. The gentleman from California [Mr. BERMAN] does not like the Frank amendment. We would not have the Frank amendment if we did not have this absurd Gekas amendment, which would take away from the basic rights of Members of Congress and the members of our society to provide input to Members of this institution. I ask for a "no" vote on the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I have been here for some time listening to this round robin and I must tell my colleagues, it is a little difficult. I think we have a distinction here without a difference.

I simply would want to say that I am willing to vote and willing to support legal help for poor people. I am not willing to support political organizing.

I support the Gekas amendment.

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

Mr. Chairman, at the risk of grating on my colleagues, I simply want to repeat, because I think again, we have to try to focus on the elements of the debate as in their purist sense.

If the Frank amendment prohibits lobbying and the Gekas amendment prohibits lobbying, then we have only to determine a policy decision. Should the Legal Services Corporation be engaged in lobbying?

If so, we vote against both and allow a full range of lobbying activities to be carried on by the Legal Services Corporation.

If Members feel strongly that they should not be involved in Legal Services, adopt the Gekas amendment and reject the Frank amendment, because the Frank amendment, while it purports to and says that it prohibits certain lobbying efforts, has so many exceptions in it that they engulf the proposition of prohibition against lobbying, while the Gekas amendment very succinctly and very absurdly, in the eyes of one, but one which works, makes that delineation so clear that the original policy of preserving Legal Services for aid to the poor will be preserved.

Vote for the Gekas amendment and against the Frank amendment.

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

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

I speak in favor of my substitute. There are differences between the amendment I offer and the amendment of the gentleman from Pennsylvania.

He is right. Many would allow the Legal Services people unrestricted lobbying. Let me point out that most of the restrictions on lobbying are in neither my amendment nor in the amendment of the gentleman from Pennsylvania [Mr. GEKAS], but in the bill which we have presented. My amendment would add one further restriction. It basically keeps the Legal Services people entirely out of what has been known as grassroots lobbying.

That is, they will not be in the business of organizing politically, no matter who asks them.

Here is the difference, as I think it was made clear in the colloquies with myself, the gentleman from Texas, the gentleman from Oklahoma, and the gentleman from California.

As written, the amendment of the gentleman from Pennsylvania says, and I will read it, and there is no saving clause, no money can be used from any source that goes to Legal Services "to pay for any oral or written communication, letter, printed or written matter, telegram, telephone communication," among other things, "intended or designed to influence any Member of Congress or any other Federal, State, or local elected official."

As the gentleman from Oklahoma pointed out, an earlier draft of the amendment of the gentleman from Pennsylvania said, "You can answer a question from a Member of Congress." That was removed and, as written, we would have to advise the Legal Services Corporation that if a Member of Congress or member of a State legislature or mayor said to a Legal Services official "What is your opinion of this public policy," that official could not answer.

Yes, one can represent, as the gentlemen from Texas noted, someone in the case before an administrative agency. But this amendment of the gentleman from Pennsylvania goes further than the gentleman's rhetoric, it goes further than good sense.

Yes, my friends have made it clear. They think I have gone too far. But the gentleman from Pennsylvania has made me into a moderate.

We say, one cannot engage in unrestricted lobbying. One cannot do grassroots organizing. But if one is asked one's opinion by members of legislative bodies or others, one may answer.

I ask for a vote in favor of that restriction and then for the amendment as amended.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the provisions of clause 2(c) of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the Gekas amendment, as amended by the Frank substitute.

The vote was taken by electronic device, and there were—ayes 222, noes 196, answered "present" 1, not voting 15, as follows:

[Roll No. 103]

AYES—222

Abercrombie	Gilman	Obey
Ackerman	Glickman	Olin
Alexander	Gonzalez	Olver
Anderson	Gordon	Ortiz
Andrews (ME)	Goss	Owens (NY)
Andrews (NJ)	Green	Owens (UT)
Andrews (TX)	Hall (OH)	Pallone
Annunzio	Hamilton	Pastor
Anthony	Hatcher	Payne (NJ)
Applegate	Hayes (IL)	Pease
Aspin	Hertel	Pelosi
Atkins	Hoagland	Perkins
Bacchus	Hochbrueckner	Peterson (FL)
Beilenson	Horn	Peterson (MN)
Berman	Horton	Pickett
Blackwell	Hoyer	Poshard
Boehlert	Hughes	Price
Bonior	Jacobs	Rahall
Borski	Jefferson	Ramstad
Boucher	Johnson (CT)	Rangel
Brewster	Johnston	Reed
Brooks	Jones (GA)	Richardson
Brown	Jones (NC)	Roe
Bruce	Jontz	Roemer
Bryant	Kanjorski	Rose
Bustamante	Kaptur	Rostenkowski
Campbell (CO)	Kennedy	Roybal
Cardin	Kennelly	Russo
Carper	Kildee	Sabo
Carr	Kleczka	Sanders
Chapman	Kopetski	Sangmeister
Clay	Kostmayer	Savage
Clement	LaFalce	Sawyer
Coleman (TX)	Lancaster	Scheuer
Collins (IL)	Lantos	Schroeder
Collins (MI)	LaRocco	Schumer
Conyers	Leach	Serrano
Cooper	Lehman (FL)	Sharp
Costello	Levin (MI)	Shays
Cox (IL)	Lewis (GA)	Sikorski
Coyne	Long	Sisisky
Darden	Lowey (NY)	Skaggs
de la Garza	Luken	Slattery
DeFazio	Machtley	Slaughter
DeLauro	Manton	Smith (FL)
Dellums	Markey	Smith (IA)
Derrick	Martinez	Solarz
Dicks	Matsui	Spratt
Dingell	Mavroules	Stallings
Dixon	Mazzoli	Stark
Donnelly	McCloskey	Stokes
Dooley	McCurdy	Studds
Downey	McDermott	Swett
Durbin	McHugh	Swift
Dwyer	McMillen (MD)	Synar
Dymally	McNulty	Tallon
Early	Meyers	Thornton
Eckart	Mfume	Torres
Edwards (CA)	Miller (CA)	Torricelli
Engel	Mineta	Towns
Espy	Mink	Traficant
Evans	Mollohan	Traxler
Fascell	Moody	Unsoeld
Fazio	Moran	Vento
Feighan	Morella	Visclosky
Flake	Mrazek	Washington
Foglietta	Murtha	Waxman
Ford (MI)	Nagle	Weiss
Frank (MA)	Natcher	Wheat
Frost	Neal (MA)	Williams
Gaydos	Neal (NC)	Wise
Gejdenson	Nowak	Wolpe
Gephardt	Oakar	Wyden
Gibbons	Oberstar	Yates

NOES—196

Allard	Archer	Baker
Allen	Armey	Ballenger

Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—15

AuCoin
Boxer
Byron
Campbell (CA)
Ford (TN)
Kolter
Levine (CA)
McDade
Moakley
Valentine
Waters
Weber
Whitten
Yatron
Young (AK)

□ 1657

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mrs. Byron against.

Mr. HERGER changed his vote from "aye" to "no."

Mr. ROSE and Mr. MARTINEZ changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS], as amended.

The question was taken.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, that is premature. The Chair did not announce the vote.

The CHAIRMAN pro tempore. The gentleman will repeat himself.

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

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, I did not hear the Chair announce the yeas and nays, the result.

The CHAIRMAN pro tempore. The Chair is in doubt on the voice vote.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 196, answered "present" 1, not voting 16, as follows:

[Roll No. 104]

AYES—221

Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Bateman
Bennett
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Darden
de la Garza
DeLauro
Derrick
Dicks
Dingell
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mineta
Mollohan
Montgomery
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Pallone
Panetta
Parker
Patterson
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Price
Rahall
Ramstad
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Russo
Sabo
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (OR)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swett
Swift
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Traxler
Upton
Vento
Visclosky
Volkmer
Williams
Wilson
Wise
Wolpe
Yates

NOES—196

Abercrombie
Allard
Allen
Andrews (ME)
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Beilenson
Bentley
Bereuter
Berman
Bilirakis
Blackwell
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Cardin
Chandler
Clay
Coble
Coleman (MO)
Collins (IL)
Combest
Conyers
Coughlin
Cunningham
Dannemeyer
Davis
DeFazio
DeLay
Dellums
Dickinson
Dixon
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dymally
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Ewing
Fawell
Feighan
Fields
Fish
Foglietta
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Herger
Hoagland
Hobson
Holloway
Hopkins
Houghton
Inhofe
Ireland
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kopetski
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mink
Molinari
Moody
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pastor
Paxon
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pickle
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal
Sanders
Sangmeister
Santorum
Savage
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Serrano
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Synar
Tanner
Taylor (NC)
Thomas (CA)
Torres
Towns
Unsoeld
Vander Jagt
Vucanovich
Walker
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—16

AuCoin	Kolter	Waters
Boxer	Levine (CA)	Weber
Byron	McDade	Whitten
Campbell (CA)	Moakley	Yatron
Ford (TN)	Nowak	
Hunter	Valentine	

□ 1709

Messrs. DORGAN of North Dakota, WYDEN, KOPETSKI, and WHEAT changed their vote from "aye" to "no."

Mr. HUBBARD changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 15, printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. FISH:

Page 9, strike line 1 and all that follows through page 10, line 6, and insert the following:

"(iii) Not later than 30 days after receiving a written request alleging that a recipient, other grantee, or contractor has violated the provisions of this title, or any rule, regulation, guideline, or instruction issued under this title, or any other law, the Corporation may initiate an investigation. A recipient, grantee, or contractor that is the subject of such investigation shall be notified by the Corporation and, prior to the completion of the investigation, provided with a reasonable opportunity to respond to the allegations either in writing or in person, as determined by the Corporation. Unless required by law, the Corporation shall not make the findings of its investigation public until a final report is issued or unless such disclosure is made with the consent of such recipient, grantee, or contractor. If, at the conclusion of the investigation, the Corporation determines that it will take action under paragraph (5) of this subsection, it shall notify the recipient, grantee, or contractor of its right to request a hearing. A hearing must be requested not later than 30 days after receiving the notification.".

Page 14, strike lines 7 through 12 and insert the following:

"(C) that the personal privacy of eligible clients could be adversely affected by the public disclosure of records or documents obtained in connection with monitoring under paragraph (1) or an investigation pursuant to section 1006(b)(1)(A); and".

Page 36, strike line 23 and all that follows through page 37, line 17.

Page 37, line 18, strike "(b) TIMEKEEPING.—".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New York [Mr. FISH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

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

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

Mr. Chairman, this amendment seeks to remedy a number of problems that are presented by the Judiciary Committee-approved version of H.R. 2039. Specifically, my intent is to ensure that the Legal Services Corporation [LSC]—through its Office of Monitoring, Audit and Compliance and its Office of Inspector General—will be able to effectively oversee the activities of Legal Services recipients and grantees. The purpose is to assure grantee compliance with applicable LSC regulations and guidelines as well as provisions of Federal law, and should not be controversial.

Mr. Chairman, I have been a supporter of the Legal Services Program since its inception. It is important that we are here today to take action on a Legal Services Corporation reauthorization bill. As my colleagues know, it has been many, many years since the Legal Services Corporation has been reauthorized. Unfortunately, over the years we have turned to the appropriations process as the means of extending the life of the Legal Services Corporation and its activities. I am pleased that we are here today prepared to deal with this in the appropriate, policy-making fashion.

Turning again to my amendment, allow me to further explain its purposes. As reported by the Judiciary Committee, H.R. 2039 would impose rigid, time-based deadlines on investigations conducted by the monitoring and compliance section of LSC and the inspector general's office. Specifically, the bill requires that such investigations be completed no later than 90 days after their commencement. To place such an unrealistic and unnecessary deadline on the lifespan of investigations is impractical and counterproductive. My amendment would eliminate the arbitrary 90-day limit on such investigations. At the same time, it assures that recipients, other grantees and contractors will receive due process during the course of such investigations.

Second, the proposed bill before us would allow Legal Services Corporation recipients and grantees to co-mingle LSC funds with funds from other Federal sources and, most notably, non-Federal funds. Under current law, however, grantees are required to maintain separate records and accounts for those funds. Thus, the LSC is able to track Federal funds and identify their use in connection with certain activities, thereby insuring that such moneys are not used for activities that are prohibited by Federal law.

Under my amendment, the language of H.R. 2039 would simply return to the language of the current law. Specifically, section 1010(c) of the Legal Services Corporation Act would remain in effect. This provision (codified at 42 U.S.C. section 2996i) requires that the corporation and its grant recipients keep separate accounts for Federal funds and non-Federal funds. Thus, the corporation will be able to continue to assure full compliance with the law.

Finally, my amendment would eliminate language contained in H.R. 2039 that would arbitrarily restrict LSC and IG access to recipient-grantee payroll records, attendance records, and other relevant documents which are now subject to review and audit. This is achieved by eliminating certain language contained in section 6(c) of H.R. 2039.

Mr. Chairman, Federal Privacy Act (5 U.S.C. 552a) is designed to control the release of information by Federal agencies. It does not govern entities such as grantees and contractors separately from a Federal agency. It was not intended to prevent access by responsible Federal officials. It is a protection against disclosure by such officials. Similarly, State privacy laws were not intended to impede the ability of Federal agencies to assure that fraud, waste, and abuse do not occur in connection with the use of Federal funds. The language of my amendment, however, does make clear that monitoring by the corporation or the inspector general shall take into account the personal privacy rights of eligible clients and protects records and other documents in connection with such activities from public disclosure.

Recent Federal court decisions have upheld the right of access of the Legal Services Corporation to recipient program documents and records. *Multnomah Legal Services Worker's Union* v. *Legal Services Corporation*, 936 F.2d 1547 (9th Cir., 1991); *Lawyer's Union of Rural California* v. *Legal Services Corporation*, N.D. Calif. Case No. C-91-0442 (February 18, 1992). The case law lays down a bright-line rule: except for matters explicitly protected by the attorney-client privilege, the LSC is entitled to access to all recipient documents, so long as the Corporation's purpose is to ensure the recipient's compliance with the LSC act and the terms of the grant agreement. The rule is clear, simple, and workable.

Again, under my amendment the attorney-client privilege is respected. That is, the identity and personal privacy of Legal Services clients would be protected against needless public disclosure. But, at the same time both the inspector general's office and the Office of Monitoring, Audit, and Compliance would have the necessary access to grantee records to ensure legal compliance.

Mr. Chairman, as a supporter of the Legal Services Program, I believe in its goals and that it is needed. Poor and underprivileged individuals need assistance with legal problems they may face in areas such as divorce, child support, child custody, landlord-tenant, con-

sumer protection, and so forth. Nevertheless, Congress must ensure that the Federal funds that are funneled through the Legal Services Corporation to the various recipients/grantees throughout the United States are used appropriately and fully consistent with legal requirements.

Mr. Chairman, I urge the adoption of my amendment.

The CHAIRMAN pro tempore. The committee will rise informally in order that the House may receive a message.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 96, No. 97, No. 98, No. 100, No. 101, and No. 102 on Wednesday, May 6, 1992. Had I been present on the House floor I would have cast my vote as follows:

Rollcall, No. 96—"yea" on the Chair's approval of the journal.

Rollcall, No. 97—"yea" on Mr. HUGHES' motion to suspend the rules and pass H.R. 3247.

Rollcall, No. 98—"yea" on agreeing to House Resolution 444 to provide for consideration of H.R. 2039, the Legal Services Reauthorization Act of 1991.

Rollcall, No. 100—"aye" on Mr. BROOKS' amendment to H.R. 2039.

Rollcall, No. 101—"no" on Mr. MCCOLLUM's amendment to H.R. 2039.

Rollcall, No. 102—"no" on Mr. STENHOLM's amendment to H.R. 2039.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. GIBBONS) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

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.

The SPEAKER pro tempore. The committee will resume its sitting.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The Committee resumed its sitting.

Mr. FISH. Mr. Chairman, I yield to the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, I am prepared to accept this amendment from the gentleman from New York [Mr. FISH], the distinguished ranking minority member of the Committee on the Judiciary, who has done so much to fashion and craft this legislation.

The amendment, reflecting the qualities of its author, makes moderate modifications to the investigations provisions in the committee bill. Unlike the broad sweep of the McCollum amendment of the use of funds, which we will be considering—and I will be opposing—next, the amendment of the gentleman from New York [Mr. FISH] makes moderate changes in the use of private funds, actually restoring the current law on this issue. The Legal Services programs have been able to live with that current law.

The amendment provision on privacy is also quite acceptable.

In the interests of achieving a middle ground, I urge my colleagues to accept this amendment.

Mr. FISH. Mr. Chairman, I thank my committee chairman very much for his graciousness.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida [Mr. MCCOLLUM] a member of the committee.

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

Mr. Chairman, I just want to rise to support this amendment. I am glad to see the committee chairman is accepting it. It is a very critical amendment. It does improve the bill; albeit it does not go as far as I would like to see or as we have discussed earlier, was not allowed to be offered as my amendment.

But what the gentleman from New York [Mr. FISH] is doing in part does restrict the problems we would have with privacy laws in States. I was very concerned, I still am concerned about the restrictions on monitoring. The fact is that the inspector general is worried about where you get 50 different States and 50 different laws out there involved in the process, what that is going to do to the ability of the organization, the national organization, to be able to look at these grantees and their paperwork in order to know if there is waste, fraud or abuse, or anything else.

□ 1730

So to the degree that Mr. FISH's amendment goes further than that, and one of the major things it does, to the degree it addresses that problem by exempting the inspector general from the onerous burden put on in the bill for compliance with the privacy acts of every State, I think it is a very, very good amendment.

However, I want to remind my colleagues that the inspector general still has problems, and has issued a letter to us saying that he does, because there are provisions in the bill that are not addressed by this amendment, that we have no amendment allowed out here on the floor to address, that apply all of the rules and ethics procedures of every State bar association to restrictions on privilege to get at these documents, instead of having the canons of ethics apply nationally which do right now. We are going to wind up, probably, with an inability of the inspector general of the Legal Services Corporation from looking at materials even with this amendment.

But it is a good amendment, as far as it goes. I am very much for it. I am glad the gentleman from New York [Mr. FISH] offers it. I certainly think it improves the bill, at least in the areas he has addressed, and I thank him for offering it, and I appreciate it.

Mr. FISH. Mr. Chairman, if there are no other requests for time, I yield back the balance of my time.

The CHAIRMAN pro tempore. (Mr. MFUME). Is there a Member in opposition to the amendment?

If not, the Chair will put the question.

The question is on the amendments en bloc offered by the gentleman from New York [Mr. FISH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 410, noes 2, answered "present" 1, not voting 21, as follows:

[Roll No. 105]

AYES—410

Abercrombie	Camp	Dwyer
Ackerman	Campbell (CO)	Dymally
Alexander	Carper	Early
Allard	Carr	Eckart
Allen	Chandler	Edwards (CA)
Anderson	Chapman	Edwards (OK)
Andrews (ME)	Clay	Edwards (TX)
Andrews (NJ)	Clement	Emerson
Andrews (TX)	Clinger	Engel
Annunzio	Coble	English
Anthony	Coleman (MO)	Erdreich
Applegate	Coleman (TX)	Espy
Archer	Collins (IL)	Evans
Armey	Collins (MI)	Ewing
Aspin	Combest	Fascell
Atkins	Condit	Fawell
Bacchus	Cooper	Fazio
Baker	Costello	Feighan
Ballenger	Coughlin	Fields
Barnard	Cox (CA)	Fish
Barrett	Cox (IL)	Flake
Barton	Coyne	Foglietta
Bateman	Cramer	Ford (MI)
Beilenson	Crane	Ford (TN)
Bennett	Cunningham	Frank (MA)
Bentley	Dannemeyer	Franks (CT)
Bereuter	Darden	Frost
Berman	Davis	Gallegly
Bevill	de la Garza	Gallo
Bilbray	DeFazio	Gaydos
Bilirakis	DeLauro	Gejdenson
Blackwell	DeLay	Gekas
Bliley	Dellums	Gephardt
Boehlert	Derrick	Geren
Boehner	Dickinson	Gibbons
Bonior	Dicks	Gilchrest
Borski	Dingell	Gillmor
Boucher	Dixon	Gilman
Brewster	Donnelly	Gingrich
Brooks	Dooley	Glickman
Browder	Doolittle	Gonzalez
Bruce	Dorgan (ND)	Goodling
Bryant	Dornan (CA)	Gordon
Bunning	Downey	Goss
Burton	Dreier	Gradison
Bustamante	Duncan	Grandy
Callahan	Durbin	Green

Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walker
Walsh
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—2

Cardin
Washington

ANSWERED "PRESENT"—1

James

NOT VOTING—21

AuCoin
Boxer
Broomfield
Brown
Byron
Campbell (CA)
Conyers
Kolter
Levine (CA)
McDade
McHugh
Moakley
Mrazek
Murtha
Rangel
Valentine
Vucanovich
Waters
Weber
Whitten
Yatron

□ 1742

Mr. GRANDY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 16 printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. McCOLLUM: Page 37, strike lines 1 through 17 and insert the following:

"(c)(1) Any non-Federal funds received by the Corporation, and any funds received by any recipient from any source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds. Any funds so received, including funds derived from Interest on Lawyers Trust Accounts (IOLTA), may not be expended by recipients for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991. The Corporation shall not accept any non-Federal funds, and any recipient shall not accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of such funds that the funds may not be expended for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991.

"(2) Paragraph (1) shall not prevent recipients from—

"(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending them in accordance with the specific purposes for which they are provided; or

"(B) using funds received from a source other than the Corporation to provide legal assistance to a client who is not an eligible client if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1991 (other than any requirement regarding the eligibility of clients).".

Page 39, line 2, strike "has a single identity" and insert "or otherwise, has a significant identity".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, this is an amendment dealing with the use of non-Federal funds to circumvent the restrictions that we have placed in the law on the activities of Legal Service Corporation lawyers. It does not probably appear to many people as to what these circumventions are all about, but the fact is that we pass restrictions here in this body and have over the years and are doing it today, and they are frankly worthless, they are meaningless, unless we come in with something that will keep these lawyers from using non-Federal funds from either bar associations or cities or counties or wherever they are getting the money to go out and do the very things we say they cannot do. This make no sense to me.

That is what my amendment is all about, is to just say, "Hey, look: for anything that this Congress says you can't do with Federal money, then you, as long as you are a Legal Services grantee of the Federal program, you cannot take outside money and go do the same thing wearing that hat. If you want to go under another hat and under another nonprofit corporation or whatever and do those activities, fine. But don't wear our hat, don't do what the public has and expects us to uphold in the way of restricted activities."

I would like to read my colleagues the broad areas which we have restricted.

