

## EXTENSIONS OF REMARKS

THE INVEST IN AMERICA ACT OF  
1993

## HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. GEJDENSON. Mr. Speaker, today I am introducing the Invest in America Act of 1993. This legislation recognizes that we face a drastically altered world characterized by a disappearing Soviet threat, an increasingly competitive international economy, and deterioration of our inner cities and our infrastructure. This presents challenges and opportunities unlike any we have faced before.

The end of the cold war has given us an opportunity to reduce U.S. expenditures for military bases in Europe—as much as \$25 billion a year in operations and maintenance alone. German unification and the dissolution of the Soviet Union mean there is no justification for the United States spending billions of dollars to maintain a presence in Europe to defend the wealthy, prosperous industrial nations of Western Europe from their newly democratic neighbors to the east.

Mr. Speaker, these funds would be better spent on economic growth initiatives for the United States and programs to maintain our industrial base, including economic conversion and diversification in areas which are reeling from the impact of defense cuts. The Invest in America Act of 1993 calls on the President to negotiate cost-sharing arrangements with NATO host nations to recoup funds currently spent on maintenance of foreign bases. The savings achieved through these agreements would be reinvested to provide aid to the States and a renewed Federal commitment to energy, transportation, and locally initiated economic development.

Instead of paying upkeep costs for U.S. bases in Europe, we could provide: \$12.5 billion in aid to the States; \$2 billion for renewable energy R&D; \$500 million for energy conservation; \$1 billion for pollution control; \$500 million for historic preservation; \$1.5 billion for maglev and high speed rail development; \$3 billion for mass transit; \$1 billion for community development grants; \$1 billion for EDA grants; \$1 billion for JTPA; and create a \$1 billion export enhancement program.

Cost sharing for overseas bases doesn't require that additional personnel be discharged from the armed services into a recessionary economy; rather, the costs of their overseas assignments would be shared by the nations whose economies are stimulated by the U.S. military presence.

The investments called for in the Invest in America Act of 1993 in no way undermine the discipline of the 1990 budget agreement; in fact, these investments are intended to have the overall effect of reducing the deficit by stimulating the economy. Putting people back

to work creates tax revenues, reduces expenditures for entitlement programs, and will help to balance the Federal budget.

In my home State of Connecticut thousands of defense workers—veterans of the cold war—face real hardship as a result of defense cuts. Defense cuts under the Bush administration seemed to be calculated to cause maximum pain to American workers and communities, while offering nothing in return for their dedication of years of labor to our Nation's call for defense products. We have the means to see that they are not left out in the cold. Similar communities across the Nation face the same difficulties—in St. Louis, Dallas-Fort Worth, and southern California. These communities which answered their Nation's call for defense products cannot be left to wither on the vine.

In conclusion, Mr. Speaker, it is vital to communities across our Nation that the Congress take immediate steps to redirect resources to repair our infrastructure, maintain our industrial base and technology, and provide jobs in communities in need.

H.R. 33, DRUG TESTING QUALITY  
ACT

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. DINGELL. Mr. Speaker, I am pleased to join with my distinguished colleague from Virginia, TOM BLILEY, in reintroducing H.R. 33, the Drug Testing Quality Act. This bill would amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing. It will also require drug testing programs to use only certified laboratories, and it will provide comprehensive and uniform regulation of the procedures and methods employed by those laboratories. Finally, it will ensure that the legitimate rights of all interested parties—the test subject, the laboratory, and the program itself—are appropriately protected.

The version of the bill we are introducing today is identical to the text of H.R. 33 as reported by the Committee on Energy and Commerce in the 102d Congress. Over the course of the last 4 years, since this issue came to the fore, we have held hearings in the Energy and Commerce Committee and conducted investigations of various drug testing problems brought to our attention. We have worked with the Department of Health and Human Services and with private sector laboratory organizations to help bridge the technical and scientific differences that have divided experts in this field. We have talked to dozens of labs, employers, labor organizations, equipment manufacturers, employee assistance professionals, and other interested parties to obtain

comments on and to refine and improve the original version of the bill.

H.R. 33 in the 103d Congress represents our best effort to take those comments into consideration, to take account of events in the professional sphere over the last 3 years that have impacted on this field, and still to maintain a fair balance among the interests of all concerned parties. We believe the legislation accomplishes those goals.

Mr. Speaker, the House of Representatives has already spoken on this matter. During consideration of the comprehensive crime control bill on the floor in the 101st Congress, Mr. BLILEY and I offered as an amendment to that bill the text of the original H.R. 33. It passed the House by a vote of 333 to 86, and it was supported by a majority of Members in each party. We would have liked the opportunity to incorporate in conference the changes reflected in the bill reported by the committee last year and being reintroduced today. Unfortunately, the press of time at the end of that Congress and the process by which the crime bill was handled made that impossible.

Nonetheless, we were gratified by the broad show of bipartisan support for our amendment and had expected to move the bill to the floor last year when other events intervened. In a package of long overdue regulations under the Clinical Laboratory Improvement Amendments of 1988, HHS announced that it would cover so-called onsite drug screening laboratories and require that such labs be CLIA-certified. This determination was significant because it represented an acknowledgement by the administration that drug screening, unaccompanied by confirmation testing, is a dangerous basis on which to make decisions about drug use and requires the most careful regulation. The issue of allowing or prohibiting such onsite screening had been a part of the debate over H.R. 33 from the outset. Thus, we thought it would be worthwhile to allow the CLIA regulation on this point to be implemented and then consider how that regulatory determination should impact on the language of the bill.

Unfortunately, in the days immediately following issuance of the final CLIA regulations, a small group of business interests—some of whom seek to save money by using and others of whom seek to make money by selling onsite screening tests without the scientifically imperative confirmation testing—prevailed upon the Secretary of HHS to suspend the effectiveness of the regulation. This action by Secretary Sullivan was both ironic and unfortunate. It was ironic because our oversight subcommittee in hearings had openly criticized the Secretary for allowing special interests to alter the outcome of several CLIA regulations and here the Secretary did the very same thing once more. It was unfortunate because it deprived us of the ability to see how the CLIA regulation would work in relation to our bill—for example, would the regulation alone

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have addressed many of the abuses our bill was designed to prevent.

With the status of this particular CLIA regulation now uncertain and a new administration about to take office, we are committed to bringing our efforts to fruition in the 103d Congress. Moreover, given the changes our committee made in the bill in the last Congress, we are convinced that it will be acceptable to an even broader range of interests than before.

It is important that we not allow discussion of the need for technical and scientific quality standards in drug testing to become muddled by arguments over when, whether, or under what circumstances drug testing can or should occur. These issues have absolutely nothing to do with one another, and H.R. 33 therefore steers clear of that thicket. Anyone who uses lab standard legislation as an excuse to get into the issue of testing itself serves only the interests of those irresponsible parties who would prefer for their own reasons that there be no standards legislation at all.

In fact, the argument over testing has become largely irrelevant as a genuine public policy question. Drug testing has become one of America's growth industries, and to the extent that any serious questions about the imposition of testing exist, they are either constitutional in nature—when can the Government order that tests be done—or a matter for management to work out with labor or resolve on its own. In a small handful of States, testing is restricted in various ways. But most of these State laws were passed in large measure to counter the perception that drug testing is administered unfairly and unreliably.

That perception, widespread in many quarters, remains largely unaddressed today, as does the unfortunate reality that too many players in this game do not know what they are doing. These perceptions will not abate until everyone in the United States—executives, professionals, managers, workers, Government agencies, athletes, social service organizations, and anyone else whose life drug testing has touched—gains confidence in the ability of the system appropriately to protect their livelihoods, careers, and reputations.

For more than 20 years, Mr. Speaker, ordinary medical laboratories have been regulated by the Federal Government and, although errors occur all too frequently, most Americans trust the results of the tests their doctors order. Not so with drug testing labs. While 14 States regulate these operations to one extent or another, the United States has no comprehensive, uniform regulation of the labs or the people who run them.

In fact, to the extent we have any regulation at all, the requirements imposed on the laboratories from State to State, agency to agency, and client to client often conflict, inviting confusion and error. The stigma of a positive result can attach to a test subject in many industries on the basis of a single unconfirmed test, scientifically insufficient to warrant any action. Employers often refuse to spend money for the professional review of lab results needed to make sure that bagel-eaters are not labeled heroin addicts or that dieters are not branded speed freaks.

Even when drug testing programs are administered in good faith, the sheer ignorance

of those running the program can be astounding. In one instance investigated by our committee, a nuclear utility plant used its corporate medical officer to review drug test results. For the better part of 30 years, this gentleman practiced oral surgery; while on active naval reserve duty, he also developed a specialty in diving and hyperbaric medicine. But apart from a 1962 military correspondence course in clinical laboratory procedures, his 23-page résumé did not list any significant experience or training in the field of identifying drugs or drug abusers.

Several questions recur anywhere and anytime the specimen bottle is filled: Will a proper chain of custody be established at the point of specimen collection and be preserved throughout the process? Will a qualified lab analyze the specimens? Will the lab's analytical procedures ensure accuracy, integrity, and reliability of results? Will positive results be reviewed by a competent professional to avoid errors? Will appropriate confidentiality be maintained? Will persons harmed by errors have a fair opportunity for redress?

Those questions are not being addressed today in any comprehensive fashion. For that reason, we badly need uniform Federal regulation of drug testing laboratories and programs—not to dictate whether and under what circumstances testing can be done, but to ensure that when it is done, everyone can have confidence in the results.

H.R. 33 is designed to address these serious issues. It continues to use as a model the guidelines promulgated by HHS in 1988 to govern drug testing in the Federal workplace. However, it also provides for some significant departures from those guidelines to reflect the development of an expert consensus on many technical issues over the last 2 years. And it has been significantly refined in many other respects described more fully below.

Mr. Speaker, I want to thank my friend from Virginia, Mr. BULEY, for his support, cooperation, and involvement in this effort. As I noted when we introduced this legislation together in the last Congress, we have put aside any differences we may have as to the utility and propriety of drug testing in various settings because we share a common goal—assuring that when drug testing is done, the results are reliable, accurate, and fair.

We will be seeking cosponsors again for H.R. 33 and plan to move the bill through our committee and to the floor at the earliest possible date. I hope that our colleagues will continue to support us on this important issue. I ask that a complete section-by-section analysis be printed in the RECORD immediately following this statement:

H.R. 33—DRUG TESTING QUALITY ACT  
SECTION-BY-SECTION ANALYSIS  
SECTION 1. SHORT TITLE

This section provides the short title of the bill: the "Drug Testing Quality Act".

SECTION 2. STANDARDS FOR CERTIFICATION OF LABORATORIES ENGAGED IN DRUG TESTING

This section adds to Title V of the Public Health Service Act a new Part F, titled "Drug Testing." The new Part F consists of new sections 571 through 597.

Section 571—Certification Program

Subsection (a) of new section 571 requires that the Secretary of Health and Human

Services (HHS), not later than one year after enactment, establish a program for the certification of laboratories performing toxicological urinalysis for drug testing programs. Except as provided in subsection (b), this certification program is required to conform, to the maximum extent practicable, to Subpart C of the HHS guidelines for Federal workplace drug testing programs (53 Fed. Reg. 11979, published April 11, 1988). Subpart C covers certification of laboratories seeking to perform federal workplace drug testing.

Subsection (b) provides that with respect to the issues of laboratory inspection, the monitoring of laboratory performance, and the conduct of quality control and performance testing programs, the certification program shall be consistent with the consensus of expert scientific and medical opinion on such matters. The determination of what constitutes that consensus is ultimately the Secretary's to make; however, the legislation contemplates that with respect to the issues covered by subsection (b), the Secretary, at least initially, will adopt the recommendations contained in the Consensus Report on Technical, Scientific, and Procedural Issues of Employee Drug Testing, published by the Alcohol, Drug Abuse and Mental Health Administration in the spring of 1990 (HHS Publication No. (ADM) 90-1684).

Subsection (c)(1) requires that the certification program shall also: (1) provide that the Secretary, in considering applications for certification, shall consider whether the applicant has previously owned or operated a laboratory which has had its certification suspended or revoked; (2) include criteria under which the Secretary shall recognize State agencies and private, nonprofit accrediting bodies meeting to certify laboratories in accordance with the requirements of this section if such agencies and bodies meet such criteria, as well as criteria for recognition of State agencies and private, nonprofit accrediting bodies to act on the Secretary's behalf in certifying laboratories in accordance with the requirements of this section if such agencies and bodies meet such criteria; (3) require the Secretary to oversee and review the performance of any such agency or accrediting body recognized by the Secretary; and (4) ensure the Secretary's access to records necessary to the performance of such oversight and review.

The standards for certification of laboratories should be applied uniformly by both the Secretary and any State agencies and private, nonprofit accrediting bodies described in subsection (c)(1). However, the legislation does not require precise conformity by these agencies and accrediting bodies to the process used by the Secretary (as distinguished from the standards actually set forth in Subpart C of the HHS guidelines, as modified by the bill, and the additional requirements imposed by the bill) for the certification of laboratories under this section. The Secretary should not disqualify such organizations from recognition under subsection (c)(1) based upon programmatic differences that do not bear materially on the competence of such organizations to apply the standards required for certification or on their integrity in doing so. Thus, for example, differences in inspector training programs should not preclude recognition of such an organization so long as the organization's overall competence and integrity to certify laboratories under the standards required by the bill are not diminished or compromised.

Subsection (c)(2) provides that unless a laboratory engages solely in urine drug test-

ing, the laboratory is required to be certified under the Clinical Laboratory Improvement Act (section 353 of the Public Health Service Act) in order to become certified under this section.

Subsection (c)(3) provides that a laboratory may not be certified to perform drug testing unless it demonstrates to the Secretary its competence to perform toxicological urinalysis in accordance with the requirements of this section and section 572 for at least the following drugs and drug classes: marijuana, cocaine, opiates (morphine and codeine), phencyclidine (PCP), amphetamines (amphetamine and methamphetamine), barbiturates listed in Schedules I and II under the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.), and oxazepam and alprazolam.

Currently, certification under Subpart C is limited to five drugs and drug classes: marijuana, cocaine, opiates, PCP, and amphetamines. However, the methodologies used for testing for the barbiturates listed in Schedules I and II under the CSA, as well as for the most commonly abused benzodiazepines or their metabolites (alprazolam and oxazepam), do not differ significantly from test methodologies for the Subpart C drugs or pose significantly different technical problems. On balance, requiring laboratories already certified under Subpart C to bear the burden and expense associated with recertification under the bill would not be justified by the relatively small incremental benefits to be gained by such a requirement. Thus, this provision also contains a grandfather clause under which laboratories certified by HHS under Subpart C of the HHS guidelines prior to the date the Secretary establishes the certification program under subsection (a) shall be deemed by the Secretary to be competent to perform drug testing for all the drugs specified above and shall be certified by the Secretary to do so.

Subsection (c)(4) requires that a laboratory, in order to retain its certification under this section, shall require its scientific, technical, and analytical personnel to participate in continuing education programs of a nature and at a frequency (not less than annually) to be specified by the Secretary in regulations.

Subsection (d) directs the Secretary to revise the requirements of the certification program to reflect improvements in drug testing methods.

*Section 572—Provisions to ensure integrity of toxicological urinalysis*

Subsection (a) of new section 572 requires that the Secretary, not later than one year after enactment, issue regulations to ensure the integrity of toxicological urinalysis. Except as provided in subsection (b), these regulations are required to conform, to the maximum extent practicable, to Subpart B of the existing HHS guidelines. Subpart B covers scientific and technical requirements applicable to Federal workplace drug testing.

Subsection (b) requires the regulations to: (1) treat any person conducting a drug testing program in the same manner as Subpart B of the HHS guidelines treats the federal agencies to which it is applicable, except as otherwise provided in this subsection; (2) expand the list of drugs and drug classes for which test methods and cutoff levels are provided under Subpart B to include barbiturates listed in CSA Schedules I and II, benzodiazepines, anabolic steroids, and such other drugs or drug classes as the Secretary determines under subsection (c) may be appropriate; (3)(A) neither require nor prohibit

the establishment of a drug testing program, and (B) neither require any person to test nor prohibit any person from testing for any particular drug or class of drugs described in paragraph (2) or subpart B; (4) provide no specimen collection procedures other than those necessary to establish and maintain a proper chain of custody and to provide for transportation of specimens to the laboratory; (5) consistent with the consensus of expert medical and scientific opinion as determined on the Secretary (but, in the first set of final regulations, based on the Consensus Report referenced above), establish appropriate cutoff levels for each drug or class of drugs for both initial and confirmatory tests; (6)(A) establish blind performance tests procedures for drug testing programs, consistent with the consensus of expert medical and scientific opinion with respect to the number or percentage of specimens to be used for this purpose (again, in the first set of final regulations, based on the Consensus Report) and with the need to ensure accuracy, integrity, and protection of the interests of test subjects, and (B) establish procedures for drug testing programs to notify the Secretary of any false positive results discovered in blind performance testing or by a medical review officer (MRO) and for the Secretary to take appropriate action on the basis of such information; (7) provide no interim certification procedures; and (8) allow access by any test subject to certain relevant records.

Although the regulations described above will neither require nor prohibit establishment of a drug testing program, neither require any person to test nor prohibit any person from testing for any particular drug or drug class, and provide no specimen collection procedures except with respect to chain of custody and transportation, subsection (b) contains a savings clause intended to ensure that the requirements of subpart B of the HHS guidelines dealing with these issues will continue to apply to drug testing programs conducted by Federal agencies under Executive Order 12564.

Subsection (c) establishes a procedure by which the Secretary, following periodic public notice and comment or on petition by any person, may expand the list of drugs and drug classes for which test methods and cutoff levels are prescribed under subsection (b)(2).

Subsection (d) permits the Secretary to take into consideration any special factors or circumstances applicable to the testing of participants in amateur athletic competition warrant separate or different treatment under the regulations.

Subsection (e) directs the Secretary to revise the regulations issued under this section to reflect improvements in drug testing methods.

*Section 573—Specimen collection procedures*

Subsection (a) of new section 573 directs the Secretary to issue model specimen collection procedures within one year after enactment for the guidance of drug testing programs other than those conducted by Federal agencies under E.O. 12564. The Secretary is authorized to provide technical assistance and to recommend alternative procedures to address the particular needs or circumstances of interested parties.

Subsection (b) is a savings provision ensuring that the specimen collection procedures contained in Subpart B of the HHS guidelines will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

*Section 574—Prohibitions*

Subsection (a)(1) of new section 574 prohibits any person from performing any toxicological urinalysis in connection with any drug testing program unless that person is a laboratory certified under section 571.

Subsection (a)(2) prohibits any certified laboratory from performing toxicological urinalysis in connection with any drug testing program for any drug or drug class other than marijuana, cocaine, opiates, PCP, amphetamines, CSA Schedule I and II barbiturates, oxazepam, and alprazolam unless (A) in a case where such other drug or drug class is one for which the Secretary has prescribed test methods and cutoff levels, the laboratory is also certified to perform toxicological urinalysis for such other drug or drug class, or (B) in the case of any other drug or drug class, the drug testing program provides the laboratory with a statement signed by the test subject acknowledging disclosure of a test for such other drug or drug class and consenting to the performance of such a test.

Subsection (b) establishes several protections for test subjects by making it unlawful to engage in certain conduct, including breaching the confidentiality of test results (except in certain specified circumstances); knowingly altering or falsely reporting test results; knowingly adulterating urine specimens; knowingly performing or causing to be performed on a urine specimen a test for any medical condition or any substance (other than alcohol or a drug or drug class for which the Secretary has prescribed test methods and cutoff levels) without the consent of the person providing the specimen following full disclosure; taking adverse action against any test subject for refusing to give such consent; taking adverse action against any test subject based upon a positive result that has not been confirmed by gas chromatography/mass spectrometry (or, in the case of alprazolam, high-performance liquid chromatography); taking adverse action against any test subject based upon a test result that has not been verified as positive by a medical review officer for specified reasons; or otherwise knowingly failing to administer or conduct any urine drug test or testing program in accordance with the requirements of the certification program established under new section 571 or the regulations issued under section 572.

The prohibition on testing for any substance or medical condition other than alcohol or specified drugs without prior disclosure and consent is not intended to refer to tests for characteristics of a urine specimen that are integral to assuring the integrity of the drug test or specimen itself, such as tests for creatinine, pH, or specific gravity.

The prohibition in this section on taking "adverse action" against test subjects on the basis of unconfirmed or unverified tests is intended to be interpreted broadly. Thus, for example, an action that may have an adverse impact on a test subject's reputation, impose a stigma on that individual, or cause the test subject any emotional harm or distress, or that deprives the test subject of an opportunity he or she might otherwise have had but for the test result, is to be considered every bit as much an "adverse action" under the bill as one that imposes direct economic loss.

Assuming, however, that a positive drug test result has been properly confirmed and verified, the legislation does not address the uses to which such result can be put, nor does it affect in any way the manner in which an impaired individual may be handled. After confirmation and verification, an

employer is free to follow its usual procedures or policies with respect to continued or future employment. The same principle applies to the use of drug test results obtained in non-employment-related drug testing programs. Moreover, any existing right of an employer to remove from the job an employee who may be impaired would not be affected by the bill, so long as such action is not based upon an unconfirmed or unverified drug test.

#### Section 575—Sanctions and remedies

Subsection (a) of new section 575 provides criminal penalties for any person performing a toxicological urinalysis in connection with any drug testing program who is not a laboratory certified under section 571.

Subsection (b) provides for administrative penalties, to be assessed by the Secretary, on any laboratory performing a toxicological urinalysis in connection with any drug testing program that violates any regulation issued under section 572. The Secretary is required to refer violations committed by persons other than laboratories to the Attorney General for further investigation and appropriate action.

Subsection (c) authorizes the Secretary or Attorney General, as appropriate, or any aggrieved person, to bring actions in federal district court to restrain violations of section 574(a) or any regulation issued under section 572.

Subsection (d) authorizes any test subject who is tested, or whose test results are handled, in violation of, or is deprived of rights because of a violation under, section 574(a) or 574(b)(1)-(7), or who is adversely affected by a material breach in an applicable chain of custody under section 572, to bring a civil action in federal district court for appropriate legal and equitable relief, including employment, reinstatement, promotion, the payment of lost wages and benefits, and damages.

Subsection (e) authorizes an action to be brought against a laboratory to provide indemnification or contribution, as appropriate, by any person conducting a drug testing program who is found liable to a test subject because of adverse action taken against the test subject on the basis of a false positive result. It is important to note that the bill's definition of the term "false positive" has been written to avoid any implication that an MRO's verification of a true positive could result in a judgment for indemnification or contribution against a laboratory, even where that verification or subsequent adverse action was improper. Thus, for example, a test subject who suffers adverse action after testing positive for opiates despite his explanation that the test result was based on consumption of several poppy seed bagels might have a claim under the bill against the person conducting the drug testing program or against the MRO who verified the test result. However, if that person proved his or her case and recovered damages, the defendant would not then have a claim against the laboratory under the bill for indemnification or contribution because the test result was not a "false positive" as defined in the bill.

#### Section 576—Constructions

Subsection (a) of new section 567 permits test subjects and their representatives to contract for standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 572. Similarly, this subsection provides that nothing in the new Part F limits the authority of the Secretary

to permit an agency or accrediting body recognized by the Secretary under section 571 to maintain standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 572.

Subsection (b), however, prohibits an agency or accrediting body described above from denying certification under section 571 to any laboratory complying with the standards, procedures, and requirements established by the Secretary under section 571. Therefore, while a laboratory may not seek approval from such an agency or accrediting body recognized by the Secretary under that agency's or body's own standards, the agency or accrediting body would be required to grant a section 571 certification to any laboratory meeting section 571's requirements.

Subsection (c) provides that new Part F shall supersede the HHS guidelines and any other relevant law to the extent that it imposes standards, procedures, or requirements more protective of test subjects.

#### Section 577—Preemption

Subsection (a) of new section 577 prohibits States and local governments from adopting or enforcing any law relating to the certification of drug testing laboratories, or relating to requirements for the conduct of drug testing under the certification program, which is different from such certification program.

Subsection (b) prohibits any State or local government from adopting or enforcing any law that permits or requires any act prohibited by section 574.

#### Section 578—Fees

New section 578 establishes a system of certification fees to ensure that this Act will be budget-neutral. The fees are authorized to be used, subject to appropriations, to administer the program, regulations, and activities provided for in the Act.

#### Section 579—Definitions

New section 579 defines the following terms: blank specimen, controlled substance, drug, drug testing program, false positive result, medical review officer, person, performance testing, spiked specimen, test subject, and toxicological urinalysis.

#### SECTION 3. EFFECTIVE DATE

Except as specified below, the provisions of the bill would take effect on the date of enactment. The prohibitions on (1) the use of a noncertified laboratory, (2) the disclosure of test results by a person involved in drug testing or a drug testing program, and (3) the administration or conduct of any drug test or drug testing program except in accordance with the requirements of the certification program under section 571 or the regulations issued under section 572, would not take effect for one year following the establishment of the certification program under section 571.

### TRANSFER TAOS RANGER STATION TO CITY

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RICHARDSON. Mr. Speaker, today, I am reintroducing legislation that is very important to the town of Taos, NM, and Taos County. I was hopeful this legislation would be enacted during the last hours of the 102d Con-

gress, but despite bipartisan support in the Congress, time ran out before the bill could be passed.

For several years, town officials have tried to obtain the old Forest Service ranger station in Taos in hopes of converting it into a children's library and adult literacy center. Unfortunately, a severe lack of resources has made this impossible. The building, which is no longer suitable for use by the Forest Service, would be ideal for the town's purposes.

Under the legislation, the building would be conveyed from the Forest Service to the town of Taos, without putting the town in financial hardship, so the town may move forward with its plans for the children's library and literacy center. The town of Taos maintains strict preservation requirements for buildings in the downtown area, ensuring that the historical and cultural integrity of the building will be protected.

Mr. Speaker, transfer of the old Forest Service building to the town of Taos is a logical and practical move for everyone involved. More importantly, it will serve as an invaluable resource for the town to help educate future generations. I urge my colleagues to support swift passage of this legislation.

### INTRODUCTION OF POLICE AND FIREFIGHTERS TAX CLARIFICATION

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation that is of vital interest to police and firefighters in Connecticut.

This legislation simply clears up a situation where erroneous State law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several States, including Connecticut, the State law providing these benefits for police and firefighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut, at least, the State law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the State or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty State law but only for the past 3 years—1989, 1990, and 1991. From January 1, 1992, forward, those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed State law. The cities and towns involved believed that they followed State law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in Connecticut and has deemed these benefits taxable.

All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The State was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years' back taxes plus interest and penalties.

This legislation was included in H.R. 11, the Revenue Act of 1992, which was subsequently vetoed by the President. I hope that the 103d Congress can act expeditiously on this important legislation.

#### SCHOLARSHIPS NEED TAX EXEMPT STATUS

#### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, teachers in every State compete annually for the prized Christa McAuliffe Fellowship. This prize, named after the teacher who gave her life in the explosion of the space shuttle *Challenger*, was created by Congress in 1986. The fellowship is given to outstanding teachers across the country to improve their knowledge and teaching skills and to use innovative methods in their classrooms to teach their children.

When the Congress created the Christa McAuliffe Fellowship, it had the good sense to exempt these moneys from taxation. This makes good sense: The fellowship is not truly personal income, and it should not be treated as such. Moreover, if the fellowship is treated as personal income, it could well push the recipient into a higher tax bracket than that into which he or she would normally fall.

For some reason, we allowed the tax exclusion of the Christa McAuliffe Fellowship to expire in 1990. Thus, if a teacher receives a fellowship and devotes those funds to school projects, he or she must pay the taxes out-of-pocket. One recipient told me she did not know of the tax implications at the time she applied for the fellowship. Had she been aware of the personal costs she would incur, she would have seriously reconsidered applying for the fellowship in the first place.

Today, I am introducing legislation to restore prior law and once again exclude the Christa McAuliffe Fellowship from the recipient's income. Taxing these fellowships doesn't help teachers, it doesn't help students, and it doesn't help education as a whole.

#### REAUTHORIZATION OF THE ELE- MENTARY, SECONDARY, AND VOCATIONAL EDUCATION ACT

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today, along with Mr. FORD, chairman of the full Education and Labor Committee, and Mr. GOODLING, the ranking Republican member of both the full committee and the Subcommittee on Elementary, Secondary,

and Vocational Education, H.R. 6, to extend for 6 years the Elementary and Secondary Education Act [ESEA] and several related programs.

The ESEA provides nearly all Federal education funding for elementary and secondary schools throughout the Nation. The 46 programs it authorizes include Chapter 1, Chapter 2, the Eisenhower Mathematics and Science Programs, Magnet Schools Assistance, and Bilingual Education Programs. In fiscal year 1993 approximately \$10 billion was appropriated for the ESEA and related programs.

Chapter 1, the largest ESEA program, provides supplementary educational and related services to educationally disadvantaged students whose achievement is below the level appropriate for their age. Of the \$6.6 billion appropriated for Chapter 1 for fiscal 1993, \$6.1 billion, or 92 percent of the funds, are available for grants to local educational agencies. More than 90 percent of all school districts in the country receive Chapter 1 funding. Over 5 million students were served in school year 1988-1989, approximately one out of every nine American school children.

H.R. 6 proposes no substantive changes in the existing law. It is simply the reauthorization vehicle. After completing a series of comprehensive hearings, it is my intention to draft a substitute for subcommittee markup, and substantive changes will be considered at that time.

Chapter 1 and its related programs have played an important role both in improving the achievement of educationally disadvantaged children and in promoting instructional reform. I look forward to working with President Clinton on this very important legislation and encourage all Members to cosponsor this bill.

#### WILD AND SCENIC DESIGNATION

#### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 23 miles of the Maurice River and its tributaries in the State of New Jersey as components to the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System.

In 1987, I, along with my Senate colleagues, sponsored legislation authorizing the National Park Service to study the eligibility of these rivers and their tributaries for inclusion into the national system. After 5 years of study, the National Park Service found that all segments of the river were eligible for designation under the Wild and Scenic System.

Indeed, the Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides water to the region and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment the preservation of this very special resource. Indeed, a referendum in Millville on November 3, 1992, showed overwhelming support for wild and scenic designation of the segments of the river which flow through their municipality.

People think of New Jersey as what they see from the turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

#### INTRODUCTION OF H.R. 17, THE TECHNICAL CORRECTIONS ACT OF 1993

#### HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 17, the Technical Corrections Act of 1993. The primary purpose of this legislation is to make technical corrections to the provisions of the Omnibus Budget Reconciliation Act of 1990—OBRA 1990—and other recently enacted legislation within the jurisdiction of the Committee on Ways and Means. It includes technical corrections relating to tax, Social Security, human resources, and trade laws. Similar provisions were included in the conference agreement to H.R. 11 in the 102d Congress, a bill vetoed by President Bush on November 5, 1992.

The technical corrections provisions in H.R. 11 were crafted by the Committee on Ways and Means and the Senate Finance Committee based upon work by the majority and minority staffs of the two tax-writing committees, along with the staff of the Joint Committee on Taxation, the appropriate executive branch departments and agencies, and the Office of the Legislative Council. This bill is based upon the provisions contained in H.R. 11, with appropriate modifications.

Mr. Speaker, I want to assure my fellow Members and taxpayers that this bill is not intended or designed to make substantive

changes to OBRA 1990 or other recent legislation. Like past technical corrections bills, this legislation is anticipated to be revenue neutral. If necessary, any revenue shortfall will be financed by other tax law changes as the bill is considered by the Committee on Ways and Means.

In order to assist taxpayers and other interested parties in their analysis of this bill, I have instructed the staff of the Joint Committee on Taxation and the staff of the Committee on Ways and Means to issue a pamphlet describing the provisions of the bill. I have presented this explanation following this statement.

Mr. Speaker, I want to assure taxpayers that I intended to have the Committee on Ways and Means process this essential legislation as expeditiously as possible. This is important legislation to which I am fully committed, and which I expect to be enacted later this year.

### PROTECTING THE JEMEZ MOUNTAINS

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. RICHARDSON. Mr. Speaker, today I am re-introducing legislation to establish a national recreation area in the Jemez Mountains of the Santa Fe National Forest in New Mexico. During the last hours of the 102d Congress, I had great hope that we could pass this bill. However, despite tremendous local support and bipartisan support in the House and Senate, time ran out on this legislation at the end of last Congress. It is important that we take early action on this measure this Congress because the Jemez Mountains are currently under assault by the reckless strip mining of pumice. The protection of these mountains is one of New Mexico's top environmental priorities.

These volcanically formed mountains and valleys, mixed conifer and deciduous trees, streams, small ponds, steep canyons, and brilliantly colored rimrocks make up one of the most spectacular areas of the country.

They are one of the richest areas of biological diversity in the Southwest. The largest elk herd in New Mexico migrates through the area, and the mountains provide critical habitat for many Federal and State listed threatened, endangered, and sensitive species including the Peregrine falcon, Goshawk, Jemez Mountain salamander, and others.

The Jemez also contain one of the highest densities of archaeological and cultural sites in North America, estimated at 15 sites per square mile and totalling approximately 30,000 sites. This includes large ancient Pueblo Indian village sites, the largest of which contains over 1,800 rooms. The Jemez Pueblo Indians regard these mountains as the breath of life of their existence, and continue to use numerous religious sites in the Jemez.

The Jemez is also a very popular public recreation area. National forest figures show that approximately half a million people a year visit the area to camp, hike, fish, hunt, backpack, rock climb, and cross-country ski. Citiz-

zens from New Mexico and all around the country enjoy the Jemez. The area is truly a recreation mecca.

Unfortunately, the cultural, biological, and recreational value of the Jemez Mountains is threatened by the irresponsible strip mining of pumice, a material used to stone wash jeans. In fact, the major pumice mining operator in the Jemez, who is not even a member of the New Mexico Mining Association, has shown nothing but blatant disregard for Federal and State environmental laws. Over the last few years, New Mexicans have become justifiably alarmed about this degradation of the Jemez, resulting in my appointment of a citizens committee to develop a proposal to create a national recreation area [NRA]. Representatives from environmental organizations, timber companies, and concerned citizens held several meetings and worked diligently to produce a viable NRA proposal.

Since then, compelling testimony has been given at two congressional hearings and several town meetings in the Jemez area, and thousands of New Mexicans have called or written to express their support for an NRA in the Jemez. This legislation will provide protection for 57,000 acres of some of the most beautiful land in the country.

The bill directs the Forest Service to develop a comprehensive management plan for the recreation area that addresses issues relating to Native Americans, cultural resources, wildlife, recreation, mining, and visitors. It specifically withdraws the lands within the recreation area from new mining activity and prohibits the issuance of new mining patents, but protects the rights of those with existing mining operations. Mine operators will be required to reclaim the land as close as possible to its condition prior to mining.

Finally, I have worked hard to ensure that local landowners may continue with traditional uses of the land such as grazing, hunting, and timber harvesting. Because the Jemez Mountains are considered sacred by the Jemez Pueblo, specific language is included to protect their religious and cultural rights. Also, the bill will provide for much needed recreational and interpretive facilities, as well as a visitors center.

Mr. Speaker, it is critical that we look to the future and protect areas like the Jemez for our children and our children's children. This legislation will do just that. I urge my colleagues to join me in this effort.

### INTRODUCTION OF THE EQUAL REMEDIES ACT

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mrs. KENNELLY. Mr. Speaker, the overwhelming passage of the Civil Rights Act of 1991 represented significant progress in the ongoing battle to overcome discrimination, but it also created an egregious inequity in American civil rights law. By placing an upper limit on damages certain victims of discrimination may receive, we established an unfair two-tier system of justice. We need to finish the job we started.