Right now under law, and we may have variations on it, but these are the things that are restricted, the types of cases where Federal involvement of Legal Services lawyers is restricted by Federal law: Criminal cases, redistricting cases, certain restrictions on class-action cases, restrictions on abortion cases, restrictions on fee-generating cases, they cannot take them. Restrictions on handling cases on eviction of convicted drug offenders in public housing.

We also have restrictions on the activities for which the funds may be used. We cannot have activities involving partisan polities, voter registration, certain lobbying activities, solicitations, inciting litigation, political training, picketing, boycotts, the recovery of attorney's fees, and so on.

Now, all of those are logical restrictions we placed in the law already. I am not talking about anything today that we may have been debating, amendments that might have been proposed, ideas I might have generated out here today to try to add to those restrictions.

These are the restrictions that exist today. These are what were in the law either in the form of the last time we authorized this bill years ago, or through the process of the riders that have gone on the appropriation bills through the intervening years.

These are the restrictions. These are what we say. Many of them, many re-

strictions that we do not want Legal Services lawyers doing. We do not want them doing these things for varying reasons of public policy.

Now, why should we be allowing them to escape that. Why should we be allowing these Legal Services lawyers under our program, a Federal program we created, why should we be allowing them to do all of those things?

Mr. Chairman, why should we be allowing these attorneys that are our attorneys out there in the field representing our Federal program, we created with Federal money, why should we be allowing them to completely circumvent all of the restrictions we have passed in law by using non-Federal moneys and saying, "Well, we are just going to go do that?"

I have no problem with iota bar funds being used by the local organizations that are out there, as long as they are doing things which we have not said you cannot do.

I have no problem with the iota bar funds or municipal moneys being used to do things we said you cannot do, as long as they are doing it under somebody else's name. Set up another organization.

In my home county we have a fine legal aid society of the Orange County Bar, which operates side by side with the Legal Services Corporation. They do the bidding of the Orange County Bar Association, some 2,000-plus attorneys. They do a fine job. Both of them do great jobs and complement each other.

If you want to have lawyers doing things that we have said do not do, then set up another structure to do it. It is not very costly to do, and it certainly is a more responsible method than this one, which makes a sham out of the restrictions we have on all these things we restrict.

It is absolutely a sham to have the same lawyers wearing the Legal Services hat of X, Y, or Z Legal Services Corporation going out and doing the very things we have said you cannot do, and then saying, "Oh, but I did them because I had some other source of funds that allowed me to do that."

I could go lobby all that I wanted to lobby in Washington or Tallahassee for whatever purpose, even though I am restricted on it, it does not matter, because I am using dollars I got somewhere else while I am wearing this hat.

That is an absurdity. My amendment simply corrects this absurdity and loophole and makes the restrictions we have meaningful. Otherwise there is no point in any of the restrictions we have passed.

It is nice to say we do not want Federal funds used for this. This is a Federal program. This was a federally created program. It would not exist but for the Federal Government.

Where it is a Federal program that is involved, we have every right to monitor it and hold people accountable for it. They are using the color of our name. When I go to a town meeting or you go to a town meeting, the public has every right to demand us to explain why an attorney wearing the name of the Federal Government is out doing something we have said they cannot do.

□ 1750

I submit to my colleagues, we cannot explain that because there is money from somewhere else.

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

Mr. McCOLLUM. I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I want to make sure I understand.

I know how the gentleman defines this because the words define themselves, but how does the gentleman conceptualize significant identity of interest between what would be prohibited and what would not be prohibited?

I am concerned, and I do not think the gentleman from Florida wants to do that. I want to make sure that part of the colloquy would satisfy me, that that is not the intent of the gentleman.

For instance, if we have a church, and a large law firm and several other organizations out in the community that all adopted different programs on behalf of the poor and one had a breakfast program or lunch program for senior citizens, one had pro bono lawyers, significant interests?

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, what we are talking about is a mirror corporation. They should not be allowed to set up another corporation, same board of directors, everything, and then have a mirror corporation in the sense that we have in corporate law.

We are not talking in terms of anything else.

I am glad the gentleman asked me so we can have a colloquy defining that so there is a history on the floor of that.

That is all we are talking about in terms of that.

The main thrust of my amendment is not to do with mirror corporations.

I want to be sure everybody understands that. That is an adjunct to this to make sure we do not have something out there trying to circumvent it through that type of thing.

The main thrust is what I have stated it is. I do not want to see the main corporation using other moneys to do the things we have restricted. That is the purpose of the amendment.

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

The CHAIRMAN pro tempore (Mr. MFUME). Is there a Member in opposition to the amendment?

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

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 15 minutes.

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

Mr. Chairman, I rise in opposition to this amendment, which the Committee on the Judiciary rejected by a vote of 12 to 21.

Congress has placed restrictions on how moneys it appropriates can be spent by Legal Services Corporation programs. These restrictions do not mean that other legal activities by the programs are somehow unimportant, improper, or inappropriate. They do not mean that eligible poor people have no other claims worthy of legal assistance. They merely reflect the priorities that Congress has set for its dollars to this program.

Just as we in Congress have the right to say how scarce Federal resources will be spent by Legal Services programs, our colleagues in State and local governments should have that same right—they may have different priorities than we do here at the Federal level—priorities that also deserve to be served.

The same holds true for private funds. Private funding sources are often quite willing—I am glad to say—to lend assistance to providing for the legal needs of indigents in their communities. There is no Government expenditure involved in the donation of these funds; and we should not be tying their hands. At a time when more and more people are falling below the poverty line through no fault of their own, there is no reasonable explanation why we should not allow private donors to help in meeting the fundamental need to provide legal representation to the poor.

There are plenty of protections in H.R. 2039—strict accounting requirements, timekeeping, recordkeeping—to ensure that restricted Federal LSC funds will not be misspent or somehow mixed up with other sources of funds. In addition, we've already adopted the Fish amendment which restores current law on use of private funds. That current law has worked well, and we should draw the line here. I strongly urge the rejection of this amendment.

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

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the McCollum amendment.

Mr. Chairman—In establishing the Legal Services Corporation in 1974, Congress included prohibitions in the Legal Services Act that prohibit Legal Services grantees from engaging in various controversial activities. Because Congress recognized that recipients might use private funds as a way of circumventing the restrictions on certain activities, Congress explicitly applied the same restrictions on the use of non Legal Services funds.

Many local Legal Services programs currently, however, use Federal funds received from the Legal Services Corporation to raise additional private funds, or funds from private, nongovernmental sources. These Legal Services programs then use the private funds for their own purposes, including purposes that are forbidden by the Congress.

The McCollum amendment would maintain the current prohibition on private funds being used for prohibited activities and extend this prohibition to cover all public, non-LSC funds. Furthermore, the amendment makes it clear that people are free to set up financially and physically separate organizations that do not receive Federal subsidies that would not be subject to the limitations under the Legal Services Act.

The McCollum amendment is about good government. I urge my colleagues to support it.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. WASHINGTON], a member of the committee.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

A problem that I have with the amendment of the gentleman from Florida [Mr. MCCOLLUM], I listened carefully to what he said. I think that he makes good points in terms of where he is attempting to direct us. But I think the analogy that we should use is that he is killing a mosquito with a shotgun.

This is too broad and it goes too far for the very reasons that I attempted to elicit in the question that I asked of the gentleman. I am glad the gentleman from Texas is also listening.

There are people out there that we have already prohibited from having the services that are available. Let us say some refugees that are taken in by a church and the church wants to support them. What this amendment does is require duplicity of effort rather than, say, that the Legal Services attorneys representing these people on a matter that is identical to the matter the church wants to represent them. The gentleman requires them to go get another lawyer to duplicate the effort, when it is cheaper to take the scarce resources that are available.

We know down in Texas how scarce the resources are. What is wrong, since we have already prohibited, we have become the board of directors for the Legal Services Corporation by the Congress' action. We have taken away most of the authority of the board that we created to make these decisions. But just use that example.

So we have some refugees from Timbuktu, and they have a claim because of some problems that legitimately—if they were not refugees, if they were not aliens—they would be within the confines of what we have said, whether it is eviction from some old rickety, worn-down apartments. We require the Legal Services attorney to take on certain people who fit within the definition of what we think ought to be their clients. We require the duplication of effort, instead of that church money going into the same pot to help fund the whole resources, which really helps us make up for the shortcoming of the resources the Federal Government is now providing. What we are doing is dividing the resources down and requiring two lawyers to do the work of one, that one lawyer could do.

I think that with the scarce resources we have available, we should not be doing that in this day and time.

□ 1800

Mr. WASHINGTON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman probably misunderstands part of my amendment. I want to make sure he does not misunderstand it. My amendment does not prohibit the use of non-Federal funds or Legal Services lawyers to represent ineligible clients. It is an interesting twist involved in this, but we have made a big effort here to make sure we can still use these other IOLTA Bar funds, or whatever, to go represent the refugees or people who are not eligible under our laws as individuals to be represented.

The only thing my proposal does is restrict them from doing activities, representing the types of cases that are restricted, but they can represent the illegal aliens, for example, with IOLTA Bar moneys—or whatever else—and go and do a joint case like the gentleman has suggested.

Mr. WASHINGTON. Mr. Chairman, reclaiming the time that the gentleman gave me, if I understand correctly, and perhaps I do misunderstand, if they prohibit the use of private funds to do what they could not do with public funds, that is what the amendment does, is that correct?

Mr. MCCOLLUM. Mr. Chairman, I yield myself 2 minutes.

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

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman for yielding. I understood the thrust of his amendment to be that he was prohibiting the use by an LSC attorney with private funds to do that which he could not do with governmental funds. Is that correct?

Mr. MCCOLLUM. Mr. Chairman, except, if I may reclaim my time, the restriction with regard to representing ineligible clients. They may still represent otherwise ineligible clients. They are simply restricted from doing the kinds of activities, the types of lobbying, or the activities that we prohibit, that we restrict, not the clients. That is a big difference.

Mr. WASHINGTON. If the gentleman will yield further, I see what he means. My example was inappropriate. Let me change the example to be one where the activity rather than the services rendered as a lawyer is considered, and would not the same example then be true with respect to the activity?

I am not quarreling with our right as a Congress to limit the activity of people that we hire, but I am quarreling with the fact that we are requiring a duplication of effort when there are good Samaritans out there in the community, such as church organizations. Why do we not let them supplement the fund, since we all agree we do not have enough resources to go around?

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I understand the efficiency argument the gentleman is arguing, but it is because of the color of our law where we have restricted this, and I think that is paramount to the questions the gentleman raises of efficiency, because I think the problem is we do not want Legal Services lawyers doing this. We say they cannot, and the public thinks they are all ours. They think every time they go out they are wearing the imprimatur of Congress and they are Federal Government, and the public does not distinguish the difference.

My amendment is to protect that and to try to protect us from those accusations that have caused us so much trouble in funding Legal Services, to truly keep them out of those activities and keep the appearance, the appearance of impropriety, which is really what we are talking about here, from imbuing to these Legal Services lawyers in the eyes of the public, so we can get a better credibility to this system. That is the reason.

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

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would advise those Members controlling the debate that the gentleman from Texas [Mr. BROOKS] has 10½ minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 3 minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, neighbor, and colleague, Mr. MCCOLLUM.

Recent events in Los Angeles have reminded us that much more must be done in America to secure and assure equal justice before the law.

As a fiscal conservative, I believe it is altogether appropriate that we try, whenever we can, to help provide such assurance without Federal tax dollars.

We do so in Florida through the Florida Bar Foundation, which supple-

ments the resources provided for needed legal services by the Federal Government.

In many ways, these added resources have helped further the cause of equal justice for all. This has been especially so in the case of aliens who are not eligible for legal aid paid for with Federal funds.

Recently, in Lake County, in Mr. McCOLLUM's district, a couple asked for help from legal services. Although they were not U.S. citizens, their daughter was. The daughter was severely retarded. She had been raped and was pregnant. She bore the child, a baby boy, but was unable to care for him. With non-Federal funds, legal services lawyers filed a guardianship motion on behalf of the grandparents, kept the family together, and kept the daughter and the child from becoming wards of the State. This could not have been done under the McCollum amendment.

Recently, too, in nearby Osceola County, in my district, a pregnant illegal alien asked for help from Legal Services. She needed prenatal health care. With non-Federal funds, legal services lawyers found a place for her in a local clinic and she had a healthy baby, an American citizen. This could not have been done under the McCollum amendment.

And recently as well, in Osceola County, another woman who was not a citizen asked for help from Legal Services. She and her children needed protection from a violent and abusive husband, with non-Federal funds, legal services lawyers secured a temporary restraining order. This could not have been done under the McCollum amendment.

I believe that we have every right to determine how Legal Service lawyers in Florida and elsewhere use Federal funds. I do not believe that we should impose the restrictions of the McCollum amendment on the use of non-Federal funds. And I do not believe that the cause of equal justice under the law in America would be served at all by such restrictions.

Vote "no" on the McCollum amendment.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to simply say that as much as I respect the gentleman from Florida, the point I was making to the gentleman from Texas [Mr. WASHINGTON] is en point to what was just said, and I hope the gentleman from Florida [Mr. BACCHUS] would listen to me on this because every one of the case examples he gave, as I understand his giving them to me, would be eligible under the McCollum amendment.

If one has an ineligible client, Mr. BACCHUS, they could still under the McCollum amendment be able to use non-Federal funds and be able to do the things described, like in the divorce case. I do not prohibit the use of non-Federal moneys.

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

Mr. McCOLLUM. I am glad to yield to the gentleman from Florida.

Mr. BACCHUS. I would say to the gentleman that I have consulted with our staff on that very issue and asked them that question, and they have told me that despite the assurances of the gentleman from Florida [Mr. McCOLLUM] to the contrary, his amendment would prohibit such activities.

Mr. McCOLLUM. I am sorry the gentleman feels that way, or his staff does. They obviously have not read this properly. We have been very careful in how we have crafted it. I would be glad to sit down with him or his counsel and go over the details. We have made sure that every person who is not eligible, particularly illegal aliens, will continue to be able to be represented by Legal Services lawyers with non-Federal funds. It is just a question of their not being able to do abortion cases or doing lobbying cases or doing those kinds of things and activities that we have said are not permissible. I think that is exceedingly important. We have not delved into the other activities in representing noneligible clients. So every example the gentleman gave, unfortunately, is inapplicable to my case.

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

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I rise in support of H.R. 2039 and in opposition to the McCollum amendment, and any other amendment that attempts to restrict how local and State governments use their own non-Federal funds to provide legal services for the poor.

This amendment would be a radical departure from both H.R. 2039 and the current law, which impose no restrictions on public funds so long as they are used for the purposes for which they are provided. Neither we in Congress nor the Legal Services Corporation should be permitted to tell other public funders how to spend their resources.

In my State of Florida, the largest source of non-LSC public funds for civil legal assistance comes from interest on lawyers' trust accounts, or IOLTA. In 1981, led by the organized bar, and I am proud to say that I was one of the original petitioners to the Supreme Court, Florida became the pioneer in developing these resources. It implemented the first program in the Nation that permitted attorneys to place trust funds into a pooled interest-bearing account. The pooled interest is remitted by the banks to the Florida Bar Foundation, which allocates funds to 44 different programs.

I believe the Fish amendment takes care of the accounting procedures and segregates these funds. Between 1981 and 1990, the Florida IOLTA program raised almost $22 million, allocating over $18 million to support legal services for the poor. During 1991, IOLTA raised an additional $19.8 million, and building on Florida's success, the District of Columbia and 48 other States now have their programs, and it has raised over $280 million.

Because LSC funds meet only a small fraction of the acknowledged legal needs of our Nation's poor, we should encourage, not curtail, their further development. I strongly urge that we defeat the McCollum amendment.

□ 1810

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment. It seems to me that at a time in our history when the funds for support of so many laudable public projects is so limited, and faced with so many problems with regard to our deficit and our national debt that we would want to do so much to help people in this country supporting programs like Legal Services. We have in so many instances reached out our hands and said to the community at large, both the State and local government and the private sector, "Come, join in the enterprises that are going to strengthen our communities and provide the basic services that people are entitled to have."

In so doing, in creating the Legal Services Corporation we have invited the bar associations, the private attorneys to create special programs like the interest-bearing trust accounts which have been committed to the services of legal programs for the poor. In doing that, we would want to invite the widest latitude of participation.

If we begin to start limiting how these programs that are to be joined together with the Legal Services Corporation, then we will cut them out, we will discourage them. This is not an attempt to circumvent the laws and the restrictions that have been put on the program by the Congress or by the Appropriations Committee. That is certainly not the intent. The intent is to make this program grow, double and triple, and to get all of the private funds and all of the bar associations and all of the State funds that can possibly be put in to service the poor.

The restrictions that are in the legislation are not intended to be standing out there as things that lawyers ought not to do. It is only that the Congress has seen fit to restrict and to confine the activities of the lawyers, and these restrictions have no bearing whatsoever on the practice of law and the entitlement of the poor to legal services in our community. And I hope that

Members will vote down this amendment.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would state as a point of clarification and advise the Members that although the amendment under discussion is that of the gentleman from Florida [Mr. MCCOLLUM], the right to close debate is reserved by the gentleman from Texas [Mr. BROOKS], as the manager of the bill.

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

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me the time and for his leadership in bringing this legislation to the floor.

Mr. Chairman, I rise in opposition to this amendment. Let us be clear what this amendment proposes to do. This amendment would extend prohibitions on the use of Legal Services Corporation [LSC] funds to cover non-Federal funds, so that LSC agencies would be prohibited from handling certain kinds of cases, funded. In other words, we would be telling these agencies which are trying to provide poor individuals with legal assistance what they can do with the money they obtain from non-Federal sources.

Mr. Chairman, Congress should not interfere in decisions by those willing to give private financial support to attorneys working for the poor on how to allocate their funds and with whom to contract.

Members who believe that the Federal Government must do more to encourage private and local funding for all types of community activity should oppose this amendment. If this amendment were to pass, public and private sources would be discouraged from making any donations to LSC agencies.

Members who argue that the Federal Government should interfere less with programs at the local level should also oppose this amendment. By dictating what can be done with their money, this amendment would constitute an unacceptable infringement on the prerogatives of public funders, such as the interest on lawyers trust accounts funds [IOLTA], which are willing to give financial support to lawyers working for the poor.

Other public funders should be free to adopt goals and purposes that are different from those adopted by Congress. Indeed, it can be argued that dictating how non-Federal monies are spent abridges the free speech of the legal services agency, by restricting what it can do and how it can advocate with those non-Federal funds.

Mr. Chairman, one type of case that this amendment would prevent legal services agencies from pursuing is the fee-generating case. Fee generating cases from non-Federal sources fulfill two worthy goals: Enforcement of civil rights laws, and a source of revenue used to expand services for the poor and indigent. The major civil rights statutes have fee clauses in them. They are the Federal Government's incentive to encourage private enforcement of the Civil Rights Act. To deny legal services agencies this right is to deny access to competent legal counsel for those who seek to remedy discrimination.

Mr. Chairman, why should Congress single out legal services and the poor that they serve for these severe restrictions, denying them the use of private and public funds that it has permitted other organizations receiving Federal funds to use without any restriction? If the non-Federal sources are dissatisfied with the way that money is spent, let them take that up with legal services agencies—do not make the Federal Government do their job.

Again, I urge my colleagues to vote against the McCollum amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank the chairman of the committee for yielding me this time.

Mr. Chairman, I rise in opposition to the McCollum amendment. The Federal help for poor people legal services has been diminishing since 1981. The gentleman from Florida properly points out that this is a Federal program, but it has been a reduced Federal program since 1981.

In many States, including my State of Maryland, the amount of non-LSC funds exceeds the amount of LSC funds in providing legal services to our poor people. So we are actually doing better with our private poor funding sources than with the Federal Government. This amendment, if it were adopted, would have a very chilling effect on the locals' ability to raise funds to help poor people, and we do not want to do that.

There is already protection in this bill, as amended, to protect against misuse of Federal funds. We make sure that that is included in the bill. But this amendment goes a lot further.

I am surprised to see so many Members ready to stand up about undue regulation against business, but this amendment would have undue regulation on our States, on the use of their own funds.

I urge the Members of this Committee to reject the gentleman's amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself my remaining time to close the debate on my side.

Mr. Chairman, this debate has certainly become a little confused, and I think we ought to straighten it out right here and now.

There is nothing about my amendment, absolutely nothing that would prohibit or restrict Legal Services Corporation grantees from accepting IOLTA bar funds or funds from municipalities or any other sources to do the activities that they normally would do in representing clients, and it is wonderful that Florida and other States have adopted the process to get all of these new moneys into the services of the poor.

But let me tell Members something else. If they do not vote for the McCollum amendment, a "no" vote on the McCollum amendment is a vote to allow Legal Services lawyers to engage in partisan politics, it is a vote to allow Legal Services lawyers to engage in political training, it is a vote to allow Legal Services lawyers to engage in reapportionment, redistricting activities, and it is a vote allowing Legal Services attorneys to engage in abortion cases. It is all of those things. A vote against the McCollum amendment will allow that. Members must vote "yes" on the McCollum amendment if they want to prohibit Legal Services lawyers from doing those things that we traditionally have prohibited them from doing. Otherwise they will be free to do it, and any other language in this bill is a mockery about restricting them from those activities.

So, I urge my colleagues, think about it a minute. If Members are opposed to letting Legal Services lawyers be engaged in politics, in political training, in picketing, and boycotting, in redistricting activities, and in abortion, then by all means if they are opposed to that they must vote for the McCollum amendment. Otherwise they will be in the streets doing exactly that. They have a free hand to do it, and I urge a "yes" vote for those restrictions to be enforced.

Mr. BROOKS. Mr. Chairman, I yield my remaining 1 minute and 45 seconds to the distinguished gentleman from Minnesota [Mr. RAMSTAD] to conclude the debate on our side.

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

Mr. Chairman, as a member of the Administrative Law Subcommittee, which has jurisdiction over the Legal Services Corporation, I rise to offer my opposition to the amendment.

Mr. Chairman, appropriations riders currently prohibit using Legal Services Corporation dollars to provide legal representation for indigent refugees and other aliens. However, an amendment I authored that was adopted by the Judiciary Committee, will continue the current practice of allowing private funds to be used for representation of these individuals.

This provision ensures that many needy people will be provided quality legal representation, while protecting the freedom of local United Ways, foundations, and other private funding sources to decide how funds are to be used.

These immigrant and refugee clients have presented some of the most desperate and heart-wrenching cases seen by Legal Services attorneys.

In Minnesota, for example, Southern Minnesota Regional Legal Services has received $500,000 from a consortium of eight foundations and corporations to provide civil legal services to Cambodian families who have settled in our State. Approximately one-half of these cases involve representation of Cambodian families currently living in refugee camps in Thailand who seek to reunite with Cambodians living in Minnesota.