Today I am introducing legislation to eliminate these caps on damages in the Civil Rights Act of 1991.

Under section 1981 of the Civil Rights Act, victims of intentional racial discrimination are entitled to unlimited damages, while under a new section 1981A, victims of discrimination based on disability, sex, or certain religious beliefs can receive damages only up to a statutory maximum. In attempting to eliminate discrimination in the workplace, we codified discrimination in the law.

It is time to make all victims of discrimination equal under the law: second class remedies have no place in antidiscrimination law. If it is wrong to discriminate on the basis of race, it is just as wrong to discriminate on the basis of religion, disability, or sex. Congress must not allow discrimination of any sort to become a predictable cost of doing business. We must not put our country's employers in the position of budgeting for discrimination. It is the wrong message to send to the business community and it is the wrong message to send to the American people.

I believe firmly that Congress remains committed to fairness and equity. I am therefore introducing the Equal Remedies Act of 1993 to remove the limitations on damages in section 1981A. Over one quarter of my colleagues in the House supported the Equal Remedies Act last year. Now, with a new administration and a new atmosphere in the Congress I hope the legislation will move quickly in this Congress. By enacting this legislation, we will express our dedication to equality for all Americans.

### END NOTCH UNFAIRNESS

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, for over 10 years, almost as long as I've been privileged to represent the Eighth District of Missouri, we've asked millions of our Nation's seniors to wait. We've promised that if they are patient, we will take care of the Social Security notch through regular legislative channels. For over 10 years, notch supporters have lobbied their Representatives. For over 10 years, Congress has seen only stalemate.

In 1977, Congress changed the Social Security benefit formula. If this formula had not been changed, in just a short time, the solvency of the Social Security system would have been jeopardized. The Congress enacted this law with the best of intentions—and yet, even with all good intentions, problems arose with the new computation method. Because of the changes, folks who were born in the 5 years between 1917 and 1921—also known as notch babies—generally receive smaller monthly benefits than people with similar work histories who were born just before them.

The 1977 law was flawed and has resulted in an inequity that continues to hurt millions of senior citizens. While the differences in benefits checks can be small, it can also be as large as \$160 a month. Whatever the number, the result of the 1977 law hurts those who can

least afford it—older Americans who often must live from benefit check to benefit check.

Once again, I am introducing and wholeheartedly supporting legislation that would create a new alternative transitional computation method for those born between 1917 and 1921, making a phase-in uniform over a 5-year period. The Notch Baby Act of 1993 is an affordable remedy for the notch injustice that many in Congress have tried to ignore, hoping the problem will just go away. It won't. The Notch Baby Act of 1993 is a sensible solution to a 10-year-old problem whose time has more than come.

The notch issue has been perplexing and anguishing for people who fall into that category. Notch babies don't understand why this mistake hasn't been rectified. I don't either. Millions of seniors across the Nation are waiting for an end to their battle. Seniors deserve an end to the barrage of mailings and fundraising attempts made on behalf of the notch. Seniors deserve an end to the repeated congressional delays and stalls. Seniors deserve an end to the uncertainty; seniors deserve action by the 103d Congress.

I urge my colleagues in the House to take a close look at the Notch Baby Act of 1993, and to add their names and support to this bill. With this legislation, we can remain budget responsible, while at the same time give notch seniors the benefits they deserve.

**SYSTEMWIDE EDUCATIONAL  
REFORM AND WORK FORCE  
ENHANCEMENT**

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today several bills intended to improve our Nation's education system and better enable it to provide students the skills they need to live and work in today's complex world. The issues raised by these proposals will be important factors in the reauthorization of the Elementary and Secondary Education Act and in any related education reform legislation that may be considered.

The first of these initiatives is the Neighborhood Schools Improvement Act. The Neighborhood Schools Improvement Act was approved by both the House and Senate in the last Congress but died in the final days when the Senate fell one vote short on a procedural motion. It is a major departure from the traditional way the Federal Government has assisted education in that it seeks to use limited Federal resources as an incentive for school districts to undertake coordinated reform by addressing all parts of the education system. The bill authorizes a 10-year program of grants to States to help all children improve their academic achievement and encourages systemwide reform because improvements cannot be sustained unless they are coherent, coordinated, and address all parts of the education system. It ensures broad-based public participation in reform activities and emphasizes results with the expectation that rules and regulations will be relaxed as those results are achieved.

The second bill, the Technology Education Assistance Act of 1993 addresses the critical issue of how technology can improve educational achievement.

The magnitude of technology available for use by schools today is staggering. Computers, modems, cable, microwave and satellite transmissions, CD's, and other technologies can play a key role in improving student performance in the classroom. However, all of this technology is of little use if it is not integrated into the classroom and used properly. Teachers are the key to successfully integrating this technology into the classroom.

According to "Power On! New Tools for Teaching and Learning," published by the Office of Technology Assessment in 1988, "The critical role of teachers in effective learning means that all must have training, preparation, and institutional support to successfully teach with technology." The report further went on to say that few teachers have had teacher education or field experience that will enable them to effectively use technology in the classroom. The Technology Education Assistance Act addresses this issue by providing funds to States to strengthen the skills of teachers in the use of technology.

Title I of the bill will enable local education agencies to develop, expand, and improve teacher education services regarding the use of technology in schools. Teachers will also be able to use funds to improve the instructional materials used in their classrooms. Funding is also available to institutions of higher education for training new teachers in the use of technology in instruction and to provide inservice training for elementary, secondary, and vocational education teachers.

Also contained in the legislation are provisions to establish an education technology agency within the Department of Education. Among its duties, are working with relevant Federal agencies to establish standards for the integration, utilization and upgrading of technology in schools, identifying regulatory barriers which prevent schools from integrating technology into the classroom; and developing a mechanism for financing the purchase of technology by schools.

I also am introducing two bills to address the critical issues of how schools prepare students for the world of work after graduation and maintaining the skills of current workers in the American work force.

An important factor in any discussion of school improvement initiatives is how to ensure that students leave school with the skills they need to perform in the workplace. The Workforce Readiness Act will help ensure that students graduating from high school have the generic skills necessary to enter the work force ready to perform. These skills are tools which all students can use whether they enter the work force immediately upon graduation from high school or continue on to some form of higher education. These skills also will provide the foundation upon which more occupational specific skills can be built.

The Workforce Readiness Act will create a national board of employers and educators which will work to identify generic skills necessary to enter the work force and how these skills can be incorporated into what students learn in grades K-12. The skills the board

identifies and the strategies for integrating them into the regular school curriculum would then be available on a voluntary basis to schools wishing to use them. The national board will be a permanent entity able to respond to the changing needs of the work force over time.

Title II of the bill proposes grants to consortia of education, business, and labor for the actual implementation of school-to-work transition projects. Many of its provisions are modeled after innovative programs operating in my congressional district where consortia of business, education, and labor are working together to implement projects in schools which will provide students with the skills necessary to enter the work force. These projects seek to provide workplace skills through a comprehensive approach which begins in elementary school and continues through graduation from high school by integrating workplace skills into the regular school curriculum.

Finally, any national system designed to enhance the skills of American workers must include the current work force. The Workplace Education and High Performance Workforce Act of 1993 will increase the availability of workplace services to those individuals already working.

There are more than 5 million small- and medium-sized businesses of 500 or fewer employees in the United States and they employ approximately 57 percent of the American work force. Given these facts it is clear that workplace education services designed to assist small firms must be a central part of any effective education and training policy.

Small businesses recognize that a key element in being able to compete in the increasingly competitive marketplace lies in having a skilled work force and that they need to be able to implement programs that will enable employees to improve their skills. Second, many small businesses recognize the need to increase their capacity to compete by introducing new and more effective methods of work organization and new technologies into their workplace. What is needed is an easily accessible system that will enable these businesses to access these services.

The Workplace Education and High Performance Workforce Act creates a system to provide small businesses with easily accessible services that will help them to upgrade the skills of their workers, implement new methods of work organization, or introduce new technologies. This new approach creates, within States, workplace districts headed by a work force specialist. These work force specialists will operate out of institutions of higher education and their function will be to promote workplace education, to be a visible point of contact and expertise for businesses and educators, and to serve as a broker between businesses and educators. At the national level, the bill establishes an office of workplace education and high performance work in the Department of Labor to oversee the development and implementation of State programs authorized by this act.

**INTRODUCTION OF LEGISLATION  
TO MAKE STUDENT LOAN INTER-  
EST DEDUCTIBLE**

**HON. JIM BUNNING**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. BUNNING. Mr. Speaker, today I am introducing legislation to make higher education more affordable and accessible to millions of Americans. The bill I have dropped in the hopper today, along with 48 of my colleagues as cosponsors, will make student loan interest deductible.

In the Tax Reform Act of 1986, Congress made what I feel was a major error by reclassifying student loan interest as consumer interest and thus making it non-tax deductible. In the name of tax reform, student loans were now classified as consumer loans making them no different than consumer goods purchased with a credit card as far as the tax code is concerned. I think there is a big difference.

College costs have risen dramatically over the past decade and students are finding it increasingly necessary to borrow to pay for those expenses. Low- and middle-income students have been particularly hard hit by these increasing expenses. According to a study by the Congressional Research Service, over 50 percent of government student loans are awarded to individuals with annual incomes under \$15,000. Another 10 percent go to individuals making between \$15,000 and \$20,000.

Graduate students also are finding themselves very hard hit by rising college costs. When graduate students are leaving school they are often carrying a debt in excess of \$50,000 or \$100,000. Such a large debt is a significant burden in the early years immediately following graduation.

The bill that I have introduced today will assist individuals who want to go to college and are forced by circumstances to borrow for their education. My bill will target those most in need by limiting the deduction to those individuals earning under \$55,000 and couples earning under \$90,000. These income limits are good policy by helping those people who need it most and it also helps to reduce the cost of the bill.

Mr. Speaker, we are facing a situation in this country where the best and the brightest may well be shut out of higher education because of escalating costs. This legislation will assist those who need help the most by allowing them to deduct the interest on the money they borrow to forward their education.

**INTRODUCTION OF H.R. 18, A BILL  
TO EXTEND PERMANENTLY THE  
LOW-INCOME HOUSING CREDIT**

**HON. DAN ROSTENKOWSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. ROSTENKOWSKI. Mr. Speaker, today I, along with Congressman RANGEL, am introducing legislation to amend the Internal Revenue

Code to extend permanently the low-income housing credit.

The low-income housing credit has played a critical role in the development of affordable housing for our Nation's low-income individuals. By providing an incentive to spur the production of housing for these individuals, the credit has played an invaluable role in improving the quality of life for people who otherwise may have found it impossible to find decent affordable housing.

Unfortunately, the low-income housing credit expired for periods after June 30, 1992. Last year, the Congress passed legislation on two occasions which, among other things, would have extended the credit permanently—H.R. 4210, the Tax Fairness and Economic Growth Act of 1992, and H.R. 11, the Revenue Act of 1992. However, these bills were vetoed by President Bush, leaving the future of the housing credit in jeopardy.

I am optimistic that President-elect Clinton will recognize the importance of the credit in developing affordable housing for our Nation's low-income families, and that we can make the credit permanent this year as part of any comprehensive legislation to assist cities and stimulate investment and economic growth. I will, of course, work with the new administration as it crafts its economic proposals and will remain flexible in fashioning the best comprehensive economic program for the Nation. In that context, it may also be appropriate to extend other meritorious tax incentives that have now expired.

The bill we are introducing today does not include a mechanism for offsetting the revenue cost of extending the low-income housing credit permanently. However, I am committed to ensuring that the legislation is fully paid for as it progresses. As such, the legislation will move forward only at the time that appropriate revenue offsets are provided to make it revenue neutral.

**LOWER MISSISSIPPI DELTA DE-  
VELOPMENT FINANCING COR-  
PORATION ACT**

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, I am pleased to join with my friend and colleague from Mississippi, Mr. ESPY, in again introducing the Lower Mississippi Delta Development Financing Corporation Act. This bill is the culmination of years of hard work by Mr. ESPY and others, and we have an excellent product as a result. I commend Mr. ESPY and others who have worked on this project for all of their fine work.

Fortunately for the Nation's farmers but unfortunately for his colleagues in Congress, Mr. ESPY will probably be leaving the Congress in short order. As my colleagues are aware, the incoming administration has designated him to be the next Secretary of Agriculture, and I have no doubt that his appointment will be confirmed quickly by the Senate. I have promised him that when he leaves us, I will take this bill under my wing, and I will do all within my power to pass this bill in the 103d Congress.

The Lower Mississippi Delta region of the country consists of 219 counties and parishes that are among the Nation's poorest. When the Lower Mississippi Delta Development Commission issued its report in May 1990, the statistics were eye-opening. Substantial poverty, poor health, high infant mortality, lack of education, and lack of suitable infrastructure are among the factors which have limited the opportunities available to residents of the delta region.

Despite these adverse conditions, the people of the delta prefer hope to despair. They are hard working and forthright, and they are one of the region's most tremendous resources. They did not come to the Congress looking for a handout; rather, the Congress is, by virtue of this bill, offering the region a hand up.

This bill will give the delta region the ability to help itself. The Delta Corporation is a means to provide structured seed money to this region that needs it so badly, but it is not a Federal program to continue ad infinitum. It will not be another bureaucracy; we have too many of those in this country already. This Corporation will be a private corporation operating under a Federal charter. At the end of fiscal year 1998, the Corporation will reorganize under a State charter, and it will be private in every sense of the word. With this legislation, we are helping the people of the delta to create a structure which will eventually be entirely Delta-run, Delta-managed, and Delta-financed.

This is how the Corporation will work: The President will appoint the initial board of directors, with the advice and consent of the Delta congressional delegation. The Board of Directors will establish bylaws, appoint officers and employees of the Corporation, and issue stock. It will possess all the powers of any ordinary private corporation: owning and transferring real and personal property; acquiring or establishing subsidiaries; entering into contracts; etc. The Corporation will receive up to \$100 million in Federal funding over a span of 5 years, and it will be on its own after that.

The Corporation will play an instrumental role in stimulating entrepreneurial activity and infusing capital into the Delta region. It is directed by this legislation to provide technical training programs for local communities, provide regional economic research and analysis, raise funds for economic development, and work with local financial institutions to provide microloan funds, seed and venture capital, revolving loans, and other financial tools. All in all, the Corporation will create a climate in which economic development can flourish in the Delta region.

I am truly excited about the potential unleashed by the Delta Corporation. This bill represents a true investment in the people of the region—not another bureaucracy, and not another government giveaway—and our return on this investment will be manifold. The Delta Corporation will truly help folks to help themselves, and I hope to see it swiftly enacted in the 103d Congress. In addition to being a fitting tribute to MIKE ESPY, although I believe he would decline to see it as such, enactment of this bill would help bring long-awaited and much-deserved self-help to the delta region.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO LIMIT FEDERAL CAMPAIGN EXPENDITURES

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DINGELL. Mr. Speaker, today I am introducing a proposed constitutional amendment that would give Congress greater authority to grapple with the thorny business of campaign financing reform. My constitutional amendment, which I introduced last year as House Joint Resolution 524, would carve out an exception to Buckley versus Valeo by restoring to Congress the authority to impose limitations on campaign expenditures in Federal elections.

Nothing more. Nothing less.

Far too much money has been spent on campaigns in recent years. Of the 50 candidates who spent the most in their campaigns during the 1991-92 U.S. House of Representatives election cycle, 2 candidates spent over \$3 million, and over 40 spent over \$1 million.

All this spending for a House election?

The spending situation for U.S. Senate races isn't any better. The top 50 candidates each spent over \$1 million with the top 3 spending over \$8.5 million each.

Spending patterns get more absurd when you include the millions and millions spent on independent expenditure efforts by interest groups and wealthy candidates.

Granted, the Congress has made progress in the past few years in enacting far-reaching campaign reform legislation. But it's time to balance the equation and complete the job.

I ask my colleagues to join me in cosponsoring this legislation.

The resolution follows:

H.J. RES. —

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:*

"ARTICLE

"The Congress shall have authority to limit expenditures in elections for Federal office."

STATEMENT BY THE HONORABLE  
RONALD D. COLEMAN

**HON. RONALD D. COLEMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. COLEMAN. Mr. Speaker, today I am introducing legislation to posthumously honor Mr. Marcelino Serna of El Paso, TX. My bill would make the late Mr. Serna eligible for the award from the Army of the Congressional Medal of Honor by stipulation that the regula-

tion which says that a nomination for that award must be filed within 2 years of the acts "above and beyond the call of duty" should be waived in this case. In my judgement, Mr. Serna deserves that medal just as surely as anyone who has ever been so honored.

Marcelino Serna served in the U.S. Army from 1917 to 1919. He was born in Chihuahua City, in the Mexican State of Chihuahua in 1896. He died February 29, 1992, at the age of 95. He had held his U.S. citizenship since 1924. Seventy-one years ago, Mr. Serna was awarded the Army's second highest award for valor in combat, the Distinguished Service Cross. He was decorated with the highest military medals of Italy and France. The descriptions of his exploits on the battlefields of Belgium and France read like casebooks of heroism. In recovering from wounds suffered toward the end of the war, he was personally decorated by General John "Black Jack" Pershing.

Some have speculated that Mr. Serna was not awarded the Medal of Honor either because he was a buck private for most of the war, because he was not a citizen of this country at the time or because he could not speak English well. I hope that none of these reasons were ever given by anyone in a position of authority in these matters. They are insulting and they have no basis in law.

This bill, once enacted, would begin to right a wrong—and to correct an oversight. I urge the committee of jurisdiction to take up the legislation as rapidly as possible so that the Army may look at the merits of this case.

TRIBUTE TO PATRICK J. BUTLER

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Patrick J. Butler, who recently retired from public service after 33 years of service to the Chicago public school system.

Patrick J. Butler began his teaching career in 1959 as a substitute teacher at Fender High School and then moved to Morgan Park High School as a full-time teacher where he remained until 1961. He then taught at the South Shore High School and at Calumet High School.

In 1965, Butler was among the first group of teachers assigned to the new John F. Kennedy High School on Chicago's Southwest Side. In this first year there, he wrote Kennedy's school song, which used as its music President John F. Kennedy's favorite march, "The Boys From Wexford."

Butler remained at Kennedy High School until his retirement last year. While on the faculty, he sponsored the school's first paper, "Profile" and remained its sponsor until 1984. He founded the Kennedy Players drama club and produced and directed every play at the school until 1991.

Mr. Speaker, Patrick J. Butler has dedicated over three decades to the development of new minds through his influential role both inside and outside the classroom. In the 1976, while

serving as the Alderman of Chicago's 23d Ward, I recognized Patrick Butler as Teacher of the Year for his hard work and dedication to our community. Today, as he begins a new stage in his life, I urge my colleagues to join me in wishing him all the best in the years to come. I hope he and his family will enjoy many more years of happiness and fulfillment.

INTRODUCTION OF THE FFCWA

**HON. DAN SCHAEFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SCHAEFER. Mr. Speaker, today I am introducing the Federal Facilities Clean Water Compliance Act of 1993, legislation designed to ensure that Federal agencies meet the requirements set forth by the Clean Water Act.

Federal facilities, particularly those associated with the nuclear weapons complex, have a legacy of environmental contamination. According to the Office of Technology Assessment [OTA], there is evidence that air, ground water, surface water, and soil have been contaminated at most, if not all, of the Department of Energy nuclear weapons sites. Regrettably, much of this widespread problem—and the billions of taxpayer dollars needed to correct it—could have been avoided.

Although many of the Nation's environmental laws were not yet in place when nuclear weapons production began, their enactment has far from guaranteed responsible environmental practices at the Nation's Federal facilities. Instead, under each of the major statutes designed to protect our air, land, and water, Government agency compliance rates continue to lag behind private industry. The Clean Water Act is no exception.

In fact, the General Accounting Office reports that Federal facilities fail to comply with the provisions of the Clean Water Act twice as frequently as their private counterparts. Regardless of the reasons for this dismal performance, it leads to the irrefutable conclusion that Federal agencies lack adequate incentives to abide by the law. They must be held accountable.

Unfortunately, those primarily responsible for overseeing environmental laws at Federal facilities—the States—have seen an important enforcement tool denied by the courts. In April 1992, the Supreme Court ruled that States could not issue punitive fines and penalties against Federal agencies for violations of the Clean Water Act and the Resource Conservation and Recovery Act [RCRA]. Ironically, they could continue to take such actions against private industry.

This obvious inequity led Congressman Eckart and myself to introduce legislation in the 102d Congress (H.R. 2194) to clarify that Congress intended to waive sovereign immunity—subjecting Federal agencies to State-levied fines and penalties—when it enacted the Resource Conservation and Recovery Act. While that legislation overwhelmingly passed the House and was eventually signed into law, it did not impact that part of the Court's decision affecting the Clean Water Act. That is why this bill is so necessary.

The Federal Facilities Clean Water Compliance Act of 1993, modeled after last year's successful initiative, clarifies that Federal agencies are not immune from enforcement actions for failing to comply with the Clean Water Act. In other words, as we have already done for RCRA, this legislation simply brings Federal agencies into line with private companies which commit similar violations. The environment knows no difference between contamination from Federal and private sources; neither should the law.

I urge my colleagues to join me in this important effort.

CONGRESSIONAL CAMPAIGN  
SPENDING LIMIT AND ELECTION  
REFORM ACT OF 1993

**HON. SAM GEJDENSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GEJDENSON. Mr. Speaker, today, the fundamental questions in American politics are not whether you are in or out, but whether you are for change or keeping things as they are; not whether you benefit from the system, but whether you are in a position to change the system.

The truth is that candidates cannot unilaterally commit to limit their election spending or to adopt by choice the many campaign reforms advocated throughout the years. Different State election laws, political party activity, and the increased visibility of independent expenditures make it impossible for any single candidate to abide by self-imposed expenditure constraints independent of the enactment of uniform Federal election law. It is unrealistic to expect the campaign finance system to right itself voluntarily by virtue of the will of the participants because of the demonstrated realities of political ambush. It requires the full mandate of public law.

How do we return to every citizen a feeling of meaningful participation in the political process? How can we ensure that the interests of average Americans are represented in the U.S. Congress? One giant step we can take immediately is to reform our campaign finance laws which place entirely too much emphasis on the finance and too little on the campaign.

The most important and long-lasting campaign finance reform we can make is the reduction of campaign expenditures. Ever since the Supreme Court, in Buckley versus Valeo, singlehandedly destroyed the carefully crafted and balanced reform system designed in the wake of the Watergate scandal, we have been trying to fix the damage and pass campaign finance reform. Others have contributed much thought, energy, and effort to this task over the years, and they did so again last year.

Today, we are introducing legislation which will accomplish significant reforms in the way we finance and conduct Federal election campaigns. This bill is identical to the 1992 conference report to accompany S. 3 which President Bush vetoed on May 9, 1992. President-elect Clinton has committed to enacting comprehensive campaign finance reform and it is our intention to pass this legislation as soon

as possible and present it to the President for his signature.

This comprehensive bill, which both Chambers passed with bipartisan support in the 102d Congress, should serve as the starting point for further deliberation. Not every provision is sacrosanct, nor have the contribution and expenditure limits been adjusted to compensate for the dynamics of the 1992 Presidential and congressional elections. Nonetheless, today's introduction is a declaration that the 103d Congress and the Clinton administration are strongly in favor of changing the way Federal elections are financed and conducted.

Campaigns should be a clash of ideas, not of bank accounts. Elections are not supposed to be a participatory process for only the wealthy and privileged; they are the cornerstone of this democracy, in which every citizen should not only participate, but should be eager to do so.

SIMPLIFY PUBLIC ASSISTANCE  
PROGRAMS

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, I am introducing a bill today that will improve the Food Stamp Program and provide a method for coordination and simplification among public assistance programs. My bill includes changes to the Food Stamp Program that will remove limitations on work requirements and enhance waiver authority for welfare reform demonstration projects.

I believe there are major problems facing the entire public welfare system which require budgetary, regulatory, tax and welfare reform. Since 1983, when I became the ranking member on the Nutrition Subcommittee of the Committee on Agriculture, I have been concerned about the system that provides help to families in need. It soon became apparent to me that families participating in the Food Stamp Program had other needs as well: the need for financial assistance, help in finding a job, housing and medical assistance are among the major problems facing poor families. The current system with the lack of coordination and lack of resolution of the differences among the programs, is very troublesome.

I would like to see a system in which we provide benefits to people in a coordinated and simplified manner and provide employment and training for able-bodied participants. We must simplify the programs we have and make taxpayers out of those able-bodied people now in need to help. This food stamp proposal is a step in that direction.

The welfare system is broken and must be fixed. When a family is in need of help, that need often crosses program lines and the hurdles that families must face are immense. They must go to different agencies, meet different eligibility standards, and abide by different rules and regulations. Administrators of these programs have similar problems. One of our first priorities should be to make sure that we improve the delivery of Federal welfare

benefits to needy families across the United States. I urge my colleagues to support this bill.

SECTION-BY-SECTION SUMMARY—FOOD STAMP  
EMPLOYMENT AND FLEXIBILITY AMEND-  
MENTS OF 1993

REMOVE LIMITATIONS ON DURATION OF JOB  
SEARCH

Section 2 would amend Sections 6(d) and 20(e) of the Food Stamp Act to assign state agencies the responsibility for establishing the duration of job search periods for participants in the Food Stamp Program's employment and training (E&T) and workfare programs. Currently, the Food Stamp Program regulations limit job search to eight weeks at application and an additional eight weeks during each succeeding twelve month period. The proposal would remove this limitation, thus permitting state agencies to require longer or continual job search. State agencies are in a much better position to judge whether continuing job search is likely to help food stamp participants find work and expedite the time when they will no longer require Federal food assistance. It is reasonable to require able-bodied unemployed or underemployed people who are receiving Federal assistance to spend time searching for work, just as it is reasonable to require able-bodied employed people to continue working. The proposal would make any job search periods required by state agencies for E&T participants subject to any minimum period established by the Secretary by regulation.

REVISE PROHIBITION AGAINST DISPLACING  
EMPLOYEES

Section 3 would amend Sections 6(d) and 20(d) of the Food Stamp Act to expand state agencies' ability to place E&T or workfare participants. Currently, state agencies are prohibited by the statute from placing E&T or workfare participants in any job if doing so would have the result of displacing an employee who is not participating in E&T or workfare. The proposal would prohibit firing or laying off existing employees with the intent of replacing them with E&T or workfare participants, but it would enable state agencies to fill jobs vacated for other reasons with E&T or workfare participants as long as contracts for services/collective bargaining agreements were honored. Since state agencies have the responsibility for placing both E&T and workfare participants, those agencies are in the best position to know whether jobs are appropriate for such participants. State agencies should have as few constraints as possible in their efforts to place E&T and workfare participants in jobs.

AUTHORITY FOR STATE AGENCIES TO INCREASE  
HOURS OF PARTICIPATION IN COMMUNITY  
WORK EXPERIENCE PROGRAMS AND WORKFARE

Section 4 would amend Sections 20 (b) and (c) of the Food Stamp Act to make a technical amendment and to provide state agencies administering community work experience programs (CWEP) and food stamp workfare programs additional options.

The technical amendment would change an incorrect reference to a renumbered section of the Social Security Act. The incorrect reference currently prevents state agencies administering CWEP from considering the value of food stamps received by CWEP participants when calculating the maximum hours such participants can be required to work.

The proposal would give state agencies that administer CWEP the option to include the average monthly cost of providing Med-

icaid benefits and the value of Federal housing assistance when computing the maximum hours of CWEP participation. The maximum number of hours that CWEP participants receiving food stamps could be required to work would be capped at 40 hours a week. Currently, food stamp recipients who participate in CWEP are limited to 120 hours monthly. The proposal would provide state agencies that administer CWEP maximum flexibility in assigning participants to jobs.

The proposal would also provide food stamp state agencies administering workfare the option to consider the average monthly cost of providing Medicaid benefits (for food stamp households that receive Medicaid) and the value of Federal housing assistance, in addition to the value of households' food stamp allotments, in calculating the maximum hours workfare participants can be required to work. The maximum number of hours that workfare participants would be required to work would be capped at 40 hours a week. Currently, food stamp recipients participating in workfare are limited to 30 hours per week. The proposals would enhance state agencies' flexibility in administering this food stamp work program.

**ENHANCED FOOD STAMP PROGRAM WAIVER AUTHORITY FOR WELFARE REFORM DEMONSTRATION PROJECTS**

Section 5 would amend Section 17(b) of the Food Stamp Act to improve the Secretary of Agriculture's existing authority to approve waivers requested by states operating or wishing to operate welfare reform demonstration projects. The Secretary would be authorized to approve waivers of any aspect of the program, including eligibility requirements, benefit computations, and administrative procedures.

Currently, Section 17(b) of the Food Stamp Act authorizes waivers necessary to conduct demonstration projects but denies the Department authority to approve waivers that would lower or further restrict eligibility standards (income and resources) or benefits unless the project involves the payment of the average value of allotments in cash or improved coordination of E&T and AFDC's Job Opportunities and Basic Skills program. Improved waiver authority for welfare reform demonstration projects is necessary to permit tests of program changes that cannot be achieved under current authority. Such tests could lead to closer conformity between the Food Stamp Program and the Aid to Families with Dependent Children program and other Federal assistance programs, thus leading to meaningful welfare reform and maximizing state agencies' flexibility.

**EFFECTIVE DATE**

Section 105 specifies that the amendments made by this bill will become effective 60 days after enactment.

**H.R. 19, THE MEDICARE PREVENTION BENEFIT ACT OF 1993**

**HON. DAN ROSTENKOWSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. ROSTENKOWSKI. Mr. Speaker, today I am pleased to introduce H.R. 19, the Medicare Prevention Benefit Act of 1993. This legislation would expand Medicare benefits to cover additional prevention health services.

Health professionals have recognized the value of prevention services for many years.

Early detection and treatment offer the best chance for reducing mortality and duration of illness.

Some prevention services, such as vaccinations, actually prevent the occurrence of diseases. Others, such as mammography and colorectal cancer screening, allow for early detection and treatment of diseases.

While Medicare does not currently pay for all prevention services, in the last 10 years Congress has made progress in providing coverage for a limited number of prevention services.

The following prevention services are currently covered by Medicare:

Pneumococcal vaccine;  
Hepatitis B vaccine for certain high-risk individuals;  
Pap smears to screen for cervical cancer; and

Mammography screening for breast cancer. The Medicare Prevention Benefit Act of 1993 would extend Medicare coverage to four additional prevention services.

First, H.R. 19 would, as recommended by the American Cancer Society, amend the current policy of biannual mammography screening to allow for annual screenings for elderly women.

Second, Medicare benefits for colorectal screening would be provided.

Third, the bill would provide coverage for tetanus vaccinations every 10 years and annual influenza vaccinations for the elderly.

Fourth, children under the age of 7, eligible for Medicare through the end-stage renal disease program, would be provided with well-child services, including routine office visits, immunizations, laboratory tests, and preventive dental care. These services are essential to ensure the health care needs of our children.

This bill also would permanently extend Medicare prevention demonstration projects relating to prevention services. In addition, the Office of Technology Assessment [OTA] would conduct a study and recommend a process for determining when other prevention services should be covered under Medicare.

I believe that this legislation is consistent with President-elect Clinton's economic and health care agendas. Also, as has been the case for many years, the Committee on Ways and Means and I, as its chairman, remain fully committed to financing any benefit expansions within its jurisdiction, such as those contained in this bill.

There are a variety of approaches that could be used to finance these benefits. One would be through an increase in Medicare's part B premium. Based on preliminary estimates, the cost of these benefits would be fully financed by a modest increase in the part B premium of \$1.40 per month in 1994, increasing to \$2 per month in 1997. Other approaches for financing these benefits would also be considered.

Mr. Speaker, preventive services can help our elderly citizens to avoid the cost and discomfort of many illnesses. This is important legislation and I am hopeful it will be enacted by Congress on a timely basis.

A section-by-section summary of the bill follows:

**THE MEDICARE PREVENTION BENEFIT ACT OF 1993**

**SECTION-BY-SECTION**

**SECTION 1. Title.**

Medicare Prevention Benefit Act of 1993.

**SEC. 2. Annual Screening Mammography.**  
The bill provides for Medicare coverage of screening mammography on an annual basis for individuals over the age of 65. Current law provides for annual coverage for women ages 50 through 64, but only on a biannual basis for older women.

**SEC. 3. Coverage of Colorectal Screening.**  
The bill would provide for coverage of fecal occult blood tests (FOBT) and screening sigmoidoscopies for the early detection of colorectal cancer. The FOBT would be covered on an annual basis; the screening sigmoidoscopies would be covered every five years. Payment for the FOBT would be under the laboratory fee schedule, subject to a \$5.00 limit in 1994. The screening of sigmoidoscopies would be reimbursed under the resource-based relative value scale (RB RVS), without regard to the RB RVS transition provisions. That is, the sigmoidoscopies would be paid based fully on the RB RVS rate in 1994.

The Secretary would be permitted to modify the frequency criteria after 1997.

**SEC. 4. Coverage of Certain Immunizations.**  
The bill would provide for coverage of annual influenza vaccinations, and for tetanus-diphtheria vaccinations every ten years.

**SEC. 5. Coverage of Well-Child Care.**  
The bill would provide that children up through age six, eligible for Medicare through the end-stage renal disease program, would be provided with "well-child services." These services would include routine office visits, immunizations, laboratory tests, and preventive dental care.

**SEC. 6. Demonstration Projects for Coverage of Other Preventive Services.**

The bill would provide for a series of ongoing demonstration projects that would evaluate the appropriateness of coverage of additional services under Medicare.

**SEC. 7. OTA Study of Process for Review of Medicare Coverage of Preventive Services.**

The Office of Technology Assessment, subject to the approval of the Technology Assessment Board, would conduct a study and recommend a process for determining when other preventive services should be covered under Medicare.

**SEC. 8. Effective Date.**

The benefits would apply to services provided on or after January 1, 1994. All other provisions would be effective on enactment.

**AN ENVIRONMENTAL PROTECTION AGENCY OFFICE FOR THE UNITED STATES-MEXICO BORDER**

**HON. RONALD D. COLEMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. COLEMAN. Mr. Speaker, today I am introducing legislation to establish an Environmental Protection Agency [EPA] Office for the United States-Mexico border region. The United States-Mexico border region faces acute and unique environmental obstacles which would be best addressed by devoting the efforts of a single office to the entire region. This measure is particularly important now, since the Members of this body will soon be called upon to approve the recently signed North American Free-Trade Agreement [NAFTA].

The environmental difficulties that the United States-Mexico border region faces have long

been neglected. For too long, the border region has been divided among other administrative units within the EPA, causing the special problems and needs of the region to be overlooked far too often. The La Paz Agreement between President Reagan and President de la Madrid was a good starting point for recognizing and addressing the problems of the border. However, it was only a first step; we have a long way to go. We must not allow ourselves to believe that because we have taken a single step we are walking. On the contrary, we took one step and stopped.

Studies have continually shown communities along the border to be among the most distressed in the country. This distress stems from the relatively poor environmental quality of the border region. The need for an EPA office which can devote its efforts to the unique problems of the border is acute with or without a trade agreement.

Mr. Speaker, the light of the NAFTA will expose the glaring environmental difficulties the United States-Mexico border region faces. The need for effective legislation to enforce the environmental standards of the United States when NAFTA is implemented is obvious to the Members of this body. However, it would be foolhardy of us to pass such measures and pat ourselves on the back for a job well done without addressing the problem of how to monitor and enforce those standards. In order to implement the NAFTA in the manner which most Members would like, we must first establish the basis by which we will be able to determine if the measures we pass are, in fact, being adhered to. Experience has demonstrated that leaving the monitoring and enforcement of established standards cannot be left to the currently fragmented EPA efforts.

Mr. Speaker, this bill should be viewed as a foundation upon which we can build a comprehensive plan to protect the border region. I am confident that all of us wish to ensure the environment of the border will not continue to be neglected due to the administrative divisions within the EPA. The establishment of a border regional office is long overdue and I commend this measure to my colleagues.

#### REPEAL THE SOURCE TAX

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, as millions of retirees prepare their State and Federal tax returns for 1992, most are unaware that they may be subject to tax in their former State of residence. This is because of the source tax, a particularly mean-spirited tax currently enforced by California and 11 other States but under consideration in many others as well.

The source tax essentially means that pensions earned while residing in one State may be taxed by that State regardless of where the retiree now lives. Thus, Arizona residents who once lived and worked in California must pay California income tax if they receive any pension or portion of a pension as a result of that work.

Mr. Speaker, States should not be able to reach across their borders, or across the

country, to tax citizens of another State. I am today introducing legislation to put an end to this unfair practice.

#### TRIBUTE TO MAJ. ROBERT HANSEN, U.S. AIR FORCE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Maj. Robert "Wally" Hansen who will retire January 8, 1993, from the U.S. Air Force after 20 years of diligent service to our country. He served most recently as chief Air Force liaison officer in the United Arab Emirates.

Major Hansen has served this Nation with great distinction as both an officer and an aviator. As a superb aviator, confident leader, and consummate staff officer, Hansen has excelled at every task. He served as a flight commander, operations officer, and instructor pilot and was the only Pacific Air Force pilot to concurrently obtain instructor pilot and flight examiner status in three different types of aircraft. As an inspector general evaluator, he alone did more in 9 months to verify the combat capability of Pacific Air Force units than was done in the previous 5 years.

During his recent service as a liaison officer to the U.S. Embassy, United Arab Emirates, he provided critical operational expertise on residual Desert Storm military operations during the building of postwar regional diplomatic and military structure. His astute insight contributed significantly to the act of negotiating and establishing diplomatic procedures for post-crisis military operations with the United Arab Emirates Ministry of Foreign Affairs. As a result, he was awarded the Defense Meritorious Service Medal.

Mr. Speaker, I ask you and each of my colleagues to join me in saluting Major Hansen for his many contributions to the security of this great Nation. It is with great pride and pleasure that I congratulate him on his retirement from the Air Force. I extend my best wishes to Wally and his wife Lois, who is also an Air Force officer. I know my colleagues join me in wishing him all the best in his future endeavors.

#### REPEAL SOCIAL SECURITY EARNINGS TEST

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, America has always stood as a shining example of opportunity for the rest of the world. People have left the security of their homelands to take their chances here in the United States. Is it possible that here, in this land of opportunity, the Federal Government has been severely limiting that opportunity for our Nation's senior citizens? It is not only possible, it's the law.

Fifty-seven years ago, when the Social Security system was launched, unemployment

was as high as 25 percent. The objective of the Social Security Act, in part, was to create jobs for young Americans during the Depression by removing elderly workers from the labor force. In short, the earnings test was a conscious attempt by Congress to discourage the elderly from working.

Times have changed drastically since the 1930's, and as we head toward the 21st century it seems only just that Congress change this discriminatory policy. Today, I am introducing legislation to phase out the earnings limitation, thereby eliminating the restriction on outside employment for Social Security retirees in 5 years. In addition, this bill will accelerate the delayed retirement credit. Currently, folks who continue to work after age 65, and who do not apply for Social Security benefits, receive a small increase in benefits—about 4 percent—when they do retire. This is known as the delayed retirement credit. Congress has scheduled an increase in this percentage; however, it will not be fully realized until the year 2008. This bill will speed up the scheduled increase so that it will be fully realized before the 21st century.

I strongly support a repeal of the earnings limit. This cap selectively penalizes the many senior citizens of this country who most need some extra earnings. As much as seniors need the additional money, the Nation needs the seniors. As I have often said, our senior citizens are like a living library—experienced in life because they have worked, lived, and learned. Unfortunately, too often we do not take advantage of this great national resource as we should.

Employers are discovering what many of us have been saying for years—older workers can make invaluable contributions to the work force and to their communities. We have successfully convinced employers to employ older workers, but how do we convince seniors to stay in the work force when the Federal Government demands \$1 for every \$3 they earn over the Social Security limit? This doesn't sound like much of an incentive to me. In fact, it sounds like highway robbery—certainly not the land of opportunity.

In the second session of the 102d Congress, the House of Representatives passed a version of the earnings limitation repeal. Unfortunately, this provision was later stripped from the legislation. I ask my colleagues in the 103d Congress, both old and new, to finish the House's work. Let's make this the year we stop penalizing the productivity of seniors with some of our country's highest marginal tax rates ever imposed on middle-income Americans.

Seniors shouldn't have to believe that their country doesn't want them to work. In today's world of fierce global competition, the United States cannot afford to enter the 21st century without the years of work experience and skills of our Nation's seniors. With this legislation, we won't have to.

REESTABLISH THE SELECT  
COMMITTEE ON AGING

**HON. WILLIAM J. HUGHES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, two decades ago Senator DAVID PRYOR, then a distinguished Member of the House of Representatives, set up a trailer on Capitol Hill to examine aging issues because there was no single committee in the House of Representatives to examine complex and long-range issues of concern to older Americans.

Out of this vision, and from the vocal support of many older Americans throughout the country, the Permanent Select Committee on Aging was established and incorporated into the Rules of the House of Representatives on October 2, 1974. Its purpose is to help address the challenges posed by a rapidly growing older population, and to, among other things: "conduct a continuing comprehensive study and review of the problems of the older American."

I have had the great privilege and honor of serving on the Committee on Aging since its inception. Over the past two decades, under the leadership of the legendary Claude Pepper and most recently under the chairmanship of Ed Roybal, the Committee on Aging has convened and issued nearly 1,000 hearings and special reports, and helped to launch and shape many important pieces of legislation that have been enacted into law.

But perhaps more importantly the Committee on Aging has developed a strong reputation among many of our constituents as a kind of "conscience of the Congress," serving as a bipartisan forum and voice for some of the Nation's most disadvantaged citizens—elderly women, minorities, the poor, the disabled, and those who have experienced age discrimination.

I am very disappointed that the Committee on Aging was singled out to lose its permanent status even before the Joint Committee on the Reorganization of Congress begins its examination. As a senior member of the Select Committee on Aging I welcome a fair, open, and honest evaluation of the committee's achievements and role in helping to examine complex and long-range issues that cross multiple jurisdictions in the Congress. Indeed, every committee should welcome this sort of evaluation.

Yet, at a time when most of our economic competitors are focusing increased attention on the implications of their growing aging populations, it is unclear to me what has happened since 1974 to lead us to conclude that the House of Representatives no longer needs a permanent committee to comprehensively examine the needs of our older population, particularly with the graying of the baby boom population looming on the not-too-distant horizon.

If anything, the challenges posed by our aging society have grown exponentially since 1974. Our older population has grown to more than 31 million people. One out of every eight Americans is currently aged 65 or older. In a little more than 35 years this total will more

than double to over 66 million persons, constituting 1 in 5 Americans.

And despite what many commentators in the press would have us believe about well-off elderly persons, millions of older Americans are living in poverty or on the edge of poverty. More than 1 in 5 persons over the age of 65, and half of all elderly women living alone, have incomes below \$9,500 per year. Over 60 percent of older Americans are in the lowest two-fifths of the national income distribution.

What is more, projections indicate that unless we act soon, as a reward for shuffling between raising our children and working in the paid labor force, millions of additional women will become destitute in old age as the baby boom generation retires.

We have many serious challenges to address if we are to better utilize our aging population and remain competitive in an increasingly international economy. In their book, "Putting People First," President-elect Clinton and Vice President-elect GORE recognize that one of the key issues facing our Nation is protecting the rights and prosperity of older Americans and honoring the compact between generations.

For nearly two decades the Committee on Aging has worked to improve the overall quality of life of the elderly, and to ensure that our older citizens are not without adequate health care, income security, job opportunities, housing, and other essentials of life.

During the 102d Congress alone, the Select Committee on Aging convened a total of 79 hearings and issued nearly 3 dozen special reports on a variety of key issues. These activities clearly reveal that while the quality of life has improved for some elderly Americans, for many others who live in poverty or one step from financial ruin due to a serious illness or the loss of a spouse, much work remains to be done.

Among the major issues facing the Nation and the Congress are: The need for comprehensive health care reform and long-term care; the need for research into diseases that afflict the elderly such as Alzheimer's; the lack of a cohesive national retirement policy; protecting the integrity of the Social Security system and the operation of the Social Security Administration; pension plan underfunding and a lack of sufficient oversight of the \$2 trillion private pension system; age discrimination in employment and the aging of the Nation's work force; a lack of adequate housing and assisted living arrangements; strains on the provision of services through the Older Americans Act; and fraud and abuse of older consumers.

Mr. Speaker, today I, along with the gentlewoman from Tennessee, Mrs. LLOYD, have the honor of offering a resolution to reestablish the Select Committee on Aging for the 103d Congress, which I believe has the opportunity to be a truly historic one. We fully expect that the Committee on Aging will continue its long history of bipartisan cooperation in examining and developing proposals which span a number of legislative jurisdictions in the Congress.

We urge our colleagues to support this resolution and encourage them to consider becoming a member of the Committee on Aging. All Americans have a common stake in programs for the young and the old. The aging

agenda and the challenges we face are growing in direct correlation to the demographics of our older population.

ANNOUNCEMENT OF THE 1993  
CONGRESS-BUNDESTAG STAFF  
EXCHANGE

**HON. CHARLES W. STENHOLM**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STENHOLM. Mr. Speaker, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the third exchange with a reunified Germany and a Parliament consisting of members from both the West and the East. Ten staff members from the United States Congress will be chosen to visit Germany from April 26 to May 7. They will spend most of the time attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic, and media institutions. They also will spend a weekend in the district of a Bundestag member.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States, such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staffers when they visit the United States.

Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, partici-

pants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Bob Maynes or Bill Fessler, Office of Senator DENNIS DECONCINI, 328 Hart Building, by Monday, February 15.

### REPEAL LUXURY TAX

#### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I introduce today legislation to repeal the luxury tax enacted as part of the 1990 Budget Summit Agreement.

The luxury tax has been a miserable failure. Rather than increase the Nation's revenues, it has reduced them. The luxury tax has cost countless jobs in the automobile, boat, and aircraft manufacturing sectors of this country. Jobs held not by the so-called rich, but by average middle-class Americans.

We cannot tax our way out of our deficit problem. Short-sighted solutions such as soaking the rich will not work. Mr. Speaker, let's admit that the luxury tax was a misguided effort, repeal it and move on to the real task of cutting excess and unnecessary Federal spending.

### INSURANCE COMPETITIVE PRICING ACT OF 1993

#### HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BROOKS. Mr. Speaker, on this first day of the 103d Congress, I am pleased to introduce the Insurance Competitive Pricing Act of 1993. This legislation would modify, but not repeal, the antitrust exemption enjoyed by the insurance industry since 1945 under the McCarran-Ferguson Act. With the near-lethal blows dealt the economy in the decade, there can be no justification for prolonging a \$500 billion industry's protected right to engage in price-fixing conspiracies that are strictly prohibited throughout the rest of the American economy.

The cost of insurance—like the cost of health care and education—is part of the composite financial picture of every American family and business. Americans depend on insurance to help cope with virtually every major risk of modern life. Indeed, they spend more on insurance than on anything else except

food and shelter. The insurance industry is not only vital to the way American families protect their health, their homes, and their autos; it is also one of the three cornerstones—along with the banking and securities industries—of the financial services sector which makes American business investment possible.

Given the importance of insurance to our way of life, Americans can no longer afford to buy into an economic laissez faire attitude when it comes to the practices of this vital industry. Without some measure of antitrust as a safety net, there are few, if any, checks on runaway pricing and substandard service.

Congress hastily enacted the McCarran-Ferguson Act in 1945—as World War II was coming to a close—under the impression that it provided only a temporary 3-year antitrust exemption to help the industry get moving again in a peacetime environment. Unfortunately, confusing language in the statute had the effect of transforming a temporary moratorium into a permanent special interest concession that has persisted to this day. Whatever sense this temporary exemption might have made in 1945, it has become an economic anachronism in the economic climate of the 1990's.

The Nation has elected a new President largely on the strength of his determination to meet economic challenges, both at home and abroad, and put the American dream back on course. As he pursues these economic goals—from making health care more available and affordable to all citizens, to fostering a business climate more conducive to new investment—the insurance industry will play an instrumental role, for good or ill. We need a vibrant, competitive insurance industry to help advance these efforts; we do not need a complacent industry which is free to substitute collusion for competition and get away with it.

The legislation which I introduce today reflects a very carefully crafted balance in implementing necessary procompetitive reforms. It takes the moderate approach of prohibiting only the most pernicious antitrust offenses of insurers—like price fixing—and even then, only when the States are not actively regulating the insurance industry. This is a reasonable and equitable approach, though others may soon claim for straight-out repeal.

The brisk winds of change are blowing through this Nation as the American people demand more from their leaders, more from an economy that was allowed to stagnate and falter, and more from the providers of their goods and services. I am pleased that some members of the insurance industry have begun to step forward to join consumers and businesses in seeking a modern day solution to the relic of McCarran-Ferguson. With enactment of this legislation, we will take an important step forward in improving the lives of every American citizen and in reinvigorating a very critical industry. I ask my colleagues to join in supporting this legislation.

### LINE-ITEM VETO

#### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, I am introducing two bills today to amend the Constitution

and provide some budgetary common sense—one will require a balanced Federal budget; the other will provide line-item veto power for the President.

I have long been a staunch supporter of a balanced budget amendment to the Constitution. I have cosponsored the balanced budget amendment since I came to Congress, but until recently, the amendment was blocked by its opponents. In 1990 and again just recently, the impetus for a balanced budget was so strong that supporters were able to circumvent the committee blockage.

The House voted on the balanced budget amendment last spring, and I was disappointed that it fell nine votes short of the two-thirds majority needed for passage. Some Members of the Congress continue to oppose the balanced budget amendment, claiming that Congress needs fiscal discipline now instead of in the future. I agree with part of that statement wholeheartedly: the Congress does need fiscal discipline now. It should be obvious to all, however, that with deficits for 29 of the last 30 years, Congress simply does not have that discipline.

A constitutional amendment requiring a balanced budget is no substitute for direct action on the part of Congress. But we have seen time and time again that Congress does not have the ability to provide that action, and we need this enforcement mechanism. It's time to just say no—and mean it—to the tax-and-spend policies that have gotten the Government into this mess to begin with.

My rationale for introducing a line-item veto resolution is similar. As long as Congress continues to send the President jam-packed all-encompassing spending bills, the President must often choose between signing unnecessary spending into law on one hand and shutting down the Federal Government on the other. A recent report issued by the General Accounting Office [GAO] estimated that if the President had had line-item veto authority from 1984 through 1989, the savings would have ranged anywhere from \$7 billion to \$17 billion per year. In this time of high deficits, potential billion dollar savings cannot be ignored.

I am well aware that many statutory versions of the line-item veto will also be introduced today. I am supporting these efforts, because I believe they are steps in the right direction. I do not believe they are strong enough, however. As with the balanced budget experience, Congress has shown time and again that there is no limit to its ingenuity in evading statutory budgetary restrictions. We need these constitutional enforcement mechanisms.

### TRIBUTE TO PAUL FELICE

#### HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CARR. Mr. Speaker, it is with great pride that I rise today to pay tribute to one of the finest people that I know, my good friend, Paul Felice. I urge my colleagues to join me in saluting this remarkable man and in con-

gratulating him on being chosen as this year's recipient of the 1992 Oakland Distinguished Citizen Award. The Boy Scouts of America, Clinton Valley chapter, presented him with this award at a dinner held in his honor on December 3, 1992, at the Pontiac Silverdome in Pontiac, MI. I would also like to extend my personal best wishes to his loving wife, Beverly, and their four children, Rose, Joe, Paul, and Susan.

The distinguished service award is presented to persons who have distinguished themselves in their life work and who have shared their talents with their communities on a voluntary basis. I can't think of any one more deserving of this award. Paul's personal involvement and outstanding dedication to our community has enhanced the lives of many and he has truly distinguished himself in his life work.

Paul Felice is president of Felice Family Food Center in Waterford, MI, and has been active in many business, civil, and charitable organizations. He has served as a board member of the Michigan Grocers Association, chairman of the Oakland County Chamber of Commerce, vice chairman of the United Way commercial division, member of the board of directors of Community Programs, Inc., and a member of the White House Council on Small Business.

Paul's civil involvement and countless charitable contributions have made him the recipient of many awards including the coveted Timothy Dinan Award for Community Service. He was also the recipient of the 1975 Waterford Jaycees Boss of the Year Award, the 1984 Associated Food Dealers of Michigan Retailer of the Year Award, the 1988 Distinguished Service Award from Campfire/North Oakland Council, the Waterford Optimist Club Community Service Award, the Pontiac Civilian Club Honor Key Award, and in 1990, Paul proudly accepted the Italian-American Man of the Year Award from the Order of Sons of Italy in America.

Far too often, we, in this society judge individuals by their monetary or material wealth. However, those individuals that are truly blessed are those who possess a wealth of character and spirit. Paul Felice has gone beyond professional success and has sought to give of himself to the community and his fellowman. He personifies the American spirit and the principles that have made our country great. He is an inspiration to each and every one of us, and the people of our community can look to him with pride.

I know that Paul Felice will continue to play an important role in our community for decades to come and that America will continue to benefit from his service, dedication, and hard work. I urge my colleagues to join me in saluting this outstanding citizen and in wishing him the best of luck in his future endeavors and much continued success.

## REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, I am pleased to join Chairman DALE KILDEE in introducing legislation to reauthorize the existing elementary and secondary education programs.

While this is a straight reauthorization bill and contains no amendments to current education law, its introduction signifies our intention to revise and improve existing education programs—and possibly to eliminate those which may prove to be ineffective or no longer necessary. These decisions will, of course, be made after numerous hearings at which we will receive testimony from individuals directly involved with Federal education programs.

It is my view that the theme of this reauthorization has to be a quality education for all children. For years we have discussed the need for all students to have access to an appropriate education. Now we need to insure that all students not only have access to education, but to a quality education. No matter what else we do during this reauthorization period, I believe we have to keep this theme in mind.

Study after study has revealed that our students are falling behind their peers in other countries. This is a trend we must reverse if we want to maintain our position as a world leader—and if we want our students to have the skills they need to obtain a job in today's highly technological marketplace.

To accomplish this goal, we may need to undertake a major revision of the current education programs. Our present system of education, while not as bad as some may think, needs to undergo major reforms. I believe we can use the knowledge we gained last Congress as we developed an education reform bill to help reshape our existing programs so they can become a part of educational reform efforts currently underway throughout the United States.

I believe this reauthorization provides us with a unique opportunity at a crucial time in our Nation's history to redesign our country's system of education so our students can once again become the best in the world. I look forward to working with my colleagues in the Congress toward this end.

## THE HIGH PRICE OF PRESCRIPTION DRUGS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, the Philadelphia Inquirer is to be applauded for its outstanding five-part series on the pharmaceutical industry entitled "Making Medicine, Making Money."

The articles—which are worthy of journalistic reward—detail how and why American pharmaceutical manufacturers have consist-

ently abused the American consumer, lobbied, and manipulated our Nation's doctors and hospitals, and added to the skyrocketing costs of health care. While pharmaceutical manufacturers have profited heavily from the pain and suffering of Americans, almost all other industrialized nations have managed to offer fair drug prices to their citizens.

Over the next few days, I would like to enter in the RECORD, excerpts from the Inquirer series. Following is the first passage from this excellent journalistic effort.

[From the Philadelphia Inquirer, Dec. 13, 1992]

#### DRUG PRICES CRIPPLE SAVINGS OF THE ELDERLY

Eva Smalls Rozier, 48, couldn't keep paying \$150 for the drugs that kept her alive.

Prescription drugs to control her diabetes, high blood pressure and stomach problems were the single biggest item in her budget, surpassing the \$30 she spent each week on food and the \$99 she spent each month on the mortgage for her home in West Philadelphia.

For more than a year, ever since she lost her job typing data into a computer because of her poor vision, Rozier had been buying the drugs with money taken from her savings. The savings were fast disappearing.

So she decided to take a chance. She stopped taking her medicine.

One month later, Rozier was wheeled into the intensive care unit of the University of Pennsylvania Medical Center, near death from malignant hypertension, a lethal complication of uncontrolled high blood pressure.

When she was released from the hospital 10 days later, doctors and nurses warned Rozier that she had no choice: She had to take the drugs.

A hospital social worker advised her to spend her savings so she would qualify for Medicaid.

That's what she did.

[From the Philadelphia Inquirer, Dec. 14, 1992]

#### PHARMACEUTICAL SALESMEN: UPPING THE PRICE OF DRUGS

Jim Purcell is one of the 45,000 sales representatives who hover about the doctors of this country, trying to convince physicians that theirs is the best of all possible drugs.

The sales reps are everywhere. The typical American doctor sees two or three a week. And for many doctors, the sales rep is the primary source of information on new drugs.

Drug company promotion is likely to have more of an effect on what brand-name drug a doctor prescribes—and what the patient pays—than the doctor's education or all the technical articles in medical journals.

This army of sales people—one for every 12 prescribing doctors in the nation—is one reason prescription drug prices in the United States are so high \* \* \*

Roughly 75 percent of drug companies' promotion efforts are aimed at doctors. Drug companies also work hard to influence pharmacists, nurses and hospital administrators, who along with doctors determine which drugs are chosen for the formulary, the official list of drugs to be prescribed within any institution.

Drug companies control practically all information on new drugs; they also influence some articles appearing in medical journals. They sponsor seminars and specialized follow-up courses for doctors. They court legislators, consumer groups and even patients, via a barrage of drug advertising on TV \* \* \*

Sales reps routinely hand out memo pads, pens and other "reminder" items to keep the names of their drugs before the physician. They often pay for pizza and hoagie lunches provided to hospital staffs during departmental meetings \* \* \*

At stake is the \$55 billion a year that prescription drug manufacturers get in U.S. sales. All but about \$5 billion of that goes to big, brand-name companies, members of the Pharmaceutical Manufacturers Association.

About 20 cents of every dollar you spend on brand-name drugs goes to promote and market them. Companies collectively spend more than \$10 billion a year on promotion in the United States—more than they spend here on research and development \* \* \*

Because most of this effort is directed at about 550,000 prescribing physicians, it means that about \$13,000 a year is being spent per doctor to influence the medical treatment you get.

#### BALANCED BUDGET AMENDMENT

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. STUMP. Mr. Speaker, I am today introducing legislation proposing an amendment to the Constitution to require a balanced Federal budget.

There is little doubt that this body has failed in its obligation to manage the Nation's budget. For a number of reasons, we lack the necessary willpower to bring expenditures into line with revenue.

Since 1930, the Federal budget has been balanced only eight times. The result has been an accumulation of debt that has now reached \$4 trillion and promises to go only higher.

Over the next several months, taxpayers across the country will be making out checks to the Government to pay their share of taxes. Sixty-two cents of each dollar those individuals pay will go just to pay the interest on the national debt. That is a frightening statistic which should sober us into action.

Mr. Speaker, many of my colleagues remember when the national debt was approaching \$1 trillion—little more than a decade ago. Many of us in this Chamber fought to keep the debt from exceeding the \$1 trillion threshold and we've fought the debt since in an effort to preserve some economic freedom for our children and grandchildren. The amendment I am introducing today will be the most powerful ally I can think of in this fight.

#### FORCED BUSING MUST STOP

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, for the last 12 years, the citizens of Missouri have stood by and watched their hard-earned tax dollars be funneled away from schools across the State and into forced busing projects in St. Louis and Kansas City. Since 1981, complying with the court-ordered desegregation efforts has

cost the State over \$1.4 billion. Children in rural Missouri are going without textbooks so that students in Kansas City can play on a fencing team. This has gone far enough.

I am again introducing legislation to amend the U.S. Constitution and prohibit any governmental entity—including Federal courts—from compelling a child to attend a public school other than the public school nearest the student's residence. Court-ordered forced busing has done little for civil rights—except employ lawyers in that field. It is time for common sense to prevail, and for the Federal courts to get out of the education business.

I have long believed that the folks in Missouri know what's best for their children. They should be making the educational decisions in Missouri, not Federal courts or bureaucrats in Washington. I urge my colleagues to join me in supporting this resolution and bringing some common sense back into education.

#### THE BANK AND THRIFT DISCLOSURE ACT OF 1993

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. STARK. Mr. Speaker, today I am introducing the Bank and Thrift Disclosure Act of 1993, a bill to give the American public access to more information about the specific causes of the savings and loan bailout.

The general outline of the savings and loan fiasco is well known: a \$200 billion price tag, the 721 thrifts which have already been taken over by the Government with more to follow, and the weakened Government regulations which encouraged the excess.

However, in many cases, the taxpayers who have funded this bailout do not know why individual institutions failed. This is partly because the public does not have access to important Government regulatory documents which can help show why individual thrifts failed and who caused their demise.

My bill would ensure the taxpayers' right to know what their money is being spent on in three ways: by requiring the disclosure of Federal regulators' documents, requiring the collection of information on insiders responsible for failures, and by prohibiting the Government from entering secret agreements to settle lawsuits.

It requires disclosure of two kinds of information collected by the Federal Deposit Insurance Corporation [FDIC] and the Resolution Trust Corporation [RTC]: prior examination reports of former banks or thrifts which fail and receive public assistance, and settlements of RTC and FDIC lawsuits for institutions which used taxpayer funds. These documents can help shed light on why an institution failed—which individuals and what lending practices caused the bank or thrift to overextend itself.

Regulators would not have to disclose this information for healthy banks and thrifts—only for institutions where the deposit insurance system has used taxpayer funds.

Additionally, my bill contains numerous provisions to insure the privacy of individual customers who did not cause an institution to fail.

Generally, examination reports do not contain information about individual customers. However, any information about borrowers which is not relevant to the institution's failure would be removed before the report was made public.

Next, my bill requires the RTC and FDIC to maintain a list of insiders—executive officers, directors, principal shareholders—who defaulted on loans from a failed institution. These lists would be available to the public so that people would be able to find out if any of these insiders who caused the mess have moved on to new management positions in new banks or thrifts.

Finally, my bill would prohibit the Government from entering into secret settlements in cases where the institution relied on taxpayer funding to bail it out. Regulators would compile a public list of all pending lawsuits and settlements against these insiders who cost the taxpayers money. This would allow the public to hold both the regulators and the institution's former management accountable for their actions. It would also reassure the public that no shenanigans or double dealing are taking place when an insolvent trust or bank is resolved.

My bill is identical to the Bank and Thrift Disclosure Act of 1992, introduced by former Senator Tim Wirth in the 102d Congress. Mr. Wirth worked long and hard with Senator Garn to achieve a bipartisan agreement which passed the Senate attached to the banking reform legislation, but which was dropped in conference. I believe that we can pick up where we left off and pass it in the new Congress.

Once again, I urge my colleagues to join with me to ensure the taxpayers' right to know about the hidden workings of the Government's largest ever expenditure of public funds.

#### CONGRATULATIONS TO WOMEN'S TRANSATLANTIC EXPEDITION

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. VENTO. Mr. Speaker, I wanted to bring to the attention of my colleagues a 20th century adventure being headed by a Minnesotan from the district I've represented, Ann Bancroft. Ms. Bancroft is leading a four-member, all-women team on a 1,500-mile trek using skis to sail across the continent of Antarctica. The Women's TransAtlantic Expedition is scheduled to reach the South Pole around January 10, just a few days from now.

Will Steger, a Minnesota science teacher accomplished this feat with an international group of men and a hardy dog sled team in the winter of 1989-90. Minnesota talents and initiative speak for themselves. We are very proud of Will Steger and especially this 1993 all-women effort led by Ann Bancroft.

I would like to include the following St. Paul Pioneer Press article of December 22, 1992, which highlights the team's activities for the RECORD and to extend my best wishes to Ms. Bancroft and her team.

## ANTARCTICA EXPEDITION IS HALFWAY TO SOUTH POLE

(By Wayne Wangstad)

Generally favorable weather conditions and few storms have marked the first 350 miles of the Women's Trans-Atlantic Expedition, a 1,500-mile trek by ski across Antarctica, which is known as the world's coldest and windiest place.

Expedition spokeswoman Janice Dames said Monday the four-member team, headed by Ann Bancroft of Sunfish Lake, a St. Paul suburb, has skied 350 miles. They have another 323 before reaching the South Pole about Jan. 10.

"Weather conditions have been good, good weather meaning about zero degrees, and there have not been a lot of storms," Dames said "During the day they have traveled without overcoats because they got so warm pulling their sleds."

Each of the skiers has been pulling a 200-pound sled packed with food, supplies and equipment. They started their trip Nov. 9 at the Ronne Ice Shelf on the Atlantic Ocean side of Antarctica.

Expedition members were traveling about 10 miles per day after being resupplied by airdrop on Dec. 11, Dames said. She said that distance will increase as the sled become lighter.

The team usually travels from 8:30 a.m. to 6 p.m. but extends travel on some days until 7 p.m. to vary the schedule. Dames said the trekkers sleep in tents and have given up the practice of building snow walls around tents because they found it unnecessary.

Besides Bancroft, 35, the expedition includes Anne Dal Vera, 37, of Fort Collins, Colo.; Sue Giller, 44, of Boulder, Colo.; and Sunniva Sorby, 31, of San Diego. The group is maintaining contact every three days through a radio base in Antarctica.

That station transmits to Ann Bancroft's sister, Carrie, in Punta Arenas, Chile. Carrie Bancroft then forwards information to St. Paul by fax, Dames said, adding that the last contact was on Thursday.

"Ann is enjoying messages from school-children, including those at the Expo for Excellence Magnet School in St. Paul, which made a quilt for her to take to the South Pole. They have had to leave some of the things that were sent along but they still have the quilt with them," Dames said.

A former physical education and special education teacher, Bancroft has climbed Mount McKinley and in 1986 became the first woman to reach the North Pole on foot when she traveled with the Will Steger expedition.

Dames said Bancroft misses traveling with dogs because they are good companions.

The expedition may take a day or two off after it reaches the South Pole, provided it is not rushed to reach McMurdo, the base station where the trek will conclude and the skiers will be picked up by a ship, Dames said.

The Women's Trans-Atlantic Expedition hopes to become the first to traverse Antarctica solely by skis and, if successful, Bancroft will be the first woman to trek to both the North and South poles.

## EXTENSIONS OF REMARKS

### INTRODUCTION OF CHILD NUTRITION REAUTHORIZATION LEGISLATION

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing legislation to reauthorize programs which are part of the National School Lunch Act and the Child Nutrition Act of 1966. Both acts are under the jurisdiction of the Elementary, Secondary, and Vocational Education Subcommittee, and contain provisions which will expire in 1994.

The connection between proper nutrition and educational achievement is clear. A 1987 study of the impact of participation in the School Breakfast Program in Lawrence, MA, found an improvement in achievement test scores, tardiness rates, and absenteeism after a breakfast program was introduced. But proper nutrition affects a child's ability to learn even before they are born. The 1986 Department of Agriculture's evaluation of the Special Supplemental Food Program for Women, Infants, and Children [WIC], which provides supplemental food to pregnant and postpartum women and their infants and children, demonstrated a strong link between WIC participation and children's intellectual ability.

In short, good nutrition is critical to a child's ability to reach his or her full potential in mind and body and become a productive citizen. Undernourished children are less physically active, less attentive, and less independent and curious. They are more anxious and less responsive socially and cannot concentrate as well. As a result, their reading ability, verbal skills, and motor skills suffer.

The Child Nutrition Act of 1966 authorizes the School Breakfast Program, WIC, and several other child nutrition programs. Approximately 5 million children participate in the breakfast program every morning. During fiscal year 1991, WIC served 4.9 million participants per month. It is a highly cost effective weapon in combatting malnutrition in pregnant and postpartum women and their infants and children, and it is the first line of defense against low birthweight, the No. 1 cause of U.S. infant death.

The National School Lunch Act authorizes the National School Lunch Program [NSLP]. The NSLP provides approximately 24 million meals daily to the Nation's school children, serving half of them to children from low-income families at a reduced rate or free of charge.

The bill I am introducing today provides an opportunity to review the national School Lunch and Breakfast programs. It also reauthorizes several other programs that have proven themselves useful tools against childhood hunger, and therefore, essential elements for learning. They include: WIC; funds for school breakfast start-up grants; nutrition education and training; the Summer Food Program; commodity distribution; the Child and Adult Care Food Program; and the Food Service Management Institute.

The importance of eliminating childhood hunger in America cannot be underestimated.

January 5, 1993

I am introducing this bill on the first day of the 103d Congress, along with Mr. FORD, chairman of the Committee on Education and Labor, and Mr. GOODLING, ranking Republican of both the full committee and the Subcommittee on Elementary, Secondary, and Vocational Education, to emphasize this point.

This bill proposes no substantive changes in existing law. It is simply the reauthorization vehicle. It is designed to encourage support for the programs and stimulate discussion concerning how they can be strengthened during the 1994 reauthorization.

### RESTORE PASSIVE LOSS

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, the 1986 Tax Reform Act was an honest effort to improve the Tax Code and make it more fair for everyone. Unfortunately, several features of the act are themselves in need of reform. The most prominent of which is the act's real estate passive loss provision.

The bill I am introducing today will allow real estate professionals—those actively involved in the real estate business—to deduct business losses just like other businesses. Currently, because of the passive loss rules, real estate professionals cannot deduct rental losses from their other real estate gains, such as from construction or development. This unique tax treatment unfairly requires those in the real estate business to pay tax on their gross, rather than net, income.

Mr. Speaker, the current passive loss rules have contributed greatly to the decline of the real estate industry and the demise of the savings and loans in this country. It is past time we correct them.

### LANGUAGE FOR ALL PEOPLES INITIATIVE

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, in both the 101st Congress and the 102d Congress, I introduced the Language of Government Act, legislation to declare English as the official language of the Federal Government. I did this because I see increasing division within this great land of ours—division among ethnic lines, among racial lines, and among linguistic lines. I introduced this bill because I have a great respect for the power of language, both its power to unite and its power to divide. Even with all the problems and challenges that appear in our headlines daily, the United States has always been a shining example of how different peoples can live and work side by side in harmony. Our common language has been our common bond. I am introducing the Language of Government Act again, together with a bill providing a tax credit for employers who offer English language training to

their employees and a sense-of-the-Congress resolution which recognizes the benefits of our many languages, yet stresses the need for a common language. Together, these bills and resolutions will form the language for all peoples initiative.

More than 150 languages are used throughout the United States today. Each of these languages contributes to the rich fabric of the American culture. Yet unless we have one language with which we may all communicate, our coexistence could be chaotic, as one can well imagine. Communication is at the very heart of democracy. A democratic form of government cannot exist if members of a community cannot talk to each other. The government must remain in touch with the people it governs in order to function efficiently and effectively. The Language of Government Act moves us another step in that direction.

Efforts to enact the Language of Government Act begin with several questions: Will we have a common language for governing a nation of diverse immigrants, or will we attempt to provide every function of government at every level in every language? That is over 150 languages. The need for efficient delivery of Government services requires the former. Will we enjoy a Nation of diverse peoples sharing the riches of their varied cultures with one another, or will we be a Nation of segregated, isolated language groups? The need for unity and harmony requires the former.