There is strong support in the State of Minnesota for legal assistance to these refugees. This is demonstrated by the broad base of financial support from foundations, corporations, churches, private agencies such as Catholic Charities and United Ways, State and local governments, as well as the Minnesota State Bar Association.

While I recognize that fiscal realities require us to prioritize the use of Federal Legal Services dollars, we should not turn down refugees who desperately need representation when private groups are willing to provide funding to represent these individuals.

As now drafted, H.R. 2039 will ensure that many needy people who are ineligible for Legal Services Corporation funds will be provided quality legal representation through the generosity of local United Ways, foundations, and other private funding sources.

Mr. Chairman, this is a sound bill to provide responsible funding for Legal Services, while ensuring accountability on the part of local Legal Services programs.

I urge my colleagues to reject the McCollum amendment.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendments en bloc offered by the gentleman from Florida [Mr. MCCOLLUM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 257, answered "present" 1, not voting 20, as follows:

[Roll No. 106]

AYES—156

Allard
Allen
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kanjorski
Kasich
Kolbe
Kyl
LaFalce
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Porter
Pursell
Quillen
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—257

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
Bacchus
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mink
Molinari
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—20

AuCoin
Beilenson
Boxer
Broomfield
Byron
Campbell (CA)
Kennedy
Kolter
Levine (CA)
McCurdy
McDade
Mineta
Moakley
Murtha
Ortiz
Valentine
Waters
Weber
Whitten
Yatron

□ 1842

The Clerk announced the following pair:

On this vote.

Mrs. Byron for, with Mr. AuCoin against.

Messrs. GALLO, DE LA GARZA, and WILSON changed their vote from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BROOKS. Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LEWIS of Georgia) having assumed the chair, Mr. MFUME, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 429

Mr. GUARINI. Mr. Speaker, I ask unanimous consent that the name of the gentleman from North Carolina [Mr. MCMILLAN] be taken off as a cosponsor of House Joint Resolution 429.

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

There was no objection.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION. 287, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1993

Mr. PANETTA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. GRADISON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House Concurrent Resolution 287, the current budget resolution for fiscal year 1993, be instructed to include in the conference report the provision in section 14 of the Senate amendment (relating to the adoption of a joint resolution to amend the U.S. Constitution to require a balanced budget).

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GRADISON] will be recognized for 30 minutes, and the gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. GRADISON].

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

Mr. Speaker, my motion instructs the House conferees to agree to language contained in the Senate budget resolution recommending adoption of an amendment to the Constitution regarding a balanced budget and requiring the President to submit balanced budgets.

My motion does not embrace any particular resolution or proposal. Several competing plans have garnered substantial support in both Houses. The motion to instruct simply offers an opportunity—the first opportunity in the 102d Congress—for Members to vote on the general proposition of a balanced budget amendment to the Constitution.

This is a propitious time to consider a balanced budget amendment. A conference agreement on the fiscal year 1993 budget will soon be brought back for a final vote. It will recommend total Government spending that exceeds recommended total revenues by about $330 billion, give or take a couple of billion. As a result, by the end of fiscal year 1993, the public debt will stand at a staggering $4½ trillion. Just paying the interest on this debt will consume one out of every six dollars spent by the Federal Government.

This simply must not be allowed to continue. Any mainstream economist will tell you that deficit spending drives up interest rates, saps private investment, and creates balance of trade problems. Over the long term, chronic budget deficits retard the growth in productivity essential to improve living standards. Ultimately, deficits foist the obligation of paying for our current consumption onto the shoulders of future generations.

A balanced budget amendment would fundamentally change the calculus by which Congress makes spending decisions. It would counter the natural tendency to vote for spending increases in individual programs benefiting parochial interests that, taken together, undermine the general economic welfare.

I do not lightly support amending the Constitution. I share James Madison's aversion to trivial amendments to the Constitution. But the dangers inherent in amending the Constitution must be weighed against those of large and continuing deficits. The dangers of deficit spending are truly Madisonian in proportion; continual large deficits undermine the very social contract the Constitution sought to preserve.

This motion to instruct will serve as a test vote on the generic notion of whether the House will support a balanced budget amendment. I urge my colleagues to vote "yes."

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield for a question?

Mr. GRADISON. Mr. Speaker, I am happy to yield to the gentleman from Texas, the distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Speaker, I would like to have a little bit more elaboration on the Senate language. Is that a sense-of-the-Congress?

Mr. GRADISON. Mr. Speaker, it is a sense-of-the-Senate. The essence of the language—let me read it, just one sentence.

I quote from section 14 of the Senate budget resolution:

It is the sense of the Senate that the Senate should adopt a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and requiring the President of the United States to annually submit a balanced budget and that the adoption of such joint resolutions should occur on or before June 5, 1992.

Mr. GONZALEZ. I thank the gentleman.

Mr. GRADISON. I thank the gentleman for his inquiry.

□ 1850

Mr. PANETTA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this instruction deals with language that the Senate inserted in the budget resolution. It is sense-of-the-Senate language, and the Senate should adopt a joint resolution proposing an amendment to the Constitution, and the adoption of such joint resolution should occur on or before June 5, 1992. Frankly, I anticipated that it would be the position of the House conferees to yield to the Senate so that they could decide what language they wanted to include with regards to this sense-of-the-Senate language. We normally, with deference to the other body, allow them to insert whatever sense-of-the-Senate language they wish to insert.

So, Mr. Speaker, it is not my intention to oppose this motion to instruct. Let me just say though, on behalf of the House, that we are, in fact, engaged in hearings now in the Committee on the Budget, looking at the issue of a potential balanced budget. We have had hearings that involve economists. We have had representatives from OMB. We had Director Darman from OMB today. We have had CBO. We will have academics, we will have Members, we will have Governors, and we will have legal experts. This is an issue that needs to be carefully considered. This is a serious step, and we need to evaluate its implications for the Constitution, as well as for this body.

It is very likely that, with regards to the House, we will also face a similar vote with regards to a constitutional amendment early this summer, but this specific language, just so everyone understands, applies to a sense-of-the-Senate language.

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

Mr. GRADISON. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. LEWIS of Georgia). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. GRADISON].

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 322, nays 66, answered "present" 1, not voting 45, as follows:

[Roll No. 107]

YEAS—322

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bennett
Bentley
Bereuter
Bilbray
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fawell
Fazio
Feighan
Fields
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison
Murphy
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—66

Abercrombie
Alexander
Andrews (ME)
Berman
Blackwell
Bonior
Brooks
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Dixon
Downey
Edwards (CA)
Evans
Fascell
Foglietta
Ford (MI)
Frank (MA)
Gonzalez
Green
Hayes (IL)
Hertel
Hughes
Jefferson
Kanjorski
Matsui
McHugh
Miller (CA)
Mineta
Mink
Mrazek
Nagle
Oberstar
Owens (NY)
Payne (NJ)
Pease
Pelosi
Perkins
Rahall
Rangel
Roybal
Russo
Sabo
Sanders
Savage
Scheuer
Schumer
Serrano
Smith (FL)
Smith (IA)
Solarz
Stark
Stokes
Towns
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Wolpe

ANSWERED "PRESENT"—1

Cardin

NOT VOTING—45

Ackerman
Annunzio
AuCoin
Bateman
Beilenson
Bevill
Bilirakis
Boxer
Broomfield
Brown
Byron
Campbell (CA)
Coughlin
Darden
Davis
Dymally
Fish
Flake
Gekas
Hayes (LA)
Horton
Jenkins
Kennedy
Kolter
Lehman (FL)
Lent
Levine (CA)
Lewis (FL)
Mavroules
McCurdy
McDade
Michel
Moakley
Moran
Murtha
Olin
Roe
Tallon
Valentine
Waters
Weber
Weldon
Whitten
Yates
Yatron

□ 1916

Messrs. SERRANO, FOGLIETTA, NAGLE, OWENS of New York, SOLARZ, SCHUMER, and CONYERS changed their vote from "yea" to "nay."

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER (Mr. LEWIS of Georgia). Without objection, the Chair appoints the following conferees: Messrs. PANETTA, GEPHARDT, OBERSTAR, GUARINI, DURBIN, ESPY, KILDEE, BEILENSON, HUCKABY, SABO, GRADISON, MCMILLAN of North Carolina, THOMAS of California, ROGERS, HOUGHTON, and MCCRERY.

There was no objection.

PERSONAL EXPLANATION

Mr. MAVROULES. Mr. Speaker, unfortunately, I was misinformed as to when the House would be taking rollcall No. 107. Had I been present for that vote, I would have cast my vote in the affirmative.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business on May 6. Had I been present for the votes I missed I would have voted as follows:

Rollcall vote 96: "Yes."
Rollcall vote 97: "Yes."
Rollcall vote 98: "Yes."
Rollcall vote 99: "Yes."
Rollcall vote 100: "Yes."
Rollcall vote 101: "No."
Rollcall vote 102: "No."
Rollcall vote 103: "Yes."
Rollcall vote 104: "No."
Rollcall vote 105: "Yes."
Rollcall vote 106: "No."
Rollcall vote 107: "No."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102-514) on the resolution (H. Res. 447) providing for the consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING FOR FISCAL YEAR 1991 AND INVENTORY OF FEDERAL FUNDS DISTRIBUTED TO PUBLIC TELECOMMUNICATIONS ENTITIES BY FEDERAL DEPARTMENTS AND AGENCIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1991 and the Inventory of the Federal Funds Distributed to Public Telecommunications Entities by Federal Departments and Agencies: Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

WAIVER OF APPLICATION OF SUBSECTIONS (a) AND (b) OF SECTION 402 OF TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-327)

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 Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan required by section 402(c)(2)(B) of the Act. This message constitutes the reports to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine, and Uzbekistan.

GEORGE BUSH.

THE WHITE HOUSE, *May 6, 1992.*

MR. PRESIDENT, HELP US HEAL

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

Mr. NAGLE. Mr. Speaker, at this time of national anguish, America needs its President to help us heal, to help us get over the pain, and begin to rebuild a community of opportunity, hope, and peace.

But President Bush seems incapable of rising above politics, even now. Reflexively, after 12 years of neglect from the White House, he points the finger at Congress.

The President must be listening to the wrong advisers again. He should listen to the Chairman of the Joint Chiefs, Colin Powell, who spoke movingly of the unrest during Fisk University's commencement Monday.

General Powell spoke about his pain, but he also spoke about his hope, and about community.

He said:

We have an American problem. It can only be solved by all Americans working together.

He articulated the truth clearly:

Divided, fighting amongst ourselves, walking separate lines of diversity, we are as weak as newborn babies.

And he called forth the best in us:

We must work it out. We must believe we can work it out. If I didn't believe to the depths of my heart that we could work it out, I wouldn't be able to call myself an American.

Mr. President, stop listening to the attack men. Listen to the wisdom of General Powell. Help us heal.

I am inserting Mr. Powell's remarks in the RECORD. I commend them to your attention.

REMARKS OF GEN. COLIN POWELL

Thank you, Mr. President, for that most kind introduction. It's a great pleasure to be with you all on this beautiful May morning.

Mr. President, Trustees of Fisk University, distinguished guests, platform guests, alumni, faculty, parents, family and, yes, graduates of the Class of 1992—it is a great day for you, isn't it! (applause)

Now, as you heard my biography being read, you know why I'm here today: I'm Alma Vivian's husband. (laughter)

I graduated after she did. I graduated from City College of New York in 1958. Before you start wondering about this, I'm older, she's smarter. (laughter)

The first issue I want to deal with this morning has to do with what's in the minds of the graduating seniors—the question that's in the mind of graduating seniors around this country at commencement time. And that is—How long is this guy going to talk? (laughter)

How long are we stuck here before we can get this on and be graduated and be on our way.

They want it short. Get it done. Let's go.

The parents however have a different view. That's right. They travelled a long way. (laughter) They waited for four years. They want their money's worth! (laughter). As far as they are concerned, I ought to be here an hour or two! (laughter)

Faculty members have a different idea. One of the faculty members surely was responsible for thinking up the idea of asking General Powell to come here. And he wants me to speak long enough so it looks like sensible decision, but not so long that he has to leave town before the next faculty meeting. (laughter)

Meanwhile, I'm stuck with the paradox of how long to speak. And it's going to be a function of how well you receive my remarks, students. So, if you are nice and receptive and if I hear a lot of applause, we'll be out of here quickly. (laughter and applause)

Coming here on the airplane, my staff showed me a little clipping out of the weekend newspaper. There was a picture of me next to this clipping.

The little article—it was in USA Today Magazine—and it said, "General Powell we know you're speaking at Fisk University. Don't worry about what you say because no one is going to remember what you say anyway."

I couldn't believe this!

So I asked Alma, "What did your commencement speaker say 35 years ago?" And she said, "Say what?" (laughter)

I said Alma, "Who was your commencement speaker 35 years ago?" (laughter) And she didn't have a clue.

Now, you are not going to embarrass me 35 years from now when I come back. So my name again is General Powell—P. O. W. E. L. L. (laughter and applause)

Alma may not have remembered who her commencement speaker was, but she certainly remembered other things about Fisk:

She told me how, as a 16 year-old when she arrived here she had never seen Fisk, so of course she was worried when she arrived on campus. But her worry and her concern disappeared at once because she fell in love with Fisk the moment she saw it. And the marvelous teachers and the superb education that they delivered increased her affection over the years.

And she told me about the way it was 35 years ago, about the dresses and the high heels the ladies wore to class, and about the handbook for the ladies which Fisk issued and which laid down the dress code.

She told me about the Oval and how it was the center of campus life, and about Jubilee Hall and about the Jubilee Singers touring all over the world.

She told me about the soldiers from Fort Campbell (laughter) and the medical students from Meharry—she said she had never seen so many good-looking men in one place at one time. (Laughter)

And finally, in her recollection of her college days, Alma Vivian let me know that she was utterly charmed by Fisk, and that the passage of 35 years had not dimmed the warm glow of love she feels for this wonderful place. I know your memories 35 years from now will be the same.

To the faculty and administration of Fisk University, my congratulations to you for having done it again, for having performed this magic one more time. The results of your work and the evidence of the talent and dedication that you brought to that work are sitting here before us. You must feel a great sense of pride along with the pride that the graduates and their families feel.

To the families—mothers, fathers, wives, husbands, children, sisters, brothers, grandparents, aunts and uncles, all assembled here today—I know what is in your hearts: love, pride—and relief! (Laughter)

Alma and I have attended two such commencements of our own and this coming Sunday we will go to our final commencement—for our daughter, Annemarie.

I'm proud to say—and very happy to say—that earlier this year I wrote the last check to a college after ten years of writing checks. Amen! (Laughter)

And of course to the graduates, my heartiest congratulations. Your accomplishments are soon to be rewarded. Your hard work, commitment, and perseverance have paid off. You can take enormous pride in your achievement. I know this will be a redletter day in your memories, a very, very special day for the rest of your lives.

This is a very special day for me also.

It's special because I get to look out over some of the most talented young people in America getting ready to march off and tackle the toughest problems this world can throw at them.

I have to marvel as I think back over the last 35 years at what an incredible world you are entering compared to the world Alma and I faced.

We graduated as the Cold War was heating up. Its lethal arsenals of nuclear weapons were growing ever more ominous. The world at that time seemed full of gloom and despair.

You graduate as that Cold War has ended and as finally we step back from nuclear Armageddon and cut those nuclear arsenals. You enter a bright, hopeful world full of promise and excitement.

We graduated as the shadow of Communism darkened whole sections of the globe.

You graduate as Communism lies dying. Its few remaining disciples are international basket cases.

We graduated as the chains enslaving Eastern and Central Europe were drawing ever tighter. They had even built a terrible wall in Germany.

You graduate as the power of the people has swept away the chains, torn down the wall, unified Germany, and put the dictators in Moscow out of business.

You graduate as democracy and the rule of law are sweeping more and more of the world into their embrace.

We graduated as Nelson Mandela stood trial for treason in South Africa. In 1964, he would be put in jail for what they thought was life.

You graduate with Nelson Mandela a free man! (applause) And he and President de Klerk and other enlightened leaders are working together to destroy apartheid once and for all.

I graduated to join an Army that was very large and getting ready to grow even larger. It was a Cold War Army.

You graduate as we are taking America's Army and Armed Forces to the lowest level in fifty years. This will be a post-Cold War force. We will spend less money on defense. We are going to pay a peace dividend to benefit other parts of our society.

Yes, the contrasts between the world you enter today and the world Alma and I entered many years ago, are stark indeed.

But perhaps nowhere is the contrast more stark than in the lives of African-Americans, then and now.

Alma and I graduated as the Civil Rights movement was beginning to gather steam under the forceful leadership of Dr. Martin Luther King, Jr. and others. African-Americans, lviing separate and unequal lives, were setting out to change the American scene.

You graduate as their efforts have resulted in a thousand successes—in legal rights, in housing rights, in education, in government and, yes, in my beloved Armed Forces.

The young black Captain just back from Vietnam 30 years ago who couldn't get a hamburger at a Georgia restaurant unless he went to the back window has become Chairman of the Joint Chiefs of Staff of America's Armed Forces. (Applause.)

Alma and I, and so many others here, lived through this struggle in which African-Americans finally began to win their full legal rights as citizens of America. We watched it happen. We were young adults like you when all of this change began.

And how did this change in the lives of black Americans, African-Americans come about?

It came about through the sweat and tears and sacrifice of thousands of African-Americans. It came about on the strong backs of black men and women who struggled mightily for our future.

As a member of America's Armed Forces, I climbed on those strong backs. I climbed on the backs of the Tuskegee Airmen, the Buffalo Soldiers, and other black military units, and on the backs of strong men, famous men like Benjamin O. Davis, Jr. and Chappie James.

Alma climbed on the strong backs she found right here on this inspired campus. And your President climbed on the strong backs he found in the fields of education, economics, and business and corporate management.

We all climbed hard. And all of us have to remember the brave people who went before and upon whose backs we climbed. All of us have to remember where we came from and what it was like then if we are to understand where we are heading and how to get there.

We also must remember that it could only have happened in America. America is the only country in the world that strives incessantly to make the dream of America the reality of America.

Last week's scenes from Los Angeles and a dozen other cities tell us vividly that we still have a long way to go before that dream becomes reality. (applause)

As I saw those pictures on my television set, my heart hurt. I know that your hearts hurt. I didn't want to believe what I was seeing.

Violence—by the police or by the mob—is not the answer. Our hearts hurt because of that violence. And our hearts hurt because as we watched the tragic events in Los Angeles unfold, we were thinking: No, not again. We can't let this happen again. It shouldn't be, we've come too far for this.

But it did happen. And we see once again what a long way we still have to go.

Because the problem goes beyond Rodney King. The problem goes beyond Los Angeles. It goes beyond the trial of those four officers.

The problem goes to the despair that still exists in the black community over the inability of black Americans to share fully in the American dream. (applause)

Too many African-Americans are still trapped in a cycle where poverty, violence, drugs, bad housing, inadequate education, lack of jobs, and loss of faith combine to create a sad human condition. A human condition that cannot be allowed to continue if this nation is to hold its rightful place in the world.

We have an American problem. It can only be solved by all Americans working together.

As Rodney King himself said so powerfully the other day:

"Please, we can get along here. * * * We've just got to. * * * We're all stuck here for a while. * * * Let's try to work it out. * * * Let's try to beat it. * * *"

Ladies and gentlemen, I say to you we must beat it. We must work it out. We must believe we can work it out. If I didn't believe to the depths of my heart that we could work it out, I wouldn't be able to call myself an American.

We've gotten through tough times like this before:

In 1963, John F. Kennedy was assassinated. In April, 1968 Martin Luther King was gunned down in Memphis and our cities were in flames. Two months later, Bobby Kennedy was murdered.

The reason we were able then to overcome such tragedies is that we have a political system that can respond, that accommodates change, that is always moving forward.

The resilience of our system, our ability to change, our respect for human rights and respect for the rule of law help us to weather any storm, to overcome any difficulty. We can bounce back.

What we must never lose is faith. Faith that in the end right will prevail. Faith in the basic goodness of America and in the basic goodness of Americans.

We must remember that America is a family. There may be differences and disputes in our family but we must not allow the family to be broken into warring factions. (Applause)

In a few moments you will become members of that family. Here's what I want you to do:

First, I want you to believe in yourself. You have to know that you are capable, that you are competent, that you are good. Your family and Fisk University have seen to that. But you have to believe it. I want you to believe that there is nothing—nothing—you cannot accomplish by hard work and commitment. Let nothing or no one ever destroy that belief you have in yourself.

Second, I want you to believe in America with all your heart, with all your mind, with all your soul and with all your body. I've travelled around this world and I've seen a hundred countries and I've got to tell you there is no better place or system on earth than that which we enjoy here in America.

America is the hope and promise of the world. We are still, as Abraham Lincoln said, "the last, best hope of earth."

Third, I want you to find strength in your diversity. Let the fact that you are black or yellow or white be a source of pride and inspiration to you. Draw strength from it. Let it be someone else's problem, but never yours. (Applause) Never hide behind it or use it as an excuse for not doing your best.

We all have to live here together—Asian-Americans, African-Americans, Hispanic-Americans, all of us.

Divided, fighting amongst ourselves, walking separate lines of diversity, we are as weak as newborn babies.

Together, intertwining our many differences and diversities into a mosaic of strength, we will prevail over the darkness of racism. I want you to love one another, I want you to respect one another, see the best in each other. Share each other's pain and joy.

I want you to fight racism. I want you to rail against it. We have to make sure that it bleeds to death in this country once and for all. (Applause)

As you move forward, I want you to remember those who are still struggling. We must all reach back, we must all reach down, we must all work together to pull our people, to pull all Americans out of the violence, out of the dank and soul-damning world of drugs, out of the turmoil of our inner cities. As we climbed on the backs of others, so must we allow our backs to be used for others to go even higher than we have. (Applause)

Finally, I want you to raise strong families. I want you to create families and raise children who are God-fearing, who are loving, who are clean, and who are determined to do even better than their parents.

As you raise your families, remember the worst kind of poverty is not economic poverty, it is the poverty of values. It is the poverty of caring. It is the poverty of love. (Applause)

The other evening, Alma and I were privileged to be with Maya Angelou. She talked about her upbringing in Stamp, Arkansas. She told us something her grandmother had said to her many years ago. Her grandmother had said, "Girl, when you cross this threshold you're going to be raised."

So raise your children. Treasure them. Love them. They are our future. We cannot let the generation in front of us go to waste.

To look out at you gives me enormous hope. You look so competent, so strong, so young, so committed, so ready to take on the future, difficult times and all.

Looking at you gives me the same feeling of pride that I get when I look at our soldiers, our sailors, our airmen and Marines and Coast Guardsmen. I know when I see them that there is nothing they can't handle, no difficulty they can't overcome, no challenge they don't relish, no mission they can't perform.