Poll after poll has indicated that the majority of the American people—folks from all backgrounds and walks of life—support this sort of legislation. The need is clear—in this country, English is clearly the language of opportunity. It is difficult to apply for a job, cast an informed vote, purchase train or bus tickets, or even to order a pizza in this country without knowing English. No one who comes to these shores should be denied the opportunities this land has to offer simply because he or she does not know English.

Because of this, I believe we need to take strong steps to encourage everyone to learn the English language. The Language of Government Act places an affirmative obligation upon the Federal Government to promote and enhance the role of English as the official language—including providing better opportunities for learning the language. This is a good step, but I believe we could do more. I am therefore introducing a bill to provide a tax credit to employers who provide English language training to their employees who need assistance with the English language. Hopefully, this bill will provide the necessary incentive for the private sector to become involved and help ensure that everyone in this country—no matter what his or her native language may be—can communicate effectively.

It is important to understand that designating one language for the official business of Government and encouraging everyone to learn the common tongue does not mean that other languages cannot or should not be spoken. To the contrary: Our world is becoming ever smaller, and it is true that if we wish to remain competitive in a global market, Americans should learn other languages. I strongly encourage everyone to learn as many languages as he or she can possibly learn, and put to good use, and I will work to provide

more and better foreign language opportunities as a part of the Language for All Peoples Initiative. At the same time, I maintain that of all the languages we speak, one should be common to all. Of all the languages we speak, one should be English.

It is also important to understand that designating a single language for official acts of government in no way denigrates other cultures or heritages. Contrary to some rhetoric heard of late, a common language is entirely consistent with appreciation of diversity. Again, the issue is one of communication. We are diverse; no one will dispute that. I believe that this diversity is good—it exposes us to those who are different from ourselves and broadens our horizons. As a culture, we can learn a great deal from our diversity. But we can learn nothing from each other unless we can communicate with each other. Without a common language—a common medium of understanding—we who are products of our diverse linguistic and cultural heritages cannot communicate with each other. Human nature fears that which is different, that which is "other." Only through communication and dialogue can we learn to discover our similarities and to understand our differences. Only through communication—a common language—can we truly begin to appreciate the "other" which surrounds us. The Sense of the Congress resolution recognizes both the importance of our diversity and the importance of unity in diversity.

In addition to the three measures I've discussed above, I hope to eventually include a bill to better the opportunities for foreign language education in the United States and a demonstration project to improve our current programs for teaching English as a second language. Neither proposal is ready to introduce in bill form at this point; however, I hope to include them in the language for all peoples initiative when they are more fully developed. I am committed to removing language barriers in this country, both by promoting a language common to all and by expanding our knowledge of foreign languages. I strongly urge my colleagues to join me in this effort and to cosponsor any or all of the bills in the language for all peoples initiative.

#### INTRODUCTION OF H.R. 2, THE NATIONAL VOTER REGISTRATION ACT OF 1993

**HON. AL SWIFT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. SWIFT. Mr. Speaker, I am pleased today to introduce H.R. 2, the National Voter Registration Act of 1993.

This bill is not only a priority of President-elect Bill Clinton, and a priority of the leadership of both Houses of Congress, but it certainly is also a priority for the American people.

All those people, some of them on the floor today, who argued so hard against the basic principle of this bill in the last two Congresses, have been proven wrong by the statistics from the 1992 election.

Increased registration produced an increase in voter turnout. And where did the bulk of that

increase in registration occur—in States that implemented the registration procedures of H.R. 2.

The so-called motor-voter States showed a 3-percent increase in 1992 registration over 1988, and a voter turnout increase of almost 7 percent. All the other States had a registration increase of less than 1 percent and a voter turnout increase of 3 percent.±

The motor-voter States led the way in citizen participation in 1992 and, with the enactment and implementation of H.R. 2, the whole country will enjoy a similar participation bonus in 1996.

H.R. 2 is not a new concept. It was passed by the House in the 101st Congress, only to be filibustered to death in the Senate. It was passed by both the House and Senate in the 102d Congress, only to be vetoed by President Bush.

Partisan politics has kept this basic election reform from being implemented. Now we have a President who is not frightened by public participation, who believes that all eligible citizens should be encouraged to take an active role in choosing their leaders, who feels that government should be proactive when it comes to promoting democracy.

I would say to my distinguished new colleagues, those who for the first time have been sworn in today as Members of Congress to defend our Constitution, that H.R. 2 offers them a unique opportunity to fulfill their oath. This is a bill which will break down those formal last barriers to full citizen participation in our democratic society. In a sense it is what the election of 1992 was all about, and I am proud to join with the other original cosponsors in introducing H.R. 2 this afternoon.

#### TAX FAIRNESS FOR FAMILIES ACT

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. WOLF. Mr. Speaker, today I am reintroducing the Tax Fairness for Families Act. This measure is a family investment effort which would raise the dependent deduction to \$3,500—from the present inflation adjusted 1992 level of 1992—so that families will be able to keep more of their own hard-earned money. In the 102d Congress this same bill garnered the bipartisan support of 262 Members. It was one of the few family policy measures that had broad-based bipartisan support across the ideological spectrum, with cosponsors ranging from Representative BOB DORNAN to Representative PAT SCHROEDER.

I am also introducing an alternative family tax relief measure which would provide a \$600-per-child tax credit for families with children 18 and under. Financially reinvigorating families through either of these methods should be a central policy priority this year. The growing tax burden on families burdens millions, if not most, families. When State and local taxes are included, government now takes over one-third of the income of the average family.

During the past four decades, the value of the personal exemption has shrunk to a frac-

tion of what it should be. If the personal exemption had kept pace with inflation and per capita income since 1948, the value today would be over \$8,000 according to the Urban Institute. Instead, today it is only at approximately one-quarter of that value at \$2,300. It is my hope that tax relief targeted to middle income families with children could be the centerpiece of any economic growth package considered in Congress this year.

I was encouraged in this hope by reading the Progressive Policy Institute's "Mandate for Change", a book of policy recommendations for the new administration written by a group that Mr. Clinton once served as president. In "Mandate for Change" the authors point out, "since 1945, the real value of the dependent deduction has been allowed to erode by three-quarters." They offer targeted family tax relief as a central family policy initiative. I couldn't agree more. When Robert Shapiro of the Progressive Policy Institute and an economic adviser to the new administration testified before the Select Committee on Children, Youth, and Families back in 1991, he stated, "Of all the aspects of family policy, finding appropriate ways of reducing the tax burden on families is the most simple and straightforward. The first principle of a new, pro-family tax policy should be that the government does not tax away income needed to support children."

The Communitarian Network, an eclectic group of individuals and organizations committed to shoring up our moral, social, and political environment has also recommended increasing tax protection for families with children. The members of this group include such varied voices as Betty Friedan, Secretary-designate Henry Cisneros, Baltimore Mayor Kurt Schmoke, and Rockford Institute scholar, Bryce Christenson. The recent Communitarian Position Paper on the Family advocated a \$600 child allowance, which in effect is how this \$600 per child credit could function. Under this proposal a family with two children would have \$100 more a month that would be untaxed and could go toward family expenses whether they be child care, savings for college, or basic day-to-day expenses.

There will be many important aspects of economic growth packages before this Congress. I have supported a number of these economic growth initiatives and believe it is very important that we enact strong pro-growth economic policies to get American businesses back on the road to recovery and to help the individuals, families, and businesses behind the statistics. The cost of Congress' failure to pass growth policies is borne by workers, investors, entrepreneurs, and most onerously, by American families. Healthy growth of the national economy has always been necessary to provide jobs for families, to raise living standards, and to help the Government better provide for the need of those who are unable to care for themselves.

But there are other equally or perhaps even more important trends that contribute to the economic picture and play an important part in any long term economic package—and those are the trends in the American family, the backbone of our economy. Therefore, we must include family tax relief as part of an economic growth package. Families aren't asking for a handout; they are just asking to keep more of

what they earn in order to better provide for their families.

There is a family recession out there that needs to be addressed. The long-term health of the economy and society depends upon well-reared and well-educated children who flourish under circumstances in which there is a family recovery as well as an economic recovery. Additionally, the Federal deficit is an important issue but the family time deficit is equally as critical and deserving of our attention.

As the current ranking member of the Select Committee on Children, Youth, and Families and a member of the committee since its inception in 1982, I have had the opportunity to learn about and observe the disturbing trends in the well-being of families with children. These trends cannot be divorced from the current economic slump. The trajectory of both economic trends and family trends is down.

The American family has never been under greater attack than it is today. From our inner cities to our suburbs, families are threatened by disturbingly high rates of child abuse, spouse abuse, teen suicide, high school drop-outs, drug and alcohol use, and most tragically violence and death among our youth. The wheels are coming off for many American families and clearly, children cannot steer clear of trouble without the guiding influence of the family.

The erosion of family tax protection has meant that while children today are at risk from cultural threats as never before, parents are pushed by financial pressures to spend less time with their children. Too often neither mom nor dad is home to hear the after school trials and tribulations of troubled adolescents or to help with homework or to simply spend relaxed time with their young children. One study has shown that parents today spend 40 percent less time with their children than did parents of a generation ago. Often dad is never even in the picture and mom must carry the burden alone.

Clearly we have learned over the past decades that government has real limits. Yet there is a growing and already large consensus that supports tax relief for families as a way of putting money and choices back in the hands of parents and families to better attend to family needs. The bipartisan support for this same bill in the 102d Congress demonstrates that this measure is a family policy that an overwhelming majority of Members can support. It would be a tragedy for families, if the one tax bill, the one piece of an economic growth package that is broadly agreed to, is left out.

Reinvesting in families through family targeted tax relief is one of the best domestic policies we can put forward:

It doesn't require a new agency, new regulations, oversight, overhead, or interference in the integrity of the family.

It simply provides families with the opportunity to better meet their needs by easing their financial burdens and allowing them to keep more of their own hard-earned money.

It is based upon the premise that the family is the best Department of Health and Human Services and is worthy of our support.

As the Progressive Policy Institute noted in their family policy paper "Putting Children

First: A Progressive Family Policy for the 1990s" There are some things that only families can do and if families are placed under so much stress that they cannot raise children effectively, the rest of society cannot make up the difference in later years.

We all know this to be true. Over the years I have shared with many Members of Congress my concern about the burdens on today's mothers and fathers and have often quoted the lyrics from the Harry Chapin song, "The Cat's in the Cradle": "When ya coming home Dad \* \* \* I don't know when, we'll get together then \* \* \*" These lyrics are not only sung on the radio but too often heard across the country from the mouths of our children. This is due in large part to the economic pressures on today's fathers and mothers. Families have to work longer hours to meet the needs of their families while Uncle Sam keeps taking a bigger and bigger bite out of the family pie which results in the continuing downward spiral of all too many statistics of family well-being.

I am introducing these measures to, at least, in part, put the brakes on family decline. Families are, after all, at the center of most of our lives. If this center does not hold—as we have seen over the past decades—things will continue to fall apart. The state of families is also at the center of many of our most pressing social programs and unless we treat the root of this problem we will continue to reap the harmful consequences. We must limit the fallout from family meltdown. These measures are an effort to aid in rebuilding the family—the most important part of our country's infrastructure.

The fact is that our Government which is well-equipped and quite efficient at building infrastructure in terms of building roads and designing bridges is far less adept at building strong families. Despite the fact that the Federal Government has increased domestic spending on children's programs 66 percent since 1989, many are still falling behind.

That is why it is important to reinvest directly in the family itself instead of trying to reinvest the family through more programs and more Federal dollars flowing to Washington. The family budget must be given priority over the Federal budget when it comes to addressing these problems. The family is, after all, the best Department of Health and Human Services and functions best when parents are allowed to keep more of their own hard-earned money to maintain their own families. Again, the Progressive Policy Institute has written: "Government cannot, under any set of circumstances provide the kind of nurturing that children, particularly young children, need. Given all the money in the world, Government programs will not be able to instill self esteem, good study habits, advanced language skills, or sound moral values in children as effectively as strong families."

While the public sector spending on children and families is at an all-time high, the private sector tax protection offered families is at an all-time low. Over the past four decades, the dependent deduction has shrunk to one-quarter of what it was in the 1950's. Back then, a family of four didn't start paying income tax until they were close to the median income; today the same family starts paying Federal

taxes close to the poverty level. Since the 1950's, the annual family income lost due to this shrinkage exceeds the annual cost of an average family home mortgage, \$8,000. We are literally taxing families out of house and home!

Furthermore, two-thirds of the average working mother's earnings—in a two-earner family—go to paying for increases in Federal taxes over the past several decades rather than providing additional income for her family. So for the millions of American families with working mothers, Uncle Sam is getting more out of mom's paycheck than are her own children—and this is even before families pay for the costs of child care, transportation, and other workrelated expenses. This simply is not fair.

Easing the dollar deficit for families can in turn help ease the time deficit so that parents will be able to spend more time with their families and better balance their work and family roles. Family tax relief allows individuals and families to have more choices and opportunities. It is a win-win policy for both families and the Government.

Finally, I would like to point out we should not raise taxes to pay for a tax cut for families. As Dr. Wade Horn, a member of the National Commission on Children pointed out, "One of the major consensus items" in the National Commission on Children's report was that "families with children are overtaxed." As Dr. Horn said, "It would be ludicrous to recommend tax cuts for families with children on the one hand, and then raise their taxes on the other in order to 'pay for it.'" Even raising the top tax rate to 50 percent would only produce \$20 billion—and this is using a static estimate which assumes that people would not change their behavior if you took away 20 percent more of their money. Furthermore, raising taxes almost always fails to produce expected revenues and instead increases the deficit.

Today's families are not hurting because they are undertaxed. I invite my colleagues to join me in cosponsoring these family tax relief efforts. Already over 80 Members have cosponsored the family tax fairness bill that I am reintroducing from last session.

H.R. —

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

#### SECTION 1. STATEMENT OF CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the erosion of the personal exemption over the past several decades has exacted an inordinate financial penalty on families with children,

(2) the simplest and most effective way to reinvest and strengthen families is by allowing families to keep more of their own hard-earned money,

(3) an increase in the dependent deduction would begin to ease the growing financial strain on families, and mark a return to tax fairness for families,

(4) if the personal exemption had kept pace with inflation, increases in per capita income and increase in family costs, it would be approximately \$6,000-\$7,800 today, and

(5) the dependent deduction should be raised to \$3,500 with a goal to reach the appropriate level by the year 2000.

#### SEC. 2. INCREASE IN PERSONAL EXEMPTION FOR CERTAIN DEPENDENT CHILDREN.

(a) GENERAL RULE.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means \$2,000 (or, in the case of an exemption under subsection (c) for a child who has not attained age 18 before the close of the calendar year in which the taxable year begins, \$3,500)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 151(d)(3) of such Code is amended by striking "the exemption amount" and inserting "each dollar amount in effect under paragraph (1) (after any adjustment under paragraph (4))".

(2) Subparagraph (A) of section 151(d)(4) of such Code is amended—

(A) by striking "the dollar amount" and inserting "each dollar amount", and

(B) by adding at the end thereof the following new sentence: "In the case of the \$3,500 amount contained in paragraph (1), the preceding sentence shall be applied by substituting '1993' for '1989' the first place it appears, and by substituting '1991' for '1988'."

#### SEC. 3. ROUNDING OF INFLATION ADJUSTMENTS.

Paragraph (6) of section 1(f) of the Internal Revenue Code of 1986 (relating to rounding) is amended to read as follows:

"(6) ROUNDING.—If any increase determined under paragraph (2)(A), subsection (g)(4), section 63(c)(4), section 68(b)(2), or section 151(d)(4) is not a multiple of \$10, such increase shall be rounded to the nearest multiple of \$10."

#### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1992.

H.R. —

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

#### SECTION 1. TAX CREDIT FOR CHILDREN.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

##### "SEC. 30A. CREDIT FOR CHILDREN.

(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter and chapter 21 for the taxable year an amount equal to \$600 multiplied by the number of qualifying children of the taxpayer who have not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins.

(b) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

(1) the sum of the regular tax (reduced by the sum of the credits allowable under subpart A and section 32) and the tax imposed by chapter 21, over

(2) the tentative minimum tax, for the taxable year.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given to such term by section 32(c)(1) (determined without regard to subparagraph (B) thereof).

(2) QUALIFYING CHILD.—The term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraphs (C) and (E) thereof).

"(3) CERTAIN OTHER RULES APPLY.—Subsections (d) and (e) of section 32 shall apply."

(b) DENIAL OF DOUBLE BENEFIT.—Subparagraph (A) of section 21(b)(1) of such Code (defining qualifying individual) is amended by inserting "(other than an individual described in section 30A(a))" after "taxpayer".

(c) CONFORMING AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 30A. Credit for children."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

#### HEALTH CARE REFORM AND TAX RELIEF

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HASTERT. Mr. Speaker, I rise today to reintroduce two important bills to safeguard our country's economic future: One that dramatically reforms our Nation's health care system and one that provides tax relief for working seniors.

While America has the finest health care available in the world, our health care system is in dire need of reform. Just ask any employer, senior citizen, parent or doctor. Virtually every American is feeling the impact of the problems of our health care system.

This bill, The Health Care Choice and Access Improvement Act, addresses the specific problems in our system by reforming the small group insurance market so that small business can afford to buy health insurance, increasing the tax deductibility for the self-employed to 100 percent, allowing employers to establish tax-free MediSave accounts so that employees have a pool of money to pay for medical expenses, reforming the medical malpractice system, instituting administrative improvements, and increasing long-term care coverage.

These reforms constitute a comprehensive package that could be implemented immediately to dramatically improve our health care system.

These proposals will enable Americans to continue to enjoy the flexibility and personal choice they have come to expect in their health care system. And these reforms, if instituted, will also help us avoid the massive tax increases and expanded bureaucracy a government-run health system would require.

These are common sense reforms, and I look forward to working with my colleagues to pass meaningful health care reform legislation soon.

The other bill I am reintroducing is the Older Americans' Freedom To Work Act of 1993. This bill removes the earnings test that penalizes seniors who need to continue working after they reach retirement. It is difficult to understand how Congress could allow our Nation's laws to punish productivity and send the message to seniors that society no longer wants the skills and experience of older workers.

Under the earnings penalty, working seniors lose one of every three dollars of their Social

Security benefit after earning only \$10,560 annually. Thus, a senior earning only \$10,000 a year faces 56-percent marginal tax rate—when FICA and State taxes are included—twice the tax rate of millionaires. This is simply not fair!

Moreover, our economy is still in need of a boost. The American economy is hurt by the earnings penalty. At a time when we are all concerned about economic growth, it seems foolish not to utilize the collective work experience and skills of millions of elderly workers who desperately need to continue working. Eliminating the test would mean that hundreds of thousands of elderly retirees would enter the labor market and, as a result, our annual output of goods and services would increase by several billion dollars.

A form of this legislation passed the House last year, but was stripped by the Senate. This is the year to take action. President-elect Clinton repeatedly endorsed lifting the earnings test during his campaign. Support for the removal of the earnings test continues to grow and I encourage my colleagues to work toward giving seniors the freedom they need to work.

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#### LINE-ITEM VETO

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. STUMP. Mr. Speaker, I am today introducing legislation to give the President line-item authority. The measure I introduce today is identical to House Joint Resolution 55 that I introduced in the 102d Congress.

With the change in administration, many Members who supported line-item veto legislation in the last Congress may be hesitant to do so under a different President. I would like to say to my colleagues that the need to control wasteful and unnecessary spending is even greater today than before, and regardless of the political party which controls the White House, we must work together to put an end to the irresistible urge to meet our parochial needs with taxpayer moneys.

Mr. Speaker, the line-item veto removes the last excuse for allowing special-interest pork to slip through in otherwise worthy appropriations bills. The taxpayers have a right to know how such things can happen and who, including the President, shares the blame for our \$4 trillion debt.

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#### PUTTING OUT THE FLAMES ON FLAG BURNING

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, today, I am introducing a constitutional amendment to prohibit desecration of the U.S. flag. Many will no doubt recall the furor when the Supreme Court in 1989 overturned the Texas conviction of Gregory Johnson and declared the Texas flag-

burning statute unconstitutional. The Congress responded weakly, declining to pass a constitutional amendment and opting instead for a new Federal statute which prohibited desecration of the American flag. To no one's surprise, this statute was also declared unconstitutional by the U.S. Supreme Court. As a result, burning and trampling upon our Nation's most revered symbol is now constitutionally protected conduct.

The Court based its decision on first amendment freedom of expression. I believe strongly in the first amendment and in its protections, but there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Libel and slander, obscenity, copyright and trademark laws, classified information, and perjury are but a few acts of expression which fall beyond the first amendment. So, too, should flag-burning fall beyond the first amendment. To paraphrase Chief Justice Rehnquist, flag-burning is a grunt which is designed not so much to communicate but to antagonize.

Throughout history, the U.S. flag has been revered as the embodiment of the liberty and freedom which have become the hallmark of our Nation. This casual treatment of our Nation's most revered symbol is an affront not only to the flag, but to the ideals which stand behind it. It is an affront to the people who have served our great country in all capacities, but especially to those who have fought and died for America.

Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. I hope that the mere fact that 3½ years have passed since the Johnson decision will not lessen enthusiasm for protecting Old Glory. I strongly urge my colleagues to join me in passing a constitutional amendment which would give the States and the Federal Government the authority to prohibit desecration of the American flag.

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#### INTRODUCTION OF LEGISLATION TO DESIGNATE THE CENTRAL COAST NATIONAL MARINE SANCTUARY

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. PANETTA. Mr. Speaker, I rise today upon the introduction of legislation to designate the Central Coast National Marine Sanctuary. This bill is similar to legislation I introduced in the last Congress, H.R. 3099.

Throughout my career in the Congress, I have sought to promote good stewardship of our Nation's resources. To be good stewards, I have found that the Congress must strike a balance between the need to develop our Nation's resources with our responsibility to preserve the Nation's truly significant and sensitive resources for the benefit of future generations. To this end Congress created the National Park System and the Wilderness System to preserve our historically and ecologically significant resources within the public domain.

Recognizing the importance of preserving our significant marine resources as well, Congress created the National Marine Sanctuary Program to preserve those areas of the marine environment which possess ecological, historical, recreational or educational qualities that give them special national significance.

In the first two decades of its operation, the National Marine Sanctuary Program has enjoyed enormous success in not only protecting our significant marine resources but educating the public on the global ecological importance of these marine resources as well. The program has been hindered, however, by the reluctance of the past administration to include more marine areas in the National Marine Sanctuary Program. Currently, only 5,320 square nautical miles of the ocean, less than .2 percent of the total marine areas in the domain of the United States (U.S. Exclusive Economic Zone), are protected by a national marine sanctuary designation. This figure compares with some 147,000 square miles of U.S. lands currently protected by a wilderness designation.

The marine area of the central coast of California protected under this legislation possesses the ecological, historical, recreational, and educational qualities noted above which make it an area of national significance and a beneficial addition to the National Marine Sanctuary Program.

This coastal area, which runs mostly along San Luis Obispo County, represents one of the most significant marine ecosystems along the Nation's west coast. It has a rich variety of sensitive coastal habitats including significant wetlands and estuaries as well as rocky intertidal zones and subtidal rocky reef communities.

The area is home to many threatened and endangered species including the California sea otter, seven endangered species of whale, and four species of sea turtles, and is also a major feeding and resting area for migratory birds protected under international treaties.

One of the more significant resources of the area is the Nipomo Dunes Complex which have been designated as a national natural landmark. The Nipomo Dunes Complex contains the largest coastal dunes in California and have immeasurable ecological and scenic value, high educational, scientific and recreational importance, and represents one of the few coastal areas in the State still in an undisturbed condition.

In addition to having numerous sensitive marine resources worthy of preservation and research, the central coast also has archaeological significance as it was the home of several Chumash Indian village sites for at least 9,000 years. This is the densest area of 9,000 year old sites known along the western contiguous States to the Canadian border. Archaeologists have discovered literally hundreds of Chumash sites in these coastal waters and they are the subject of ongoing study.

Despite the importance of this coastal area, its well-being is being threatened by a variety of pollutants including the drainage of pesticides and other toxics into the waters and the expanding industrial uses of the waters. Of particular concern is the continual threat of offshore oil and gas development in this sensitive marine area. While this legislation does

not address the specific issue of oil and gas development pursuant to this legislation, I am confident that after the National Oceanic and Atmospheric Administration [NOAA] conducts a thorough investigation of this site pursuant to this legislation, it will rule to prohibit the conduct of new oil and gas activities in the Sanctuary as it has done with every site currently in the National Marine Sanctuary Program.

It is my hope that the designation of the central coast as a national marine sanctuary will not only serve to preserve the unique and sensitive environment of this area but also provide a means for protecting this vital resource on which so many in the community depend for their livelihoods.

Mr. Speaker, it is clear that the central coast of California is an important, significant, and sensitive marine resource worthy of the stature and protection of national marine sanctuary designation. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

#### H.R. 21, THE MISCELLANEOUS AND TECHNICAL MEDICARE AMENDMENTS ACT OF 1993

### HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 21, the Miscellaneous and Technical Medicare Amendments Act of 1993.

This legislation would make minor and technical changes in title 18 of the Social Security Act to improve the operation of the Medicare Program.

These provisions were included in H.R. 11, the Revenue Act of 1992, which was passed by the House and Senate on October 5, 1992, but was vetoed by President Bush.

The bill includes a number of provisions pertaining to hospital and physician payments:

The number of States authorized to participate in the Essential Access Community Hospital Program would increase from seven to nine;

The Rural Hospital Transition Grant Program would be reauthorized for an additional 3 years;

Separate Medicare reimbursement for the reading of electrocardiograms [EKGs] would be restored; and

Provisions that reduced the Medicare payment for new physicians during their first 4 years of practice would be repealed.

The cost associated with EKG interpretations and new physicians would be funded by reducing payments for all other physician services. Both provisions have the support of physician groups, including the American Medical Association.

In addition, the bill includes provisions from H.R. 11 that would address problems of health care fraud and abuse. Many of these provisions were developed as part of this committee's ongoing initiative for the efficiency and effectiveness of programs within the committee's jurisdiction.

Finally, this bill includes a clarification concerning nonduplication of benefits sold to individuals with Medicare supplemental insurance policies.

Mr. Speaker, this is important legislation that I hope will be enacted by Congress on a timely basis.

A section-by-section summary of the bill follows.

SUMMARY—THE MISCELLANEOUS AND TECHNICAL MEDICARE AMENDMENTS ACT OF 1993

#### TITLE I—PROVISIONS RELATING TO MEDICARE PART A

##### 1. Transition for hospital outlier payments

The impact of the outlier payment policy as revised for fiscal year 1993 would be phased in over two years. The fiscal year 1993 policy would be in effect for the first six months of the year and the fiscal year 1992 policy would be in effect for the latter six months.

##### 2. EACH amendments

Designation of up to nine Essential Access Community Hospital (EACH) States would be authorized. The current physician certification requirement regarding inpatient services in rural primary care hospitals (RPCH) would be modified. Generally, a RPCH would not be authorized to perform inpatient surgery, or to provide general anesthesia. The current limit on inpatient lengths of stay in a RPCH would be changed to an average 72-hour length of stay.

Designation of urban hospitals as EACH hospitals would be authorized for other than payment purposes. The Health Care Financing Administration (HCFA) would be authorized to designate hospitals participating in a bi-State rural network as EACH or RPC hospitals although the hospitals were not located in a State participating in the EACH program. RPC hospitals would be authorized to provide swing bed services up to the hospital's licensed acute-care bed capacity at the time of conversion to a RPCH, minus the number of inpatient beds (up to six) retained by the RPCH.

The lower of costs or charges requirements would be waived with respect to payment for outpatient services provided by RPC hospitals. The requirements for RPC hospitals regarding written policies and supervision of those policies would be clarified. Various sections of Part A would be amended to clarify that provisions regarding spell of illness, scope of benefits, and Part A deductible and coinsurance would apply to inpatient services provided by rural primary care hospitals. The EACH program would be reauthorized for an additional three years at the same levels as currently authorized.

##### 3. Wage index provisions

Wage indices for urban areas with a wage index below the rural wage index of a State and for urban areas which comprise an entire State would not be reduced due to a decision of the Geographic Classification Review Board. Data used to designate certain rural counties as urban, based on commuting standards, would be required to be based on the most recent information used to designate Metropolitan Statistical Areas (MSAs). The Secretary would be authorized to take occupational mix into account in the development of guidelines for reclassification to the extent he determines appropriate.

##### 4. Rural transition grant reauthorization

The rural transition grant program would be reauthorized for fiscal years 1993 through 1997 at \$30 million in each year.

##### 5. Extension of regional referral center classification

Designation of current rural referral center hospitals would be continued until September 30, 1994.

##### 6. Medicare-dependent, small rural hospital extension

Special payments to Medicare dependent hospitals would be extended for discharges occurring prior to October 1, 1994, on a phase-down basis.

##### 7. Hemophilia pass-through extension

Pass-through payments for hemophilia clotting factor provided to hospital inpatients would be continued effective December 19, 1991, through fiscal year 1994.

##### 8. State hospital payment programs

Recoupment of any amount owned by New Jersey hospitals due to alleged overpayments relating to New Jersey's Medicare waiver would be delayed until April 1, 1993. The application of other laws to hospital payments under State payment programs under section 1814 would be clarified.

##### 9. Psychology services in hospitals

The care of inpatients receiving qualified psychologist services could be supervised by a clinical psychologist as well as by a physician in a State in which such supervision is authorized by State law.

##### 10. Medical education payments in hospital-owned community health centers

Services of interns and residents in a hospital-owned community health center would be counted in determining a hospital's intern and resident-to-bed ratio.

##### 11. Uniformed service treatment facilities

Recoupment of any alleged overpayments from uniformed services treatment facilities would be prohibited except to the extent funds are appropriated for this purpose through the fiscal year 1993 Department of Defense Appropriations Act. The Secretary, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, would be required to evaluate and report to the Congress on the potential for joint hospital facilities involving the military and private providers.

##### 12. Skilled nursing facility wage index data

With two years of enactment, the Secretary would begin collecting data on wages in skilled nursing facilities for the purpose of constructing a skilled nursing facility wage index. The Prospective Payment Assessment Commission (ProPAC) would be required to report on the impact of applying routine cost limits for skilled nursing facilities on a regional basis.

##### 13. Rural demonstration extension

The Secretary of the Department of Health and Human Services would be directed to continue demonstration projects pertaining to limited-access rural hospital at least through December 31, 1995.

#### TITLE II—PROVISIONS RELATING TO MEDICARE PART B

##### 1. Payment for interpretation of EKGs

The prohibition of payment for interpretations of EKGs performed in conjunction with a visit would be repealed.

##### 2. Payments for new physicians and practitioners

The reductions in Medicare payments in the first four years of practice of new physicians and practitioners would be repealed.

##### 3. Anesthesia time

The Secretary would be prohibited from changing the current payment policy for anesthesia services.

#### 4. Extra-billing limits

The provision would clarify that no person is liable for payment of any amount billed in excess of the limiting charge. Carriers would be required to notify a physician within 30 days if the physician has billed in excess of the limiting charge. Physicians who collect amounts in excess of the extra-billing limits would be required to refund or credit excess charges on a timely basis. The provision extends the limits that now apply to physicians to other providers and practitioners when billing for a service covered under the physician fee schedule. Carriers would be required to screen 100 percent of unassigned claims to determine if the amount billed exceeds the limiting charge. The limits and the right to refund would be printed on the Medicare explanation-of-benefits forms mailed to beneficiaries.

#### 5. Use of recent data in the RB RVS geographic adjustment

More recent data would be used in establishing the geographic adjustment index for the resource-based relative value scale (RB RVS). The Secretary would be required to consult with representatives of physicians in reviewing geographic adjustment factors and indices, and would review data sources to improve the geographic adjustment index.

#### 6. Development of a RB RVS for pediatric services

The Secretary would provide for the development of a RB RVS for pediatric services.

#### 7. Antigens under the RB RVS

The preparation of allergy antigens and antigens would be paid under the RB RVS.

#### 8. Claims relating to physician services

The Secretary would be prohibited from imposing any fees relating to the filing of claims, claims filing errors, administrative appeals, obtaining unique identifier numbers, or for responding to inquiries concerning the status of pending claims. Temporary arrangements, wherein a physician could bill for the services of a second physician when the second physician was substituting for the first, would be permitted.

#### 9. IOL payment limits and high technology lens adjustment

The \$200 payment for intraocular lenses (IOLs) would be extended for two years.

#### 10. Eye and ear hospitals

Certain facilities that were distinct units of general hospitals which have substantially closed would be eligible for designation as an eye, or eye and ear hospital, for determining the outpatient ambulatory-surgery payment limit.

#### 11. DME certificate of medical necessity

The prohibition on the distribution of suppliers of completed or partially completed certificates of medical necessity (CMN) would be limited to certificates relating to potentially overused and abused items. In the case of other items of durable medical equipment (DME), suppliers would be permitted to complete those elements of the CMN relating to patient identification, billing and the codes and description of the item to be provided. The Health Care Financing Administration (HCFA) would be required to conduct a study of DME provided to non-aged disabled populations.

#### 12. Medicare payments for TENS devices

Medicare DME fee schedule amounts for transcutaneous electrical nerve stimulation (TENS) devices would be reduced by 30 percent.

#### 13. Nebulizers and aspirators

Nebulizers and aspirators would be removed from the category of DME items re-

quiring frequent and substantial servicing. Limits on rental or purchase amounts for such items would be established. Separate payments would be made for accessories used in conjunction with nebulizers and aspirators.

#### 14. DME fraud and abuse

Suppliers of medical equipment, prosthetic devices, orthotics and prosthetics, surgical dressings, home dialysis supplies and equipment, and immunosuppressive drugs would be required to obtain a supplier number in order to bill Medicare. To obtain a Medicare supplier number, the supplier would have to meet certain requirements.

DME suppliers would be prohibited from making unsolicited calls to beneficiaries, unless the individual gives permission or the supplier has furnished the individual with the item within the preceding 15 months. Suppliers would be required to submit claims to the carrier having jurisdiction over the geographic area that includes the permanent residence of the patient to whom the item is furnished.

The Secretary would be required to develop a uniform national coverage and utilization review criteria for 200 items.

#### 15. Enteral and parenteral supplies

The 1993 payment update for parenteral and enteral supplies and equipment would be eliminated.

#### 16. Payments for ostomy and other supplies

National payment limits would be established for ostomy and tracheostomy supplies, surgical dressings, splints, casts, and other devices for the reduction of fractures.

#### 17. Nurse anesthetists (CRNAs) payments

The conversion factor used to determine payments to medically-directed CRNAs would not be updated until 1997.

#### 18. Alzheimer's Disease Demonstration

The Alzheimer's Disease Demonstration would be extended for an additional one-year period.

#### 19. Limit on premium penalty for late enrollment

The penalty for late enrollment under Part B would be capped for Federal retirees who did not enroll at the time of the initial enrollment period because of enrollment in a group health plan that provided coverage for items and services covered under Part B.

#### 20. Medicare cancer therapy coverage

The definition of covered drugs and biologicals would be amended to include oral drugs used in cancer chemotherapy when identical to drugs that would otherwise be covered.

#### 21. Speech-language pathologists and audiologists

The term "speech pathologist" would be amended to be "speech-language pathologists and audiologists," consistent with current practice and coverage policies.

#### 22. Municipal health service demonstration projects

The four municipal health service demonstration projects would be extended for four years.

#### 23. Indian health facilities

The definition of Federally Qualified Health Centers would be revised to include programs and facilities operated by Indian tribes under the Indian Self-Determination Act and certain facilities serving urban Indians.

#### 24. Extension of Medicare Influenza Vaccination Demonstration

The Medicare Influenza Vaccination Demonstration would be extended for six months, until April 1, 1993.

#### 25. Payment of Part B penalty by States

The Secretary would be authorized to enter into agreements with States for purposes of allowing States to make premium payments for penalties associated with late enrollment under Part B. States would be permitted to make quarterly payments on a lump-sum basis.

#### 26. Technical amendments

Various technical amendments relating to physician services, DME, other Part B services, and provisions included in the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) would be made.

#### TITLE III—PROVISIONS RELATING TO MEDICARE PARTS A AND B

##### 1. Physician ownership and referral

An exemption would be provided for a group practice with multiple locations with multiple laboratory sites. An exemption would also be provided for certain shared-service clinical laboratories: (i) which are owned jointly by two or more physicians; (ii) in which no share of the entity is owned by non-physicians; (iii) where the entity is in the same building in which the physician owners' medical practices are located; (iv) where the overhead expenses are shared by the physician owners; and (v) where the entity and the ownership arrangement was established prior to June 26, 1992. The General Accounting Office (GAO) would be required to study the effect of these facilities on utilization of health services. The current-law exemption for rural providers would be expanded to include compensation arrangements, and would be clarified to exempt entities providing substantially all of their services to rural residents.

Current law relating to permissible compensation agreements would be clarified so that the following are not considered to be compensation arrangements: (i) rental of office space and of equipment meeting specified standards; (ii) amounts paid by an employer to an employee with a bona fide employment relationship, including part-time or temporary physicians with a contractual relationship with a group practice, for the provision of services meeting specified standards; (iii) certain other contractual arrangements involving physicians, including the employment of part-time specialists by a group practice to provide services not otherwise available; (iv) payments to an entity by a group practice for the provision of pathology services; and (v) payments by a physician to an entity providing services.

Various definitions included in current law would be clarified. The definition of group practice would be modified to include group practices which provide services to hospitals under arrangements which are billed in the name of the hospital, subject to specified standards. The definition of remuneration would be modified to exclude: (i) the forgiveness of amounts owed for inaccurate tests, mistakenly performed tests, or the correction of minor billing errors; (ii) the provision of items, devices, or supplies of minor value that are used to collect, transport, process or store specimens or communicate the results to the entity; or (iii) the furnishing by an entity of laboratory services to a group practice affiliated with the entity, if the entity provides all or substantially all of the clinical laboratory services of the group practice.

##### 2. Graduate medical education

The Secretary would be required to adjust the base-year payment amount for certain grant-supported residency programs in family and community medicine, to the extent

that the program is no longer supported by grants. The base-year amount would also be adjusted for hospitals not required to pay FICA taxes or make a contribution to certain pension plans prior to the passage of OBRA 90. For purposes of determining the initial residency period, up to two years of a presidency in preventive medicine would not count towards the limitation on the initial period.

#### 3. Coverage of immunosuppressive drugs

Coverage of immunosuppressive drug therapy for Medicare beneficiaries who have received organ transplants would be extended beyond 12 months to 36 months on a phased-in basis.

#### 4. Payments for erythropoietin

Medicare payments for erythropoietin (EPO) would be reduced by \$1.00 per 1,000 units for services furnished on or after January 1, 1994.

#### 5. Medicare secondary payer

HCFA would be required to mail questionnaires to individuals, before they become entitled to Part A or enrolled in Part B, to determine whether the individual is enrolled in a primary plan. Payments under Part B could not be denied for covered services solely on the grounds that the questionnaire fails to include coverage under another plan.

Providers and suppliers would be required to complete information on claims forms regarding potential coverage under other plans. Contractors would be required to report to the Secretary on steps taken to recover mistaken payments.

In addition, the Medicare secondary payer provisions would be clarified with respect to members of religious orders so that the provisions do not apply to situations identified after October 1, 1989, for services provided before such date.

#### 6. Qualified Medicare beneficiary (QMB) outreach

The Secretary would be required to obtain information from individuals, when they become entitled to benefits under Part A or become enrolled under Part B, that could be used to determine eligibility for QMB benefits.

#### 7. Social health maintenance organizations (SHMOs)

Waivers would be extended for two years through December 31, 1997. The limit of 7,500 members per site would be increased to 12,000. The Secretary would be authorized to establish a site for end-stage renal disease (ESRD) beneficiaries.

#### 8. Peer review organizations (PROs)

The requirement for prior approval of selected surgical procedure by PROs would be repealed.

#### 9. Hospice information to beneficiaries

Home health agencies and skilled nursing facilities would be required to inform beneficiaries of the hospice option. Hospitals would be required to consider hospice as part of the discharge planning evaluation of a patient's likely need for appropriate post-hospital services.

#### 10. Interest payments

Interest on clean claims would be paid if payment is not made within 30 days of receipt.

#### 11. Medicare appeals

The process for appeals relating to the challenges of regulations and rules concerning methods for payment under Part B would be clarified to assure continued judicial review of such challenges.

## EXTENSIONS OF REMARKS

### 12. Medicare administration budget process

The Budget Enforcement Act would be amended to authorize additional spending for Medicare's fiscal intermediaries and carriers in each of the next three fiscal years. The additional amount would be based on the expected growth in claims volume under the program.

### 13. Health maintenance organizations (HMOs)

The average adjusted per capital cost (AAPCC) payment methodology would be adjusted to take into account regional variations in the proportion of working aged for whom Medicare is a secondary payer.

### 14. Treatment of certain State health care programs

The Hawaii Prepaid Health Care Act would not be preempted by the Employee Retirement and Income Security Act (ERISA) unless the Secretary of Labor notifies the Governor that, as a result of an amendment to the Hawaii Act, the proportion of the population covered is less than the current proportion, or the level of coverage is less than the actuarial equivalent of the current level of coverage.

### 15. Parts A and B technical amendments

Various technical amendments relating to Parts A and B would be made.

#### TITLE IV—PROVISIONS RELATING TO MEDICARE SUPPLEMENTAL INSURANCE POLICIES

### 1. Standards for Medicare Supplemental Insurance (Medigap)

Technical and conforming amendments would be made to the Medigap provisions of OBRA 90 pertaining to preventing duplication, loss ratios, and pre-existing condition limitations. Drafting errors in OBRA 90 would be corrected.

## LINE-ITEM VETO

### HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ALLARD. Mr. Speaker, today I rise to introduce legislation proposing an amendment to the Constitution of the United States allowing the line-item veto in appropriation bills. This is the same bill that has been introduced by retired Congressman Chalmers Wylie each session for the past 18 years.

Granting the President of the United States the power of the line-item veto is an excellent first step toward meaningful deficit reduction. Admittedly, it alone will not entirely reduce the deficit of our Government, but it will be an invaluable fiscal tool to assist in restraining the spending of Congress.

Today more than ever before the citizen's of our Nation are calling for the Government to become more responsible and responsive in their governing. An excellent example of this is to look at the ground swell of support targeted at Congress to pass legislation that grants the President the power of the line-item veto.

Many people will try to convince you that the line-item veto is a new and novel idea, when in reality it has been debated by Congress for nearly 100 years. The enactment of the provisional Constitution of the Confederate States in February of 1861, marked the first time a line-item veto appeared in an American constitution. Also, several Southern Governors were given this power after the Civil War.

President Grant noticed this power and how it would help remove the Congress' ability to add "riders" to the Budget. These riders, which are still a common practice in today's Government, were undermining the Presidents' power by presenting bills that contained provisions that amounted to several bills.

The introduction of the line-item veto is not new to our Congress. In fact, it has been offered to the House of Representatives as long ago as January 18, 1876. Since that time there have been over 150 bills and resolutions introduced to establish the line-item veto. However, Congress has held hearings on a very few occasions.

Subsequently, only one bill has been reported favorably from committee and only one other has been considered on the floor. A line-item veto amendment to the Independent Offices appropriations bill in 1938 passed the House by a voice vote, but was rejected by the Senate.

Since that time the closest a line-item veto bill ever came to being passed was on July 18, 1985, when supporters of S. 43 attempted to bring the measure back to the floor but their attempt failed because of a filibuster against the bill.

Eight different Presidents have expressly supported the line-item veto: Presidents Grant, Hayes, Arthur, Franklin D. Roosevelt, Truman, Eisenhower, Reagan, and Bush. Most recently, President-elect Clinton has expressed that he supports the line-item veto.

President Reagan called for Congress to grant the President this tool for fiscal constraint on numerous occasions. In President Reagan's final address as President on January 14, 1989, he once again reaffirmed his support for the line-item veto. President Reagan said this of the veto: "My successors should be given the line-item veto, subject to congressional override, to veto the line items in annual appropriations bills, in authorizing legislation that provides or mandates funding for programs, and in revenue bills. Such authority would permit the elimination of substantial waste and would be an effective instrument for enforcing budget discipline."

Lately, enhanced recessions have come to the forefront of political debate for deficit reduction. However, it is important to understand that it is not a line-item veto. In early November, in conversations with President-elect Clinton, House Speaker TOM FOLEY announced that he is planning to offer enhanced rescission legislation as a substitute to the line-item veto. While enhanced rescissions are helpful in controlling spending, I reiterate, they are not the line-item veto. Quite simply, enhanced rescissions is statutory legislation and would take only a simple majority to remove the law from the books, while the line-item veto legislation would be an amendment to the Constitution and would be subject to congressional override by a two-thirds majority.

Moreover, the line-item veto represents an expansion of the President's ability to eliminate or reduce individual items of appropriations. In fact the line-item veto would allow the President to veto individual items in an appropriations bill, while the rest could become law. Further, any vote would be subject to congressional override by a two-thirds majority.

It is important to understand that the line-item veto may not be used to reduce entitle-

ment spending. If the authority is granted to the President he would only have the ability to veto discretionary items in the budget which comprise just 40 percent of the total budget.

Recently, significant steps have been taken towards securing the President the power of the line-item veto, including an effort last year by myself and Congressman CHALMERS WYLIE to discharge House Joint Resolution 4, legislation providing for a constitutional line-item veto, from committee.

Now, more than ever before our constituents are calling for Members of Congress to become more responsible in their spending; to me that means enactment of legislation that authorizes a Presidential line-item veto.

Currently, 43 Governors have the power of the line-item veto. In each of those States they also have a balanced budget requirement. A recent study by the CATO institute reported that 92 percent of all past and present governors surveyed support the line-item veto.

If 43 States have successfully granted their Governor the power of the line-item veto as a fiscal tool providing an executive restraint on appropriations and 7 past Presidents, the current President and the President-elect of the United States all have expressly supported this measure. Then why has it been so difficult for Congress to bring this measure to the floor for consideration?

INTRODUCTION OF LEGISLATION  
TO REGULATE THE SALE  
OF PRIVATE LONG-TERM CARE  
INSURANCE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. WYDEN. Mr. Speaker, I am pleased to take the opportunity presented today, the first day of the 103d Congress, to introduce legislation to reform the long-term care insurance market. I am committed to working with my colleagues and with President-elect Bill Clinton to ensure that my bill is incorporated as a key provision of any health care reform legislation taken up this year.

Two years ago, Congress took decisive action to shut down rampant fraud and consumer deception in the MediGap industry. I was particularly proud to introduce that long-overdue reform legislation with Senator DASCHLE of South Dakota, because MediGap insurance fraud was among the first problems I tackled with the Oregon Gray Panthers. As a result of the legislation enacted in 1990, all MediGap insurers nationwide must now use uniform definitions in their policies, and obey a whole series of consumer protections in marketing gap-filling policies to the elderly.

But MediGap insurance for doctor and hospital bills does nothing to protect the nation's 30 million elderly citizens from nursing home and home care costs. The fact is that as many as 10 million of these older Americans can expect to spend some time in a nursing home during their lifetimes, and that figure doesn't fully account for the many millions who will need long-term home care.

Mr. Speaker, there is a real need for long-term care insurance, because most of these

senior citizens are not insured for the risk of long-term care costs. Fortunately, Americans understand their exposure to catastrophic long-term care costs better than ever before. According to a recent Gallup Poll, long-term care financial planning ranks second only to saving for retirement in the minds of middle-class Americans over age 30.

This represents an enormous potential market for private insurers, and the number of private long-term care insurance policies in force has more than doubled in just the past few years. Over 130 insurance companies have now sold almost 2 million long-term care policies, mostly to elderly people trying to plan for the future.

Unfortunately, there are indications that many of the scurrilous practices Congress chased out of the Medigap industry have also infected the private long-term care insurance market. These scams are perpetrated by companies and salesmen who are attracted to the long-term care market by the smell of money and the same weak Government regulation that once led ripoff artists to sell Medigap insurance.

There is ample evidence that the long-term care insurance market today is infested with double-dealing insurers. Over a 5-year period, seven separate groups of investigators have trudged back from the regulatory frontlines to give a remarkably consistent report to Congress. Here's what they found:

Insurance agents often misrepresent the provisions of long-term care insurance policies they sell. The evidence indicates that far too many of these agents shoot from the hip and worry about answering the consumer's questions later, after closing the sale.

Too often, long-term care insurance companies go to extraordinary lengths to avoid paying claims. The insurance policies they sell are riddled with loopholes and exclusions that force the average elderly person to run an actuarial gauntlet before they can receive the benefits they've paid for.

The Alzheimer's Association has concluded that consumers cannot count on long-term care insurance to meet their needs, and called for uniform national standards along with a public long-term care program.

Most States have underfunded their insurance regulators, and have failed to equip them with the legal authority they need to police the insurance buccaneers.

Consumers Union, the publishers of Consumer Reports, could not find even one long-term care insurance policy that deserved a best buy rating. Their shoppers heard sales pitches from 15 insurance agents in 3 large States, and concluded that—

Every sales agent misrepresented some aspect of the policy, the financial condition of the insurer, or the quality of a competitor's product. Not one sales agent properly explained the benefits, restrictions, and policy limitations [emphasis supplied].

Last year, I assigned my own staff to go undercover with elderly volunteers to find out what salesmen are really saying to elderly consumers. Fourteen insurance agents in six cities around the United States were selected at random to sell insurance to our undercover volunteers and staff. Our worst fears were confirmed: every single one of these agents

engaged in at least one misleading sales practice.

My bill, the Long-Term Care insurance Consumer Protection Act, is endorsed by the leading consumer organizations representing the elderly in Congress, and just as important to me as the senior Representative from the State of Oregon, is embraced by the Oregon State Insurance Commissioner and Consumer Advocate.

This legislation would establish the following basic consumer protections:

Require all long-term care insurance to include inflation protection, so it still has buying power when it is needed;

Require each long-term care insurance policy to include nonforfeiture protection, so that people whose policies lapse after several years don't lose all their premium dollars;

Prohibits and reduces incentives for agents to engage in several shady marketing practices, including pressure tactics that induce consumers to waste their money on new policies;

Establishes a set of standardized long-term care insurance coverage and definitions, just like the standard MediGap plans adopted by Congress 2 years ago, built on the recommendations of the State insurance commissioners;

Prohibits policy exclusions based on pre-existing conditions.

The insurance industry lobby has argued year after year that the Federal Government should stay out of this area, and leave everything to the State insurance commissioners. But Federal investigations by the General Accounting Office, and the inspector general of the Health and Human Services Department, argue otherwise. They found State insurance laws lag far behind the model laws recommended by the National Association of Insurance Commissioners. And the GAO has testified that even these model standards leave out vital consumer protections, such as nonforfeiture and inflation provisions.

I would like to take just a few minutes more to highlight two provisions in my bill that are particularly important to consumers—specifically, the bill's nonforfeiture and inflation protections.

Nonforfeiture protection is essential because half of these policies will lapse within 10 or 15 years after a consumer buys them, usually because the consumer can no longer afford rising premiums. Unless the law requires insurers to refund to the consumer some of the thousands of dollars in premiums paid over the years, all their money is simply lost.

The need for Federal legislation to address this problem is dramatically underscored by the ongoing failure of the National Association of Insurance Commissioners to approve even voluntary, model nonforfeiture guidelines for the States to enact. My bill would set a firm deadline for action by the State insurance commissioners, backed up by binding Federal regulation if needed.

But even consumers who can afford to hold on to their policies will find that after just 10 years the corrosive effect of inflation has whittled their policy down to only 50 to 60 percent of its original buying power.

This means a person who buys a policy at age 65 and attempts to use it at age 85 will

discover her money buys less than 10 percent of what it could purchase 20 years before. This is why I believe inflation protection should be a feature of every long-term care policy.

I'm proud to say that Oregonians are better off than residents of most other States, because Oregon's laws provide many key consumer protections. But even Oregon law does not now require the offering of inflation protection, does not include nonforfeiture protection, and does not limit sales agents' first year commissions.

The legislation I am introducing today will correct the imbalance of power that now favors big insurance companies and their sales staff, by establishing basic consumer protections nationwide.

I firmly believe that private long-term care insurance can make a meaningful contribution to financing the long-term care needs of the elderly. But Congress must take action to ensure these plans provide value for the premium dollar, rather than the elaborate and costly illusion of protection sold by too many insurers today.

I look forward to working with my colleagues in Congress and in the incoming administration, as well as consumer groups, insurance regulators, and the industry, to solve these problems. I would like to invite representatives of these important stakeholders to offer any comments and suggestions they may wish to provide to improve this legislation.

#### THE POLLUTION PREVENTION INCINERATOR CONTROL ACT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. TOWNS. Mr. Speaker, this year, Americans will produce about 180 million tons of garbage. That comes out to roughly 1,500 pounds of trash generated annually by every man, woman, and child in this country. And that is over two to three times the amount produced by other countries in Europe as well as Japan.

My distinguished former colleague from Pennsylvania, Pete Kostmayer, articulated the problem well last year when he said:

We have to pay to collect and haul it away; we have to pay to have it incinerated; we have to pay to put it—on the ash left over after burning—into landfills; we have to pay for monitoring the air around the incinerators and for the water around the landfills; and only if we are lucky, will we not have to pay for increased health care costs for the citizens who reside near these facilities.

Currently, Mr. Speaker, there are 183 municipal solid waste incinerators, 1,100 hazardous waste incinerators, boilers, and kilns now operating in the United States with 57 more in the planning stages. This rush to burn endangers human health. Both garbage and hazardous waste incinerators commonly emit toxic organic chemicals such as dioxin, furan, and toxic heavy metals, such as lead and mercury. These toxic chemicals are concentrated in the residual ash, and pose ground water contamination problems when the ash is eventually landfilled. Additionally, these toxics can cause

cancer, immunological and neurological disorders, as well as miscarriages and birth defects.

New York City wants to go ahead with plans to build incinerators that would burn nearly 10,000 tons of waste per day with the actual cost of construction likely to exceed \$1.4 billion, or \$400 million more than the city estimates. That's over \$1 billion that won't be available for new schools, health care, and infrastructure improvements. New Yorkers are already breathing air with ozone and carbon monoxide levels that violate Federal standards. Last year, New York City Comptroller Liz Holtzman called New York's plan to burn tens of millions of tons of garbage an environmental and fiscal disaster.

Today, Mr. Speaker, I have the privilege of reintroducing the Pollution Prevention, Community Recycling, and Incinerator Control Act. This legislation would establish a moratorium on the permitting, construction, and expansion of new garbage and hazardous waste incinerators until the year 2000. It would enable industries and communities to establish and enhance their waste reduction and recycling infrastructure.

By calling for a limited timeout on the building of new incinerators, we will allow our Nation to be back on track toward preventing and reducing wastes instead of continuing the hazards and expense of managing wastes.

#### BAN WASTEFUL SPENDING ON METRIC CONVERSION OF HIGHWAYS

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, today I am introducing legislation to prohibit the use of Federal funds for constructing or modifying highway signs in metric system measurements.

There is widespread public opposition to a heavyhanded Government attempt to impose the use of metric measurement on our highways. Because of the fierce resistance, a voluntary plan to change U.S. road signs to metric was scrapped in 1976.

Think of it—in addition to highway signs, road maps would have to be redone, automobile manufacturers would have to change odometers and speedometers, manuals would have to be rewritten, machinery modified, and workers retrained.

Not only would the American people be made to suffer with the inconvenience brought about by changing to a system currently unknown to many of them, but would be forced to pick up the enormous price tag.

Converting highway signs to metric would be one of the most costly conversion efforts. In 1974, an AASHTO ad hoc metrication task force documented a rough estimate of the nationwide cost of metrication to highway agencies at \$200 million. At today's prices, costs would be several times that. In a time when we are fighting to eliminate undue spending, changing our highway signs to metric is clearly a senseless expense we can do without.

Let me make it clear that I do not oppose the voluntary use of the metric system. Those

who wish to use metric measure or stand to benefit from it, can and should use it.

What I do strongly oppose is the government's unwarranted and costly imposition of metric on our highways. The American people do not want it and stand to gain nothing from it.

#### RESOLVE WINONA, MO, SCHOOL FUNDING DILEMMA

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, a small school district in rural, low-income Winona, MO, has been saddled with a problem since 1986. The problem concerns Federal impact aid construction funding, and I have worked with this school district since 1986 to clear up the difficulty, but to no avail. Today, I am introducing legislation upon which I hope the Congress will act soon. This bill will solve the school funding problem in Winona, MO, once and for all.

The Winona R-III School District is one which is heavily impacted by Federal lands. Approximately 47 percent of the district's acreage is federally owned; as a consequence, the district can collect no taxes on the land. Additionally, 27 percent of the land is owned by the State of Missouri, and it also generates no tax revenue. The remaining 26 percent of the school district's acreage is subject to property taxes, but even that revenue is meager. State income tax returns for 1989 showed the average income in the Winona School District was \$13,973, significantly lower than the statewide average income of \$49,048. It is clear that in Winona, meeting even the most basic educational expenses is a formidable task.

In 1985, the Winona high school was housed in a 68-year-old building which had been declared by the State to be a threat to public health and safety. Winona applied to the U.S. Department of Education for Impact Aid construction funding in 1985. In 1987, after Federal officials visited the district and realized the urgency of the situation, the school received a No. 1 priority for construction funding.

So far, so good. The Federal impact aid worked as it was supposed to work, helping to provide adequate housing for students in a district in which the Federal Government has a significant adverse impact on the district's ability to raise its own funds. Yet there was a problem. The problem began in 1985 with an action by the State of Missouri, and the consequences for Winona, although unintended, were grave.

At the time of the school's application for Federal funding in 1985, the assessed valuation of the school district was \$2,470,000. State land was reassessed later that year, and the assessed valuation more than doubled to \$5,980,000. Prior to reassessment, the property levy was \$4 per \$100 in assessed valuation. However, the State realized that a substantial change in the paper value of land will not substantially change the ability of the residents to pay for that levy. Therefore, the State

of Missouri enacted a law requiring a rollback of the property levy, so that the paper change in assessed valuation would not result in any additional taxes. After reassessment, the rollback produced a levy ceiling of \$2.09 per \$100 in assessed valuation, and the tax burden remained the same.

As far as Winona's school construction application was concerned, however, the statewide reassessment caused the effective tax burden to more than double. This is because the Impact Aid School Construction law requires each applicant school district to demonstrate a substantial local effort toward the building of the school. The Department of Education considers a reasonable tax effort to be 10 percent of the district's assessed valuation. When Winona applied for the school construction funds, it fully expected to contribute this reasonable tax effort—or roughly \$247,000—of its own funding toward the construction project. After Missouri's reassessment, however, the Department of Education stated that it would require Winona to pay \$598,000 up front before it would agree to fund Winona's new school.

At this point, Winona was faced with a decision. If the school district could not come up with the \$598,000, it would be forced to forfeit the Federal school construction funding. Absent this Federal assistance, students would have continued to attend daily classes in a dilapidated old building which was deemed a threat to public health and safety. Yet, this school district was poor. In 1986, the county's unemployment rate was 21 percent, and the average income per family was under \$10,000. Raising \$598,000 would have required a herculean effort and possibly an act of God.

Winona opted to make the effort and hope for the act of God. It was able to borrow the \$598,000 at interest rates much higher than prudence would allow—prudence, however, was understandably sacrificed to desperation. Winona contributed this \$598,000, satisfied its local effort requirement, and I am pleased to report that the school was built and is currently operational.

This tale should have had a happy ending. Unfortunately, because of the quirky timing of Missouri's reassessment and rollback, Winona is now saddled with a \$598,000 private debt. It has no more ability to pay the debt now than it did in 1987, when it was forced to come up with the money. The people are no wealthier, and the federally owned property still fails to produce tax revenue. To complicate matters further, Missouri State law forbids any local school district from finishing the school year in deficit. Thus, when Winona cannot afford to both buy textbooks and service its debt, State law requires that the district service its debt. As one can well imagine, this mandated decision contributes little to the education of the children in Winona.

The Congress agreed that Winona's situation was compelling. In the fiscal year 1987 supplemental appropriations bill, the Senate inserted language to the effect that Winona's "local effort" requirement would be satisfied by a contribution of \$200,000—approximately what the district expected to pay at the time it applied for the funding. The conferees to the appropriations bill examined that provision,

and they determined that it was already well within the discretion of the Secretary of Education to provide Winona's requested and well-deserved relief. Because such discretion existed, the conferees removed the statutory language, and in the report language, the conferees "direct[ed] the Secretary [of Education] to consider an amount of local effort not in excess of \$200,000 as reasonable and adequate to satisfy the requirements of section 14(c)." House Rept. No. 100-195, 100th Cong., p. 70 (June 27, 1987).

Since that time, the Winona School District, Senator DANFORTH, Senator BOND and I have spent countless hours trying to convince the Department of Education to follow the direction of the conferees. The Department has steadfastly refused for all of these years, resisting with such obstinacy that I am reminded of that quintessential problem of my college philosophy courses: the irresistible force meeting the immovable object. It is time to end this stalemate.

The bill I introduce today will also be introduced in the Senate by Senators BOND and DANFORTH. It is very simple, and it consists of a grand total of 10 lines. As a result of the passage of this bill, Winona will still be required to contribute a fair and reasonable local effort, \$200,000, toward the school construction. However, the school district will be relieved of the excess \$398,000 that the Department of Education previously required of it. Even so, Winona will not be completely off the hook, since interest payments have mounted on the initial \$598,000 loan, and from the perspective of a poverty-stricken school district, the reasonable local effort becomes less and less reasonable with each passing day. However, the relief will allow Winona to put the bulk of its burden to rest. The tremendous energy of Winona's superintendent and other administrators of the district should be directed toward educating children, not toward teetering on the brink of financial disaster.

#### REDUCING DEFICIT A BETTER GOAL

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, reduction of the Federal deficit must be the foremost concern of the 103d Congress. I commend to my colleagues an editorial which appeared in the Omaha World Herald on December 12, 1992, regarding this important matter.

#### REDUCING DEFICIT A BETTER GOAL

The recent upturn of several key economic indicators seems to be sparking some equally welcome reaction from the Clinton transition team. The new administration may put aside plans to stimulate the economy and instead focus on deficit reduction.

The unemployment rate has fallen for each of the last five months. Confidence among consumers, whose spending accounts for two-thirds of all economic activity, is improving. The gross domestic product has grown consistently. An effort to increase federal spending now with make-work job programs could overstimulate the economy and rekindle inflation.

To be sure, many Americans remain out of work. They need an economic expansion to create jobs. The greatest threat to expansion does not come from a lack of government spending on make-work projects. Rather, the greatest long-term threat comes from increasing federal debt.

When government deficits increase, Americans pay. Investor confidence suffers. The federal deficit consumes investment capital that could otherwise help individuals and corporations create new jobs. Continued deficits can also take money out of the hands of working Americans and transfer it to creditors, including banks and foreign investors.

A short-term economic incentive program, such as Clinton promised during the campaign, could cause higher inflation and increased federal debt. But a cut in the federal deficit could help free up capital for new jobs. Long-term economic growth would be stimulated.

That means less federal spending, not more. Spending, particularly in entitlement programs, has outpaced inflation in many areas of the federal budget. Cutting back won't be easy, particularly as special interest lobbyists, whose hopes were buoyed by Clinton's campaign promises, set their sights on Capitol Hill.

The Democratic majority in both the House and Senate presents Clinton with a friendly environment in which to push through his agenda. The president-elect's transition team and economic advisers provide the front line of defense in turning back the special interest groups and pork-addicted members of Congress.

Clinton has the good fortune of riding the rebounding economy. He can look good if he will listen to the voices of reason—voices advocating setting aside campaign-inspired gimmickry and tackling the main economic problem, the federal deficit.

#### INTRODUCTION OF LEGISLATION TO GIVE PRIORITY CONSIDERATION FOR THE INCLUSION OF MORRO BAY, CA, IN THE NATIONAL ESTUARY PROGRAM

#### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency [EPA] to give priority consideration to Morro Bay, CA for inclusion in the National Estuary Program. This legislation is identical to legislation introduced in the 102d Congress, H.R. 622.

The Morro Bay estuary contains the most significant wetland system of the central California coastline. Because of the bay's interconnected ecosystems associated with its saltwater and freshwater wetlands, Morro Bay has an unusually diverse habitat. The bay's intertidal areas support one of the largest bay wildlife habitats on the California coast and are home to many threatened or endangered species of birds and marine mammals, including the southern sea otter. These features combine to make Morro Bay an estuary of national significance.

In addition, Morro Bay is of great economic importance to the local community and the

Nation as a whole. The bay supports a thriving commercial fishing industry and many other industries which are dependent on the health of the bay, such as tourism and mariculture. As one of the few relatively intact natural estuaries along the Pacific coastline, Morro Bay attracts approximately 1.5 million visitors a year.

Despite the importance of Morro Bay to both the Nation and the local community, its well-being is threatened by a variety of pollutants and fragmented management. Serious sedimentation, as well as significant amounts of urban runoff, are threatening the survival of the estuary.

Management of the bay is currently divided among numerous governmental entities, none of which executes singular authority over the management and protection of the estuary. The variety of threats to the bay and the fragmented management have made it difficult to develop a comprehensive approach to addressing the needs of the bay.

The National Estuary Program appears to be ideally suited for solving the problems associated with the preservation of the Morro Bay estuary. The program would bring together those agencies responsible for management of the bay and help them develop a meaningful plan for long-term management of this important and sensitive estuary.

Because of the estuary's small size, relatively pristine state, and the large amount of local support for the estuary's participation in the National Estuary Program, there exists an excellent opportunity for successful implementation of a management plan for the Morro Bay estuary. Furthermore, the management plan developed for Morro Bay could serve as a model management plan for other threatened small estuaries along our Nation's coastline.

Clearly, the Morro Bay estuary is worthy of inclusion in the National Estuary Program. The program offers Morro Bay a real chance to develop an approach which will ensure not only that the estuary survives, but that it flourishes. It is my hope that this legislation will be included as part of the larger reauthorization of the National Estuary Program when it is considered by Congress later this year. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

**THE NEED FOR HEALTH REFORM:  
EXAMPLE NO. 1: UNEMPLOYED  
FAMILY FACES INCREASE IN  
HEALTH INSURANCE PREMIUMS  
FROM \$166.09 PER MONTH TO  
\$200.49, WITH INCREASE IN DE-  
DUCTIBLE FROM \$2,000 TO \$3,500**

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STARK. Mr. Speaker, 1993 must be the year we reform the Nation's health insurance system.

If anyone just landed from Mars wonders why, I offer the following letter from a temporarily unemployed pilot who lives in Georgia and whose family is in excellent health.

The company involved in this case is Mutual of Omaha. I don't mean to single them out:

This story is being repeated in family after family by company after company. It is a testament to why we need health cost containment and insurance reform.

DEAR CHAIRMAN STARK: As of the fourth of December in 1991, I have lost my primary means of income due to the demise of Pan American Airways. As a result, my only sources of income since then have been unemployment benefits, compensation for service in the Naval Reserve and a small income through the efforts of my wife operating an in-home day care service. Although these funds get us through these trying times, it is only a Band-Aid fix until something more stable comes along.

The purpose of this letter is not my unemployed status, but rather a side effect in which I am hopeful you may be able to assist. One of my first concerns after losing my job was to protect my family with some sort of health insurance. After much effort, I finally found a company and policy that was somewhat affordable and would carry me through this troubled time. The company is Mutual of Omaha and the policy for my family with a \$2000 deductible expense cost \$153.35 per month. Although this sounds rather inexpensive, for an essentially out of work family this amount represents a major monthly expense. It was, however, gladly paid because there are very few affordable policies available to unemployed individuals and it did allow for my peace of mind in providing for my family's catastrophic health care coverage.

Enclosed you will find a letter that I recently received from Mutual of Omaha stating that after only one year of payments (and no claims), my monthly rate for this catastrophic health policy will be increased over 30%! Citing the rising costs of health care and the necessity of those costs to be passed to policy holders, the payments will be increased from \$153.35 to \$200.49 per month and the deductible increased to \$3500. The incredible irony of this event is that the individuals who need to purchase this policy are people such as myself, who do not have a secure job with the benefits of a health care plan. Indeed, the people who can least afford such an outrageous and unconscionable increase of payments are being forced further into the depths of despair.

I know you are aware of the crisis in this country regarding the health care industry. It would seem that the insurance industry, which has enjoyed incredible profits to this point, would also realize that reform is needed on their part or risk government intervention. Unfortunately, their actions, as evidenced by my enclosed rate increase, show they do not seem to be receiving the message that a revolt in their industry is in the making. I would greatly appreciate your assistance in letting Mutual of Omaha know that their action is not only grossly unfair to me, but socially irresponsible.

### INTRODUCING THE COPYRIGHT RESTORATION ACT OF 1993

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HUGHES. Mr. Speaker, we begin the historic 103d Congress with high hopes for a renewed economy and a productive relationship between the executive and legislative

branches. Gridlock government is not effective government.

Today I introduce the Copyright Restoration Act of 1993 in order to cure a gridlock over cable television created during the 102d Congress. Unless this gridlock is removed, higher consumer prices and years of litigation are likely.

The gridlock was created by the Cable Television Consumer Protection and Competition Act of 1992, legislation passed on October 5, 1992, over President Bush's veto. As originally passed by the House on July 23, 1992, this bill lived up to its title. I voted for passage of the House bill because I believed it would bring needed reform to the cable industry.

Unfortunately, the House bill got hijacked in the Conference Committee by the networks and large broadcast stations, who convinced the conferees to give them billions of dollars in savings the legislation had intended to go to consumers. This siphoning off of consumer savings was accomplished through retransmission consent. Retransmission consent requires cable systems to obtain broadcasters' permission before retransmitting the television station's broadcasts.

I agree that broadcasters deserve the benefit of the free market in order to negotiate appropriate compensation for their efforts. Regrettably, while broadcasters extol the virtues of the free market for themselves, they don't believe in the free market for anyone else involved in bringing television programming to the public. Broadcasters insist that the individuals who create the programming should be denied the right to bargain freely with cable, and instead should be relegated to the compulsory licensing system of section 111 of the Copyright Act. Why? So that broadcasters can themselves negotiate with cable for the sale of the programming under retransmission consent. Put simply, broadcasters want to sell other people's property.

The best solution—for copyright owners and consumers—is a free market for everyone not just for broadcasters. The current copyright compulsory license is the antithesis of the free market. Compulsory licensing means that the property owner—in this case a copyright owner—cannot negotiate either the terms or the price for the use of his work. Under compulsory licensing, the copyright owner cannot say no to cable, cannot negotiate for the fair market value of his product. Instead, cable simply pays a government set, below-market rate. Cable then turns around and sells the copyright owner's programming to consumers.

The combined result of the cable compulsory license and retransmission consent is that of the three interests involved in bringing television programming to the public; First, copyright owners who create the programming people watch; second, broadcasters who broadcast that programming; and, third, cable companies that rebroadcast the programming—only copyright owners are deprived of the benefit of the free market.

The bill I introduce today is a pure copyright solution designed to provide a level playing field for all these interests. In the end, though, it is consumers who will be the biggest beneficiaries through more diverse programming at lower prices.