Very soon you too will be soldiers. Soldiers in the exciting struggle of life. Soldiers for education. Soldiers for business. Soldiers for

science. And, above all, soldiers for a better America.

I believe in this great land that God blessed and called America—because it is full of young men and women like you. Men and women who will keep this nation moving on down the road to glory, its beacon of freedom lighting up all the dark places of the world until there is no darkness left.

We're counting on you! We're counting on you!

Thank you so very much for letting me share this special day of your lives.

Congratulations, good luck, God bless you, and remember Fisk! (Applause)

□ 1920

F-15 SALE TO SAUDI ARABIA: GOOD FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Mr. Speaker, I rise today to address an issue that is sparking a fire of controversy in this Congress and in some parts of America. A few months ago, the Government of Saudi Arabia requested from the Bush administration the opportunity to purchase 72 United States built F-15 Eagle Fighters from the McDonnell Douglas Corp. That request has been held up by the administration because of opposition here in Congress—opposition which I feel is detrimental to our foreign policy interests, detrimental to our long-range economic interests, and detrimental to our employment interests in the United States.

Unfortunately the F-15 sale has thus far been pitting workers of America and the McDonnell Douglas Corp against the Jewish community. This is to some extent, leading to a degree of anti-Jewish sentiment among those workers who are anxious about their jobs.

As a long-time supporter of Israel I find that unfortunate. I want to assure this body that there are many in the Israeli community who agree with the sale. They feel that the only way to control the use of arms in the Middle East, is to be able to provide the arms and then control the parts necessary to operate those arms. Our European counterparts in Great Britain, France, and the Commonwealth of Independent States are more than willing to pick up were we leave off.

King Fahd of Saudi Arabia has said that "The kingdom of Saudi Arabia will develop its armed forces, whether the land forces, the air force or the navy as far as it can, and to the extent it believes it is adequate to stand up to any aggressor." Saudi Arabia could just as easily have asked for British Tornadoes, England's premiere fighter aircraft, but they ask for F-15's because they are superior.

A refusal to sell the aircraft will decrease our influence over other events in the region because aircraft supplied by other countries are not subject to the restrictions that we put on their use. In the same manner, only if we supply the planes will we be able to control the parts. Gen. H. Norman Schwarzkopf said on June 12, 1991 that "The Iranians had F-14's but they were totally ineffective in the Iran-Iraq war because the United States simply didn't supply the spare parts."

F-15's are different than older model fighters because many of the most critical components are made only in the United States. While there are many countries who could supply parts for planes like the F-4, only the United States could provide Saudi Arabia with the advanced semi-conductor technology and avionics needed to operate the radar equipment. Likewise, only the United States can provide the crucial engine technology needed to make the F-15 as maneuverable as it is.

McDonnell Douglas experts estimate that if the United States were to cut off the pipeline for parts to Saudi Arabia, their F-15's would be reduced to mere surveillance craft within 30 days. They would not be able to perform their fighter role for which they were purchased without U.S. assistance.

In the same way, many of the weapons used on the F-15's are manufactured and maintained solely by U.S. firms. The Saudis rely on contract maintenance. United States intelligence reports clearly confirm the size of the Saudi stockpile and the quality of those weapons and we can pull the plug on their use rather quickly. The impact of terminating their maintenance schedules would be clear and dramatic within 30 to 60 days.

On the domestic side, the sale of 72 F-15's would add $5 billion to the U.S. economy and keep the eagle production line up and running for at least another 5 years. In my district of Tulsa, OK we produce conformal fuel tanks, the Aft fuselage, and the AIM 120 launchers for the F-15's, products which are responsible for the employment of 750 people.

Nationwide we would lose 40,000 aerospace jobs in 2 years if we were to lose this sale to Great Britain, and let me assure the Members of this body that they are waiting. Ninety percent of all British built aerospace products go overseas and most of them to Saudi Arabia. They want nothing more than to keep that going.

Unfortunately, their interests are not always our interests. It is well known that the European philosophy toward arms sales is much different than ours here in the United States. There has been much documentation on recent European nuclear arms sales in the Middle East and the sales of high technology components to Iraq. So I urge Members of this body to be very cautious before making up their minds on this issue. I urge Members to consider the foreign policy impacts, the long-term economic impacts and employment impacts of not supporting the U.S. aerospace industry.

And, finally, I urge all who are concerned with the potential sale to recognize our only consistent friend in the Middle East—Israel. Many supporters of Israel agree that this sale offers the greatest protection of our security interest in the Middle East.

OPPOSITION TO THE ADMINISTRATION'S PROPOSED CUTS IN THE FEDERAL CRIME INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise today to oppose the administration's proposed cuts in the Federal Crime Insurance Program. Since 1981, the Reagan and Bush administrations have repeatedly called for the elimination of this program which has provided affordable criminal insurance to tens of thousands of businesses and residences across the country since its inception in 1970.

On January 30, 1992, the Federal Emergency Management Association's Administrator for the Federal Crime Insurance Program proposed to eliminate Illinois from participating in the program. Illinois is the fifth largest participant in the plan and its inner city revitalization would be severely handicapped by the program's elimination.

As recent events have clearly proven, we can never anticipate when social unrest, such as that resulting from the Rodney King verdict, or a natural disaster, such as the 1989 earthquake in San Francisco, will lead to increased violence, looting, and arson. Although these criminal actions are inexcusable, they cannot be ignored.

The path of destruction must be replaced with the pavement of construction. Many times this can only be accomplished with the assistance of the Federal Crime Insurance Program. The program has historically provided much of the bricks and mortar for reconstructing those areas hardest hit by disasters.

The program helps rebuild our streets and revitalize our economy. Without this program, businesses and residents in cities like Los Angeles would be powerless and penniless to raise their offices and homes from the ashes and rubble left behind.

The Federal Crime Insurance Program has been a success story and source of strength for over 20 years. Now, more than ever before, I urge my colleagues to prevent the administration from jeopardizing its future.

THE CONTINUING PATTERN OF ENFORCED CENSORSHIP IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania [Mr. WALKER] is recognized for 10 minutes.

Mr. WALKER. Mr. Speaker, the pattern of enforced censorship continues in the House of Representatives. Yesterday we found out that the House Committee on Rules was unwilling to allow C-SPAN to cover a hearing concerned with the rescission package before it. We discovered then, after that incident, that earlier the Committee on Energy and Commerce had not allowed C-SPAN to cover one of their hearings, and then we found out later on that the House had taken upon itself to deny the author of a book, which book is critical of the Democratic majority in this House, to have a session in a room in the Rayburn Building where he was going to talk about the particular book.

Additionally, I think I properly understand that just a few minutes ago the House Committee on Rules again voted to keep the C-SPAN cameras outside of the House Committee on Rules, and did so on a party line vote, and did so for the entire next week.

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

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, I am the ranking Republican on the Committee on Rules. I would say to the gentleman from Pennsylvania that I was outraged at what just happened upstairs, because yes, once again the Democrat majority on a party line vote has kicked C-SPAN off the air for these vital issues that might come before our committee next week.

We have 45 legislative days left before adjournment sometime in early October. That means that all of these critical issues can be coming before us next week and the week after. For example, the Resolution Trust Corporation bailout that is going to probably be in the neighborhood of $12 to $25 billion, those are things that the people want to see in that Committee on Rules.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, yesterday we had the explanation that some of these issues were too technical for people to understand. Maybe that is one that would be too technical for people to understand, as well.

Mr. SOLOMON. It is technical, but when it comes to tax dollars, the American people understand better than Members of Congress do.

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

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think that is a very important point which my friend, the gentleman from New York, has made. It seems that the point that was made is that the legislation is a highly technical matter. I think it is important for us to underscore that what we are talking about are spending and tax increases. And every single American can relate very closely to that.

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We are not talking about some national security issue in the Intelligence Committee, we are not talking about some great, detailed secretive process which occasionally has to take place in this House. We are talking about tax increases and spending increases, and I thank my friend for yielding.

Mr. WALKER. Were there any Republicans who supported throwing the C-SPAN cameras out of the Rules Committee?

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

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, we are outnumbered 9 to 4 on that committee, 4 Republicans, only 4 Republicans, and all 4 Republicans voted unanimously to open up the proceedings to the entire news media, not just the written news media, but the broadcast media as well.

Mr. WALKER. Were there any Democrats who opposed this kind of censorship?

Mr. SOLOMON. There were none. It was a unanimous party vote in the affirmative of the Democrat Party.

I could just read the votes.

Mr. DRIER of California. Mr. Speaker, will the gentleman yield just for a moment before he does that?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think that it is very important for us to recognize that while the distinguished ranking Republican has said that the ratio is 9-to-4, we should point out that the ratio in the House of Representatives is roughly 60 percent Democrat, 40 percent Republican.

Mr. WALKER. So that is a stacked committee.

Mr. DREIER of California. Yet in this committee it is a 2 to 1 plus 1 majority 9-to-4 vote against us, and this committee is the vehicle through which every piece of major legislation must go before its get to the floor.

Mr. WALKER. Just so we understand, they are now using that super majority in order to keep the American people from finding out what the shenanigans are that are going on in the House of Representatives.

Mr. DREIER of California. Exactly.

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

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding, because the gentleman is now getting to the nugget of the matter. The truth of the matter is the American people believe that when you are elected to Congress that somehow or another you ought to play a part in the direction of the legislation; that is, that you ought to be able to make an amendment, you ought to be able to be heard on the floor on a particular issue. The truth and the facts are, however, that the Rules Committee literally writes rules for consideration of the bill, and the rule will say that the House shall consider such and such legislation for 1 hour or for 2 hours, and there shall be one amendment, or there shall be no amendments, and it shall go on line 14, 6, 9, or it shall be by the gentleman from Montana, or whatever, and that denies other Members of Congress the right to say or do anything.

Now that is where the power is. And as the gentleman from California just mentioned on the makeup of the committee, the Rules Committee is the committee that decides what happens here, and it is made up of a ratio of 2 to 1 plus 1; that is, 4 Republicans to 8 plus 1 is 9 Democrats, so they write the rules the way they want them.

And the reason that we are here tonight is because the only time a Member of Congress, having been elected by a half million people to serve in this august body, the only time that that Member is permitted to speak is in what is called special orders, and that is why the Speaker of the House has ordered the C-SPAN cameras roam the Chamber during this time, because the rest of the time it is strictly controlled by the Rules Committee as to who can speak, and for how long, and what amendments can be made. This is the only time at which we can actually have a voice for all of the nearly 130 million Americans who have voted for us in the general election. So the reason that we are here is to say that we want the American people to know what is going on. We want the Rules Committee, which is the one that decides what happens here on the floor, to be open to the people, and if anyone has any respect for democracy, has any respect for the people who vote on and pay the taxes, if they have any appreciation for the fact that, as Thomas Jefferson said, a democracy has to be an enlightened electorate, in order for us to proceed and have the people know what is going on it is essential for the Rules Committee, the one that decides what happens here on the floor, to be open to the public. And that is why the time has come that the Speaker moved first of all to have the cameras roam during special orders in order to deny the Republicans the right to have their voice heard even after a session, and now they have moved for the final squashing, the final cutting off, the final blackout of what happens here in the Congress by denying cable to operate in coverage of the Rules Committee.

Mr. WALKER. What I suspect is the reason for this is that they have looked so bad the last couple of times that they have appeared on television; that is, the Democrats in the Rules Committee.

Mr. McEWEN. In the eyes of the public.

Mr. WALKER. In the eyes of the public, and the taxpayers, that they are unwilling to put themselves through that exercise anymore.

I have watched a couple of the proceedings on television. We do not get to go to the meetings, but I have watched them on television. They looked awful. They looked like people who were literally trying to shutdown democracy. When you would raise the question of open rules they would say, "No way," and so on. They looked terrible. They had to hear from the country that they looked terrible, and so I guess what is happening now is that they simply have decided to remove the cameras from the room.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to both gentlemen, you know,

from what the gentleman has viewed of the Rules Committee proceedings that have been carried on C-SPAN for the last year-and-a-half now there have been people writing in from all over the country outraged at what they are seeing up there. Just to give an example, the reason, the real reason that they shut down the Rules Committee from being shown on C-SPAN last week was because of the President's request.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

NATIONAL TOURISM WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize "National Tourism Week" and the importance of the visitor industry to our Nation's economy.

The travel and tourism industry is the Nation's third largest employer. It provides billions of dollars in travel tax dollars for local, State, and Federal public services.

Over 10 million travelers will be traveling in America today. Those travelers will be spending over $897 million on transportation, lodging, meals, and other goods and services—all before midnight tonight.

Day in, day out, tourism spurs economic growth. It preserves our Nation's history. It helps promote cultural understanding.

In my home State of Hawaii, over $10 billion in economic activity was generated by visitor-related expenditures in 1990. Hawaii's visitor industry feeds over 227,000 workers and their families.

I echo the National Travel and Tourism Awareness Council in exclaiming, "Tourism works for America!" National Tourism Week is an excellent opportunity to recognize that truth, and I ask my colleagues to join me in observing National Tourism Week.

THE CONTINUOUS PATTERN OF FORCED CENSORSHIP IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, as I was saying, the real reason that the Democrat majority wanted to kick C-SPAN out of the Rules Committee meeting is because the President of the United States has asked for a rescission of 224 so-called pork barrel projects. These are things that aggravate the American people. And under the rules of this House we have the right to vote on each one of those rescissions. Yet, under the rule after the press was kicked out we are now being prevented from voting on any one of those 224 pork barrel projects.

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

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. There was a manure study in there, was there not? Was there not a manure study in there that the President wants to knockout of the spending? And what they are doing is preventing us from having a vote on whether or not we ought to spend taxpayer money studying manure.

Mr. MCEWEN. If the gentleman will yield, $120,000 for studying the disposal of manure, along with $200,000 for a study of Vidalia onion storage.

Mr. SOLOMON. Of what?

Mr. MCEWEN. Vidalia onion storage, and $100,000 for mesquite and prickly pear research, and the list goes on.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield, we are not going to be able to have the opportunity to vote on those because of action taken in the Rules Committee, is that correct?

Mr. MCEWEN. If the gentleman would yield, that is the way the rules are written. You write the rules, and one would think you would only have rules that are written at the beginning of the year, but we write rules every day, so they have written the rule so that we cannot vote on that. And the rule was until George Washington to Richard Nixon that Presidents could impound the funds. That is, they just flatly did not spend the money. John Kennedy did not spend money for the B-52. He and Robert McNamara just said that is enough, we are not going to build any more, period, even though Congress, the Appropriations Committee had decided that, they decided that they were not going to do it. And in 1974, under Richard Nixon, over the veto they passed the Impoundment Act, and the Impoundment Act said that the President would send rescissions and identify them, and then the Congress would vote, and the President would not be able to say. But the Congress would then vote on the rescissions; hence, the fact that when Congress did not act, the deficit continued to rise, and to rise and to rise. And then the Congress runs for reelection pointing their finger and saying that the devil made me do it, and it has got to be Ronald Reagan's fault. And so what has happened here is that George Bush has sent up some rescissions which under the Impoundment Act of 1974 the Congress is supposed to vote on them. And we have within the last hour written the rule in the House of Representatives to say that on these various rescissions that are now a very watered-down position for the presidency where since the Impoundment Act of 1974 things that were denied every President up until Nixon, even though with this little weak-kneed, little lily-livered approach to trying to control spending, now they have written a rule so that we will not even be allowed to vote on those. And the same Members who voted on a party line basis to deny the right to vote on the floor, I guarantee it, mark my word, put it down in your book, they are going to run for reelection this year and they are going to say that it is George Bush's fault, and it is Ronald Reagan's fault, you know, that has caused these actions.

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

Mr. SOLOMON. I am glad to yield to the gentleman from California.

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Mr. DREIER of California. I wanted to add to that and say that tragically the Members who voted against giving us the opportunity to vote on those spending cuts also voted yesterday and today to kick the C-SPAN cameras out of the room. I would like to ask the distinguished ranking Member to read that list of those Members who voted against allowing the television cameras from being in the Committee on Rules hearing room.

Mr. SOLOMON. I think the public ought to know, in the vote that kicked them out on these pork-barrel projects, which is a very critical vote which included the line-item veto, is Mr. DERRICK of South Carolina, Mr. BEILENSON of California, Mr. FROST of Texas, Mr. BONIOR of Michigan, Mr. GORDON of Tennessee.

Mr. WALKER. Wait a minute. The majority whip voted to censor the committee?

Mr. SOLOMON. His own members as well. That is the point I wanted to make. Just let me read the other name, which is Ms. SLAUGHTER of New York, and the list is basically the same on the vote that kicked them out for next week, too.

But let me just say this: They were not only gagging. Now, the gentleman from Michigan [Mr. BONIOR], who is a Member of the Democrat leadership, was not only gagging Republicans on this side of the aisle like the gentleman from Illinois [Mr. FAWELL], who is the cochairman of the pork busters task force, but they gagged the Democrat, his cochairman, the gentleman from Minnesota [Mr. PENNY]. They gagged him, too. So they are gagging their own members, and the gentleman from Delaware [Mr. CARPER].

Mr. WALKER. And they are not letting the public see it?

Mr. SOLOMON. Right. The same thing with the gentleman from Delaware [Mr. CARPER], a very respected Democrat. They gagged him from offering his line-item rescission veto.

Mr. DREIER of California. I think that we should point to the fact that our friend, the gentleman from Ohio [Mr. MCEWEN], bent over backward and offered the amendment of the gentleman from Delaware [Mr. CARPER], trying to give him the chance to have his amendment on this rescission pack-

age considered on the floor after we went through the Republican and the bipartisan package, the Fawell-Penny amendments; even the one that was standing alone by a Member of the majority party was thrown out by the majority party in that committee.

I think we should also say, and I took down notes.

CENSORSHIP IN THE COMMITTEE ON RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, if I could proceed and just briefly state that the gentleman from Texas [Mr. FROST] is the one who raised the issue yesterday of kicking the television cameras out of the room. He really stated three basic reasons as to why this should be done, and I wrote these down yesterday. He said, "No. 1, the legislation is a highly technical matter," and as we said earlier, it seems to me that the issue of bringing about spending cuts which virtually every Member of Congress talks about in campaigns is one which is really not of a highly technical matter and should be considered here on the House floor, and the Committee on Rules should allow it, and the American people should be able to see the process by which we bring that measure to the floor. Yet our good friend, the gentleman from Texas [Mr. FROST], said that the rescission and the line-item-veto issue was a very highly technical matter.

The second thing he said was, and I quote, "Committee sessions have gone on an extraordinary length of time partly because of the presence of TV cameras."

Mr. WALKER. This is the same group that never shows up on time for their meetings? Is that not right?

Mr. DREIER of California. Well, we started our meeting almost an hour late today.

Mr. WALKER. I have been up there to testify on several occasions, and I have been left sitting in the room while they never bothered to come in.

Mr. MCEWEN. If the gentleman will yield, that is exactly the point. I was originally with a group of people, and they said, "Do not you Republicans have to take some responsibility for this? I mean, you have been Members of Congress and all." The truth of the matter is that we stand up here, and anybody who watches C-SPAN knows that we stand up here on Thursday afternoons and beg to find out not what is going to be up, and that is too much to ask for, we just want to know when we are going to go in session, and we cannot even find out when they are going to be in the next day or the day after. Anybody who watches knows that goes on.

In the Committee on Rules they have a nice lounge up there, and they will sit off there in that lounge, and we sit there in our chairs waiting for them to come back. It can be at all hours of the morning or night. We have no idea when they are going to show up.

Mr. DREIER of California. Reclaiming my time, it is a very good point that my friend raises, and I feel awkward being here doing this, as I know my friends do, because there are many people who see this by way of C-SPAN and say, "Why is it you Republicans continue to bicker with the Democrats? It is so petty that you want television cameras to cover something like the Committee on Rules hearing."

You know, the thing I point to is that this is a question of censorship, and many people try to categorize Members of Congress as one monolithic bloc, Republicans and Democrats alike. I talked to a man in Sierra Madre, CA, twice over the last month, who said, "Things would be no different under Republican control than it is under Democratic control. You all are all one solid group," and the fact of the matter is that we are at a point where we have seen this kind of hegemony imposed on the minority, and it has been a very, very difficult situation for us, and that is what has led me and others to come here.

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

Mr. DREIER of California. I am happy to yield to my friend, the gentleman from Illinois.

Mr. FAWELL. The gentleman mentioned people being concerned about the bickering that apparently goes on. The thing that bothers me so very much, and I said this last night also, we had a bipartisan approach. We came to the Committee on Rules with a program of three amendments. We had one that actually would add about $6.6 billion in cuts by simply taking the rescission measures in the President's rescission bill that were not included in the appropriation bill, and also $1.3 billion from the porkbusters measure. We got shut out there.

I thought to myself that if we had had the C-SPAN cameras, at least we would have had more of the Members of the majority party that would be there listening to us. As it was, that was not the case. We felt we were more or less talking to ourselves most of the time.

Then today, to see us completely shut out, all of the amendments which we requested which simply asked that this body consider, not necessarily to have to vote for it, but just consider $5.3 billion in the Presidential rescission bills which were not included in the Appropriation Committee's bills, and $1.3 billion in rescissions in the porkbusters, just consider it, and they blank you out, and then they give us, what, a half an hour to debate.

Mr. DREIER of California. Total debate. And I want to extend my appreciation to the gentleman from Illinois. I say that because he has tried and tried and tried to work with our Democrat colleague, the gentleman from Minnesota [Mr. PENNY] and our friend, the gentleman from Delaware [Mr. CARPER] and other Democrats, because there are thoughtful Democrats who do want to bring about spending reductions, but it is tragic that the majority has imposed this kind of constraint not only on those of us in the minority but on some Members of the majority party who have tried to bring about these spending reductions.

I know that this has got to be extraordinarily frustrating, because the gentleman from Illinois has had meeting after meeting in a bipartisan way to try and resolve this.

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

Mr. DREIER of California. I am happy to yield to the gentleman from Ohio.

Mr. MCEWEN. The whole point of this discussion can be centered to just the colloquy we have had here, and that the question is, and I was asked on the steps of the House just yesterday by a young couple, they said, "Can you not put the interest of the country first, regardless, Democrat or Republican, can you not just put the interests of the country first? Why does it have to be partisan?"

There is the case in point as to why the Congress is in the condition it is. It does not make any difference what happens in committee. It does not matter necessarily what is said here on the floor. Everything that goes on in the House is controlled by the Speaker and the Committee on Rules, and so the fact is you have got 230 Members of Congress, and there are only 170 Republicans, so you have got a whole boatload of Democrats to support this. They all go back home and say, "We support it." And they stand together.

RULES COMMITTEE STACKED IN A PARTISAN MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. So here we are, we have a Democratic-Republican bipartisan package for the good of the country, and for the good of the country, you have got to go to the Committee on Rules, and the Committee on Rules is stacked in a partisan manner 2 to 1 plus 1.