The bill simply states that any broadcaster who authorizes the retransmission of a copy-

right owner's work without the copyright owner's permission has infringed the copyright owner's copyright. The bill applies traditional principles of the copyright contributory infringement doctrine and common sense: you should not be able to sell something you don't own.

I plan early hearings on the bill and urge the many Members who spoke out against retransmission consent last Congress to join me as a cosponsor so that we may quickly rectify what is a serious problem.

INTRODUCTION OF THE  
ANTIPROGESTIN TESTING ACT  
OF 1993

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. WYDEN. Mr. Speaker, I am pleased to join with my esteemed colleagues, Mr. WAXMAN, Mrs. SCHROEDER, and Mr. DEFAZIO to introduce legislation that will help America regain the lead in development and research in women's health care.

The Antiprogestin Testing Act will authorize, for the first time, the Department of Health and Human Services to test antiprogestins—the family of drugs including RU 486, for abortion and nonabortion uses.

Important new medical research in the United States—particularly in women's health issues—has lagged far behind research in other industrialized nations, largely because of the divisive abortion debate in our country. My subcommittee has heard testimony that women in Bangladesh have more options for contraception than women in Portland, Denver, or Washington, DC. It's high time that America's health agenda was driven by good science rather than crass politics.

RU 486 and other antiprogestin drugs have shown tremendous promise, not only in providing women with a safe, effective alternative to surgical abortion, but in combating dread diseases.

Initial tests indicate that these important, multiple-use drugs could provide treatment, and possibly a cure for a wide variety of conditions, including breast cancer, meningioma, Cushing's syndrome, as well as nonlife threatening conditions such as endometriosis and uterine fibroids.

RU 486 has been withheld from researchers in the United States through the Food and Drug Administration's import alert policy. President-elect Clinton has supported testing of the drug, and I hope that he will quickly lift the import alert.

But even when the RU 486 import alert is lifted, this legislation will be critically needed. Lifting the import alert won't assure that the Government does quality research on these promising drugs. The Antiprogestin Testing Act will. The legislation authorizes the National Institutes of Health to conduct tests on all of the potential uses of these drugs, and requires that the results of these tests are made public. The bill will finally give the Federal Government the green light to test a whole new family of drugs that offer a great promise for improving women's health.

The case of RU 486 signaled a disturbing trend in the drug approval process. Because it didn't meet the politically litmus test of a handful of influential individuals and groups, RU 486 did not receive a fair evaluation by the Food and Drug Administration, despite its record of safety and efficacy in Europe.

The American people demand and deserve access to safe and effective drugs. These drugs should receive a fair, but stringent evaluation by our Government. This legislation will ensure that RU 486 is evaluated on the basis of good science—not politics.

REPEAL OF THE SOCIAL SECURITY  
EARNINGS TEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I am reintroducing legislation to abolish one of this country's most unfair and discriminatory laws, the Social Security earnings test.

The earnings test is cited by many as a reasonable means of assuring that only truly retired people receive Social Security retirement benefits. Yet, upon closure examination, the test reveals itself to be one of the most counterproductive measures in the Social Security law. By reducing earned Social Security benefits for those who choose, or are forced, to return to the work force, the earnings test assures that retirees will forever remain dependent upon Social Security for their every need.

Mr. Speaker, it is unfair to punish those who choose to remain active during their retirement years. It is doubly unfair to punish those who are forced to return to work. Rather than discourage active employment by those aged 65 to 70, we should reach out and tap the wealth of experience and expertise that these people possess. We should do that by abolishing the earnings test.

FACTS OR FACTOIDS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EMERSON. Mr. Speaker, one of the most difficult things that our information age requires us to do is to separate facts from unsubstantiated fiction. Too often, special interest groups undertake crusades on the basis of wild accusations and popular myth. Too often, to paraphrase Harry Truman, these groups are so firmly in possession of the truth that the facts don't seem to matter. A recent letter to the editor of the Southeast Missourian illustrates how this is true in the livestock industry. I respectfully request that this letter be reprinted in the CONGRESSIONAL RECORD.

[From the Southeast Missourian, October 19, 1992]

FACTS AND FACTOIDS: DESPITE UNSUBSTANTIATED STATEMENTS, AMERICA IS A BLESSED NATION

To the Editor:

We are now in the final month until the election. It is a time filled with debate, discussion, decision and . . . factoids. Factoids? Factoids are pieces of information presented in a debate, speech, column, etc., as fact . . . but in reality they are not factual at all. Factoids are used frequently by extremists and activists who seem to operate under the premise "if the facts don't fit, make some up that do". The public has been inundated the last ten years with factoids about the beef industry. The need to categorize these statements led to the National Cattlemen's Association staff to coin the term factoid. I thought I would list a few of the factoids frequently used by activists when attacking the beef industry.

Factoid 1: If only we didn't feed grain to livestock we could feed all of the hungry people in the world.

The fact is grass, roughage, by-products and crop residues make up 85 percent of the nutrients consumed by cattle. These are all renewable resources and not edible by humans. Sixty million reasonably good crop land acres in the U.S. and 75 million acres of the best crop land in Argentina are being idled because there is no market for the grain. That is an area three times the size of the state of Missouri. This doesn't include the land idled in Canada, Europe, Australia, etc. People are starving because of unstable governments, civil wars and poor infrastructure, not livestock.

Factoid 2: (This one I have heard several "movie stars" repeat.) For every hamburger eaten in this country 5,000 square feet of tropical rain forest are destroyed. The implication is that the rain forests are being destroyed to provide pasture for cattle destined for U.S. markets.

The fact is common sense and a small calculator will tell you if that were true, we would have destroyed all of the rain forest long ago. If you would want to make the effort to actually check you would find that the U.S. does not import any fresh meat from tropical rain forest countries. Why? Because these countries cannot meet our high health and inspection standards.

Factoid 3: Methane produced by cattle is a threat to the environment.

The fact is according to research at Texas A&M, beef production in the U.S. contributes .5 percent of the total estimated world production of methane. The number one source of methane is the burning of fossil fuels. Number two is gas emissions from "wetlands."

Factoid 4: Ted Turner having just recently purchased ranches in Montana and New Mexico sold the cattle and replaced them with buffalo. He actually said in a speech that buffalo are more pleasurable to be around than cattle because they have a sense of humor and cattle don't. He also said buffalo are cleaner and better for the environment than cattle because they "wipe their bums."

The sources for the facts 1, 2, and 3 are the USDA, U.S. Customs Service and Texas A&M. I cannot quote a source that repudiates factoid 4 but will depend on your common sense. I have, however, been watching TBS lately in anticipation of a commercial saying that 9 out of 10 buffalo prefer Charmin over White Cloud.

What was the "factoid" done to the way we do business? Factoids have moved all businesses, not just agriculture, to a point where we are perception-driven rather than production-driven. We now must ask ourselves daily questions about perceptions. Will I be viewed as a good steward of the land? Do people know the extra efforts made to treat

my animals humanely? Can people see the tremendous efforts made to produce a safe, wholesome, healthy product? These are things that the beef industry has done for decades but now our problem is getting people to recognize these efforts.

If you are producing a product or in some instances a service, you must answer these same questions. Is my product perceived to be environmentally safe? Is the service I provide perceived to be fair to all? You may have been doing everything perfectly in these areas for years, but if people perceive otherwise, the facts don't matter. It is time we as a nation moved back to a production-driven society rather than perception-driven.

In the days ahead beware of the factoid and the factualization process of a factoid. Step one is the original statement. Step two is the quotation of that statement. Step three is the constant repetition of the factoid until it is perceived as true. The facts are out there for anyone who is willing to make the effort.

As the campaigns continue, I am positive that more factoids will rear their ugly head. The one that bothers me the most comes from that free flowing fountain of factoids, Bill Clinton. He continues to put forth the idea that times now are the worst since the Great Depression. He advocates more taxes, more government regulation, more government control of private business and more input into our daily lives. To call that the answer to our problems has to be the grandfather of all factoids.

The fact is the U.S. has the highest living standard in the world. We are the number one manufacturing country in the world. Interest rates are the lowest they have been in decades. We have the best educational system in the world (consider that we try to educate every child). Inflation has dropped to 3 percent. The employment rate is 92.5 percent. We have the best health care in the world. We have the cheapest, largest variety, most abundant, safest, food supply in the world. We have a clean, healthy environment that is getting even better, not worse. The rich are paying more taxes than they have ever paid. Our life expectancy continues to increase. The people under the official poverty line have a higher standard of living, adjusted for inflation, than the middle class had in the '50s. Due to the growth in our economy, more jobs and the Reagan tax cut, income to the federal and state governments doubled in the '80s. Congress just spent even more. We should always strive to do better, but sometimes we need to stop and count our blessings. We truly are a blessed nation.

MIKE KASTEN,

*Past President of the Missouri Cattlemen's Association, Director of the National Cattlemen's Association Cape Girardeau County.*

#### INTRODUCTION OF LEGISLATION TO AMEND THE OUTER CONTINENTAL SHELF [OCS] LANDS ACT

**HON. LEON E. PANETTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. PANETTA. Mr. Speaker, I rise to introduce legislation that will amend the Outer Continental Shelf [OCS] Lands Act to provide States with a greater role in offshore oil and

gas leasing decisions. This bill is identical to legislation I introduced in the 102d Congress, H.R. 1745, and to legislation Senator BOB GRAHAM previously introduced in the Senate.

As my colleagues know, I have led the fight in the Congress in opposition to Outer Continental Shelf [OCS] development in environmentally sensitive areas. For more than a decade we have fought year-to-year battles to protect these areas through annual leasing bans on the Interior Appropriations bill. Throughout these battles, I have held that the particular failure of the OCS Program to provide States with a strong voice in the OCS decisionmaking process is at the core of the extraordinary controversy surrounding the OCS issue.

In 1990, the Congress passed important legislation which I authored overturning the 1984 Supreme Court decision *Watt versus California* which seriously limited the ability of States to block offshore oil and gas leasing that was inconsistent with their federally approved coastal management plans. While the enactment of this legislation—along with the 10 year leasing deferrals afforded the west coast, Florida, and north Atlantic in 1990—have aided States' efforts to protect its environmentally sensitive marine areas, the continuing controversy surrounding the OCS program proves that there is more which needs to be done.

The legislation which I am introducing today would amend the OCS Lands Act to give Governors of coastal States greater authority over whether or not to lease areas off that State for OCS development. In addition, it would require the Department of the Interior, in determining what is in the national interest for the purposes of the OCS Program, to give environmental protection equal weight alongside oil and gas production. While an apparent modest amendment, this change would help to establish a desperately needed balance between OCS development and environmental protection in the Department's OCS Program.

The bill also revises the standards that guide the Department of the Interior in deciding when an existing lease ought to be canceled so leases may be canceled for environmental concerns, and provides that compensation for canceled leases may be in any combination of cash, forgiveness of rents or royalties, or credits against future bonus bids.

Finally, the bill amends the OCS Lands Act to require that all basic environmental studies related to a lease sale be completed, peer-reviewed, and published at least 180 days before the lease sale is announced. This is an important change as it will alert all parties involved in the process to the environmental concerns with a particular lease sale prior to that lease being sold.

Mr. Speaker, the message is clear. The fate of our Nation's coastline can no longer be held within the confines of the Federal Government. If coastal States are going to bear the brunt of the industrialization and the environmental risks associated with OCS development, it is only fair that they be made a strong partner in the OCS decisionmaking process. By making the offshore leasing process more responsive to the concerns of coastal States, this legislation will serve to greatly improve the stewardship of our natural resources. I urge

my colleagues to join me in this effort by supporting this legislation.

#### H.R. 1, THE FAMILY AND MEDICAL LEAVE ACT OF 1993

**HON. WILLIAM D. FORD**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. FORD of Michigan. Mr. Speaker, for most of this decade, I have worked with other Democrats to enact family leave legislation that protects America's working families while imposing the least possible burden on American employers and businesses. H.R. 1, the Family and Medical Leave Act, which I am introducing in the 103d Congress today is, I believe, our best chance for success. It guarantees up to 12 weeks of unpaid leave for family members who need time off from work to care for a newborn infant or a seriously ill child, parent, or spouse, or to recover from their own disabling illness.

The designation of H.R. 1 speaks to the importance of this legislation. It not only has the strong support of our leadership and Members from both sides of the aisle, it also has the strong support of President-elect Bill Clinton. As we crossed paths in Michigan this past fall, I promised Bill Clinton that I would work to make the Family and Medical Leave Act the first successful initiative between this new Congress and his new administration. H.R. 1 is the fulfillment of that pledge.

Support for the concept of family and medical leave comes also from a higher, less partisan authority: Bishop James W. Malone, the Chairman of the U.S. Catholic Conference's Domestic Policy Committee:

The Bishops' Conference was one of the earliest supporters of the Family and Medical Leave Act because we see the bill as helpful in two ways: First, it would send a message that our Nation really believes its profamily rhetoric and that we back up that belief with the power of the law.

Secondly, the bill would protect people when they take time off from work for important family responsibilities. Parents should not have to choose between the jobs they need and the children who need them. Mothers and fathers should not risk unemployment when they stay home with their newborn or newly adopted children for the first few months. Workers should not be forced to stay on the job when they are needed at home to help a mother with a broken hip, a husband going for chemotherapy, or a child facing surgery.

In summary, the Catholic Bishops' Conference supports this legislation as an affirmation of human dignity and family life.

Whether you are pro-choice or pro-life, if you are pro-family, the Family and Medical Leave Act of 1993 is legislation you can support wholeheartedly.

H.R. 1 is identical to the bill the Congress passed last year. It exempts small businesses and excludes certain key employees from coverage if their absence would cause serious economic injury to their employer. The bill reflects a careful balance between the needs of America's families and the interests of public and private employers. It is fair to all.

We heard a great deal about "family values" during the course of the recent presidential campaign. But family values must be more than a partisan campaign slogan if our Government is to make a difference in people's lives. In fact, the protection of the family is not a partisan issue, and the Family and Medical Leave Act is a bipartisan bill, supported by Democrats and Republicans alike.

No bill before Congress would do more to protect family values and America's children. There is no higher family value than taking care of a newborn baby, a sick child, or a sick parent. The Family and Medical Leave Act would make it possible for working Americans to provide that care when it is needed without fear of losing their jobs.

To one degree or another, almost everyone agrees with the core principle of this legislation—that a parent should not be fired for taking care of a seriously ill child or a newborn baby.

I hope we will be true to our vision of America and pass H.R. 1 quickly. Congress will not give up because the issue is too important to America's families.

When our current President vetoed the Family and Medical Leave Act for the second time last fall, I promised to continue to fight for this legislation until such time that we have a President who will sign it. We have such a President about to come into office. Please join me in sponsoring H.R. 1 and making the Family and Medical Leave Act the first bill that President Clinton will have the pleasure of signing and making the law of the land.

#### INTRODUCTION OF THE CONGRESSIONAL EMPLOYEE CHILD CARE ACT

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing a bill to extend to all congressional employees, the same child and dependent care assistance already available to employees in the private sector and local governments.

We may disagree on what kinds of child care programs are best or deserve congressional support, but on this one point, liberals and conservatives can surely agree: Parents should not be precluded from eligibility for dependent care assistance solely because their employer is the Congress.

Congressional employees are no different from other working families with child care needs. Yet under the law, they lack the same options for financing the child care which makes their continued employment possible.

Employees in the private sector and in State or local government, whose employers offer dependent care assistance programs [DCAP's], are able to dedicate up to \$5,000 in pretax dollars annually to help meet the expenses for the child care arrangement of their choice. My bill would extend the ability to participate in those same DCAP's, funded through voluntary salary reduction, to congressional employees.

Our own employees here in the House of Representatives are well aware of how inadequate our direct support of child care for Hill staff has been. This legislation is something we can do to enhance the support of our own employees to provide child care for their children.

Employees across the Nation are increasingly recognizing that offering child care assistance is a boon to their business, and a welcome benefit by their employees. Almost 4,000 employers now offer some form of child care support to their workers, up from 600 in 1982.

In recent years, among the most popular forms of employer-sponsored child care assistance is that offered through the Tax Code. Under existing tax law, employers are able to offer their employees, through salary reduction and flexible spending accounts, an opportunity to participate in a dependent care assistance program.

A growing number of State and local governments have also extended this option to their employees. At least four States, including Texas, Massachusetts, Oregon, and Kentucky, have implemented or authorized the use of salary reduction to fund dependent care assistance for State employees. City and county governments across the country from Denver, CO, to Durham, NC, offer their employees this option.

My legislation makes no changes to existing Tax Code except to authorize the appropriate administrative body, under sections 125 and 129 of the Internal Revenue Code, to extend DCAP participation to congressional workers.

At a time when the House is correctly deciding to extend many labor protection and anti-discrimination laws to our own employees, it is wholly fitting that we also extend the DCAP's plan to the men and women who work for Congress.

Providing DCAP's ends treatment of congressional employees as second-class citizens in the eligibility for child care support, and illustrates the need to pursue child care to enable parents to offer their children the quality care which is essential, but unaffordable or unavailable, to most American families today.

#### REPUBLICANS LEAVE THE WHITE HOUSE WITH A LEGACY OF ARMS CONTROL SUCCESS

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, as this body moves forward to address the very real issues facing the Nation, this Member would like to take a moment to recognize the truly historic arms reduction agreements that have been reached by George Bush and Ronald Reagan. Prior to President Reagan assuming office, all efforts at arms control had been directed toward merely limiting the growth rate of the United States and Soviet nuclear arsenals. Moscow had embarked on a massive nuclear armament effort, and its emerging first strike capability posed a very serious threat to the security and survival of the United States. In

this environment, traditional arms control experts considered it laughable to suggest that the two superpowers might actually be willing to reduce the numbers of nuclear weapons. But this is precisely what President Ronald Reagan proposed. Certainly there were those who dismissed President Reagan's arms control agenda as naive. In the end, however, he proved to be a visionary. By the end of his term of office, the United States and Soviet Union had negotiated a START I agreement that would reduce our arsenals by almost 50 percent.

Building upon the remarkable success of START I, President George Bush has labored mightily to achieve even more dramatic arms reductions. And, as his Presidency comes to an end, he has completed the final negotiations on a new START II agreement. With the implementation of this agreement, the United States will no longer be threatened by the massive, multiple-warhead SS-18 and SS-19 missiles. Under START II, the United States and Russia will be allowed to keep only 3,500 warheads each. This means that almost 70 percent of existing nuclear stockpiles will be eliminated. The deterrent force that remains will emphasize survivable submarine and bomber systems.

To these two agreements on strategic weapons we must also add the INF Agreement that virtually eliminated nuclear weapons in Europe, and the CFE Agreement that has permitted the United States to withdraw over 200,000 of our military personnel from Europe. Enormous headway has been made in the control of chemical and biological weapons. The United States also has used its leverage as the last remaining superpower to create meaningful ballistic missile proliferation and nuclear peroration regimes. While much remains to be done, the successes of the past 12 years are undeniable. It is a legacy that a grateful nation can look upon with pride.

Mr. Speaker, this Member will insert two recent editorials into the RECORD. The first, a December 31, 1992, editorial from the Lincoln Journal entitled "START II: Another Step Back From Nuclear Peril" described the recent Bush-Yeltsin agreement as a joyous New Year's blessing. In the December 31, 1992, editorial from the Omaha World-Herald entitled "Starting the New Year Right with Arms Control Accord," it is noted that President Bush "passes on to Bill Clinton a world that is much safer than it was when Bush took office, and dramatically safer than the world that Ronald Reagan inherited 12 years ago."

This Member wishes President-elect Clinton well in his efforts to build upon this powerful arms control legacy.

#### STARTING THE NEW YEAR RIGHT WITH ARMS CONTROL ACCORD

The new START II agreement constitutes a fitting capstone to the Bush presidency. The U.S.-Russian cutbacks have been called the most significant of the nuclear age—an appropriate final accomplishment for the president who presided over the end of the Cold War.

START II is designed to reduce U.S. and Russian warhead stockpiles to one-third of the current level, banning most long-range, land-based, multiple-warhead missiles. It is President Bush's third major arms-control agreement. The others cut tanks and troops

in Europe and trimmed nuclear arsenals by one-third.

Bush and Boris Yeltsin are scheduled to sign the treaty Sunday in the Russian capital of Moscow.

The act of putting pen to paper, of course, won't by itself destroy the 14,000 warheads that the treaty partners have pledged to eliminate. Only a sustained commitment by both sides to live up to the spirit of the treaty will make the missiles and warheads disappear. If the former Soviet republics fell back into dictatorship, economic chaos or political fragmentation, carrying out the commitment could become much harder.

Hard-liners still have influence in Russian politics. Foreign Minister Andrei Kozyrev shocked diplomats in Sweden recently with a virulently anti-Western speech that he later said he didn't mean. The idea, Kozyrev said, was to demonstrate what the West could expect if the hard-liners returned to power.

Senior Russian military officials also say that their nuclear stockpile is the only thing that keeps Russia above Third World status. Such comments should remind the West that not everyone in the former Soviet Union is as progressive, or as disarmament-oriented, as Boris Yeltsin.

START II commits both sides to a course of action that should further minimize the danger of a nuclear war. It symbolizes a desire to solve problems by talking instead of fighting. And it reminds mankind that the only realistic role for the former Soviet republics is not in dominating the world militarily but in developing a peacetime economy that brings about political stability.

Bush has made things easier for his successor with his aggressive push for arms control. He got some of the hard negotiating done while relatively reasonable leaders were in charge in the Kremlin. He passes on to Bill Clinton a world that is much safer than it was when Bush took office, and dramatically safer than the world that Ronald Reagan inherited 12 years ago.

The agreements are far-reaching. The challenge for the Clinton administration is to build on what the Reagan and Bush years have brought about, and to do whatever is practical to be sure that Russia remains stable enough to keep its commitments.

#### START II, ANOTHER STEP BACK FROM NUCLEAR PERIL

Against the agony so marking the closing days of 1992—the bloody Balkans, bloody India, bloody Somalia, bloody Cambodia, the hate-scarred Middle East—chief executives of the United States and the Russian Federation have unexpectedly united on producing a shaft of light.

What a joyous New Year's blessing!

Presidents George Bush and Boris Yeltsin on Saturday are scheduled to sign the START II nuclear weapon reduction treaty.

The pact's fundamental pledge is this: Elimination of all land-based Multiple, Independently Targeted, Re-entry Vehicle warheads. Or MIRVs.

Thus will pass, unused, a fearful technology deliberately created in America's weapons laboratories to offset the brute lifting power of the Soviet Union's "heavy" strategic weapons.

Only that remarkable scientific achievement predictably was turned around to bite us. Soviet workshops proved capable of turning out MIRVs, too, and in the end, we were more threatened than ever. If the United States could mount 10 Doomsday warheads in its MX missiles, the Soviets could pack a reported 15 in their SS-18s.

Was this other than mutual insanity? Scrapping of land-based MIRVed missiles will permit a further reduction in nuclear warheads of all types.

START I, an accomplishment, which will always reflect credit on former Presidents Reagan and Gorbachev, directed the cutting of U.S. and Soviet warheads from 22,000 to 15,000. If fully implemented by the deadline year of 2003, START II would draw down such inventories to 7,000 warheads.

That, in our outside judgment, still would be more than 6,500 warheads too many for the securing of the true national interest. But the retreat from Cold War nuclear madness as agreed to by a pair of hawkish Republican presidents, even if an irony, surely is to be taken as a clear boon—and well worth a New Year's toast.

#### CLAY INTRODUCES LEGISLATION TO REFORM THE HATCH ACT

#### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today, I am joined by JOHN MYERS, the ranking Republican of the Committee on Post Office and Civil Service, in introducing the Federal Employees' Political Activities Act of 1993. We are continuing a bipartisan effort to restore to 3 million Federal and postal employees one of the most basic rights of American citizenship, the right to fully participate in the political process and the determination of their government.

The Hatch Act is one of the most ignoble laws ever enacted by the Congress. Its effect is to deny 3 million American citizens the right to engage in political activity on behalf of partisan candidates. In essence, their rights are limited to the hollow act of choosing among candidates selected for them by others. Their circumstances are identical to those of average citizens in the old Soviet Union who also had the right to vote, but only among candidates chosen for them.

Political freedom encompasses much more. It is the right to host political events in your own home for your friends and neighbors. It is the right to distribute leaflets and brochures on behalf of causes and candidates you feel are important. It is the right to stuff envelopes, work a telephone bank, and drive voters to the polls. It is the right to speak and vote at local, regional, State, and national caucuses and conventions. In short, it is the right to organize with like-minded people for the purpose of persuading others of the soundness and importance of your own political views. That is the essence of democracy. It is the substantive meaning of the right of free speech, the right to assemble, and the right to petition the government for a redress of grievances.

Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act. In the face of this regulatory morass, Federal and postal workers have little idea as to just what constitutes unlawful political activity under the Hatch Act. To the extent that the law serves any end at all today, it serves to intimidate and discourage Federal and postal employees from engaging in any political activity. Regrettably, both Democratic

and Republican administrations have sought to use the law to muzzle perceived opponents.

While the Hatch Act has served as an irresistible temptation by which an administration may intimidate and coerce 3 million Federal and postal employees, it has proven to be impotent in accomplishing the purpose for which it was enacted—detering those who would abuse their official positions in order to retain power. The legislation we are introducing today imposes stricter prohibitions against any on-the-job political activity by Federal and postal employees than does the current law.

Simply stated, this legislation prohibits Federal and postal employees from engaging in any political activity while on duty, in a Federal facility, in the uniform of a Federal job, or while using a vehicle owned or leased by the Government. This legislation also strengthens prohibitions against official coercion. Federal and postal employees cannot use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a political contribution, or to engage or not engage in any political activity. Federal and postal employees may not use official information that is not already available to the public for any political purpose. Federal employees may not give a political contribution to a superior; nor may they give, receive, or solicit political contributions in a Government building. Federal and postal employees may not solicit, accept, or receive a political contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. Finally, the bill retains and conforms criminal sanctions for those who would violate these provisions.

Our bill ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or national. It better protects Federal and postal employees from coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. It also frees Federal and postal employees to engage in otherwise lawful political activity on their own time, and thus ends the coercive gag imposed upon them by the Hatch Act today. While we have made technical corrections in the legislation, the bill we are introducing today is the same bill that the House overwhelmingly passed in the 101st Congress by a margin of 297 to 90. Prior to the 101st Congress, the House had passed legislation to reform the Hatch Act in the 94th, 95th, and 100th Congresses. It is the same bipartisan compromise originally developed by the former ranking Republican member of the Post Office and Civil Service Committee, GENE TAYLOR, and myself in the 100th Congress.

Free speech and the right to exercise a meaningful voice in the selection of one's government are the foundation of our Republic. These rights are no less important to Federal and postal employees than they are to women, blacks, or any other group of American citizens. I am confident that this Congress will provide Federal and postal workers with the full political rights to which they are enti-

ted. A summary of the major provisions of the bill follows:

The bill states that it is the policy of the Congress that employees should be encouraged to fully exercise their right to participate, or not participate, in the political processes of our Nation. The exercise of this right should be free and without fear of reprisal or penalty.

The bill prohibits on-the-job political activity on the part of Federal and postal workers. Federal employees may not engage in any political activity while on duty, in a Federal facility, in uniform, or while using any vehicle owned or leased by the Government.

The bill contains strict prohibitions against official coercion. Federal employees may not use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not to engage in any political activity. Federal employees may not give a political contribution to a superior, or give, receive, or solicit a political contribution in a Government building. Federal employees may not solicit, accept, or receive a contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. This bill retains and conforms the various criminal prohibitions relating to elections and political activities contained in chapter 29 of title 18, United States Code.

While retaining strict prohibitions on activities that may coerce or intimidate other Federal or postal employees or private citizens, the bill provides that Federal and postal employees may otherwise engage in any legal political activity off the job. They may run for partisan political office without taking leave as long as the campaigning does not interfere with the performance of their duties. An employee who requests leave without pay or annual leave for the purpose of running for office may be denied such leave by agency management only if the denial is based upon the exigencies of the public business.

The Special Counsel is authorized to issue regulations and to enforce the administrative prohibitions concerning political activity. Actions brought by the Special Counsel would be brought under the general disciplinary action procedures of 5 U.S.C. 1215. The Merit Systems Protection Board may impose any penalty provided by that section. Possible penalties include fines, debarment from employment, removal, and reprimand.

**DESIGNATE THE MAURICE RIVER SYSTEM AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM**

**HON. WILLIAM J. HUGHES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 23 miles of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

Wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System.

In 1987, I, along with my Senate colleagues, sponsored legislation authorizing the National Park Service to study the eligibility of these rivers and their tributaries for inclusion into the National System. After 5 years of study, the National Park Service found that all segments of the river were eligible for designation under the Wild and Scenic System.

Indeed, the Maurice River is one of New Jersey's most magnificent treasures. The river forms an integral part of the Pinelands ecosystem, provides fresh water to the region, and is rich in the unique history and culture of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, and is well known for its fishing, boating, and recreational activities. Sites of cultural and historical interest along the river corridor include a prehistoric American Indian settlement and several intact villages and towns.

This bill not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment to the preservation of this very special resource. Indeed, a referendum in Millville on November 3, 1992, showed overwhelming support for wild and scenic designation of the segments of the river which flow through their municipality. Likewise, Maurice River Township just this week reaffirmed their support and encouraged support by commercial township for designation of the Maurice River.

People think of New Jersey as what they see from the turnpike. They do not think of New Jersey as having water that is so pure it is drinkable. As southern Jersey grows and prospers it is important that we preserve that quality of life. This legislation will help us to do that. Accordingly, I urge my colleagues to support me in this endeavor.

**INTRODUCTION OF THE NUTRITIONAL IMPROVEMENT ACT**

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. MILLER of California. Mr. Speaker, I am introducing legislation to eliminate the mandate that whole milk be offered in the School Lunch Program, and instead, permit local ad-

ministrators to choose the type or types of milk that they believe would be the most healthful and nutritious for students in their care. My bill leaves the choice in the hands of local officials to decide what kind of milk to serve. Current law in the National School Lunch Act mandates that only whole milk be served to children participating in the program.

Excessive fat consumption has been identified as the biggest problem in the American diet by the Surgeon General's Report on Nutrition and Health. The dietary guidelines for Americans, issued jointly by the Secretaries of Agriculture and Health and Human Services suggest lowering fat intake for most Americans and encourage choosing lowfat or skim milk. One easy way to reduce the amount of fat in the diet is to encourage the consumption of lowfat milk.

Senator LUGAR introduced identical legislation in the Senate in the last Congress, and will re-introduce it in the 103d Congress. This legislation has been supported by a variety of health and nutrition groups including Public Voice for Food and Health Policy, the Food Research and Action Center [FRAC], the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, and the Society for Nutrition Education.

**TRIBUTE TO THOMAS S. WELSH, PUBLIC SERVANT**

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to a devoted public servant, Thomas S. Welsh, who has been a leader and fighter for southeast Michigan.

Today I pay tribute to Tom Welsh as he leaves his distinguished tenure as public works commissioner. He will continue to represent Macomb County on the road commission. He began his distinguished career on the St. Clair Shores Village Council and 4 years later was elected the youngest mayor of the city of St. Clair Shores. After 9 years, he was elected by the residents of Macomb County to the office of public works commissioner. They rewarded his hard work by returning him to this position eight times.

Many before me have spoken of Tom's outstanding service to the people of Macomb County and showered him with accolades in appreciation of his lifelong commitment to public service. I know Tom Welsh as a take-charge, can-do leader who isn't satisfied until the job is done. He has something to show for his hard work, and his hard work shows in Macomb County, MI.

As a result of his leadership, Macomb County is the first county in the State of Michigan to implement flood control planning by computer technology.

Mr. Welsh's office was the first agency in the United States to initiate an around-the-clock pollution control pumping station which safeguards adjacent Lake St. Clair, the source of drinking water for 4 million southeast Michigan residents.

Mr. Welsh planned, implemented, and still administers a countywide sewage disposal program which has contributed significantly to the resurrection of the Clinton River's fish and wildlife populations.

As a trustee of the Huron-Clinton Metropolitan Park, Mr. Welsh was instrumental in the development of regional park facilities within Macomb County, including Metropolitan Beach, Stoney Creek Park, and Wocott Mill.

A writer of a local publication once said:

Tom Welsh is tough and soft, stern and whimsical, generous and cautious, cosmopolitan and parochial. He's a lot like everyone else \* \* \* but unlike anyone else you've ever known.

Tom Welsh has made a difference in the lives of so many people. I am confident he will continue to do so. I look forward to working with him for many more years to come.

#### INTRODUCTION OF THE FAIR WAGE ACT OF 1993

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MILLER of California. Mr. Speaker, today I am introducing the Fair Wage Act of 1993, legislation which will assure financial parity for the lowest paid working men and women of this Nation. My legislation amends the Fair Labor Standards Act of 1938 to provide that the minimum wage rate under that act will be indexed to the cost of living in the same manner as Social Security benefits are indexed.

To compensate for the effects of inflation, Social Security beneficiaries receive a cost-of-living adjustment [COLA] in January of each year. This COLA, in turn, triggers identical percentage increases in supplemental security income [SSI], veterans' pensions, and railroad retirement benefits, and causes other changes in the Social Security and Medicare Programs.

The Federal civil service retirement system and the Federal military retirement program use the same method for computing their formulas.

For hundreds of thousands of Americans, these cost-of-living adjustments mean increased financial security in these troubled economic times, permitting them to keep pace with the increased costs of utilities, food, and consumer goods.

The lowest paid working men and women of America deserve no less than an annual cost of living increase. Their salaries should permit them to keep pace with the increased costs of living in today's society.

The concept that the Federal minimum wage should be a living wage, enabling workers to support their families, has become a myth. Throughout most of the 1960's and the 1970's, the minimum wage was sufficient to bring a family of three out of poverty. Sadly, that is not the case in 1992.

At \$4.25 per hour, the minimum wage is inadequate to keep workers out of poverty. Today, a full-time minimum wage worker with one child is below the poverty line. And because their incomes are below the poverty

level, full-time minimum workers in more than half the States remain eligible for welfare and Medicaid. In most States, the minimum wage family qualified for food stamps, low-income energy assistance, and free school meals for their children. Uncle Sam, in effect, indirectly subsidizes the employers of these low-paid workers.

There is no doubt that the purchasing power of the minimum wage has dramatically eroded during the past decade. In February 1992, the value of the \$4.25 minimum wage rate was only \$2.65 measured in 1981 dollars. That is, whatever consumer goods and services could be purchased with \$2.65 in 1981 would cost consumers \$4.25 in 1992.

In addition, studies have shown that minimum wage workers are largely nonunionized and hold jobs with little or no benefits. Many only work part time. Many assume that minimum wage workers are teenagers working part time at fast food restaurants.

But half of all minimum wage workers are employed full time, and nearly two-thirds of all minimum wage workers are women. The women working at minimum wage are important wage earners for their households. For these families, employment no longer offers an incentive for leaving welfare, or the assurance of economic security for themselves and their children.

Today, in my own State of California, it is estimated that if the minimum wage retained the purchasing power it had in 1968, poverty among California women and children would be reduced by 7.8 percent.

A cost-of-living adjustment to the Federal minimum wage is fair and just. It will provide those American workers at the bottom of the pay scale with a small but significant increase to enable them to remain economically self-sufficient.

#### UNPAID FAMILY LEAVE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the December 18, 1992, Omaha World-Herald, concerning family and medical leave. This is a noteworthy commentary.

[From the Omaha (NE) World-Herald, Dec. 18, 1992]

#### THE FAMILY-LEAVE CRUSADE HAS TENDENCY TO ESCALATE

An unpleasant surprise lies in store for people who still believe that Bill Clinton and Congress will create an "unpaid" family-leave program that is virtually cost-free.

Unpaid leave isn't what a number of family-leave crusaders want. They accept it only as another step toward their ultimate goal—fully paid extended leaves for people to care for children, family members and, in some cases, even homosexual partners.

Even the "unpaid" leave proposal that Clinton has endorsed would cost money and create inconvenience. The employee would be entitled to health insurance coverage and company-paid premiums and be allowed to remain in the pension system with his or her seniority guaranteed when the leave is over.

A replacement would have to be hired and trained, then let go when the position holder returns from leave. The disruptions that accompany personnel changes would have to be accommodated.

But the broader benefits envisioned by some family-leave advocates would be much more expensive and burdensome.

A recent development at the University of Nebraska-Lincoln illustrates how the push for those broader benefits might materialize.

Until last month, N.U. had a leave policy that allowed employees, with the permission of their supervisors, to be away from the workplace for up to a year to deal with personal or family emergencies. Employees gave up pay and benefits during the absence.

That was much more than many private-sector employers have been able to provide. But it wasn't enough for the family-leave advocates among N.U.'s faculty. They pressured the regents to put the financial burden more heavily on the employer (the taxpayers of Nebraska) and less heavily on the employees.

In November, the regents authorized family leave of up to 12 weeks, with health insurance and seniority guaranteed, for employees who were caring for a seriously ill family member, attending to a newborn or newly adopted child or dealing with the death of a family member.

Such a plan is similar to what Clinton and a number of other Democratic politicians have promised. But it still wasn't enough for some family-leave advocates. Mary Beck, who heads a committee on women's issues at the University of Nebraska-Lincoln, now says that the university should maintain the pay of employees who go on extended leave. She also contends that the definition of "family" should be broadened.

The Beck comments provide a preview of the national debate that may well materialize if Clinton and Congress approve a program of unpaid leave.

Someone would "discover" that unpaid leave has relatively little appeal for people who live from paycheck to paycheck. Someone else would contend that mother-child "bonding" requires more than 12 weeks of undivided attention—with, of course, full pay and benefits for the extended period. Others would demand that uncles and aunts be added to the definition of family, as well as close friends or homosexual partners.

Of course the government couldn't condone such "discrimination" against low-income people, young mothers or gays. So the push would be on to broaden, sweeten and extend the benefits—exposing the myth of an "unpaid" leave program or the fraud that it is.

#### STATEMENT OF HON. LEON E. PANETTA—INTRODUCTION OF LEGISLATION TO STUDY CALIFORNIA'S MISSION SAN ANTONIO FOR A NATIONAL HISTORIC PARK DESIGNATION

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PANETTA. Mr. Speaker, I rise upon the introduction of legislation to direct a park study for the Mission San Antonio de Padua in the State of California. This legislation is similar to legislation I introduced in the 102d Congress, H.R. 5611.

Mission San Antonio, founded in 1771, is well recognized as a historic site of national significance. The mission is an important component of the Juan Bautista de Anza National Historic Trail and is on the National Historic Register of historic places. Yet the mission is only one part of the area's historic appeal. Unlike most missions of the West, the area surrounding Mission San Antonio de Padua remains undisturbed and preserved in its original state. The surrounding area is also unique in that it has significant artifacts from all stages of California's development dating back from the settlements of the pre-Colombian Indians, to the Spanish missionaries, and the pioneers of the western expansion.

Mission San Antonio is also an unique site in that it remains in its original isolated state. Because the mission is situated within the boundaries of the Fort Hunter-Liggett Military Reservation, there has been no commercial or residential development of the area surrounding the mission.

For all these reasons, Mission San Antonio offers unparalleled opportunities for historical interpretation and research in a realistic setting and appears to be well suited for a national historic park designation. Sadly, our Nation has failed to give adequate recognition to the rich history of our Western States. Only 4 of the Nation's 31 national historic parks are in the Western States. Mission San Antonio would be an ideal area in which to commemorate and celebrate the history of our Nation's largest State.

The legislation directs the National Park Service to study the San Antonio Mission and surrounding historical areas to determine the suitability and feasibility of designating the area as a national historic park. As the mission is within the boundaries of the Fort Hunter-Liggett Reservation, the legislation directs the Park Service to conduct the study in consultation with the Department of the Army to ensure that a park designation will not significantly impair the Army's ability to execute its mission at Fort Hunter-Liggett.

In conjunction with the Friends of Historic San Antonio Mission, the National Park Service is conducting a historic landmark study of the mission for designation as a national historic landmark. The landmark study is expected to be completed soon and early findings of the study strongly indicate that the mission warrants a historic landmark designation.

I would also point out that there is a great deal of support within the local community, and throughout the State of California, for the designation of a national historic park at the San Antonio Mission. The Friends of Historic San Antonio Mission has worked very hard to protect the mission and its surrounding historical sites and have made a very convincing case for designating this area as a national historic park.

Although they are an important part of the history of this country, the profound role of the Franciscan missions has gone unheralded and unrepresented in our national park system. Sadly, Mr. Speaker, there are not many places like San Antonio Mission left in our country. It is rare that we find a centuries-old operating mission preserved in its original isolated state. Congress should take advantage of this opportunity by acting to commemorate this time

period of our history and protect this area through a national historic park designation. I hope my colleagues will join me in this effort by supporting this legislation.

**INTERGOVERNMENTAL MANDATE  
RELIEF ACT OF 1993**

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. STUMP. Mr. Speaker, I am today introducing legislation that would discontinue the practice of imposing Federal Government mandates on State and local governments without accompanying Federal funds to support such mandates. Unfunded mandates place untenable and unreasonable hardships on our State and local governments as well as our citizens.

This Congress should not be tempted to shift costs under the veil of reducing and controlling Federal spending. Government at all levels face serious budget constraints. I do not believe that the Federal Government should be a party to further straining the solvency of the budgets of State and local governments by continuing to dictate national policy without financial support.

Our local governments are having difficulty maintaining and providing sound, basic services while absorbing the huge costs of federally mandated programs, while at the same time funding from the State level is being reduced and taxing authority is constitutionally limited. In a report prepared by the Library of Congress, it is estimated that between 1983 and 1988, \$200 million in annual costs were imposed by only 89 pieces of legislation. In another more comprehensive estimate, it was suggested that mandates introduced since 1983 imposed a burdensome \$2 to \$5 billion in costs on States and local governments in 1990.

Mr. Speaker, I believe that it is unreasonable for the Federal Government to continue imposing mandates without accepting the consequent financial responsibilities. To do so undermines the strength of our governments, and we in the Federal Government must assume responsibility for our actions if we are to restore the fiscal integrity of the country and our system of federalism.

**VOLUNTARY SCHOOL PRAYER**

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, in 1989, Rabbi Leslie Gutterman stood before the graduating class of a Providence, RI, middle school and offered a nonsectarian invocation and benediction. Three years later, the U.S. Supreme Court held by a 5 to 4 majority that the rabbi's invocation was unconstitutional. The majority decided that the use of an invocation and benediction at a school graduation ceremony "places public pressure \* \* \* on at-

tending students to stand as a group or, at least, maintain respectful silence during the invocation and benediction." Such is the coercion of the rabbi's prayers.

Today, I am introducing a constitutional amendment to allow communities to decide for themselves whether or not they will offer a benediction at their public ceremonies and graduations and whether their children will be able to voluntarily pray in school. Under this amendment, the rights of those who do not wish to participate in prayer remain fully protected under this proposed amendment. At the same time, the rights of those who do wish to speak publicly of their collective beliefs—rights which are being whittled away by Supreme Court decisions—will be restored. I strongly urge my colleagues to cosponsor this proposed amendment. Today, we have no prayer in public schools, but we have plenty of drugs, guns, and violence. It's time to bring good, old-fashioned American values back to American schools.

**INTRODUCTION OF LEGISLATION  
TO ENSURE THE PROPER FUNDING  
OF DEFINED BENEFIT PENSION  
PLANS JANUARY 5, 1993**

**HON. J.J. PICKLE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. PICKLE. Mr. Speaker, under current pension law, employers are given wide flexibility in the funding of their pension plans. Most employers have used this flexibility responsibly. Some, however, have deliberately and consistently chosen to underfund their plans. The level of pension underfunding has steadily increased and now exceeds \$50 billion.

Companies that significantly underfund their pension plans put at risk the retirement security of their workers, and the financial security of the PBGC and the taxpaying public. When a company falls billions of dollars behind in funding its pension obligations it becomes nearly impossible to ever recover. The plan becomes a ticking time bomb waiting to go off in bankruptcy, and then destroying the retirement plans of many of its participants while shifting much of the losses to the Federal Government.

In recent years, we have discovered repeatedly the futility of trying to recover these losses. The other creditors of these companies are unwilling to reduce their recoveries in order that the pension plan or the Pension Benefit Guaranty Corporation be made whole. Nor are the other sponsors of well-funded pension plans willing to have their insurance premiums increased in order to cover the losses caused by those who deliberately chose to shirk their pension responsibilities.

Therefore, I am re-introducing legislation today which I first introduced as H.R. 5800 last year. This bill seeks to hold companies accountable for their pension promises. Under this bill, companies with underfunded pension plans would be required to make contributions to their plans at least equal to the distributions from the plan. This will prevent the financial deterioration of plans based on their current

commitments. In addition, under this bill, if a significantly underfunded plan is amended to increase its benefit obligations, the plan sponsor will be required immediately to either contribute cash or pledge collateral to the plan sufficient to make the present value of the plan's assets equal to at least 90 percent of the current liabilities of the plan.

This legislation will not solve the problems associated with pension underfunding immediately. But it will stop the problem from getting worse. It will stop companies from promising new benefits they cannot afford. It will protect participants from being led down the primrose path of empty promises only to find themselves being tossed into the briar patch of bankruptcy. And, it will reassure the public, and particularly those companies that sponsor well funded plans, that the Federal Government will not stand idly by while the defined benefit pension system, on which some 40 million workers depend, is systematically looted.

For all these reasons I urge my colleagues to join with me and to support the passage of this important pension legislation.

#### ENVIRONMENTAL EXTREMISTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and other readers of the RECORD the following article by Bruce Vincent, a logger from Libby, MT.

More and more people are beginning to realize that most environmental extremists are upper income or wealthy people who were raised or live in cities and have no real understanding of the great harm they are doing to the working men and women of this Nation.

#### AN ENVIRONMENTAL PERSPECTIVE: WHERE ARE WE?

(By Bruce Vincent)

(Editor's Note: Bruce Vincent, executive director of Communities for a Greater Northwest, recently spoke at a meeting of the Missouri Forest Products Association in conjunction with the Midwest Forest Industry Show. The audience was deeply moved as Bruce spoke from his heart. His remarks were so relevant to virtually everybody associated with the forest products industry that we decided to present his story here for our readers' benefit. Bruce's talk centered around three themes: Where Are We?, How Did We Get There?, and What Do We Do From Here? We present the first theme in this issue with the others to follow later.)

(A special thanks is due to Bruce for dedicating himself to speaking out on behalf of all of us. Bruce has chosen to stand up and be counted, even when it means a sacrifice of both time and money. We understand that he has recently been told the preservations are targeting his home territory, the Kootenai forest (2.5 million acres), for total warfare. Apparently they are focusing on the timber supply his family logging company depends upon to teach them a lesson for sticking up for the interests of virtually everyone who reads this. Again, we owe a special thanks to Bruce for his courage.)

I am a logger. I am writing for many reasons, including the common problems faced by all of us. First, a little history.

I was raised in Libby, Montana, in the extreme northwestern corner of the state. It is very near Bonners Ferry, two towns down; it is beautiful. I was raised 12 miles south of Libby, right next to the Cabinet wilderness area, a wonderful place to grow up.

After high school, I went to college in Portland for a while. I worked during the summers in Libby as a logger to earn school money. One summer I met Patty Joe. We married and manufactured a child. I learned that it took more trees to be cut down in order to take care of us in Portland so I moved to Spokane to finish school. I could go to school four days and log three, except that on one of my trips home I manufactured another child. My wife said something had to stop so I quit school. I now have four children.

I finished college with both a bachelor of science in civil engineering and a master in business administration. I was raising my children in Spokane, not a bad place, but it was not Libby. I wanted my children to have a rural environment to grow up in so we moved back to Montana in 1983. I rejoined my three brothers and parents in the family logging company.

Just a few years ago we had 40 employees. Now we have just a few; there is a good reason for that. I should be home with my family, fulfilling my responsibilities but something happened a few years ago that indicated to me that if I didn't begin speaking out about who we are and what we do, I wasn't going to have a future in Libby. My children certainly would have no hope of living and raising their own families in rural America.

The first thing that came up to really grab my attention was the grizzly bear. How many of you know what the grizzly bear is? It's a little bit bigger than the spotted owl and it eats people. The impact on our town is very similar to the spotted owl, however.

At first I thought the grizzly was a safety problem. I read in the local paper about the grizzly population in the Cabinet ecosystem. I didn't know what the Cabinet ecosystem was so I went to a public hearing with my wife. They said, "We're going to recover the bear to its historic population in your ecosystem." I said, "Well what's its historic population?" The U.S. Fish and Wildlife Service (FWS) said, "Well, we don't know."

We then asked, "If you don't know, what are you going to do?" They replied, "We at least have got to have a viable genetic pool." When we asked how many are in a viable genetic pool, they said, "We don't know!"

"Then what are you going to do," we asked. They responded, "Ninety to 120 bears ought to do it."

We said, "Fine, how many live there now." The reply, "We don't know but we think about four."

Well, that sounded like a problem, going from four to 120, so I asked them if it would be. They said, "No." The ecosystem shown on the wall had a gray band around the mountain. In that gray band is my home.

I asked, "What does that gray band mean?" They matter of factly stated, "That's the human-grizzly conflict zone." That sounded like a problem to us!

They told my wife it wouldn't be a problem, although we might have to change some of the ways we do things. She asked if we could send the kids out to the creek to fish, as I had done all my life. They said, "Yeah, you might have to do like hikers do in Glacier Park though." Have you ever been there? They tie bells on hiking sticks and shoes. Tinkle, tinkle, tinkle through the

brush; the bear hear the bells and are supposed to run away.

They then stated, "If we have a problem, if there's a bad bear, we'll deal with it." Do you know how to tell the difference between a good bear and a bad bear? Bad bears have bells in their poop! It was sounding more like a problem to us.

They were going to try some biological tests that had never been tried before, not even in a zoo, such as embryo implants, taking black bear mothers and implanting grizzly embryos in them to see how they do. Cross fostering meant taking Grizzly cubs from a zoo and putting them in a den of a black bear mother. Black bears and grizzly bears hate each other's guts. When the cub drops out of the uterus, it's not going to be a well-adjusted bear. We told them we didn't like their plan!

We don't have a problem with the grizzly. It is part of the romance that causes us to make the necessary sacrifices to live where we do. We like the grizzly bear; it's part of our past. We think it can be part of our future but not as it's currently being protected by the FWS under the Endangered Species Act.

When we told them of our concern they said, "We don't believe you understand why we're having this meeting. We're not here to take a public opinion poll; we're here to tell you what we're going to do. We are mandated by Congress to recover the bear population in your area and we're going to do it."

This really upset us so we stood up. When we did, something happened. For the first time, the U.S. government formed a community involvement team that is working with the FWS on recovery of grizzly bears in our ecosystem.

For the first time, public involvement in that issue had to be heard. We're now working on a program that may allow us to coexist with the grizzly bear within the next 20 to 40 years.

But other things are going on in our area. They are not finished messing with our balance with nature. I'd like to tell you a little bit about where we are, not only in my area but across America, how we got there, and what we think we have to do to get out of where we're headed.

Where are we? I'd like to tell you a little bit about the microcosm of Libby, Montana, because it's a scene that's being replayed over and over in many places. In Libby we have some economic news that is startling. Libby's got some problems. We knew we were going to have a downturn in timber supply in our area because there are some private landowners who have been aggressively managing their land. Their next crop is not going to come on board until the year 2015.

The Forest Service, however, which owns 77% of the land in our area, had indicated they were going to sell a significant amount of timber, as they had in the past. So, we would see a temporary downturn in our industry which would be followed by a kick back to where we have been. That's not happened! We've seen a 40% reduction in Forest Service sales. According to the University of Montana, we're looking at a 60% loss of economic base within the next 18 months. We've already lost 30% of our economic base. We're told we are to rely on tourism instead.

One of the great tourist attractions in our area is the lake behind the Libby Dam. It's a 96 mile lake called Lake Koocanusa. However, we now call it "Lake Who-can-use-it?" because they fluctuate the water level, kill our spawning beds, and they indicate they might use it as a flushing device for sturgeon

and chinook salmon downstream. The gates on back roads in our area close off access to our forests. They are putting up the gates at a very rapid pace to protect grizzly habitat. The number one use of the forests in our area by tourists is sightseeing on roads, including camping and fishing with road access. Now 55% of our forests have been locked up to protect grizzly habitat.

I'm on the board of directors of our Chamber of Commerce. Since we continue to be told that tourism is our future, we asked the University of Montana to tell us what kind of tourism figures we need to generate next year to make up for the loss in base industries during the last 18 months.

The University of Montana said we need \$66 million worth of tourism to make up for the loss of basic industry in an 18 month period. We have 2,800 people in our town. We need 660,000 tourists to go through next year, each of them spending \$100. We're putting up road blocks, taking wallets and purses; that's the only way we can see it will work.

We're trying to fight back. We have an acreage north of us that has been completely shut down by lawsuits and appeals of forest activities. The area is heavily devastated with a lodgepole pine needle epidemic, an epidemic that also affected the Yellowstone ecosystem. You know what the Yellowstone ecosystem is; it burned.

That is the history of Inland Empire forests, stand regenerating fires. In the Spokane area last fall, 47,000 acres of stand were regenerated. At the same time, we regenerated 25,000 acres just north of Libby. According to forest managers there are 350,000 acres that are primed and ready to regenerate any day. Yet we're not accessing for harvest because of lawsuits and appeals based on the grizzly bear and other endangered species. Something's wrong in Libby, Montana!

Something is wrong in Forks, Washington, where there is 200 million board feet of blowdown timber in spotted owl habitat that can't be salvaged, while their town is going completely under because people don't have any timber to access. Yes, something definitely is wrong!

In eastern Oregon we have 9 million acres of diseased forests, 6 million acres they cannot access because of appeals and lawsuits.

Something is wrong when 90 million acres in Oregon, Washington and California are set aside for the spotted owl when there's mounting evidence it's not necessary to do so. There is corresponding mounting evidence that it is going to exact an enormous human toll to do so.

Something's wrong in Arizona and New Mexico where they recently found the Mexican spotted owl. It's a distant cousin of the northern spotted owl. They don't know if it's endangered but they shut down half of their forests while they count.

Something is wrong in Texas, Alabama, Louisiana and Florida, where the greatest reforestation story in the history of our planet is being told over and over again on private and public land. But the red-cockaded woodpecker also lives there and, at any given time, 40% of the timber in Texas is held up by that specie.

Something's wrong in Virginia, West Virginia, and North Carolina, when the group, Earth First, is spiking trees to keep people from harvesting timber.

Something's wrong, not just in the timber industry but something's wrong in America, when a group like Earth First is called an environmental group. Do you know about Earth First?

They blew up our dozer; that's what I know about them. My family has received death threats. That's what I know about them!

They put out a book called "Eco Defense," a field guide to monkey-wrenching with chapter and verse about how to commit murder and mayhem against rural America. Want to blow up a machine? Diagrams, step 1, step 2, step 3. That's what they used on us. Want to take an airplane out of the sky? There's a nice chapter on that which shows the weak spots on an airplane.

Something's wrong in America when this group is called an environmental group and when the things they practice are called "ECOTAGE" instead of what they really are, **TERRORISTS!**

If our dozer had been a \$30,000 Mercedes Benz in downtown Beirut when it blew up, it would have been called "terrorism," but no, it belonged to a dirt head logger in Northwest Montana. Even in our regional papers we got a little tiny blurb; they called it "ecotage." Sounds like a nice white-collar crime to protect the planet when in fact my father was operating the 80,000 pound machine. Thank God it was on flat ground because when the engine went so did his brakes and his hydraulics. Something's wrong when that group is called an environmental group!

Something's wrong in America when the Justice Dept., in trying to improve their case against Exxon, went to the FWS and said, "You know, we're trying to build a case against that firm. We're going to build that case and decide the judgement according to how many dead animals the Exxon Valdez generated in Prince William Sound. How many dead animals?"

They said, "We think most of them floated out to sea or sunk; we don't think the animals we actually found are an exact counting." The Justice Department replied, "We'd like to see how many floated out to sea or sunk, and we'd like you, the U.S. FWS to go up there to the wildlife refuge, shoot 600 birds, dip them in oil, stick monitors on them and float them into the Sound." Something's wrong when the U.S. FWS said "For \$600,000 we'll do it," and they did.

Something's wrong in Las Vegas when the fastest growing metropolitan area in America is shut down because of the desert tortoise. Cranes in mid-air were halted; the desert tortoise was being impacted by growth. The U.S. FWS studied the problem for a little while and determined that growth needs to be managed because we are impacting desert tortoise habitat. But the real problem with the desert tortoise is that we have protected ravens in this area for 15 years; guess what ravens eat. They eat desert tortoises. They said we've got 1,500 too many ravens; we're going to have to shoot them. That sounds like a good plan to me; after all they're eating desert tortoises.

It did not, however, sound good to the Humane Society, which immediately filed suit and said, "You can't do that!" So, they entered negotiations with U.S. FWS. A little over a year ago they came out with their findings. Instead of shooting 1,500, they're going to shoot 56. Not just 56, but only 56 that are proven to be habituated to desert tortoises. To be called habitual they have to have three documented tortoise kills. I mean, come on! Really? Something's wrong!

Something's wrong when a snail in southern Idaho keeps stockmen and farmers from watering their stock and crops. A little snail held up reauthorization of the ESA for two years; it's called the bruno snail. It lives in springs that feed the irrigation ditches for ranchers and farmers in southern Idaho.

They couldn't let water off their springs because habitat of the snail would be impacted.

Do you know the difference between the common garden variety of snail and the bruno snail? The males have larger sex organs. I wonder how much money they spent figuring that out. Something is wrong! Desperately wrong!

What's wrong is there is a thin, thin line between environmental sensitivity and environmental insanity. In this nation we are crossing the line. We have passed sensitivity. We are fully in insanity!

I have to ask myself, how in the world did we get here?

## THE SUNSET ACT OF 1993

**HON. NORMAN Y. MINETA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MINETA. Mr. Speaker, as we begin the 103d Congress today, majority leader GEPHARDT and I are reintroducing a piece of legislation which will be crucial to our efforts to bring Federal spending and the management of Federal programs under control: The Sunset Act of 1993.

We have all seen examples of Federal programs which have outlived their usefulness, or which no longer respond to conditions in America today. We can no longer afford to tolerate programs which waste taxpayer dollars, or fail to perform their missions.

The Sunset Act would ensure that we have the regular opportunity to re-examine Federal spending by eliminating permanent authorizations for most programs. Specifically, it would set a maximum authorization period of 10 years on any provision of law that generates revenue or authorizes spending. Federal pensions, Social Security, health, and civil rights programs would be exempt.

Each year, we have the opportunity to set Federal spending levels through the annual appropriations process. But that process does not eliminate the need to regularly review basic authorizations and ensure that programs are prudently designed, wisely run, and fully responsive to our country's needs.

The principle behind the Sunset Act is a simple one: There should be no such thing as an immortal government program. That is a principle I believe we all can support, and I urge my colleagues to join Congressman GEPHARDT and me in working for passage of the Sunset Act of 1993.

## TIME TO END SPECIAL PROSECUTOR WALSH'S INVESTIGATION

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. BEREUTER. Mr. Speaker, the vast majority in this Nation are looking to the future as a new administration prepares to assume office. Some look to the future with enthusiasm and optimism, others with caution. But most of us wish to work to address the very real challenges of the years ahead. Unfortunately,

there are a few who seem unable to let go of the past. Iran-Contra Special Prosecutor Lawrence Walsh falls into this latter category.

Mr. Walsh has conducted a 6-year campaign to uncover wrongdoing, at a cost of some \$30-\$40 million to the American taxpayer. No one knows the cost for sure, but the bill keeps rising as Mr. Walsh hires scores of actors to stage mock trials in order to test their court strategies. Perhaps they should hire better actors, because Mr. Walsh has been notoriously unsuccessful when he does go to trial.

Unable to find any evidence that would link President Ronald Reagan or President George Bush to any wrongdoing, the special prosecutor has taken to threatening long and expensive legal battles as a means of pressuring individuals to change their testimony. As former Secretary of Defense Caspar Weinberger said: "Cooperation meant giving them the testimony that they wanted that would enable them to implicate President Reagan. When they couldn't get that, they went after me with five felony counts, all of which they would have been perfectly willing to drop if I had cooperated with them."

Mr. Speaker, this investigation has assumed a mean-spiritedness and vindictiveness that should appall all honorable men and women. Mr. Walsh's highly inflammatory statement of recent days have made abundantly clear, all sense of balance has been lost. Permitting Mr. Walsh to continue his investigation will do nothing to restore sense and reason to the political process.

Mr. Speaker, this Member would like to insert into the RECORD an excellent editorial from the January 3, 1993, edition of the Omaha World-Herald entitled "Enough of Prosecutor Walsh." I would urge my colleagues to heed the wisdom in its words.

#### HIS INVESTIGATION A DISASTER—ENOUGH OF PROSECUTOR WALSH

Some people have demanded that Lawrence Walsh resign immediately from the post of special counsel in the Iran-contra investigation. At the very least, the 80-year-old prosecutor should wrap up his work promptly, as he indicated he may do—and he should do so with more care than he has displayed so far for the reputations of innocent people.

Walsh's investigation has been a disaster. His six years of work cost the taxpayers more than \$30 million. He produced no significant convictions that weren't successfully appealed.

Moreover, an amended indictment filed by his staff four days before the November election helped break the momentum of President Bush's campaign. The indictment was aimed at Caspar Weinberger. But in it Walsh accused Bush of misrepresenting what he knew of Iran-contra matters. A judge later dismissed the indictment. But by then the election was over. The damage to the Bush campaign had been done.

Weinberger provided a damning view of the Walsh operation. He accused Walsh's people of offering him lenient treatment if he would falsely implicate Ronald Reagan. Said Weinberger: "Co-operation meant giving them the testimony that they wanted that would enable them to implicate President Reagan. When they couldn't get that, they went after me with five felony counts, all of which they would have been perfectly willing to drop if I had 'cooperated' with them."

Weinberger is highly respected for his service in the Cabinet and his role in ending the

Cold War. Even some prominent Democrats supported Bush's decision to issue a pardon.

Bush also pardoned Elliott Abrams, who had pleaded guilty to a misdemeanor charge of withholding information from Congress. Abrams had had no intention of lying. Walsh's people indicted him, in effect, for not volunteering information he hadn't been asked for. Abrams, a former assistant secretary of state, said he pleaded guilty to avoid being bankrupted by lawyers' fees while proving his innocence.

Bush's pardons were reserved for government officials who tried to do the right thing in connection with a poorly handled covert operation—an operation that Weinberger, among others, argued against. Iran-contra figures who sought personal profit received none of the presidential clemency.

Walsh's emotional reaction to the pardons strengthened the impression that his "investigation" was driven by a vindictive desire to "get" Ronald Reagan and George Bush.

He implied that uncooperative witnesses had saved Reagan from impeachment. He alleged that Weinberger concealed information about a high-level cover-up. He even suggested that he might go after Bush, although cooler heads have apparently talked him out of that idea. He said that Bush had engaged in misconduct, that the pardons helped the alleged cover-up succeed.

Imagine what the American Bar Association would say if a newspaper or an elected official flatly asserted, before a trial, that a suspect was guilty of a crime. The bar association would say, and properly so, that the person's constitutional right to a fair trial had been trampled on.

The rule is the same for members of the bar. The bar association's rule on pretrial publicity says that a lawyer shall make no extrajudicial statement, including an opinion that the suspect is guilty, that could materially prejudice the outcome of a criminal case.

Enough of Prosecutor Walsh. He has been on the scene too long. It's time for him to retire to Oklahoma.

#### EXCERPTS FROM A SPEECH GIVEN BY LT. COL. PAUL HORTON (USAF, RET.), BEVERLY, NJ

#### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SAXTON. Mr. Speaker, I submit the following speech to be printed in the RECORD:

It is indeed a pleasure to be asked again to participate in this annual program for veterans. I hope it will continue for many years to come, but I must pose a serious question.

Have you considered the possibility that this wonderful country could cease to exist? Nations richer and more powerful in their day than we have been sabotaged, defeated, enslaved.

Babylon was the largest and richest nation of its time, but its lust for luxury made it an easy mark for the Persians and Meads who overran it, divided its land, and enslaved people between them.

Rome was a greater military power than we ever were, but when their focus drifted away from the concepts of hard work and patriotism. Rome was invaded and looted by vandals.

The Incas were the most civilized, richest people in the Americas, but ruthless, better-

armed invaders destroyed them as a nation, looting generations of creativity and work.

In every case, it was the self-indulgent weakness of the victim which made the victory of the invader easy.

How strong is a nation which allows foreign competitors to capture the world leadership from its most vital industries?

How virile is a nation which allows this or that group to decide not to fight the enemy?

How intelligent is a nation more careful to protect the criminal than his victim?

How weak is a nation which allows bureaucracy and a socialist philosophy to run riot and squander billions?

Undoubtedly, there were Babylonians, Romans, and Incas who warned against over-indulgence and weakness, who warned that each citizen is responsible for his nation, and that the responsibility cannot be shrugged off onto officials. Those who warned of these things were met with cries of "It can't happen here," but it did.

It is up to you, caring citizens, who love their country, to continue to set the example, to encourage our young people to get the best education they can, and to work diligently to overcome prejudice and greed, to preserve this Nation for your children and their children's children. God bless you all.

#### LIMITING CONGRESSIONAL TERMS

#### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, today I am introducing an amendment to the Constitution of the United States that would provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve to three.

Limiting congressional terms would be the most effective way of returning Congress to the legislative body envisioned by our Founding Fathers—one of citizen legislators who truly represent the constituents they serve and who are committed to solving our Nation's problems.

Currently, Members may spend one-half or more of every term running for reelection; creating dilemmas for Members of Congress leading many to question whether our actions are designed to promote real solutions to our country's problems or are merely cynical election year maneuvers.

Representatives serving only a limited time will have a greater incentive to focus their attention on policymaking to reform failed government programs and limit the size and complexity of the Federal bureaucracy in such a way as to benefit the people we serve. Less attention will be given to the creation of Federal programs to address issues perceived by pollsters to be of benefit to one party or the other in the campaign arena.

Mr. Speaker, I believe the House of Representatives can be a more effective and efficient instrument of the people if we spent more time on governance and less time running for reelection.

## NO ABORTION ON DEMAND

**HON. BILL EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, with the so-called Freedom of Choice Act looming on the horizon, it may appear that the Congress is ready to simply write off the lives of millions of unborn children through unlimited abortion on demand. This Member of Congress is not prepared to accept that. Today, I am introducing legislation which will reaffirm that most basic of human rights—the right to life.

The first resolution I am introducing is a proposal to amend the Constitution to recognize the right to life and give that right express constitutional protection. The second bill I am introducing on this topic will essentially codify the Hyde amendment. Ever since 1981, the Hyde amendment has specifically prohibited the use of Federal funds for abortion except in those cases in which the life of the mother may be at risk. This provision is extremely important. Americans do not support unfettered abortion on demand, contrary to the proabortion rhetoric we often hear. Consistently, over 70 percent of Americans support parental consent provisions; 72 percent support a ban on abortion after 12 weeks of pregnancy; 75 percent support 24-hour waiting periods; 86 percent support informed consent; and 91 percent support a ban on abortions for reasons of sex selection. America is not the model for the free abortion pictures painted by abortion advocates, and Federal taxpayer dollars should not be used to support a practice which is—at best—highly controversial.

TRIBUTE TO JOSEPH S. (STEW)  
PAULICK ON HIS RETIREMENT

**HON. JAMES V. HANSEN**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HANSEN. Mr. Speaker, January 7, 1993, marks a significant day in the history of the U.S. Army Chemical Demilitarization Program. Joseph Stewart (Stew) Paulick, appropriately known as Mr. Chem Demil, will retire after nearly 30 years of dedicated civil service at Tooele Army Depot.

Stew Paulick's career as a mechanical engineer began after graduation from the University of Utah with the International Smelting and Refining Co. where he was involved in the design and operation of large process and pollution abatement equipment. In 1964, he joined Tooele Army Depot's Ammunition Equipment Office [AEO] where he was the project manager for the design and installation of equipment for the very first chemical demilitarization process line involving the destruction of the M-34 cluster bomb at Rocky Mountain Arsenal.

Stew was also the designer of the APE 1236 rotary kiln deactivation furnace which will be used at the eight chemical demilitarization sites around the country. There are also dozens of APE 1236 units currently in operation

around the world which are used for the destruction of conventional ammunition in a safe and environmentally responsible manner.

Stew became the deputy director of the Chemical Agent Munitions Destruction System [CAMDS] in 1978 and the CAMDS facility itself in 1979. CAMDS is the U.S. test facility for the destruction and disposal of obsolete toxic chemical warfare agents and munitions.

In 1990, Stew was selected to be the chief of the newly formed Industrial Risk Management Directorate at Tooele Army Depot, where his primary task was to ensure that the depot be responsive to environmental, safety, and emergency response concerns. His pioneering efforts in this office have been instrumental in helping Tooele Army Depot create one of the very best risk management organizations in the entire Department of Defense.

In conclusion, Mr. Speaker, Joseph Stewart Paulick's unique contributions to the chemical demilitarization world will not be forgotten. Our entire Nation, indeed the world, will continue to benefit from his work. He has been a model dedicated civil service employee and I extend my best wishes to him upon his retirement.

REINTRODUCTION OF THE  
INSULAR AREAS POLICY ACT

**HON. RON de LUGO**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. DE LUGO. Mr. Speaker, I am today reintroducing legislation which I sponsored in the 102d Congress to provide for a new and more effective framework for the development and implementation of insular policy within the executive branch. The proposal would enable the Federal Government to carry out its constitutional responsibility to make all needful rules and regulations regarding the insular areas for which it is responsible.

I first introduced the proposal at the end of the last Congress to provide the insular governments and their representatives and all those interested an opportunity to study and make comments on it. As I indicated then, and I reiterate now, the restructuring of the Federal Government's handling of insular affairs will be a major priority for the Subcommittee on Insular and International Affairs, which I chair.

For over a decade, I, along with other members of the Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources and two previous administrations have sought to restructure the manner in which the Federal Government deals with the insular areas. In recent years, it has become apparent that the current out-moded and ineffective structure, which had its origins when the Interior Department administered territories, needs to be replaced by a more responsive one, which allows the duly constituted insular governments to exercise maximum self-government with the Federal Government providing continued guidance and technical assistance.

It is my hope that after hearings are held on the proposal, legislation will be enacted to carry out the Federal Government's obligations to the insular areas.

In general, my proposal would establish a Cabinet Council on Insular Affairs consisting of representatives of the heads of all agencies; be chaired by the President's chief financial advisors and be assisted by a small staff within the Executive Office; provide the President and the Congress with information and advice necessary to appropriately apply policies to the insular areas and serve as a liaison between agencies of the Federal Government and the insular areas.