How does that happen? It happens on the first day of the session on January 3 of odd-numbered years. You come in here and you have a vote, and you choose the leadership of the House. Ladies and gentlemen, after that, then you can go do whatever you want, because you have set the rules of the game for the 2 years.

When you vote in that election for the Speaker of the House, the Speaker appoints the Committee on Rules, and they set the rules from then on day after day after day.

The Democrats say it would not be any different under the Republicans. How do we know that? At no time in the lifetime of 82 percent of all of the people living in America, never in the lifetime of 82 percent of all the people living in America have they ever voted in an election in which the Republicans controlled the House of Representatives.

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

Mr. McEWEN. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Would my friend, the gentleman from Ohio, repeat that again? I have heard that figure before, but I think it would be important for our colleagues to hear it.

Mr. McEWEN. Eighty-two percent of all the people in America have never voted in an election in which Republicans controlled the House of Representatives, elected the Speaker, or controlled the rules.

□ 1950

So you can say, well, you are all the same, and besides, you all voted for Reagan. None of that makes any difference.

The fact is that the laws are passed here. The Constitution of the United States, and I just had a nice little debate with a press person who wanted to lecture about how you had the Presidency for 12 years and so on. The Constitution of the United States says that the spending measures shall begin and taxing measures shall begin in the House of Representatives; so the President can wish only once and can write only once, and speak only once, but the Constitution says that it is controlled here.

We have for 58 of the last 62 years been under control of one political party and one political philosophy. If we want to change America, if we want to change the direction of America, we have got to change the Rules Committee. How do you change the Rules Committee? By the choice that you make on January 3 of the odd-numbered years. That is a partisan vote.

Do you wish it were not? Of course, we do. Would you like it to be different? Of course.

The fact of the matter is that it is a partisan vote, and when we chose the rules on the third day of 1981, 1983, 1985, 1987, and 1991, we decided which direction this country is going to go.

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

Mr. McEWEN. I am pleased to yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I know in my recent campaign whenever I would tell people that I do not have the right in a given debate on the floor to rise and present an amendment, they believe that basically that is a right that all Members of Congress have. I explain to them, I have to go to the Rules Committee.

They say, "Well, what is the Rules Committee?"

I explain that is controlled by the majority party and they determine whether any amendments can be presented, who can present them many times, and can completely shut you off, and this is a perfect example.

Mr. McEWEN. Not only they can, but they do consistently.

Mr. FAWELL. I think the most important issue on the debt and the deficit problem has its tentacles in the Government with all the problems we have is the basic concept of asking that this body have the opportunity of simply debating whether or not we would like to add $6 billion of additional rescissions to what the Appropriations Committee has brought before this body, and they basically say no, you have no right to a vote on it.

Mr. McEWEN. You cannot vote on it.

Mr. FAWELL. You have no opportunity. You cannot even have a motion to recommit with specific instructions that name these particular amendments.

Mr. McEWEN. Let me just follow up very quickly on that point.

The Republicans, the minority, the Republicans used to be given one vote on a bill, just one, and it was at the tail end. You could say that we would like to send it back to the committee to change this one thing. That was called a motion to recommit with instructions. It was just a little eyedropper of fairness. We could not decide who would speak. We could not set up our amendments. We could not control what came to the floor. We could not decide when it came to the floor. They controlled the committee. But just as an eyedropper of fairness, we were given at the last moment a motion to recommit with instructions, which of course they would overrun. It was just kind of like an act of fairness, a little genuflection toward democracy.

In this Congress, in this Congress that has been virtually universally denied.

A meeting was held just today up in the Rules Committee in which it was discussed, and again this afternoon just an hour ago they decided to deny us on this bill that we are talking about that inherent right throughout the history of the United States, that little token of democracy, is now being denied in the 102d Congress.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. McEWEN. I am pleased to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to refocus this for a moment, because we started this off pointing out that the C-SPAN cameras have been denied up in the Rules Committee.

I think what we are talking about is why, because what they have found out is that when the light begins to shine into the Rules Committee and the American people begin to see what really goes on in there, they find that it is pretty slimy and pretty seamy, and they are not about to allow it to happen anymore. They begin to get in touch with the Rules Committee and they begin to think that you cannot continue to operate this way and the Rules Committee says, "Oh, had we ought to respond to this?"

No, they say, shut off the TV cameras so nobody can see this anymore.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield to me?

Mr. McEWEN. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding to me, and I thank the gentleman from New York for understanding this.

The gentleman from Pennsylvania has raised a very good point. I never quite got to the third reason that was outlined earlier by our friend, the gentleman from Texas [Mr. FROST] when he was making the case for kicking the cameras out of the Rules Committee room. He said along with the fact that this is a highly technical matter, the issue of cutting spending, a highly technical matter; No. 2, committee sessions have gone on an extraordinary length of time partly because of the presence of TV cameras.

The third reason was that Members did not have "sufficient notice for the committee to adequately consider this matter."

Now, Mr. Speaker, we have regularly had the television cameras in the Rules Committee hearing this session of Congress, in the first session in this 102d Congress. We have had television cameras covering a lot of things in this House. Most of the cameras have been taking pictures of the Bank downstairs that I have seen lately. But it seems to me that for the committee to have to adequately consider this matter, that being allowing the television cameras to be in the Rules Committee room, is absolutely ludicrous as an argument for preventing the American people from having the opportunity to see what was going on there.

Mr. McEWEN. Mr. Speaker, I thank my colleague on the Rules Committee for his leadership.

I thank the gentleman from Pennsylvania [Mr. WALKER] for his participation.

I thank the gentleman from Illinois [Mr. FAWELL] for his leadership in trying to cut spending.

And I thank the gentleman from New York [Mr. OWENS] for being so kind to allow us to proceed.

FOREIGN AID

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Washington [Mr. MILLER] is recognized for 60 minutes.

Mr. MILLER of Washington. Mr. Speaker, the subject that I want to address, with the help of some of my colleagues this evening, is the subject of foreign aid.

Now, I am a Congressman who has supported foreign aid, because I believe that it is important to the United States playing a leadership role in the world, but support for foreign aid is eroding. It is eroding not just because of criticism from isolationists who do not want us to have anything to do with other countries. It is eroding more and more because thoughtful people who have supported foreign aid are becoming increasingly frustrated and concerned about the ineffectiveness of our aid programs.

It is for that reason that my colleague, the gentleman from Ohio [Mr. KASICH] is here with me, the gentleman from Texas [Mr. DELAY], the gentleman from Pennsylvania [Mr. SANTORUM], and I undertook an effort last year to look at our foreign aid programs and see what could be done to make these programs more effective and to save money, to reduce if possible the budget at the same time.

Now, I want to spend a little time looking at three major parts of our foreign aid program, looking at what is wrong with them, looking at what can be done to correct them and make them work better.

First of all, let us look at the multilateral development banks that we help with American taxpayer dollars. The most notable example is the World Bank. The objective for which the World Bank was set up is a noble one, to lift developing nations out of poverty and by so doing not only improve their economy, but the economies of the rest of the world, including our own Nation.

It was assumed the way to do this was for the developed nations to provide underdeveloped nations through the World Bank with capital, since they were too poor to provide it themselves.

But let us look at what has happened with this World Bank program. Unfortunately, in all too many cases, that capital which has been made available was wasted.

A professor from Ghana told us that the World Bank there provided funds for conference halls, show airports for new capitols, amid institutional decay, deteriorating infrastructure, and environmental degradation.

A gentleman from India writes us and talks about his town, which had an excellent network of private buses, giving efficient, good, punctual service, and then the Government took it over with a World Bank loan.

□ 2000

Now, the gentleman from India writes, "We have a nationalized transport which is continuously running at a loss and giving extremely poor service."

Well, the point here is that all too often the World Bank has not given loans to businesses in developing countries, it has not given loans that help alleviate poverty or promote free enterprise; it has given loans to nationalized government-owned businesses that are failures, that failed in Eastern Europe, failed all over the world.

Even worse, since the money that the World Bank distributes, in large part, to a large extent our money, is fungible, what these loans underwrite is all too often an arms race in many poor nations. And all too often the World Bank projects have led to the forced displacement and resettlement of tens of thousands of people.

In 1989, a representative from the Environmental Defense Fund reports that the Bank funded 21 projects in India alone, "involving the displacement of more than 400,000 people and another eight projects which will involve the displacement of another 100,000 people are in the pipeline."

So you have big-government businesses getting loans, you have large capital projects getting loans that just cause the displacement of people.

In addition, all too often these World Bank loans are extended to some of the world's biggest enemies of freedom and human rights: the People's Republic of China, which a couple of years ago was No. 2 or No. 3 on the World Bank list; Kenya, Tanzania, Uganda, all recipients of World Bank loans. And we are putting up 20 percent of the capital.

The situation concerning environmental destruction that arises from World Bank loans is equally discouraging. Those loans have provided for the destruction of rainforests, irrigation schemes which destroy farmland. An official from the Canadian Environmental Organization reported to us that there exists "a blatant attempt to buy environmental respectability by the Bank while it continues to spend its current $20 billion annual budget on environmentally destructive budgets."

To sum up, what is wrong with the billions that go from the United States through the World Bank to less-developed countries, what is wrong? Big capital projects, projects too often involving government businesses, all too often in dictatorships, environmental disasters, and very little alleviation of poverty or support for free enterprise.

We are going to talk later about what we can do to reform the World Bank program and to reduce the amount of money contributed by the United States.

Mr. Speaker, I see my colleague, the gentleman from Ohio, is here, and I yield to him.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker, maybe we should just spend a moment on this. If the gentleman from Washington would explain how the World Bank is supposed to function and, again, maybe underscore how these problems can come about. This sounds like one of those bizarre "can you believe it's" in the newspaper. What is the World Bank? What is it supposed to do? How does it get into funding these projects that the gentleman has talked about?

Mr. MILLER of Washington. I think it was supposed to help with the intelligent development of undercapitalized countries. These programs start with noble purposes.

It was thought that the developed nations would put in capital, that this capital would then be an ongoing source of funds. But, of course, what happens here——

Mr. KASICH. Who is the money supposed to be loaned to? If the powerful, wealthy countries of the world put money in the World Bank to be loaned to a Third World country, such as Nigeria, Somalia, or somebody, how is it supposed to flow and how does it in actually flow?

Mr. MILLER of Washington. Well, I think the idea of those involved originally was that people, businesses, enterprises would benefit. But unfortunately all too often that has not been the case. What I was going to mention to the gentleman from Ohio was that the World Bank was supposed to get its money back. So it was supposed to be an ongoing enterprise. Once you put in a certain amount of capital, it would keep flowing back. But, of course, when you have programs such as I have described, they are obviously not financially self-sustaining.

So, the countries that are recipients do not pay the loans back. In fact, the last time I looked, between a quarter and a third of the World Bank's current loans are going to countries not for projects but to help them pay back loans on other projects that they cannot meet.

Now, that, if you just look at it, I think, is pretty good evidence that the World Bank has not been funding cost-effective projects with our tax dollars.

Mr. KASICH. Let me ask the gentleman further, are there other criteria presently supposed to be followed in terms of whom funds are loaned to, and are those, themselves, being violated?

Mr. MILLER of Washington. I think there is a lack of criteria, there is a lack of criteria that focuses on free enterprise, alleviation of poverty.

But I will tell you it is also very hard to get information on how the World Bank works. You just cannot go in there and have an audit or a GAO inspection. There is no inspector general who looks at the World Bank's activities. The public cannot get access to

their records like they can to U.S. Government agencies'.

I mean we get frustrated in Congress, as the gentleman knows, with a lot of our own agencies; but I will tell you, in terms of control, in terms of access, we have got far more control and access with U.S. Government agencies, far more openness than there is with the World Bank. That is one of the things I think we have to change. That is one of the things we have to reform.

Mr. KASICH. Let me ask the gentleman, because people who may be watching this special order would say, "That is probably not possible, and this guy from Washington has picked out two or three examples that are blatant." But does the gentleman have any sense of what we are looking at in terms of the percentage of World Bank loans that make sense, that go to private-sector individuals or businesses, versus through these governments?

Mr. MILLER of Washington. That is a good question.

Mr. Speaker, I am not able to give you the answer, but I will tell you, in the research that we have done, it is hard to find examples of those kinds of loans, it is hard to find examples.

I was trying to find an example of a large-scale capital project, World Bank capital project that had not resulted in environmental disaster or huge displacement of people. I was looking for a successful one. They are hard to find. And this is why we have to take a look at this.

Originally, I was going to lay out what is wrong with the World Bank Program, what is wrong with the Food for Peace program, what is wrong with AID, and what we can do to change it. But maybe, since we are talking about the World Bank, let us shift from the negative to the positive: What can we do to improve this program? OK? I think we ought to insist on changing the focus of these multilateral development banks.

Originally, that focus was on serving the public sectors of the developing nations. OK? But, as developing nations privatize inefficient state-run industries—we see that happening in Eastern Europe and other countries now, Africa, Asia, as well—as that goes on, the practice of large-scale loans to finance nationalized industries does not make any sense anymore.

So, I think unless this changes, Congress can simply withhold future capital increases to the Bank. The Bank could still make new loans equal to the cash reflows it receives as the developing nations repay their outstanding loans. This concept was discussed in a 1991 Wall Street Journal article, which I will submit for the RECORD. Now, if that is too radical, we should, at a minimum, define guidelines so that individual projects could be evaluated on their merits. But based on these guidelines, we could, for example, withhold our share of funds for any program which is deemed to be environmentally destructive or where basic human rights are being violated or where free enterprise is stifled.

□ 2010

Currently the way it works, loans are approved by the World Bank despite our objections. I asked two individuals from the Treasury Department whether our opposition to particular projects actually influenced bank policies, and they stated it did not. The money continues to flow, as my colleagues know, otherwise how could we explain why the People's Republic of China is such a major recipient of World Bank loans?

So, it seems to me there have to be these clear criterion guidelines, and our just voting no or abstaining is not enough. That is not effecting reform at all.

We have to, with our capital contribution, this Congress without capital contribution, or the threat of withholding our capital contribution, or continuing our capital contribution, has to push for reforms in the World Bank, and, if we cannot get those reforms, then we should get out.

And lastly, in terms of reform, I think we should try to remove the secrecy from the World Bank. Documents associated with these development projects, the Bank's lending cycle, all of that should be made available to the public. They are available, and I think we ought to establish an independent inspector general to audit the World Bank. Let us look at the performance, not the intentions. Let us look at the results. And I think, if we do, as my colleagues know, we do take that clear luck, we are going to find out that this is an institution that is broken and it needs to be fixed, and, if we can fix it, fine. If we cannot, then let us direct our resources in a more productive, efficient manner.

Mr. KASICH. Mr. Speaker, I ask the gentleman from Washington, "Why don't we move on to the other two areas?"

I think it is helpful that in this World Bank—well, I would like to come back, and, if we could, the gentleman may summarize all three, but let us see if we can get through all three programs, the World Bank, and the second foreign aid program that the gentleman has reform for is Food for Peace.

Mr. MILLER of Washington. Yes, let us take Food for Peace.

Now this truly reflects our humanitarian tradition. As my colleagues know, since the founding of our Republic, I think our hearts have gone out to human suffering, whether it was from repression, acts of war, national disasters, droughts, famines. We take pride in helping the needy, whether at home or abroad, and I think the American people have always been generous and supported disaster relief, famine relief.

But when my colleagues look at this program, roughly half of the approximately $1½ billion every year goes for those good purposes for which this program was set up. But unfortunately approximately 50 percent does not go, as near as I can tell, to famine or disaster relief. What it does, and we have looked at cases in Jamaica, Somalia, Brazil, El Salvador, and Egypt, and what it does is dump, continually dumps, food on the local economies, and in such cases undermines agricultural production by lowering the price at which local farmers can sell their crops, making it harder, harder, for poor countries to feed themselves in the long run.

As my colleagues know, if we dump dried milk on El Salvador, and it is all right to send some if there is an emergency, but, if we keep dumping it, we are going to destroy a growing dairy industry, which is what happened. If we give wheat to people in Africa, various African nations that are starving, that is a wonderful thing. But after the emergency passes, if we keep dumping that wheat, we are going to keep the wheat farmers in those countries from prospering.

All too often this Food for Peace Program produces unintended consequences. During the 1985 Ethiopian famine, to take another example, American-donated food was used to lure hungry peasants who were then forcibly resettled. Much of the food was then allowed to rot—forcibly resettled by that dictatorship over there. In several instances the residents have neglected their own farms in order to collect the generous amounts of food, and of course in Ethiopia and in the Congo the Government sold the donated food and used the proceeds to buy weapons.

So, this program is not all bad. As my colleagues know, this program still retains some of its noble purposes. We still do give genuine disaster and famine relief, but too often that is not what happened.

Mr. KASICH. What do we do about this program? What are the kinds of things we can put in place? Take El Salvador, for example. I mean they are just really an incredibly struggling country. They have made some very bold decisions here within the period of the last 6 months, and integral to their success, without any question, is for them to bring some prosperity to that country.

Now, if we are going to work to use a plan designed to help during emergencies, and we destroy their ability to have a dairy industry that can be a functional dairy industry within El Salvador, we have hurt the dairy farmers. We have prevented them from being able to develop part of their agriculture sector which they desperately want to do.

So, we are using a Food for Peace Program which is designed to take care

of famine and natural disasters, or maybe some kind of a temporary problem that would set a country back, and we use that to undermine the ability of the local economy to grow.

How do we get back to what this program was designed to do, because the gentleman from Washington [Mr. MILLER] is right. It does do some wonderful things, and we are a generous country, but we should not dilute the original purpose of the program.

So, what do we put into place that can allow us to get this thing back to where it was?

Mr. MILLER of Washington. Well, I think this Congress has to take legislative action, just as earlier we talked about possible legislative actions conditioning our contributions to the World Bank. I think we have to take legislative action here.

I think it is very simple. As the gentleman knows, return this program to its original intent, restrict the Food for Peace Program to humanitarian relief for droughts and disasters. Stop the food dumping. I mean I think we need to send a message because, as the gentleman knows, with what is going on, and one expert said that we address the primary cause of the inability of Third World countries to feed themselves, and the primary cause of their inability to feed themselves is too often government economic repression of farmers, and many of these countries are still controlling food prices for short-term political gain. Their farmers must sell their crops to government marketing boards, which sometimes establishes prices below the cost of production.

Let us work with these countries. Let us give them technical assistance, not only on food production, but on marketing.

That would help, but, when it comes to our Food for Peace Program, let us be sure it goes for genuine emergencies.

Mr. KASICH. How about the third area of reform which the gentleman from Washington touched on earlier?

Mr. MILLER of Washington. Well, I saved the biggest area of reform for last because the key player in our foreign assistance, or foreign aid program, is AID, Agency for International Development. Now that is a U.S. agency, and I say to the gentleman, "When you look at this agency, it has 8 offices, 50 bureaus, hundreds of different units. The latest information I have is it may have as many as one supervisor for every three employees."

□ 2020

The official data says that AID spends 15 percent of its budget on administration. Now, that is probably too high and they have way too many consultants, but that is the official data.

But in fact we have had reported to us that AID may well spend 50 percent of its funds on administration. That has been told to us by former employees.

So you have got an agency which has excessive bureaucracy, a lot of administration, and, I regret to say, also suffers from corruption. In the last couple of years 45 AID employees have been indicted or arrested. This is not exactly the picture of what we would like to see as a well-governed, well-run part of the American Government.

But leaving all that aside, AID for decades has been providing assistance to developing countries. The question is, has it been effective?

Without going into all the different projects, some which have worked, some which have not worked, here is what the former Director of AID, the man who was Director just 2 or 3 years ago, in a very thoughtful report just before he died, assessed AID:

"No country receiving U.S. economic aid in the past 20 years has graduated from less developed to developed status."

That is what he identified as the problem. We have been giving aid to all these developing countries, and we could not point to one case where our aid has succeeded in elevating that country from less developed to developed status.

Why is this? Well, let us just take a few examples. Again, tremendous emphasis is on big capital projects. In fact, they are trying to have even more emphasis now.

They want to set up and formalize a new Office of Capital Projects. Big capital projects seem to please AID administrators. They seem to please the dictators and some of the leaders of the recipient countries.

But there is a great reluctance to give assistance to micro enterprises, to small businesses. Maybe in Bangladesh instead of a big dam costing millions and millions, maybe $50 loans to women would help them weave goods and sell products. That idea is shocking, but this is something that has been resisted for years and years.

Occasinally we put in amendments about microenterprises, but it is a slow process getting to do this.

Now we have Eastern Europe coming along. A Fulbright scholar recently reported what our bilateral aid through AID has done in Eastern Europe. It has basically hurt our own image.

She refers to the so-called AID Marriott Brigade. Do you know what the Marriott Brigade is? It is consultants who fill up five-star hotels as the primary recipients of the assistance, and are "unfamiliar with institutions peculiar to post-Communist economies."

This is the reputation that AID is developing with its emphasis on consultants and administrations in Eastern Europe. So there it is. There is AID.

Now, what can we do about AID? We probably should be concerned with that more than anything. I think what we can do here is again take a look at the purposes and finally let us just have a thorough, thorough reorganization. We should reorganize AID exclusively to provide grants to private organizations which work directly with local entrepreneurs, small businesses, indigenous private voluntary organizations. Operate it like the National Science Foundation.

The National Science Foundation has administrative costs of only 5 percent. We should make grants contingent on the recipient nation's progress toward encouraging free enterprise and alleviating poverty.

There are measurements and criteria you can use to see what progress is being made. In countries which are not making the progress, they should receive less assistance, and then, if necessary, no assistance.

So I think if we were to undertake some of these reforms, it would take several years to restructure AID. They could not spend anywhere near the money that we give them now. We would have a reduction. We could probably reduce their budget $1.5 billion, certainly while this restructuring was talking place and they shifted their focus.

But if we did that, then I think everyone would benefit. The recipient nations and their people would benefit. We would benefit, too. We would start getting some developing nations to graduate to developed status. They would become trading partners with us. They would help our economy. They would be less unstable, less a threat to peace, less a threat to our own security.

We would get plenty of benefits. The only people that would not get benefits from restructuring and reforming these programs are the bureaucrats, too many of the bureaucrats, who presently administer the programs.

Mr. KASICH. Mr. Speaker, let me ask the gentleman from Washington [Mr. MILLER], as a Member who serves on the Committee on Foreign Affairs, these things are ridiculous. Let us put it in simple terms. People who are watching this special order, I do not know how they can watch these things every night and not just pull all of their hair out. Maybe they do.

So we have these goofy things going on now, one at the World Bank. We do not even know who they are making loans to. We cannot even check it out. We are giving them 20 percent of the money. The loans are going to things that are counterproductive.

We have a Food for Peace Program that is supposed to give food to people in time of emergency, and what we are doing is dumping food on local economies and destroying their ability to be productive.

Then the AID program, where you have a former administrator that says

that we give money to undeveloped countries, and no country has ever developed out of the criteria by which we aided them.

Then on top of this, some of the employees are saying that 50 percent of the costs are administrative.

My question, of course, is what are you doing about it? What are we going to do about it? What are you doing about it? What is holding us up? Why can we not get this fixed? This is a ripoff.

Mr. MILLER of Washington. The gentleman from Ohio [Mr. KASICH] has asked the ultimate question. My colleague from Ohio has a way of cutting to the quick of the matter.

You know what several Republicans on the House Committee on the Budget tried to do about this. We proposed the reforms that I have talked about. It would have resulted in a $3 billion savings. But more than that, it would have resulted in a more perfect foreign aid program.

Mr. KASICH. And you got shot down.

Mr. MILLER of Washington. We got shot down.

Mr. KASICH. Why did we get shot down?

Mr. MILLER of Washington. Well, I am reluctant to say, but one of the reasons we got shot down is that we did not get support from the administration.

You know, it is amazing. Yes, I know, it is amazing when you are trying to restructure something, there are so many institutions in place and there is such an interest in seeing that the program not be touched, and there is such a fear that if you touch something, something else will unravel.

But it was a party line vote. We Republicans voted for these reforms, and the Democrats voted them down.

But the question is now, and I put the question back to the gentleman, what do we do now?

Mr. KASICH. The problem we have is, first of all, that the administration did not wait for us, although there were some in the administration who were sympathetic to what we want and it was a matter, they claim, of timing. So I think what we need to do is demand another meeting with that high administration official, and we ought to ask him what his timetable is for moving these reforms along.

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Mr. MILLER of Washington. I would like to see the President take the lead on this. I think we should urge the President to do what he can administratively. If people think that our assessment is off base, if they think our reforms are off base, I would be happy to have the President appoint a commission to look at these proposals, provided there was a clear, immediate timetable so it just does not end up as a report on somebody's shelf.

In addition, we have bills coming along in the Congress. We have got authorization and appropriation bills coming up.

Mr. KASICH. I was going to say, I think the first step is we have to move forward and try to get some of these administration officials to join us in our effort. We know their heart is there. We just have to get them marching with us.

Then the other problem is, the majority party, at least in the Committee on the Budget, objected to all of our reforms. I do not want to party-bash. We get enough of that in these special orders.

I do not think the problem is only the Democrat majority. I think we probably would find Republicans who serve on these committees of jurisdiction who would object to some of these reforms just because we are not doing it the way we did it for the last 50 years. So we have got to find the appropriate vehicles, the authorization bills and the appropriation bills to impact some change in the House.

I understand that the Foreign Affairs authorization bill has been held up. Will that provide us with an opportunity with which to try to attach some of these reforms at some point?

Mr. MILLER of Washington. Well, if it comes to the floor, it may provide such an opportunity. Right now it has not been brought to the floor. It does not show any signs it will come to the floor.

They will just continue foreign aid next fall with some continuing resolution. I think we have to look at the foreign assistance appropriation and authorization bills.

I think with regard to the World Bank, we have to look at the banking bills. Maybe with regard to Food for Peace Program, we have to look at the agriculture bills. Somehow we have to get these amendments before our colleagues, explain our case, explain what is wrong, propose our reforms and let them vote on these reforms.

Mr. KASICH. I would say to the gentleman, I think that we have really an excellent case here. I think part of the problem is that these areas, the Food for Peace Program, the AID program and the World Bank program, are something that people do not understand.

Let us face it, people all over this country are demanding that we focus more attention on this country.

Mr. MILLER of Washington. Absolutely.

Mr. KASICH. The time really is ripe for reforms that still allow us to be an international player. But at the same time that we start to squeeze the nickels that we are going to pass out to those around the world, we are going to continue to have an international role.

If we are going to stop thoughtful reforms like the gentleman is suggesting, which anybody with any common sense would approve, if we are going to stop that, how can we continue to vote to send money overseas? We are just literally throwing taxpayers' money down a rathole, if we do not get these reforms in place.

I say to the gentleman from Washington, most Members are unaware of these problems. They do not know about these programs and where their faults are, and they do not understand the reforms. It is going to take us time to educate Members, and it is going to take us time to convince Members this needs to be done.

I want to very much compliment the gentleman from Washington. I am sad that he will not be with us next year because I am not convinced that we can get this done within the next 6 months. I think it is going to take us into next year.

We have to be diligent on this. This is an area where the gentleman clearly is right, clearly has reasonable reforms.

We owe the American taxpayers improvements in these areas because it is just not fair. It is not right to continue to have programs that do not work.

I say to the gentleman from Washington, is this not just typical of what happens in this city all the time? Any time we come up with a reform effort, any time we want to do something differently than the way we have done it for the last 10 years, we have got a whole host of naysayers telling us why we cannot do something differently. It gets to be a frustrating experience up here.

Mr. MILLER of Washington. The gentleman is so right. Just going back to where I started, looking back over the last 40 or 50 years, we had a bipartisan consensus on foreign policy. There was a bipartisan consensus behind a premise.

The premise was that peace and freedom could only be achieved if the United States assumed a position of leadership in international affairs. We sought to assume this position of leadership by supporting freedom and democracy through international trade, by resisting foreign aggression, by forcefully advocating human rights and by providing economic, military and humanitarian assistance.

Those policies, as a whole, were successful. They brought to the point where the world today is further from the brink of nuclear war than at any time since World War II. But today the consensus behind those policies, particularly the foreign assistance part of that policy, is eroding, as we have been talking about.

If we are going to justify foreign assistance to the American people, we have to be able to explain clearly what it is, what it is doing, why the American taxpayer is getting a fair return on his dollar. If we can do that, then I

believe the American taxpayer will support a foreign assistance program. But if we cannot, if the American taxpayer over the next several years continues to read about AID employees being indicted or arrested, World Bank projects causing thousands of people in India to flee their homes, Food for Peace programs that destroy dairy industries in recipient nations, there is not going to be support for those programs.

I know there are people that would say not one cent for foreign aid, not one cent. Never mind that foreign assistance and promoting trade and advocating human rights and resisting aggression has helped our peace and security and economy. They would say, not one cent. We want to come home America. We do not want to be part of the world.

There was a candidate for President who used that phrase a decade or two ago.

I believe the American people want to be part of the world. They understand the interconnecting links. They understand the United States has played a key role for peace and democracy. They understand it is in our interests to do that. But they want it done effectively and efficiently.

If foreign aid is going to be part, one of our tools, we have got to really take this program and, as I said, restructure it. We need to shake it up.

I want to thank the gentleman from Ohio [Mr. KASICH] for joining me in this special order. He has made a tremendous contribution to proposing budget reforms, not only in the area of foreign assistance but many other areas of our budget. He has been an advocate of budget reform. I want to thank him for joining me, and I want to thank the Speaker for providing me this time.

This is a subject that we are going to have to continue to address over the months ahead.

Mr. KASICH. Mr. Speaker, if the gentleman will continue to yield, I want to compliment him and also say that perhaps in this Chamber, as we did this special order, we have in the chair a distinguished, outstanding, successful businessman who is now in the Congress. If he listened to this special order, and he also serves with us on the Committee on the Budget, I know we will have his vote the next time around.

I want to thank the gentleman from Washington for his efforts.

Mr. MILLER of Washington. Mr. Speaker, I include for the RECORD a copy of a Wall Street Journal article.

[From the Wall Street Journal, May 17, 1991]

PRIVATIZE THE WORLD BANK

(By Melanie Tammen)

The World Bank, designed to serve the nationalized industries and state sectors of developing nations, is being made obsolete by privatization in the Third World. The World Bank's sponsors in Washington have reacted by urging it to direct more attention to private industry in developing countries. But the World Bank has a record of decades of botched lending for private enterprise. The Bush administration should not waste its time—and taxpayers' money—trying to "privatize" merely the World Bank's lending side. It should do the job right by privatizing the bank's fund-raising side as well.

U.S. Treasury Undersecretary David Mulford told the Senate Foreign Relations committee last month that the Bush administration wants the World Bank to be directing half of its loans to the private sector by 1995, lest the bank be left without a role to play as its borrower nations increasingly privatize their state firms.

Opportunities for loans to finance state enterprise, the reasons for being of the World Bank and of other multilateral developing nation governments continue to sell state companies. Argentina has sold its telephone company. So has Mexico. So will Venezuela. Governments across the globe are also selling (or allowing private-sector creation of) airports, bridges, highways, tunnels, ports, railroads, water systems and more.

LENDING TO PRIORITY SECTORS

Since the 1970s the World Bank has lent more than $30 billion to private sector borrowers. But since the bank's charter permits it to lend only to governments, it has had to create lending intermediaries—called development finance institutions (DFIs)—run by local governments, to relend World Bank funds to private borrowers. Lending to DFIs originated in the 1950s, but it expanded immensely in the 1970s, as the World Bank sought to promote growth in "priority sectors," such as manufacturing.

During the mid-1980s, World Bank officials began documenting the sorry state of its DFIs. A 1989 World Bank report found that among a sample of DFIs world-wide, on average nearly 50% of loans are in areas. A 1985 bank report had produced similarly dismal findings; "Few DFIs have become financially viable, autonomous institutions capable of mobilizing resources from commercial markets at home and abroad," it concluded.

In the words of the bank's 1989 review of DFIs: "It is clear [that DFIs] have damaged financial systems. . . . Acquiring subsidized credit could sometimes add more to profits than producing goods. . . . The ability to borrow at cheap rates encouraged less productive investment."

DFIs "by encouraging firms to borrow from [development] banks, have impeded the development of capital markets. . . . equity finance is a more appropriate way to finance risky ventures than bank loans.

If governments establish the conditions necessary for equity finance, intervention will not be necessary."

Despite its own embarrassing analysis, the World Bank has continued to extend $2 billion in new loans to DFIs annually. In 1990, Polish state banks received $360 million from the World Bank to relend to priority private sector projects. Part of that sum funded the creation of a new development bank, which the Polish government directed to manage a public sale of shares of several state firms. When there was nearly no interest in the shares of two particular firms—no doubt because the public perceived them as worthless—the development bank bought up the shares instead. In short, that DFI took valuable investment capital made available by Western taxpayers and jettisoned it into a black hole.

The Bush administration aims to get beyond the discredited DFI model by having the World Bank lend directly to the private sector. That would require not only a renegotiation of the World Bank's charter, but a total reconfiguration of the complex dynamics that allow the World Bank to combine donor governments guarantees (on the money it borrows in international markets) with borrower government guarantees (when it lends that money in developing nations) to maintain its AAA credit rating and keep the whole exercise rolling. It would be just as easy, and a far more sensible reform, to privatize the World Bank entirely.

U.S. taxpayers support the World Bank with billions of dollars of unfunded guarantees in the same way they unwittingly backed the savings-and-loan insurance fund. Most of the money the World Bank lends it raises by issuing bonds in international capital markets. Each year the World Bank floats about $12 billion in new bond issues supported by $12 billion in new unfunded "callable capital" pledges from the U.S. and other industrial nations. Privatizing the fund-raising side of the World Bank would mean cutting it loose from U.S. taxpayers' annual cash infusions and their $30 billion in accumulated guarantees.

Is that a pie-in-the-sky scenario? Not if the World Bank would begin to distribute some of its sizable annual profit as dividends to shareholders. In recent years, the bank has recorded annual net income (profit) of around $1 billion. What has it done with that money? In nearly every year since 1964, it made a grant of $100 million to $150 million to its "soft loan" affiliate, the International Development Association. (IDA makes zero-interest loans at 35- and 40-year maturities to the most mismanaged economies, such as Ethiopia, India and China.) The World Bank gifts to IDA total more than $2.5 billion to date. In one recent year, the bank gave another $150 million as a grant to its Special Facility for Subsaharan Africa. It also frequently gives out small grants to agricultural research facilities around the globe. The rest, the lion's share, is added to the World Bank's general reserves, which now total over $9 billion.

Instead of playing Santa to itself, the bank could begin to distribute much of its net income to its shareholder-governments. Once a track record of declaring and delivering dividends is established, the bank's member governments could credibly craft a plan to privatize the World Bank by selling their shares in the private marketplace. And once the World Bank and other multilateral development banks have to answer to private stockholders instead of national governments, the politicized, unsustainable lending will end. The new shareholders will demand it.

An alternative privatization scenario—if you prefer, consider it a "Plan B" in the event that the public offering flops—was proposed by former Treasury official Paul Craig Roberts on this page in 1989. The World Bank would swap all its outstanding loans for equity in enterprises in the borrower nations, then resell those equity holdings to private investors, domestic or foreign. The funds raised from the sale of equity would be used to redeem outstanding World Bank bonds. To the extent that the World Bank cannot fully retire all its outstanding bonds with the funds raised, the rich donor countries would assume the liability by taking the residual bonds and exchanging them for their own government bonds. Thus, the scheme might involve some further expenditures on the part of the rich countries, but it would be worth it to clear away what Mr. Roberts rightly terms the "entrenched institutional debris" of the World Bank.

MORGAN GUARANTY'S NEAT EXIT

And who better to engineer and direct a debt-equity swap closeout of the World Bank than its incoming president, Preston Lewis. As chairman of J.P. Morgan and Co., Mr. Lewis presided over Morgan Guaranty's innovative 1986 Mexican debt-for-bonds swap. Mr. Lewis also presided over Morgan Guaranty's September 1989 move to set aside in loan loss reserves 100% of the value of its outstanding medium- and long-term loans to troubled debtors. With that, J.P. Morgan fully exited the unproductive game of lending to developing country governments. Could Mr. Lewis now do for U.S. taxpayers what he did for Morgan's shareholders?

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UNFINISHED BUSINESS ON THE AMERICAN AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the tragic events of Los Angeles are on the minds and hearts of most Americans. By the flames of Los Angeles we can see some of the shortcomings and unfinished business on the American agenda. Those flames expose some distortions and terrible, tragic vacuums that exist in our system.

Many of us are frustrated and feel paralyzed. We wish we could do something to help the situation. In the case of elected officials like myself, we are confronted by our constituents with questions of "Why don't you do something? Why haven't you done more? Why hasn't the system worked to prevent this kind of situation?"

In many instances those of us who are elected officials and those who work within the system are left with only one recourse. We cannot do very much. We cannot do much more than we have been trying to do for years, but we can speak. To speak, at least, is to act in this case, and I think in the case of most elected officials they should realize that speaking is part of their job. To state a position, to indicate where you stand, to indicate where you stand, to indicate where you think we ought to be going, to offer some kind of leadership and vision merely in terms of statements is important.

To speak is sometimes the only action we can take. The frustration we feel as part of a larger body which has failed to pass legislation which would have helped to remedy some of the situations that we are faced with in our inner cities, which in many instances are merely replicas and duplicates of Los Angeles, that frustration can only be relieved by being able to speak, being able to enunciate what it is we did propose.

We are confronted with the situation where the awful question is asked, "Why aren't black leaders speaking out more forcefully against the violence in Los Angeles?" I do not know what we could say that is much more forceful than an immediate statement by the Congressional Black Caucus last week deploring the violence and insisting violence was not the way to get changes. At the same time, we condemn the kind of trickery, the kind of manipulation of the judicial process that led to the verdict to acquit the policemen in the case of the beating of Rodney King.

We condemned that. We felt that the system has failed. The system had allowed itself to be corrupted. That had to be condemned at the same time we condemn violence, but certainly we condemn violence. Black leaders are against violence. Black elected officials are not the kinds of people who want violence to occur.

The very fact that we are in the system and have gone through all the travails of trying to make the system work means that we are not interested in seeking solutions that are not part of the system. We are not against the system. Black leaders want the system to work. We are very frustrated by the fact that the system does not work, but the fact that the system does not work does not mean that black leaders have not been trying to make the system work. We want the system to work.

We understand when we have outbreaks and outbursts and violent reactions like the one in Los Angeles, that we are not doing our jobs. We need to escalate our demands on the system. We need to intensify our efforts to end the stagnation of the system; the system; the Government, the executive branch, the legislative branch, the President, the Congress.

Why have we not done more about housing, an obvious need in our society, with greater and greater amounts of people being rendered homeless? Why have we not done more? It is not because we as leaders, black leaders, have not been fighting to try to get legislation passed in the Congress of the United States here to deal with the problem of housing.

Why have we not done more about unemployment and joblessness? It is not because we have not seen answers within changes in the system. We have proposed reforms in the system. We have fought hard to deal with the immediate problem of unemployment by providing more unemployment benefits for people who are immediately thrown out of work. We had to labor mightily for a long time to get the system to produce that. The obstacle in the system was the executive branch for many, many months, but finally we get some relief and were able to at least deal with the immediate problem of unemployment benefits for those who have recently been thrown out of work.

With the long-term joblessness, we have been laboring for many years to try to get a program which would deal with job training, deal with the creation of jobs by the government as the last resort, when there is high unemployment. While the rest of the Nation has enjoyed relatively low unemployment levels, most of the inner city communities, like the 12th Congressional District which I represent, which is very similar to the area in Los Angeles where the violence erupted recently, and very similar to areas like that in Chicago and Detroit and Philadelphia, Boston, all over the country in inner city communities can be found unemployment levels that are far higher than they are in the country as a whole.

Right now in the Borough of Brooklyn we have 12 percent unemployment, while New York City has a little lower level of 10 percent unemployment. These State of New York as a whole has an even lower level of 9 percent unemployment. As we know, the Nation as a whole has an even lower level of 7-percent unemployment, so the unemployment level of the Nation as a whole does not reflect that intense level of unemployment that exists within our inner cities.

Why haven't we done more? Why has the system not been more responsive to the basic duty of government to guarantee an opportunity for every individual to earn a living? We have tried. We have made proposals. The Congressional Black Caucus year after year has brought proposals in its alternative budget to the floor of this House, and we have indicated what needs to be done and how it can be done.

We want the system to work. We are not in favor of violence. We are against violence on the international level, against violence on the national level, and we are against violence at all times, if we just look at the record whenever violence has been an issue in this House.

Black leadership, the Congressional Black Caucus, was against the invasion of Granada. Black leadership, the Congressional Black Caucus, was against the invasion of Panama. Black leadership in this House, members of the Congressional Black Caucus, were overwhelmingly against the use of force in the Middle East before we had a chance to apply sanctions. We are consistently against violence.

Black leaders have fought for years to try to lower the level of preparation of nuclear war, lower the level of preparation, that same level of preparation for nuclear war that drained off the money necessary to meet these domestic needs that have caused so much distress and generated an atmosphere where one incident like the Rodney King verdict could set off a chain reaction of violence.

It is not unusual, incidentally, for a matter related to the police or the justice system to set off a chain reaction of violence. This was the pattern in the sixties. We have the benefits of the

Kerner report. The Kerner Commission report made it clear, after studying all the riots that took place in the sixties, they made it clear that in situation after situation the incident that set off the conflagration was something related to the police and the justice system.

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It is not that they are incidents that affect people more. People were hungry. People had no jobs. Living conditions were bad.

It is just that it seems that when conditions are bad, the kerosene and the gasoline are thrown all around. The dry pine needles are there. The thing that is the match that sets off the problem is always something related to the police, so this is nothing new.

The pattern that has developed, started anew here in Los Angeles, was a pattern throughout the 1960's. We are against that approach to solving problems. We are in favor of making the system work.

Black leaders in the Congressional Black Caucus here on the floor of the House have offered a vision of the future that did not involve violence, a vision of the future that did not offer violence as a means of accomplishing any of the ends that needed to be accomplished.

The black leadership on the floor of this House has offered concrete proposals for the new world order. We see the new world order as a wonderful thing that could happen. It could go in either direction. The new world order we envision would be a new world order where the benefits of our know-how, our extreme high level of civilization, the benefits of technology, the benefits of wealth, and that so much more is available than what we need in order to survive, in order to eat, to have shelter, be able to travel; there is so much more left over after you meet all of the basic needs that you can take that wealth and put it into the development of new kinds of technology which, in the final analysis, make it easier to produce those basic needs of food, clothing, shelter, medical care, transportation for people all over the world. We see a new world order where we can provide the basics, enough to eat for everybody, decent housing for everybody throughout the whole world. That kind of new world order we look forward to, and certainly we look forward to the United States of America offering leadership in that new world order.

We have a vision of that, and it is related to the Congressional Black Caucus alternative budget which was presented on the floor of this House about 2 months ago. We insisted that this time our alternative budget should be presented and given an opportunity for the fullest possible discussion on the floor of the House, so we spent 8 hours on the floor of this House discussing the alternative budget prepared by the Congressional Black Caucus which was a statement of the black leaders of this House of how the system could be made to work to meet the needs of the people of America, not just black people, not just African-Americans, not just minorities, not just poor people. Our Congressional Black Caucus dealt with the totality of what the budget of the United States should be doing for the American people.

You know, it is nothing unusual for most parts of the world to have lengthy discussions of the budget. In England, now, the BBC, the British television spend a whole day or two just discussing the budget when the budget is presented. You know, there are places in the world where they understand the importance of the budget and its impact on the life of the people. So to ask for 8 hours to discuss the budget was not a radical proposal. It was a sensible proposal.

All too little time in this House is spent in discussing the budget. So we wanted to present our vision of the new world order. We wanted time to present our statement as to how the system can be made to work for the people on the bottom, for the poorest people, for the minorities, for people without jobs. The system can be made to work.

Unfortunately, the system is violent. The system is irrational. The system is out of control. The system is destructive. The system is manipulative. The system is conspiratorial.

How irrational this system is can be illustrated by the fact that the administration made a statement recently that the cause of the riots, the cause of the violence in Los Angeles was the Great Society programs of the 1960's. I can think of no more irrational, no more ridiculous, no more absurd statement than that statement.

What were the programs of the 1960's? Head Start was a program of the 1960's. Medicaid was a program of the 1960's. The Job Corps was a program of the 1960's. Extensive building of public housing was a program of the 1960's. Numerous food stamps originated in the 1960's. Numerous programs of the 1960's of that kind are now being blamed and labeled as a cause of the riots.

Which one, Mr. Fitzwater? Which one, administration, would you tell us was the cause of the riots in Los Angeles? Was it Head Start, or was it Job Corps, or was it food stamps?

The spokesmen for the system, the leaders of the system, the people who have the most authority in the system, the people who are responsible for implementing the laws that are developed by the system, in the administration, in the executive branch of government, they make irrational statements like the Great Society programs of the 1960's caused the riot.

The system is violent. The system advocates violent solutions to problems that could be solved peaceably.

What is Panama all about now? Is Panama any better off now after we violently invaded Panama? Are there fewer drugs being run through Panama? Are fewer drugs coming from Panama into the United States since we, with our system, forced a violent solution on that problem? Did Noriega's leaving really accomplish anything of substance in terms of saving our cities and the children and families of our cities from the drugs that flow through Panama?

"The system is violent. The system went to war on a little country called Grenada, no bigger than a neighborhood in New York, less than 100,000 people. I represent 516,000 people and will soon represent 580,000 people. Grenada had less than 100,000 people.

We went to war against Grenada.

The system is violent. The system is out of control. The system allowed the savings and loans debacle. They allowed billions of dollars to flow out of banks that were regulated by the system, regulated by the Government.

Billions of dollars flowed out into the hands of crooked bankers and accountants and lawyers. The system allowed obvious kinds of stealing to take place, and the system has not punished most of those men and women who looted the banks whose deposits were guaranteed by the American people.

The system is out of control.

They could not deal with the situation where obvious thievery was taking place, and even today, that obvious thievery is not punished.

People bought pieces of land. Most American people cannot understand what we are talking about when we speak of thievery taking place through the banking system. Most of them cannot understand why punishment does not take place if there have been crimes committed. They get excited about the so-called scandal in the House bank because that is simple, somebody had some overdrafts, specific amounts of money can be pinpointed, but they cannot understand what we are talking about when we are talking about billions of dollars being stolen, looted from our savings and loan banks.

Little games, conspiracies, like the following took place: People would go in and buy a parcel of land, pay a few thousand dollars for it, get a mortgage from the bank, sell it to a friend a few months later for $1 million, get a mortgage from a bank or another bank. A piece of land that is worth only a few thousand dollars suddenly has a mortgage on it for $1 million. Then they would sell it for $10 million eventually to some other friend, passing it on from one to the other, and then they would say, "The market has collapsed," and tell the banks, "You can take the land back. You can have it." Yes, $10 million gone, and the bank can have the land. That kind of scheme was done repeatedly over and over again.

And they have not punished anybody for it, because they said there was no crime committed. It was poor judgment.

Entire shopping centers, shopping malls, were laid out, and the financing was set forth for shopping malls that the people who planned knew never were going to be built. Construction contracts were let to contractors who knew they would never have to put forth any labor. The deals were all set. The financing was put in place. The banks made the payments. Something was gerrymanderedly thrown together, looked like a building, looked like a set of buildings, but everybody knew would never come to fruition.

□ 2100

It all collapsed. The banks were left holding the mortgage and eventually the taxpayers were left holding that same mortgage.

Conspiracies, obvious conspiracies, not punished. The system allowed this. The system allowed the crooks within it to manipulate the money out of the pockets of the American taxpayers. People sitting on the boards of banks, like the one in Silverado, making loans to their business partners for projects of questionable value. When those projects went bankrupt, the bank was left holding the bag.

In Denver, the Silverado bank bought a building. The building was bought, they purchased the building after it had been evaluated at $13 million. Everybody agreed the building was worth $13 million. Nevertheless, the bank gave the purchasers a loan for $26 million, twice the amount, and the purchasers in order to get that loan had to agree to put the extra $13 million back to the bank so that when the auditors came, the bank's books would look good. That is a conspiracy, but nobody went to jail. The system allowed that.

Is it any wonder that the system would manipulate Rodney King's trial, a change of venue, a situation where nobody on the jury was Afro-American? The system would move the trial into a position that would help guarantee a distorted verdict.

Is it any wonder that dirty tricks are played in the courtroom, when dirty tricks are played in political campaigns and dirty tricks are played in the savings and loan banks and the regular banks?

Dirty tricks are played right in the basement of the White House. The system was out of control when Oliver North set up his operation in the basement of the White House. Treason was taking place right in the basement of the White House. The intent of Congress was being thwarted right in the basement of the White House. The system allowed this, its manipulative aspects, its destructiveness, its conspiratorial tendencies have been multiplied since Watergate. Watergate was just the beginning.

Now we have regular everyday conspiracies orchestrated by people within government. It is not what happens. It is not what the facts are. It is what kind of spin you put on it.

They were tempted to put a spin on the violence in Los Angeles that says that the programs of the sixties, the welfare programs, the social programs, they are the cause of the violence. That is an attempt to put a spin on it, to conspire, to turn it into a kind of Willie Horton situation for the present election. That is the way of the system at this point.

Nevertheless, black leaders attempt to work within the system. We are constantly struggling to correct the system. We are constantly struggling to eliminate the conspiracies within the system, to eliminate the irrational aspects of the system. The system is irrational when we spend more than $30 billion and go halfway across the world to fight for freedom in Kuwait, and Haiti which is a little more than 90 miles from the shores of Florida, Haiti had a democratically elected President, a President elected by 70 percent of the people, and when that President is deposed, we cannot find a clear voice to speak forcefully against the conspirators.

The people who opposed that democratically elected President are members of the military who were trained in the United States, who were funded by the United States, who for most of their military careers have been on the payroll of the United States in terms of being paid by aid supplied by this Government. That is irrational to have freedom be such an issue halfway across the world and we jeopardize and risk the lives of hundreds of thousands, that we spent billions of dollars in the cause of freedom, in the cause of promoting a new world order where democratic government is of the greatest importance; and yet in Haiti this same system will not take a few small steps to enforce an embargo to cut off trade and to force the conspirators, the bandits in Haiti, to allow the democratically elected president to come back and resume his rightful place.

This is the kind of system the black leaders are struggling against at all times. Do not ask us to speak out against violence. We are against violence. Do not ask why we do not say more about the need not to be violent. Our whole lives are examples of the need not to be violent.

We are setting examples of how to do the right thing, how to work within the system. We conduct voter registration campaigns. We work hard to get people to turn out at election time. We fight hard to stop the trickery related to the reapportionment which draws districts so that minorities are put into various kinds of difficult situations and used and manipulated. The Voting Rights Act has turned into a way to manipulate the system in favor of one party or the other, while diluting the voting strength of minorities. We fight that. We fight hard to try to get the Voting Rights Act, which was a creation of the system, to be implemented as it was supposed to be. We have begged, we have pleaded for the system to do the right thing.

As I said before, the most glaring and comprehensive example of black leadership in the House of Representatives trying to make the system work is the Black Caucus alternative budget, the recent budget which we presented on the floor of this House in an 8-hour debate. That budget made it quite clear that there are savings that could be realized as a result of the ending of the cold war. Those savings could start this year, right away.

We called for the closing of overseas bases immediately. You could save as much as $50 billion in this budget year. You could save enough to be able to begin to tackle many of the domestic problem that we face as the result of years of neglect while we built up our military to come back against the Soviet superpower.

The Soviet superpower is no more. Therefore, why do we still need overseas bases in Germany? Why do we still need overseas bases in Japan? Why are we spending billions of dollars to protect people who do not need to be protected? The system is irrational.

The Congressional Black Caucus budget said the system is irrational, and we can pinpoint exactly where it is irrational. We have members of the caucus, the gentleman for California [Mr. DELLUMS] is one, who have sat on the Committee on Armed Services for years and watched the irrationality. They can point exactly to where you can save money.

We have members who are on the Budget Committee who can point to exactly the places where money can be saved.

Oh, yes, there are people who worry about moving too fast to reduce the defense budget and dislocating workers and throwing our economy into an even greater tailspin than it is now; but I ask you, how does it impact on our economy if we close overseas bases? If you close bases in Germany, it impacts on the economy of Germany perhaps. If you close bases in Japan and in Korea, it impacts on those economies. But why does closing bases overseas have an impact on our economy?

We did not propose to immediately close bases in this country, in communities in this country. We did not propose that before you have a conversion plan in place where you can retrain workers and refit industries that you rush into closing down parts of our own economy; but we do not understand why we cannot close bases in Germany.

The Soviet Union as a result of the collapse of their economy were forced

to withdraw their troops immediately out of Eastern Europe. They withdrew large numbers of troops from Germany. They were forced by economic necessity. The superpower spending money on and on for years and years to build up more and more armaments to have a greater, a larger and larger army, the superpower spending money for space exploration and for space weapons, doing a very good job of it, highly advanced technologically, some of the best scientists in the world, and yet they collapsed. Their economy collapsed.

Are we not afraid that the same kind of irrationality in America, the same kind of irrationality no matter how wealthy we are and how stable our government is, if the system keeps moving in this irrational way, it faces the same danger with respect to the economy and even possible collapse.

If you have the impact of a savings and loan disaster and a commercial banking disaster at the same time you are continuing to spend money for the military, it is possible that you could move into a situation of dire consequence with respect to the economy, far greater than those we are faced now with the present recession.

The Black Caucus alternative budget calls for immediate action to deal with some of these problems.

□ 2110

The trillion-dollar peace dividend that we identified is money that would be saved starting this year and moving to the year 2000. Between now and the year 2000 we showed how you can save a trillion dollars. The administration has insisted there is no peace dividend. The President made a statement that the only peace dividend we can ever hope for is more peace. That is cute, but it is not true. The peace dividend can be more dollars.

As a result of the collapse of the Soviet Union, we have no continued competition with the superpowers with nuclear weapons, we can realize a real peace dividend, a real savings of a trillion dollars.

The Congressional Black Caucus budget is an indication of how black leaders working within the system confront the system. It took a lot of homework, it took a lot of extra time to deal with structuring a document that could not be thrown aside lightly. But the system in its irrationality, the system in its callousness did throw aside our presentation of the Congressional Black Caucus alternative budget. It threw it aside in a quite callous manner.

In league with the media, television, radio, the press, the system totally wiped out the presentation. It is almost as if it did not happen. No newspapers of any consequence reported it, no television stations reported it. The presentation of the Congressional Black Caucus alternative budget was a non-event. It was like a nonhappening.

Is it any wonder that young African-Americans in all of the communities represented by members of the Congressional Black Caucus confront them with the statement, "You have not done anything to deal with the situation. You have not done anything to help us in our plight." What they mean is that, "We have not read about anything you have done, we have not seen anything you have done on television." It is all a nonevent for them.

But the truth of the matter is we have been working to make the system work. We do not countenance violence, but we do insist that the system can be made to produce for our people, although we have very little to show for it.

Just last week we called for the system to be responsive to the needs of the America people at this moment instead of contemplating $6 billion in cuts for domestic program as we move toward the finalization of the budget, the reconciliation of the budget.

The appropriation committees are faced with this task of having to scale back $6 billion that may be cut from existing programs. Instead of facing this kind of phenomenon, we joined with others, not just the members of the Congressional Black Caucus but there are many others who saw the logic of scaling back the size of the space program in order to save money.

You know, we tried first to save it through the military cutbacks. Savings in defense would be applied to domestic programs, if you bring down the walls. You would have to change the budget agreement in order to do that. So, we failed.

We tried that, we had a vote on the floor, and the system, the majority of the Members of Congress and the administration said, "No, under no circumstances will we take the money saved from military cutbacks to finance domestic programs." We lost that battle. But we struggled, and we lost.

The space program is in the same area as the other domestic programs. Why must we move so rapidly to build a space station and to do other things in outer space? Have we not learned anything from the collapse of the Soviet Union? They were the leader in space, the leader in space research, the leader in space technology; they have had astronauts up there for more than a year. There are people living in space. One man was there so long until the government of his country changed, not just the government changed but the entire country was wiped out while he was out there in space.

They have achieved miracles in outer space, the Soviet Union. Did that help the Soviet Union's economy? Did it keep the economy from collapsing? Did it save the Soviet Union from disintegration?

What did space have to do for those numerous members of the Soviet Union constituency, the Citizens of the Soviet Union standing in long lines to buy food that did not exist? The misery that the Soviets, the former Soviet Union citizens now face is not in any way helped by the space program. And yet we insist on plowing ahead.

We are going to cut back on domestic programs, we are going to cut back on heating programs, we are going to cut back on programs for the elderly, we are going to cut back on education programs, in order to go ahead at the same rapid pace into space, building a space station. Is that rational? Are the representatives of the system who voted down a proposed cut in the space program rational? Are those people who care about the right priorities?

Mr. Speaker, we have struggled, along with our colleagues, the black leaders have struggled to make the system work by dealing with specific kinds of situations, specific kinds of actions, like the cutting of the space programs, not to eliminate it but just to slow it down.

Let us go into outer space at a slower rate. Let us wait a little while and save money. Probably much of that we are trying for and doing research on, what we are developing in space, we can buy from the Soviet Union anyhow. They already have many of the kinds of technological gadgets, technological instruments that we want to develop in outer space. They have done many of the experiments.

Mr. Speaker, a union of the space effort of the former Soviet Union and the Untied States would be a great idea for all mankind. It would save money for the American taxpayers, it would save money that could be put into buying food and clothing and shelter for the people of the world. That makes sense. That shows vision.

But, no we cannot get the irrational system to respond to such a rational request.

We have begged, we have pleaded for the system to do the right thing. We do not countenance violence. We think the savings that could come from spending less for outer space, the savings that could come from spending less on defense can be used to jump-start the economy.

Why should people feel insecure? In wealthy America, why should be feel insecure about the future? Why should there be some people out of jobs, just a year ago, and in my district people have been out of work for 5, 6, 7 years. That is a major problem that we never addressed. Now we have new people entering the ranks of the unemployed. Why should this happen when we do not have a cold war?

We could cut back. Every dollar cut back by saving on defense can be spent

on the domestic economy to yield more jobs. Several studies have showed that you could purchase more jobs when you spend money to build roads or when you spend money to build bridges or when you spend money to buy equipment for laboratories in schools or books for schools or when you spend money for hospitals.

The dollars you spend will create a greater chain reaction in the economy than dollars that are spent for defense. This is not a theory that I offer out of thin air. Most economists agree on it.

Studies have shown that that is the case. So why do we not use the savings from defense to jump-start the economy? We do not know what the future is really going to be like. We have a whole new world order coming in terms of the economy. We ought to get ready for the long haul and the competition with other nations.

But in the meantime we do know if you spend money on public sector activities, like the building of bridges, the building of roads, the building of schools, et cetera, it will help us through the next 4 or 5 years and create an economy which would mean that people do not have to worry about job security.

We proposed that kind of jump-start in the Congressional Black Caucus alternative budget. The system heard us, but would not listen.

Education is everybody's priority. The President wants to be the education President. The Democratic Party leadership says that we Democrats have always been leaders in education. We are so far out ahead as leaders until we do not bother to offer any concrete proposals anymore. We just declare that the Democratic Party is a leader in the area of education. The Republican President, the administration, offers America 2000. Education is everybody's priority. But we proposed in the Congressional Black Caucus alternative budget to spend some money to show education is everybody's priority. We challenged the fact that the budget of the Federal Government expended for education has been going down for the last 10 years. When Jimmy Carter left as President, 8 percent of the total education expenditure for the Nation was Federal money, 8 percent of the amount of money being spent for education came from Federal money. Now it is 6 percent. We are down in all the years and talk about a nation at risk, America 2000, and the education President. As the rhetoric goes up, the amount of money available goes down.

□ 2120

Mr. Speaker, we had concrete proposals to present. We think you need to spend more money on research and development in education. We think you need to spend more money to deal with the budget cuts that are faced by most of the school districts across America. There are devastating budget cuts taking place. Some systems do not know how they are going to get through the school year. If we stop building Seawolf submarines, if we stop building nuclear aircraft carriers, one or two Seawolf submarines could end all the budget cuts throughout all the school systems in America for one year. A Seawolf submarine costs $2 billion; two Seawolf submarines, $4 billion. We do not need $4 billion to plug up the budget gaps for all of the school systems, all of the school districts, throughout America. They could be spending at the same level that they were spending last year if they got $4 billion from the Seawolf submarine saving.

Think about it; $3.5 billion we spend to build a nuclear aircraft carrier. One nuclear aircraft carrier could wipe out a lot of budget cuts in schools, in hospitals.

We want the system to work. Black leaders have insisted every time a vote came up on the S&L's, we have given over $150 billion to the S&L's. The most conservative estimates now are that before the bailout of the saving and loan associations is completed, it will cost the American taxpayers $500 billion. That is at least $5,000 out of the pockets of every family in taxes; $5,000 in taxes will come out of the pockets of every family to pay for this scandal of all scandals, the scandal that is unparalleled anywhere throughout American history, probably throughout human history. Never have so many people stolen so much money and gotten away without being prosecuted or punished as in the case of the savings and loans. So, $500 billion it is going to cost us eventually.

Mr. Speaker, we have been insisting that the system punish the perpetrators, that the system collect more money from the perpetrators. The gentleman from Illinois [Mr. ANNUNZIO] who is on the Committee on Banking, Finance and Urban Affairs, has released a report which shows that, even when they had prosecutions and even when the judges have ordered the members of a savings and loan association board, or the staff, or whoever was found guilty of fraud or conspiracy, and part of their sentence was to pay back the money, even when it has been ordered by a court, only a tiny fraction has been collected by the U.S. Justice Department.

This is the same Justice Department which acts irrationally about the House bank, and it wants to give the American people the impression that a major threat exists in the House of Representatives bank, the former bank, the Sergeant at Arms payroll office. This is the Justice Department which refuses to prosecute vigorously most of the savings and loans thieves, and, when they do get prosecutions and do get sentences involving restitution and repayment of fines, they collect only a tiny percentage of the money that the courts have ruled must be returned—this Justice Department.

So, we have, as black leaders, as members of the Congressional Black Caucus, pushed hard to get the system to do the right thing and punish the looters of the S&Ls, the looters who staged a quiet riot for several years and ran off with the Treasury. Those looters have not been punished, and we insist that the system work, that justice be done, and that they be punished and that the money, as much as possible, be returned to the American people. We have insisted that the system work and do justice.

We have insisted that the system work by promoting national health insurance. The gentleman from California [Mr. DELLUMS] has for years introduced a national health insurance bill, legislation calling for the creation of national health insurance. It is nothing new. It has been on the books for quite a while.

Now we have several proposals before us. When polls are taken among the American people, they show that national health insurance ranks very high as a priority. At least two-thirds of the American people want national health insurance because those who have insurance now feel much of it is inadequate. Forty million people are totally uncovered. We are the only industrialized nation, other than South Africa, that does not have national health insurance.

We have tried to make the system work by calling for immediate enactment of a national health insurance program which, first of all, provides protection for every American citizen. We are not for violence. We want a national health insurance enacted using the Congress, using the legislative process. We want the executive branch to stop its tricks, its conspiracies, against national health insurance, its disinformation campaign about a trivialized Canadian system.

Mr. Speaker, Canada, right next to us for 20 years, has had national health insurance. Canada is a democracy. Canada is a capitalist economy. Canada has made national health insurance work for the Canadians. If someone tried to take national health insurance away from Canadian citizens, we would see a revolution, I assure my colleagues. They would get violent if anybody tried to take away their national health insurance system.

The nuts and bolts of how that system works can be studied. We can produce an even more effective national health insurance system. Our present health care system spends twice as much per capita as the Canadian system. We spend more on health care, twice as much as the Canadians, and yet the Canadians cover every citizen. I ask my colleagues, why can't we

have national health insurance? Why can't the people in Los Angeles at least know that their Government cares enough about them to guarantee that their lives are going to be treated the same as the life of any other person in America when it is time for health care to be provided? Why can't the people of Los Angeles understand that their Government is behind them with more than just words when they talk about education, more than just rhetoric, that the opportunity to get a first-rate education and to be able to compete in our society for jobs is going to be there, that our Federal Government is going to play a major role in guaranteeing this? Why can't the system work? Why can't the system be more honest? Why can't the system use its resources to help all of the people instead of making the rich richer? Why can't the same system, which found billions of dollars for the S&L's overnight, why can't that system find money to provide the unemployment benefits for the unemployed? Why can't that same system provide money to create new jobs for the unemployed? Why can't the same system find a way to convert the military plants and the military economy so that it can be channeled into, or converted into, providing the kinds of programs for the domestic economy that are necessary?

Now is the time to show all of the American people that the system does work. As I said before, as a Member of Congress I feel quite ineffective, quite paralyzed, when it comes to doing something about the immediate situation faced by the people of Los Angeles and by similar communities across the country, including the 12th Congressional District which I represent. I have tried as hard as possible as the chairman of the Select Committee on Education, as a member of the Congressional Black Caucus, as a Member of this Congress, whenever possible. We have got to make the system work. The fact that the system does not work is not because we have not struggled to make the system work. We are left only with the alternative of being able to speak, so I am here to speak and let the people know that we have tried to make the system work.

We are against violence. We are against violence in Grenada, in Kuwait, in Panama. We are against violence. On the other hand, we recognize that the system is doing great violence to the people of America. Unnecessary violence is being wrought upon the people of America. When a society refuses to provide jobs, when a society refuses to provide an opportunity to earn a living, then that society is committing a crime against its own citizens. Black leaders are struggling to correct this system. We are against violence. We want the system to work. We demand that the system produce for all the people of America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCEWEN) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 5 minutes, today.

Mr. INHOFE, for 60 minutes each day, on May 12 and 13.

Mr. MILLER of Washington, for 60 minutes, on May 12.

Mr. BURTON of Indiana, for 60 minutes each day, on June 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30.

Mr. DORNAN of California, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes each day, on May 12, 13, 19, 20, 27, 28, June 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, and July 1.

Mr. DREIER of California, for 60 minutes each day, on May 12, 13, 19, 20, 27, 28, June 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, and 30.

Mr. WALKER, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. SARPALIUS, for 60 minutes, on May 7.

Mr. MORAN, for 5 minutes, on May 7.

Mr. HOYER, for 5 minutes, on May 7.

Mr. GONZALEZ, for 60 minutes, on May 7 and 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. IRELAND.
Mr. GINGRICH.
Mr. DAVIS.
Mr. BILIRAKIS in two instances.
Ms. MOLINARI.
Mr. FAWELL.
Mr. BEREUTER.
Mr. HYDE.
Mr. GOODLING.
Mr. WALKER.
Mr. GREEN of New York.
Mr. STUMP.
Mr. HOUGHTON.
Mr. FRANKS of Connecticut.
Mr. MARLENEE.
Mr. DOOLITTLE.
Mr. BURTON of Indiana.
Mr. YOUNG of Florida.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. THOMAS of Georgia.
Mr. MCMILLEN of Maryland.
Mr. ROE.
Mr. HAMILTON in two instances.
Mr. SWETT.
Mr. MOAKLEY.
Mr. OLVER.
Mr. STOKES.
Mr. HAMILTON.
Ms. DELAURO.
Mr. KLECZKA.
Mr. VENTO.
Mr. BORSKI.
Mr. OWENS of New York.
Mr. KOSTMAYER.
Mr. MORAN.
Mr. CONYERS.
Mr. LANTOS.
Mr. ANDREWS of Texas.
Mr. ROEMER.
Mr. EVANS.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 251. Joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 276. Joint resolution to designate May 1992, as "Older Americans Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2763. An act to enhance geologic mapping of the United States, and for other purposes.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 31 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, May 7, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment

sold commercially to Japan (Transmittal No. OTC-13-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. OTC-92-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report on assistance related to international terrorism provided by the United States to foreign countries, pursuant to 22 U.S.C. 2349aa-7; to the Committee on Foreign Affairs.

3459. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Trading with the Enemy Act, and for other purposes; to the Committee on Foreign Affairs.

3460. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of H.R. 4572, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3461. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled, "Health Benefits for Self-Employed Individuals Act of 1992"; to the Committee on Ways and Means.

3462. A letter from the Comptroller of the Department of Defense, transmitting the quarterly report on program activities for facilitation of weapons destruction and nonproliferation in the former Soviet Union; jointly, to the Committees on Appropriations and Foreign Affairs.

3463. A letter from the Administrator, Agency for International Development, transmitting a report on the origin, contents, destination, and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1991, pursuant to 10 U.S.C. 402 note; jointly, to the Committees on Foreign Affairs and Armed Services.

3464. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled, "National Marine Sanctuaries Program Amendments Act 1992"; jointly, to the Committees on Merchant Marine and Fisheries, the Judiciary, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 5, 1992]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102-474, Pt. 9). Ordered to be printed.

[Submitted May 6, 1992]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4250. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; with an amendment (Rept. 102-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 447. Resolution providing for the consideration of H.R. 4990, a bill rescinding certain budget authority, and for other purposes (Rept. 102-514). 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. WHITTEN (for himself, Mr. NATCHER, Mr. YATES, Mr. ROYBAL, Mr. TRAXLER, Mr. DIXON, Mr. STOKES, Mr. FAZIO, Mr. LEWIS of California, Mr. LOWERY of California, Ms. PELOSI, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. CONDIT, Mr. DELLUMS, Mr. DOOLEY, Mr. DYMALLY, Mr. EDWARDS of California, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MOORHEAD, Mr. STARK, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mr. BLACKWELL, Mr. CLAY, Mrs. COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. ESPY, Mr. FLAKE, Mr. FORD of Tennessee, Mr. FRANKS of Connecticut, Mr. HAYES of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MFUME, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. SAVAGE, Mr. TOWNS, Mr. WASHINGTON, and Mr. WHEAT):

H.R. 5069. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mrs. LOWEY of New York (for herself, Ms. DELAURO, Mr. JONES of North Carolina, Mr. WAXMAN, Mr. MILLER of California, Mr. BONIOR, Mrs. KENNELLY, Mr. SHAYS, Mr. MARKEY, Mr. BACCHUS, Mr. GEJDENSON, Mr. ENGEL, Mr. MCDERMOTT, Mr. GUARINI, Mr. SOLARZ, Mrs. COLLINS of Michigan, Mr. SERRANO, Mr. GIBBONS, Mr. REED, and Mr. MANTON):

H.R. 5070. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.R. 5071. A bill to suspend until January 1, 1995, the duty on prepared seaweed; to the Committee on Ways and Means.

By Mr. ANDREWS of Maine (for himself and Mr. TAYLOR of Mississippi):

H.R. 5072. A bill to assist in the revitalization of the commercial shipbuilding industry in the United States; to the Committee on Armed Services.

By Mrs. COLLINS of Illinois (for herself, Mr. MCMILLAN of North Carolina, and Mr. OXLEY):

H.R. 5073. A bill to entitle certain armored car crewmembers to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5074. A bill to protect civil rights; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. BUSTAMANTE):

H.R. 5075. A bill to improve the delivery of employment training services to members of the Armed Forces who are involuntarily separated from active duty in the Armed Forces or accept separation under one of the separation incentive programs; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. CONYERS:

H.R. 5076. A bill to amend title 18, United States Code, with respect to civil rights related crimes; to the Committee on the Judiciary.

By Mr. ERDREICH:

H.R. 5077. A bill to amend the Solid Waste Disposal Act to require financial responsibility requirements to be based on risk, and to require the collection and maintenance of information relating to financial responsibility; to the Committee on Energy and Commerce.

By Mr. GINGRICH:

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to exempt from tax 100 percent of the net capital gain of certain low-income individuals; to the Committee on Ways and Means.

By Mr. KOSTMAYER (for himself, Mr. MURTHA, Ms. HORN, Mr. NAGLE, Mr. WISE, Mr. GORDON, Mr. PENNY, and Mr. STARK):

H.R. 5079. A bill to amend the Agricultural Trade Act of 1978 to make modifications in the Market Promotion Program; to the Committee on Agriculture.

By Mr. KOSTMAYER:

H.R. 5080. A bill to amend the National Historic Preservation Act to provide for the rehabilitation of certain religious properties, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCMILLAN of North Carolina:

H.R. 5081. A bill to suspend until January 1, 1995, the duty on 2,4-dichloro-3,5-dinitrobenzotrifluoride; to the Committee on Ways and Means.

By Mr. MCMILLEN of Maryland:

H.R. 5082. A bill to promote the use of telecommuting; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.R. 5083. A bill to amend the act of September 30, 1950, to provide that amounts appropriated under such act for purposes of making payments to local educational agencies on behalf of children who are dependents of a parent or parents on active duty in the Armed Forces shall be considered national defense functions for budget purposes; to the Committee on Education and Labor.

By Mr. MONTGOMERY:

H.R. 5084. A bill to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who will receive voluntary separation incentives upon separation from active duty in the Armed Forces, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. ORTIZ:

H.R. 5085. A bill to amend title 10, United States Code, with respect to the Junior Reserve Officers' Training Corps Program; to the Committee on Armed Services.

By Mr. PENNY (for himself and Mr. SMITH of New Jersey):

H.R. 5086. A bill to designate a portion of defense funds for fiscal year 1993 that are

made available for economic conversion or reinvestment to be available for certain defense-related personnel transition assistance programs; jointly, to the Committee on Armed Services and Veterans' Affairs.

By Mr. PENNY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 5087. A bill to amend title 38, United States Code, with respect to veterans' education assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REGULA:

H.R. 5088. A bill to amend the Tariff Act of 1930 to make technical improvements to the U.S. antidumping and countervailing duty laws; to express the sense of Congress regarding the scope and standard of review of GATT dispute settlement panels; to express the sense of Congress for the extension of the specialty steel voluntary restraint agreement; and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 5089. A bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government before accepting waste generated outside of the State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 5090. A bill to amend the Voting Rights Act of 1965 to eliminate certain provisions relating to bilingual voting requirements; to the Committee on the Judiciary.

By Mr. TANNER (for himself and Mr. BROWDER):

H.R. 5091. A bill to amend the National Defense Authorization Act for fiscal year 1991 to provide for counterdrug related training of civilian law enforcement personnel at Fort McClellan, AL.; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 5092. A bill to provide for a pilot program to use National Guard medical personnel in areas containing medically underserved populations; jointly, to the Committee on Armed Services and Energy and Commerce.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.J. Res. 479. Joint resolution to designate November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself and Mr. GILMAN):

H. Con. Res. 316. Concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself, Mr. BROOMFIELD, Mr. GILMAN, Ms. MOLINARI, Mr. SENSENBRENNER, Mr. SWETT, Mr. TOWNS, and Mr. VANDER JAGT):

H. Res. 448. Resolution regarding the aggression against Bosnia-Hercegovina and conditioning United States recognition of Serbia, Montenegro, or the Yugoslav Republic; to the Committee on Foreign Affairs.

By Mr. STEARNS:

H. Res. 449. Resolution congratulating the people of India on the occasion of the 45th anniversary of their nation's independence; to the Committee on Foreign Affairs.

By Mr. STENHOLM (for himself, Mr. SMITH of Oregon, Mr. CARPER, and Ms. SNOWE):

H. Res. 450. Resolution providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

H. Res. 451. Resolution providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

411. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to the National Defense Authorization Act of 1991; to the Committee on Armed Services.

412. Also, memorial of the Senate of the State of Louisiana, relative to the Louisiana Army National Guard; to the Committee on Armed Services.

413. Also, memorial of the Senate of the State of Louisiana, relative to building a veteran's nursing care facility and domiciliary in St. Bernard Parish; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERTEL:

H.R. 5093. A bill to clear certain impediments to the documentation of the vessel *Sea Hawk III* for employment in the coastwise and Great Lakes trade of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. McMILLEN of Maryland:

H.R. 5094. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *A Weigh of Life;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. GEJDENSON.

H.R. 53: Mrs. COLLINS of Michigan, Mr. SAXTON, Mr. MATSUI, Mr. WELDON, Mr. JAMES, Mr. McDADE, and Mr. DEFAZIO.

H.R. 110: Mr. DEFAZIO.

H.R. 431: Mr. RINALDO, Mr. WALSH, Mr. GIBBONS, Mr. ORTIZ, and Mr. NICHOLS.

H.R. 608: Mr. ALLARD, Mr. SPRATT, Mr. GRANDY, Mr. TORICELLI, Mr. KOSTMAYER, Mr. HOAGLAND, and Mr. GUNDERSON.

H.R. 747: Mr. COLEMAN of Missouri.

H.R. 786: Mr. WYDEN.

H.R. 911: Mr. MORRISON, Mr. TAUZIN, and Mr. ANNUNZIO.

H.R. 1218: Mr. BACCHUS, Mr. FAZIO, and Mr. BROWN.

H.R. 1254: Mr. MARTINEZ, Mr. GUARINI, and Mr. KOPETSKI.

H.R. 1456: Mr. MOLLOHAN.

H.R. 1497: Mr. SCHUMER.

H.R. 1557: Mr. FAWELL, Mr. YATRON, Ms. NORTON, Mr. RICHARDSON, Mr. RITTER, Mr. ANDREWS of Maine, Mr. RAVENEL, and Mr. PRICE.

H.R. 1882: Mr. LIPINSKI, Mr. DELAY, and Mr. JONTZ.

H.R. 1969: Mr. BLACKWELL.

H.R. 2070: Mr. JOHNSON of South Dakota, Mr. ENGLISH, Mr. DOOLITTLE, Mr. KILDEE, Mr. SCHAEFER, and Mr. MILLER of Washington.

H.R. 2248: Mr. MOAKLEY.

H.R. 2333: Mr. HARRIS.

H.R. 2336: Mr. RITTER.

H.R. 2380: Mr. DURBIN.

H.R. 2650: Mr. EVANS.

H.R. 2798: Mr. GILCHREST.

H.R. 2872: Ms. HORN.

H.R. 2936: Mrs. LLOYD, Mr. ALEXANDER, and Mr. SKEEN.

H.R. 3035: Mr. ATKINS and Mr. COOPER.

H.R. 3236: Mr. SMITH of New Jersey.

H.R. 3518: Mr. SIKORSKI, Mr. ZELIFF, Mr. LAGOMARSINO, and Mr. SOLOMON.

H.R. 3545: Mr. FIELDS.

H.R. 3603: Mr. RAHALL, Mr. STUDDS, Mr. ROSE, Mr. SABO, Mrs. UNSOELD, Mr. HUBBARD, and Mrs. COLLINS of Michigan.

H.R. 3625: Mr. SERRANO.

H.R. 3763: Mr. STARK and Mr. PACKARD.

H.R. 3785: Mr. POSHARD and Mr. LAGOMARSINO.

H.R. 3803: Mr. MACHTLEY.

H.R. 3836: Mrs. SCHROEDER, Ms. DELAURO, and Mr. SHAYS.

H.R. 3908: Mr. LAROCCO.

H.R. 3920: Mrs. UNSOELD, Mr. FROST, Ms. PELOSI, and Mr. OWENS of New York.

H.R. 3937: Mr. PERKINS.

H.R. 3949: Mr. WASHINGTON, Mr. HUGHES, Mr. FEIGHAN, Mr. BRYANT, and Mr. REED.

H.R. 3961: Mr. ANDREWS of Maine and Mr. KOPETSKI.

H.R. 3998: Mr. MORAN and Mr. JONES of Georgia.

H.R. 4045: Mr. LANTOS, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. GILMAN, Mr. CARPER, and Mr. TORRES.

H.R. 4100: Mr. SWETT and Mr. PASTOR.

H.R. 4155: Mr. SHAYS and Mr. BOEHNER.

H.R. 4169: Mr. BEREUTER.

H.R. 4178: Mr. FAZIO and Mrs. BOXER.

H.R. 4226: Mr. ZELIFF, Mr. JONTZ, Ms. KAPTUR, and Mr. NAGLE.

H.R. 4255: Mr. ANDREWS of Maine, Mr. GILMAN, Ms. HORN, Mr. LEWIS of Georgia, Ms. NORTON, Mr. OWENS of Utah, Mr. RANGEL, Ms. SLAUGHTER, Mr. SMITH of Florida, and Mr. WEISS.

H.R. 4275: Mr. PALLONE, Mrs. COLLINS of Michigan, Mr. STEARNS, Mr. KLUG, Mr. BLILEY, and Mr. ZELIFF.

H.R. 4278: Mr. PETERSON of Minnesota.

H.R. 4300: Mr. DEFAZIO and Mr. TRAFICANT.

H.R. 4310: Mr. McDERMOTT and Mr. MANTON.

H.R. 4383: Mr. ATKINS, Mr. BLACKWELL, Mr. MRAZEK, and Mrs. JOHNSON of Connecticut.

H.R. 4399: Mr. BONIOR, Mr. NEAL of North Carolina, and Mrs. BENTLEY.

H.R. 4420: Mr. ANDREWS of Maine and Mr. ZELIFF.

H.R. 4430: Mr. HERGER.

H.R. 4432: Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, and Mr. OLIN.

H.R. 4447: Mr. PERKINS.

H.R. 4453: Mr. ZELIFF, Ms. KAPTUR, and Mr. GEREN of Texas.

H.R. 4472: Mrs. JOHNSON of Connecticut, Mr. ZELIFF, Mr. LEWIS of Georgia, Mr. HENRY, and Mr. LANCASTER.

H.R. 4482: Mr. ECKART.

H.R. 4488: Mr. PAYNE of Virginia, Mr. SARPALIUS, Mr. DOOLITTLE, Mr. ROBERTS, Mr. MARLENEE, Mr. ORTIZ, Mr. BUSTAMANTE, Mr. PACKARD, Mr. ZELIFF, Mr. WOLF, Mr. TANNER, Mr. GALLEGLY, Mr. CALLAHAN, Mr. THOMAS of Wyoming, Mr. McCOLLUM, Mr. STUMP, Mr. OLIN, Mr. SUNDQUIST, Mr. AL-

LARD, Mr. MCCANDLESS, Mr. QUILLEN, Mr. ARCHER, Mr. THOMAS of Georgia, Mr. ROWLAND, Mr. COMBEST, Mr. DORNAN of California, Mr. GINGRICH, Mr. INHOFE, and Mr. THOMAS of California.

H.R. 4542: Mr. ATKINS, Mr. BEILENSON, Mr. BERMAN, Mr. DEFAZIO, Mr. GREEN of New York, Mr. HORTON, Mr. LAFALCE, Mr. MARTINEZ, Mr. MAZZOLI, Mr. MOORHEAD, Mr. ROE, Mr. SCHIFF, Mr. TOWNS, Mr. HYDE, Mr. PERKINS, Mr. WASHINGTON, Mr. BRYANT, and Mr. FASCELL.

H.R. 4571: Ms. SLAUGHTER and Mr. FOGLIETTA.

H.R. 4613: Mr. BOEHNER.

H.R. 4713: Mr. SCHIFF and Mr. SPENCE.

H.R. 4727: Mr. BORSKI, Mr. STARK, Mr. MCDERMOTT, and Mr. OLVER.

H.R. 4738: Mr. ANNUNZIO.

H.R. 4761: Mr. ENGEL.

H.R. 4779: Mr. OWENS of New York.

H.R. 4849: Mr. BLILEY.

H.R. 4851: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4852: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4853: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

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H.R. 4858: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4859: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4860: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4861: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4862: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4863: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4864: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4865: Mr. BOEHNER and Mr. ALLARD.

H.R. 4866: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4867: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4868: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4869: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4870: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4871: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4872: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4873: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4874: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4875: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4876: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4877: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4878: Mr. BOEHNER, Mr. ALLARD, and Mr. BALLENGER.

H.R. 4906: Mr. SARPALIUS.

H.R. 4961: Mr. ZELIFF.

H.R. 5002: Mr. GOSS and Mr. DONNELLY.

H.R. 5013: Mr. WISE.

H.J. Res. 152: Mr. GEKAS and Mr. FROST.

H.J. Res. 378: Mr. EVANS, Mr. DELLUMS, and Mr. ROE.

H.J. Res. 394: Mr. JONTZ.

H.J. Res. 399: Mr. JENKINS, Mr. MOLLOHAN, and Mr. HENRY.

H.J. Res. 408: Mr. VENTO, Mr. QUILLEN, Ms. KAPTUR, and Ms. OAKAR.

H.J. Res. 409: Mr. QUILLEN, Mr. SERRANO, and Mr. VISCLOSKY.

H.J. Res. 426: Mr. LAGOMARSINO and Mr. MCNULTY.

H.J. Res. 429: Mr. SABO, Mr. MARKEY, Mr. SAXTON, Mr. MATSUI, Mr. SAWYER, Mr. RAY, Mr. GONZALEZ, Mr. CHAPMAN, and Mrs. LLOYD.

H.J. Res. 441: Mr. BALLENGER, Mr. BOEHLERT, Mr. FIELDS, Mr. MCGRATH, Mrs. MORELLA, Mr. ANTHONY, Mr. BEILENSON, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. BREWSTER, Mr. ECKART, Mr. HALL of Texas, Mr. LEHMAN of California, Mrs. LOWEY of New York, Mr. MANTON, Mr. MAVROULES, Mr. OWENS of New York, Mr. ROSE, Mr. SIKORSKI, Mr. SWIFT, Mr. TANNER, Mr. WAXMAN, Mr. RITTER, Mr. DICKINSON, Mr. DORNAN of California, Mr. WYLIE, Mr. LEACH, Mr. LEHMAN of Florida, Mr. MOORHEAD, Mr. BOUCHER, Mr. ROE, Mr. SISISKY, Mr. MARTIN, and Mr. LANTOS.

H.J. Res. 444: Mr. PASTOR, Mr. BORSKI, Mr. SISISKY, Mr. COOPER, Mr. BILBRAY, Mr. HORTON, Mr. STOKES, Mr. GEJDENSON, Mr. SERRANO, Mr. CRAMER, Mr. PICKLE, and Ms. KAPTUR.

H.J. Res. 447: Mr. SOLOMON, Mr. YOUNG of Alaska, Mr. WALSH, and Mr. SKEEN.

H.J. Res. 459: Mr. ALEXANDER, Mr. ANDREWS of Maine, Mr. AUCOIN, Mr. BEVILL, Mr. BILBRAY, Mr. CLEMENT, Mr. CARDIN, Mr. BENNETT, Mrs. BENTLEY, Mr. CLINGER, Mr. CONYERS, Mr. DORNAN of California, Mr. DREIER of California, Mr. FOGLIETTA, Mr. GILCHREST, Mr. GILMAN, Mr. GRANDY, Mr. GUNDERSON, Mr. HARRIS, Ms. HORN, Mr. HUTTO, Mr. HYDE, Mr. JONTZ, Mr. LIPINSKI, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MOAKLEY, Mr. MRAZEK, Mr. MURTHA, Mr. OBERSTAR, Mr. OWENS of New York, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROE, Mr. SAVAGE, Mr. STAGGERS, Mr. STUDDS, Mr. TALLON, Mr. DOWNEY, Mr. KASICH, Mr. KENNEDY, Mr. KOPETSKI, Mr. LEVINE of California, Mr. MARKEY, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. SABO, and Mr. SAWYER.

H.J. Res. 470: Mr. TRAFICANT, Mr. JEFFERSON, Mr. LANTOS, Mr. SOLARZ, Mr. PAYNE of Virginia, Mr. RAVENEL, Mr. RANGEL, Mr. LANCASTER, Mr. MILLER of California, Mr. MONTGOMERY, Mr. TALLON, Mr. MOORHEAD, Mr. DUNCAN, Ms. MOLINARI, Mr. MCGRATH, Mr. SCHEUER, Mr. DOWNEY, Mr. LEWIS of California, Mr. BLILEY, Mr. BURTON of Indiana, Mr. DANNEMEYER, Mr. ROHRABACHER, Mr. COUGHLIN, Mr. GOODLING, Mr. MCCANDLESS, Mr. ACKERMAN, Mr. SHAW, Mr. FISH, Mr. SCHUMER, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. RITTER, Mr. BATEMAN, Mr. MCEWEN, Mr. HOUGHTON, Mr. SMITH of New Jersey, Mr. UPTON, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. ROTH, Mr. SPENCE, Mr. WYLIE, Mr. PURSELL, Mr. KASICH, and Mr. SKEEN.

H.J. Res. 475: Mr. ROHRABACHER, Mrs. BENTLEY, Mr. GUARINI, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. TOWNS, and Mr. POSHARD.

H. Con. Res. 248: Mr. DELLUMS and Mr. SKAGGS.

H. Con. Res. 257: Mr. ANDREWS of New Jersey, Mr. BROWN, Mr. GALLO, Ms. KAPTUR, Mr. LANTOS, Mr. MOORHEAD, Mr. PERKINS, Mr. SABO, Mr. SERRANO, Mrs. UNSOELD, and Mr. WALSH.

H. Con. Res. 279: Mr. SANDERS.

H. Con. Res. 298: Mr. WYDEN, Mr. GEJDENSON, Mr. CARDIN, Mr. VENTO, Mr. BLACKWELL, and Mr. SIKORSKI.

H. Con. Res. 301: Mr. EMERSON, Mrs. MEYERS of Kansas, and Mr. SOLOMON.

H. Con. Res. 304: Mr. WEISS, Mr. BORSKI, Mr. JONTZ, Mr. KOSTMAYER, Ms. PELOSI, Mr. LAFALCE, and Mr. OWENS of New York.

H. Con. Res. 309: Mr. EMERSON, Mr. WILSON, and Mr. NEAL of North Carolina.

H. Res. 372: Mr. HORTON.

H. Res. 399: Mr. ALLEN, Mr. BLAZ, Mr. BILIRAKIS, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUGHES, Mr. LANCASTER, Mr. LENT, Mr. MOLLOHAN, Mr. PAXON, Mr. RAY, Mr. ROE, Mr. ROGERS, Mrs. ROUKEMA, and Mr. SWETT.

H. Res. 404: Mr. TAYLOR of Mississippi, Mr. SCHAEFER, and Mr. OXLEY.

H. Res. 422: Mr. BROOMFIELD.

H. Res. 428: Mrs. MEYERS of Kansas.

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.J. Res. 429: Mr. MCMILLAN of North Carolina.