H.R. 15, THE ENTERPRISE ZONE  
COMMUNITY DEVELOPMENT ACT  
OF 1993

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. RANGEL. Mr. Speaker, today in this country, there are few communities which have not suffered from the hand-off economic policies of the past 12 years. President-elect Clinton has correctly observed that among the results of this approach has been an accelerated disintegration of the social and economic fabric of the Nation's poorest, most destitute communities. Even with an upturn in the Government's economic indicators, these places are not likely to be freed from a vicious spiral of depression, decay, and desperation. In these communities, crime is rampant; jobs have evaporated; clean, affordable housing is totally inaccessible; and the sale and acquisition of illegal substances are the only signs of local economy.

I am talking about communities as diverse as rural south Florida and the Mississippi delta, south central Los Angeles, and sections of the Bronx and my own Harlem. Since 1980 these communities—which even then were marginal—have undergone a dramatic and astounding transformation \* \* \* backward. They have seen the wholesale collapse of their social and economic infrastructures. The deficit, coupled with the lack of a Presidential domestic policy, has virtually precluded an aggressive, creative strategy to turn back this tide of domestic disintegration.

Mr. Speaker, today I am introducing The Enterprise Zone Community Development Act of 1993 (H.R. 15) which contains the seeds of recovery for these destitute communities. It provides vision, where there is now confusion. It offers a hand up where there is now not even a hand out. It attempts to assemble those things in our domestic economy which we know are working, and target them in ways that will bring back these destitute areas—neighborhood by neighborhood, block by block.

In the United States today there has emerged a new marginal class of Americans—fellow citizens living at the fringe of the economic and social mainstream of our society. These are people who no longer share in the hope of the American dream. Increasingly, they have no stake in the civic culture and conventional values that bind us together as one Nation. Their numbers and the sheer desperation of their struggle threatens to unspool the basic tenets of our economic and social

order, while posing a fundamental challenge to all of us who believe in the promise of America.

Most in this marginal class do not have access to affordable housing, adequate health care, or educational opportunities that might allow them to become full participants in our system. Those who have job skills must regularly and persistently compete with hundreds of others for a mere handful of job openings. Many are hungry, while many more have no idea how they will provide the next meal for their families. Increased dependency on public agencies and private charity has become for them not a matter of choice, but of necessity.

Last year OMB Director Darman told me that, at a minimum, the crisis in the lives of Americans living in this marginal class was costing our economy \$300 billion a year. He also agreed with me that the only way this number could be turned around would be through a comprehensive long-term strategy of public and private investment to rebuild, from the ground up, the local infrastructures necessary to sustain a viable local economy.

One in five Americans is now part of this marginal class. How can that be? Consider the following: One in five Americans workers was out of a job at some point during the past year, one in ten Americans is living on food stamps; one in seven children in the United States is living on welfare, one-fourth of all high school students do not graduate with their peers; nearly 37 million Americans are without health insurance, and another 100 million are without coverage sufficient to meet their health care needs in the coming year; only 70 percent of American children are immunized against basic childhood diseases. In some communities, that number is below 50 percent; three million Americans are homeless, while another 14 million are living on the knife's edge of homelessness—doubled up and tripled up in shelters, public housing, and the homes of friends and relatives.

In the past 20 years, the gap in the income of the top one-fifth of Americans and the bottom one-fifth of Americans increased by 59 percent. The number of children living in poverty increased 26 percent, while the buying power of those on welfare decreased 43 percent. In short, the richer are getting richer, and the poor are being quietly driven over a cliff.

Equally as disconcerting is the growing inability—and, in some cases, the unwillingness—of communities to provide the most basic of government services to those in greatest need. This trend is accelerating the demise of marginal communities. The wave of tax limitations and budget cuts of the 1980's has fallen squarely on the backs of those most in need in our society. Cities, desperately struggling against a diminishing tax base and rising costs, have cut essential services such as fire and police protection to the bone. And it isn't that these services are disappearing. To the contrary, they are shifting to the private sector—the affluent private sector. In 1990, for the first time in history, the number of private duty security personnel exceeded the number of public sector police in our country. While funds for public parks and summer jobs in the inner cities have all but evaporated, country clubs, high tech gyms, and private health spas are doing a booming business. I do not object

to any of these private sector services. My concern is that they not take the place of essential public services that should be available to all citizens. My fear is that as a nation we have forgotten that true social progress is only achieved when we all move forward—together.

It should not surprise anyone that the loss of economic opportunity, coupled with the disintegration of a vital civic culture in these marginal communities, has given rise to a new level of despair and hopelessness.

In our country a murder is committed every 25 minutes; a rape every 6 minutes; a burglary every 10 seconds; and a larceny every 4 seconds. A Louis Harris survey reports that 55 percent of Americans believe crime in their neighborhood is increasing. Less than 10 percent said it was declining. When I was in local government, we used to talk about bad neighborhoods or the wrong side of the tracks. Today mayors talk to me about black holes and dead zones in their cities.

Today there are more Americans addicted to cocaine than there were 3 years ago. There are almost twice as many heroin addicts, and for the first time more than 3 million Americans using cocaine, heroin, or both weekly. Seventy-five percent of this addict population is under the age of 35. The fastest growing segment of this population lives in rural America and small towns, not the big cities. One in ten of these just began to use cocaine or heroin for the first time in 1991. In 1991 the number of Americans using psychedelic drugs for the first time increased for the sixth consecutive year.

While there is not much agreement on what we should do in the future, we can reach some conclusions based on what has happened in the past.

First, we must admit that whatever we are doing is not working. In the decade just passed, our Nation doubled its prison population, created mandatory sentences for dozens of drug offenses, expanded capital punishment, greatly extended the powers of police and prosecutors—all while the crime rate doubled and the consumption of illegal drugs skyrocketed.

Second, fixing blame is not a highly productive exercise. For some reason there is a part of us that needs to hold someone responsible for things that have gone wrong. Frankly, it is one of the greatest obstacles to finding solutions. From my years of working on urban problems, I can assure you there is no single individual, or political leader, or institution on whose shoulders we can exclusively fix blame. Similarly, I don't think we gain anything by faulting the victims. The idea that we have to make moral judgments about who should be helped and who should be blamed sets us on a dangerously misguided course.

Third, the answers are complicated. Our national tendency to apply simple answers to complex problems, in this case, is both naive and dangerous. I applauded Mrs. Reagan's Just-Say-No campaign; but it was never a solution to the drug crisis. Babies born addicted to cocaine hardly had a chance to just say no; nor did the thousands of abandoned teenagers languishing in foster care. Try to explain to an abused wife how easy it is to just say no to an addict husband.

Fourth, the answers are not cheap. Rebuilding torn communities, healing broken lives, and restoring a sense of vitality and commitment to our future is not an inexpensive proposition. No amount of cheerleading or slogan-making is going to take the place of creative leadership, individual initiative, and substantial investment. The 1980's have taught us that we are in a pay-now or pay-a-lot-more-later situation. It is important that we see money well-spent on programs today as funds well-invested in the America that will belong to our children. For example, we know that every dollar spent on Head Start today saves nearly \$5 in future social costs. We know that graduates of Job Corps are more likely to hold steady jobs, make more money, and stay out of jail than their unskilled counterparts. We know that \$1 spent on immunizing poor children will save \$10 in future medical costs. While the cost of action is high, the price of inaction is staggering.

Finally, we know the most effective initiatives to bring about social change in this country have been grounded in the community and the commitment of community leaders to pull together. In this present effort, we should not lose sight of this essential. Whatever strategy we ultimately choose must be premised on the idea of enabling local leaders and enhancing local initiative if it is to succeed at all.

My point is this: We do not need to create a single new program to help those communities which have been most devastated by the social and economic calamities of the past 12 years. Good programs are there. Strong community leaders are there. The commitment of the American people is there. The element that is missing is a coordinated, comprehensive strategy to invest in our communities in a way that empowers our people to attack these problems creatively and aggressively where they are occurring.

That strategy is now offered in H.R. 15.

This bill combines the popular and, as yet, unfulfilled promise of enterprise zones with ideas of local initiative, social investment, and neighborhood leadership. It provides 150 communities in this country an opportunity to break free from the cycle of ubiquitous poverty, unemployment, violence, and drug abuse, and start back on the long, long road to self sufficiency and prosperity. It does not rely on the direction of bureaucrats in Washington or even the state houses or city halls, but on the energies and wisdom of local leaders, their neighbors, and their institutions. The bill provides these communities with the tools and commitments necessary to rebuild and renew.

Mr. Speaker, the idea of enterprise zones is not new. It is a concept which has been championed by leaders as diverse as the Chairman of our own Ways and Means Committee, President Bush's Secretary of Housing and Urban Development Jack Kemp, and our own President-elect Bill Clinton.

The bill calls on the administration to undertake a comprehensive analysis to determine how many communities in this country would qualify as enterprise zones under the criteria set forth in this bill, and what the costs would be to extend meaningful Federal assistance and tax incentives to all of them. When we have this analysis we should use this informa-

tion to implement a long term national strategy to extend enterprise zone status to each of these areas and move away from the more rigid approach which requires us to select among numerous qualified nominated areas.

**TITLE I—CRITERIA FOR SELECTION, TAX INCENTIVES**

Until that time, this bill would provide authorization for the creation of the following number of zones in the following categories:

**Number of zones.** While two-thirds of the zones are to be in urban areas, over the 5 years implementation period, the number of urban zones is to be divided equally between large and small cities. There would be 150 zones chosen over 5 years. The urban zones will be chosen by the Secretary of Housing and Urban Development; the rural zones by the Secretary of Agriculture.

	Urban	Rural
1993	8	8
1994	19	9
1995	19	9
1996	18	8
1997	18	8

**Criteria for Selection.** Urban zones must have a population of at least 4,000, be no greater than 20 square miles in area, not be part of the central business district, have a general condition of poverty, unemployment and general economic distress which may be evidenced by a high incidence of crime and narcotics use, have an unemployment rate 150 percent of the national rate, have poverty rates of at least 20 percent in 90 percent of the census tracts in the zone, and course of action developed by the State and local governments.

Rural zones must have a population of at least 1,000, have an area no greater than 10,000 square miles or be in no more than four contiguous counties, have a general condition of economic distress, a course of action developed by the State and local governments, and exhibit two of the following four conditions: an unemployment rate 150 percent of the national rate, a poverty rate of at least 20 percent in 90 percent of the census tracts in the zone, or a decline in employment of more than 5 percent over the previous 5 years, or a decline in population of 10 percent over the period from 1980 to 1990.

The course of action may include provisions facilitating the securing of property and casualty insurance in the zone, reduced taxes and fees, increased delivery of local public services, reduced paperwork, commitments from public and private organizations to provide job training and other technical and financial support for zone residents and businesses, preferences for minority contractors, donations of surplus land, programs to assist in the purchasing of health insurance for zone employees, Community reinvestment efforts, and preferences in the application of the low income housing tax credit program.

The Secretaries of HUD and Agriculture will choose zones on the following criteria, considering them equally: (1) strength of the proposed course of action; (2) effectiveness and enforceability of the course of action; (3) commitments by private entities for additional support for the zone; (4) relative levels of poverty and unemployment and in the case of rural

areas the population loss; and, (5) the potential for revitalization. It is expected that the course of action will reflect a coordinated and comprehensive local strategy which includes all units of State and local government, the private sector and the nonprofit organizations operating principally within the proposal zones.

**Tax Incentives.** Anticipated revenue loss from the tax incentives provided in this Title constitutes one-third of the overall cost of the program: 15 percent nonrefundable credit for employers against the first \$20,000 of wages for workers who live in the zone and do their work in the zone; 15 percent nonrefundable credit for employees of nonprofits against the first of their \$20,000 of wages where they live in the zone and do their work in the zone; \$20,000 expensing for capital assets for enterprise zones businesses; a deferral of gain recognition for the sale of a qualified zone asset where the proceeds are reinvested in qualified zone assets; ordinary loss treatment for losses on any qualified zone asset held for more than 5 years; \$25,000 deduction for the purchase of stock in enterprise zones business organized as a C corporation with assets of less than \$5 million and owned at least 20 percent by individuals applies to no more than \$30 million of stock for each zone per year—up to \$5 million per project redevelopment bonds for commercial and industrial projects in the zone; TJTC for employers in any location for employing zone residents who meet the income limits for disadvantaged youth under the current TJTC rules.

**TITLE II—SOCIAL INVESTMENT AMENDMENT IN ENTERPRISE ZONES**

Mr. Speaker, Title II of H.R. 15 authorizes \$15 billion over 5 years for a Federal investment in the social and economic infrastructure of neighborhoods located within enterprise zones. Some Members have referred to this as the "weed and seed" component of the bill in that it provides funds for both public safety and security, and social programs which have proven to affect a positive return for every dollar spent. The bill also assumes authorization of \$500 million appropriated last September for fiscal year 1993 expenditures in this program.

This Act provides a two-tiered formula for the allocation of funds.

The first tier of programs is described as "national public-private partnerships" which includes Head Start, Job Corps, Community Health Centers, YouthBuild, and the Neighborhood Reinvestment Corporation. In addition, the title creates two new programs to assist enterprise zones in economic development through nonprofit community development corporations [CDC's] and loan financial intermediaries like community development credit unions, loan funds, and community development banks. The new national economic partnership provides critical technical and financial assistance to CDC's engaged in the creation of new businesses and services in low-income communities. The new enterprise capital access fund would offer low-income and minority entrepreneurs access to credit and capital which has become increasingly scarce in these areas.

The second tier of funding in this Act is provided through a new block grant program to expand existing Federal social and economic

programs in the zones—according to the needs expressed by the local managers of the zones. The block grant makes available equivalent amounts of funding for each rural zone designed by the Secretary of Agriculture and equivalent amounts for urban zones designated by the Secretary of HUD. The funds are to be expended in 36 Federal programs to be determined by the local managers of the zones, with the concurrence of an interagency Cabinet council. The menu of programs is divided into five categories—criminal justice and community policing; job training; health, nutrition, family assistance; and housing and community development. Twenty percent of the block grant funding must be expended in each category unless a waiver is approved by the interagency council.

**SUMMARY OF TITLE II**

**PART I: NATIONAL PUBLIC/PRIVATE PARTNERSHIPS (IN MILLIONS)\***

(\$180 million for FY 1993; \$1.1 billion for FY 1994 and increasing amounts for subsequent years)

	Fiscal year				
	1993	1994	1995	1996	1997
Head Start	40	252	264	276	294
Job Corps	40	252	264	264	294
National Community Economic Partnership (CDCs)*	40	252	264	264	294
Capital Access Program*	20	126	132	136	144
Community Health Centers	20	126	132	136	144
YouthBuild	10	66	66	72	72
Neighborhood Reinvestment Corporation	10	66	66	72	72
Sec. 108 \$10 Billion Loan Guarantees for Distressed Areas					

\*NOTE: All of these funds are targeted to the enterprise zones, except in these programs in which at least 50 percent of funds are to be expended on program which principally benefit residents in the enterprise zones.

**PART II: ENTERPRISE COMMUNITY BLOCK GRANT DEMONSTRATION PROGRAM**

(\$320 million in FY 1993; \$1.95 billion for FY 1994 and increasing amounts for subsequent fiscal years)—

Each zone expends 20 percent of its allocation in each of the following five categories.

*Crime and community policing*

- DOJ: Community policing.
- DOJ: Alternative sanctions.
- DOJ: Gang Intervention.

*Job training*

Labor: Young Adult Employment Demonstration Program (25% minimum of total in this category).

Labor: JPTA (Title II).

Labor: Reverse Commute Demonstration.  
Commission on National and Community Service: Conservation and Youth Corps.

*Child care and education*

HHS: Comprehensive Child Development/Family Resources Centers.

HHS: Child Care Block Grant.

DEd: Chapter I—Elementary and Secondary Education.

DEd: TRIO.

DEd: Literacy.

DEd: Vocational and Adult Education.

*Health, nutrition, and family assistance*

Ag: WIC.

HHS: Substance Abuse Treatment Improvement Grants.

HHS: Substance Abuse Treatment Capacity Grant Expansion.

HHS: Substance Abuse Treatment for Individuals under Criminal Justice Supervision.

HHS: Substance Abuse Treatment for Pregnant Women.

HHS: Community Partnership Grants.  
 HHS: Ryan White AIDS Health Care Act.  
 HHS: Homeless Family Support Program.  
 HHS: High-Risk Youth.

*Housing and community development*

HUD: CDBG (Increase Public Service Cap to 30%).  
 HUD: Public Housing Modernization.  
 HUD: Public Housing Drug Elimination Grants.  
 HUD: Family Investment Centers.  
 HUD: Rental Housing Assistance.  
 HUD: HOME.  
 FmHA: 523 Self-Help TA.  
 FmHA: 533 Rural Housing Preservation Grants.  
 FmHA: 515 Rural Rental.  
 FmHA: 521A Rural Rental Housing Assistance.  
 FmHA: Water/Sewer Grants.  
 FmHA: Private Business Enterprises Grants.  
 FmHA: Minority and Disadvantaged Farmers.

**SUPPORT PROSTATE CANCER SCREENING**

**HON. MARILYN LLOYD**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mrs. LLOYD. Mr. Speaker, today I am reintroducing legislation to provide reimbursement under Medicare and Medicaid for prostate cancer screening. I would like to offer special acknowledgment and thanks to Representative MARKEY for his support in introducing these bills with me.

In 1992, prostate cancer was detected in approximately 132,000 men, and 34,000 men lost their lives to the disease. Prostate cancer is the most common cancer among men and is the second leading cause of death from cancer in the United States. Some of the victims of this disease have been our own colleagues here in this body, like our good friend, the late Silvio Conte, who lost his life to prostate cancer. Fortunately, we have also witnessed others whose lives have been saved after a diagnosis of prostate cancer largely due to successful early detection. While little is known about the causes of the disease, we do know that early diagnosis is fundamental to successfully treating prostate cancer. Yet, approximately two-thirds of prostate cancers have spread beyond the prostate when first identified. Detecting cancer at its earliest stage offers patients and physicians more options for treatment and better chances of recovery.

While there is agreement on the value of regular cancer screening for individuals at increased risk, our current reimbursement policies under both Medicare and Medicaid remain something of a paradox in that they pay for the treatment of prostate cancer, yet fail to reimburse for screening to detect the cancer at its earliest and most easily treatable stage. Men over age 65 represent 80 percent of the population detected with prostate cancer.

For this reason, I am reintroducing the Medicare and Medicaid Prostate Screening Acts. These two bills will allow for reimbursement of a digital rectal exam [DRE] and a prostate specific antigen [PSA] test, if the physician

deems it necessary, for screening prostate cancer under both Medicare and Medicaid. The bills do not require that medical professionals perform these tests, rather they simply allow reimbursement for them if they do. This coverage is crucial, particularly to low-income, high-risk populations who may not have access to these tests otherwise.

The PSA test measures the level of blood protein called prostate-associated antigen found to be elevated in men with prostate cancer. Many experts have found that the PSA test, used in conjunction with the DRE is currently the most effective screening measure to detect prostate cancer in its earliest stage.

The use of the PSA test with the DRE has gained the endorsement of the American Cancer Society, the American Urological Association, the American College of Radiology as well as an untold number of cancer survivors whose cancers were detected by adding a PSA test to their annual DRE. Access to the best method of detection currently available is particularly crucial to men at high risk including those over age 65, African-American men, and men with a family history of prostate cancer.

There is also a serious lack of awareness among men regarding the need to seek out annual screening and among physicians to recommend it. According to a national health interview survey conducted by the Centers for Disease Control, only 27 percent of individuals over age 50 received a digital rectal exam during a physician visit within the preceding year in 1987. While we work to increase awareness, we must eliminate financial barriers which prevent individuals from seeking such tests.

Mr. Speaker, for the past few years, I have been active in pushing for increased research in women's health in order to develop a knowledge base to identify appropriate diagnostic, prevention, and treatment methods in diseases prevalent in women, with the ultimate goal of a cure. We must also be diligent in our efforts to find the cause and cure for prostate cancer. Developing a research priority in prostate cancer will alleviate needless human suffering and the anguish of losing our friends and loved ones to this disease.

In the meantime, it is imperative that we make early detection possible and affordable. I urge you to join me, Representative MARKEY, and the other original cosponsors of these bills to allow for Medicare and Medicaid reimbursement of the best current method of detecting prostate cancer.

**RECOGNITION DINNER IN HONOR OF FORMER SGT. WILLIAM STERNBERG**

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. MICHEL. Mr. Speaker, while Congress was adjourned there was a significant recognition dinner held in honor of former Sgt. William Sternberg, who was awarded the Soldier's Medal for heroism in the Italian campaign in January 1944.

It all came about because Sergeant Sternberg's son pursued the matter with the Defense Department and finally convinced the Secretary of the Air Force that his father was, in fact, eligible to receive the award. One of my very good friends, Jim Wham, who practices law in Centralia, IL, brought the matter to my attention because he, too, served in the Air Force during that period of the campaign and was quite well aware of the kind of heroism that went on in those days with little note.

In order to make it a most significant occasion, Jim Wham placed a full page ad in the Centralia Sentinel which described the incident complete with pictures and a reminder to the American people that they should never forget the known and unknown soldiers and heroes—the living and the dead—this ever-expanding legion of honor has never let their country down."

I ask unanimous consent that the entire text of that page appearing in the Centralia Sentinel of December 7, 1992, be reprinted in the CONGRESSIONAL RECORD.

[From the Centralia Sentinel, Dec. 7, 1992]

THE UNKNOWN SOLDIERS AND THE UNSUNG HEROES

(By Jim Wham)

Fifty-one years are gone since that infamous strike by Japan at Pearl Harbor.

This was the day that unified the Nation as never before. Those four long years that followed will never be forgotten by that wartime generation. This was the war that had to be fought if this nation was to live in honor and to meet its day of destiny to save the Cause of Freedom around the world.

The minutes, the hours, the days, the months, the years of that war—as time goes on—are compressed into a singular chapter of the longer and larger history of this Land of Freedom.

The parades are done. The bands are gone. The commendations are made. But there is yet a summation of gratitude to be spoken for the Unknown Soldiers and Unsung Heroes.

There are thousands and thousands of them—These gallant men and women recede into the twilight and most likely will never be known by the people for what they did.

They served and did not ask for glory. Their deeds of valor on fields and oceans and in the air never had a chance to be forgotten because they remained unspoken and unknown.

Yet once in a long, long time a soldier that should have been decorated for bravery nearly 50 years ago is finally found and recognized by the nation.

This happened in October of this year at the 50th reunion of the 62nd Troop Carrier Group at Columbus, Georgia.

On January 20, 1944 at great risk of his life and severe injury to himself, rescued two other crewmen from his burning aircraft which had crashed in the Italian campaign. Devastating injuries ended his military service and the Soldier's Medal for heroism which was to have been his in that wartime theatre—because of those hectic times—was never issued.

Nearly half a century later, unknown to Sergeant Sternberg, his son Guy Sternberg of Petersburg, Illinois conducted a search across the country and found among the remnants of those who served with his father in that campaign a few who remembered.

With their assistance he brought this resurrected account of bravery and self-sac-

rice to the attention of the Air Force and met the strict requirements of verification.

During the reunion and just before it ended, the Soldier's Medal to Sergeant Sternberg was authorized by the Secretary of the Air Force.

I was privileged to make the presentation at a last minute ceremony at the concluding banquet of the reunion, which Sergeant Sternberg and his wife of 50 years attended through arrangements made by their son.

An Unsung Hero was honored to the satisfaction of all who knew and cared about this unassuming, gallant man and for what he did many years ago.

This belated recognition is symbolic of what makes this Country great.

The American people never forget the known and unknown soldiers and heroes—the living and the dead—this ever expanding legion of honor has never let their country down.

#### AGRICULTURAL ALTERNATIVE MINIMUM TAX

### HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EMERSON. Mr. Speaker, some years ago, a little-noticed provision in the Tax Code caused a great deal of undue hardship to certain farmers who were already down on their luck due to the farm crisis of the late 1970's and 1980's. Today, I am introducing legislation proposing that the effective date of section 1320(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 be changed from 1981 to 1978.

Varying domestic and international economic conditions in the early 1980's contributed to the worst farm crisis this country has seen since the Great Depression. Many farmers, through no fault of their own, were forced into insolvency. During this time, there was speculation that the family farm would soon become extinct, and that the face of American agriculture would be forever changed.

Farmers who became insolvent were often forced to sell their farms under foreclosure. All of the proceeds of the sale went to the creditors; sometimes, despite the sale of the farm, they remained in debt. Yet the sale of the farm, treated as a preference item, triggered the Alternative Minimum Tax [AMT].

As you are aware, Congress enacted the individual AMT in 1978, effective January 1, 1979. The AMT applied to all capital gains, regardless of whether the sale was voluntary or involuntary. What this meant for insolvent farmers was that those folks were suddenly hit with a large tax bill—a bill which they could not pay—on what may be termed as phantom income.

Congress recognized the gross inequity of the application of the AMT law to these insolvent farmers, and in the COBRA law of 1985, the provision was amended. Farmers who sold or exchanged their farms to their creditors in order to cancel their debt were allowed to reduce the amount of their tax preference. But for some reason, the law afforded relief only to land transfers made after December 31, 1981.

This left open a 3-year window, from 1979 through 1981, during which the AMT was in

full force. The farmer who suffered the misfortune of bankruptcy in December 1981 was in a very different position from the farmer who held on for just 1 additional month. The latter individual is covered by COBRA's relief; the former suffers the burden of an unfair tax.

According to an estimate from the Joint Committee on Taxation, enactment of the date change would cost less than \$5 million. This is a proposal which should be enacted in the interest of fairness.

#### INTRODUCTION OF LEGISLATION TO PROVIDE HEALTH CARE IN- SURANCE TO TEMPORARY FED- ERAL EMPLOYEES

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mrs. MINK. Mr. Speaker, today I am introducing legislation which would eliminate a loophole in the law that allows the Federal Government to deny certain employees access to health care insurance.

While we in Congress continue the crucial debate on national health care reform, an untold number of workers within our own Federal family are counted amongst the 37 million Americans without any insurance coverage or the 60 million who are underinsured.

This is due to a pattern I found quite prevalent in my district and I expect across the country, wherein Federal workers classified as temporary or seasonal have been systematically denied access to Government health care insurance. By terminating their employment just short of the consecutive year period that would qualify them for such coverage, and rehiring these trained and productive personnel shortly thereafter, managers have avoided the obligation of extending insurance to these unfortunate individuals and their families.

I have individuals in my district who have worked for the Federal Government for 10 years on temporary status. I fail to see how the Government can consider a 10-year job temporary employment. This is absurd. These people work the same hours as permanent employees, have the same responsibilities as permanent employees, and yet they are denied health care coverage.

My bill would close this loophole and require Federal employees categorized as temporary to receive health benefits equivalent to a permanent employee, once they have completed a total of 1 year of service in the same position within the preceding 2 years.

This is the first step in providing health care for the workers of our Nation. This legislation is identical to a bill I introduced in the 102d Congress and similar to a provision approved by the House last year to close this loophole for Department of Defense employees. Unfortunately, this provision was deleted in the conference with the Senate.

Mr. Speaker, I urge all of my colleagues to join me in taking the first step toward universal health care coverage in our Nation. Let's take care of our Federal workers and support this legislation.

#### AGRICULTURE ADVISORY COMMITTEE

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. COSTELLO. Mr. Speaker, I rise on this first day of the 103d Congress to recognize a group of individuals who were of great service to me during the past session. This group was the Agriculture Advisory Committee for the 21st Congressional District in Illinois. The Agriculture Advisory Committee met throughout the session to discuss such matters as the availability of ethanol-based fuels, the wetlands issue and the agricultural appropriations bills. The group's insights on these matters were helpful to me with my work on agricultural issues.

The members of my agriculture advisory committee during the 102d Congress were Bob Alexander of Donnellson, Bonnie Branum of Fillmore, Mike Campbell of Edwardsville, Joe Doll of Pocahtontas, Gordon Gass of Granite City, Greg Guenther of Belleville, Charles Huelsmann of Trenton, Alan Libbra of Alhambra, Tim McGinley of Highland, Dave Mueller of East Alton, Larry Nichols of Trenton, Steve Plocher of Pocahtontas, Tom Range of Belleville, Roger Read of Edwardsville, Larry Reinneck of Freeburg, Bill Schulte of Trenton, Walt Sievers of Staunton, Bill Timmerman of Litchfield and Jim Zeeb of Greenville.

Due to redistricting in southwestern Illinois, some of the members will not be staying on my advisory committee during the 103d Congress. I wish those members my very best wishes and say thanks for their input and assistance. For those members who live in the new 12th district, I look forward to working with you and listening to your ideas on agricultural matters during the 103d Congress. I ask my colleagues to join me in recognizing these individuals.

#### TRIBUTE TO HELEN METZDORF

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. GOODLING. Mr. Speaker, I would like to take this time to commend and congratulate Ms. Helen Metzdorf of Camp Hill, PA, for her 30 years of service as a volunteer at Holy Spirit Hospital in Camp Hill, PA, and for her continued work in other civic and public organizations. In addition to her 30 years of service at Holy Spirit Hospital, she has been active in service to the Camp Hill Civic Club, the Cumberland County and State federations of women's clubs, the West Shore Public Library, Cumberland County Library System, the State Library Trustees Committee, the Penn Cumberland Garden Club, the Camp Hill Presbyterian Church, and the Camp Hill chapter of the American Association of Retired Persons.

Ms. Metzdorf started her volunteer work at the hospital before it officially opened its doors to patients. She worked during her free time doing clerical and accounting work for Holy

Spirit Hospital. She is currently focusing most of her time and attention at Holy Spirit Hospital conducting the hospital's outpatient services study by making followup contact calls to patients who underwent outpatient surgery. Her compassion and dedication to the patients of Holy Spirit Hospital and the residents of the Camp Hill community give credence to the words of Albert Schweitzer who stated, "There is no higher religion than human service. To work for the common good is the greatest creed." Ms. Metzdorf should be commended for her dedication to the betterment of others in our society and the residents of central Pennsylvania who owe her a great deal of gratitude.

#### IMPROVE RETIREMENT INCOME SECURITY

**HON. WILLIAM J. HUGHES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HUGHES. Mr. Speaker, today I, along with my colleague from New York, Mr. BOEHLERT, are introducing two important pieces of legislation designed to improve the retirement security of older Americans, both now and in the future.

The first bill would establish a national commission on retirement income policy. This bill is modeled closely after legislation we introduced during the 102d Congress with Mr. Chandler from Washington and Senator BENTSEN from Texas. Many of these provisions were included in the tax bill which passed the Congress late last year but was vetoed by the President.

Over the past two Congresses, the Select Committee on Aging's Subcommittee on Retirement Income and Employment, which I chair, has held a series of hearings on the lack of a cohesive national retirement policy.

We are facing a ticking time bomb in the years ahead as more and more workers in the baby boom generation move through the work force with little or no pensions, minimal savings, and few other means to support themselves during their retirement years.

Only around 44 percent of today's full-time work force is covered by a company-sponsored pension plan, with coverage slowly going down over the past 15 years. If we do not expand pension coverage soon, more than 30 million Americans could have little more than Social Security as a source of income when they leave the work force by the year 2020. The costs and implications of this situation in terms of the economy, society, and individual families will be enormous.

We simply cannot wait any longer to focus a national dialog on setting a cohesive retirement policy. The bill we are introducing today directs the commission to study and report to the Congress on trends in retirement savings, existing Federal incentives and programs to encourage and protect these savings, and develop options for new Federal incentives and solutions.

The second bill is designed to eliminate a provision in the law that last year permitted approximately \$1 trillion in pension plan assets

to escape audit examinations for violations of the Employee Retirement Income Security Act [ERISA] because they are held in banks or insurance companies.

While the assumption is that these institutions receive adequate audit coverage from Federal agencies, these audits are generally done only once every 2 years and none of these audit steps are designed to test for ERISA violations.

More significantly, when an auditor is restricted from examining significant information in an audit, he or she generally disclaims any opinion about whether the financial statements are correct. Consequently, about half of the Nation's pension auditors render no opinion about the plan's assets or transactions. These auditors then have no liability or accountability for the accuracy of the plan's financial statements.

What comfort is it to pension participants to know that an auditor has no opinion about whether their pension plan is sound or not? And what burden might this policy thrust on the taxpayer, who ultimately is insuring these pension benefits?

Commonsense and prudence dictates that we close this dangerous loophole in the protection and monitoring of the Nation's growing pension plan assets. Workers and taxpayers rightly expect that somebody in the Government is watching these assets. Retirees are counting on their pensions to meet their daily living needs.

We urge our colleagues on both sides of the aisle to join us in cosponsoring these two important bills.

#### THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES RESEARCH AND DEVELOPMENT ACT

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. CLAY. Mr. Speaker, today, I am introducing the Historically Black Colleges and Universities Research and Development Act.

This legislation represents an opportunity for black colleges and universities, and federally approved nonprofit research and development organizations to expand activities through a broader participation in Federally Funded Research and Development Centers [FFRDC's].

There are four categories of FFRDC's: Research laboratories, research and development [R&D] laboratories, study and analysis centers, and systems engineering/systems integration centers. Federally Funded Research and Development Centers were first established during World War II to meet specific defense research and development needs that were not readily available in the private sector. The number of centers has grown and seven Federal agencies currently operate a total of 41 FFRDC's. The seven Federal agencies are the Departments of Energy, Defense, Health and Human Services, Transportation, the National Aeronautics and Space Administration [NASA], the Nuclear Regulatory Commission, and the National Science Foundation.

A brief summary of the legislation follows:

Through sponsoring agreements, each executive agency participating, shall designate historically black colleges and universities or minority nonprofit institutions, as federally funded research and development centers.

Each Federal agency participating in the Federally Funded Research and Development Center Program shall expend not less than 3 percent of its research and development funds for the provision of technical assistance to historically black colleges and universities.

The Comptroller General of the United States shall report to Congress annually on the activities of participating executive agencies in carrying out this act.

The perseverance of black colleges and universities has been nothing less than remarkable when one considers the continuous financial constraints that have not only suppressed their desire to expand but have, in some cases, caused these institutions to face the possibility of closing their facilities. Nonetheless, they have been the prime movers in educating thousands of highly skilled scholars and professionals, many who are well known and have made great contributions to our country. With this legislation, much more can be accomplished. These schools, often the last hope for economically disadvantaged youths, would have the opportunity to develop FFRDC's, which will be attractions for the most skilled researchers and scholars. This bill will ensure that these vital institutions of higher education are included in our Nation's research and development process and provide our country with additional benefits from the advanced and higher level of learning the students will receive.

Our country has greatly benefited from FFRDC's in the past, not only responsible for great advances in the sciences, but in the development of many noble scholars who have made and are continuing to make major contributions to our country. No single act on the part of the Federal Government can do more to elevate the intellectual and scientific stature of black colleges and universities than attracting to their faculties the superior scientific minds not now competitively available to these institutions of higher education. Similarly, nothing will cultivate the brain power of the students more than exposure to the superior quality of the research staff of each FFRDC.

I encourage my colleagues to support this vital legislation.

#### INTRODUCTION OF A BILL TO REQUIRE THE NATIONAL LABOR RELATIONS BOARD TO ASSERT JURISDICTION ON JOHNSTON ATOLL

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mrs. MINK. Mr. Speaker, today I am introducing legislation to correct an unfair situation which currently prevents the civilian workers on Johnston Atoll from organizing as a bargaining unit, and seeking the protection of their right to safe and fair working conditions.

My bill would require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on this atoll.

Johnston Atoll is an unincorporated territory of the United States, located 171 miles southwest of the Hawaiian Islands. This atoll is used for the sole purpose of housing a Department of Defense chemical weapons incinerator, where over 1,000 military and civilian employees work with hazardous materials and under potentially dangerous conditions.

Some 425 of these workers are employed by a private contractor which maintains and operates the chemical disposal system for the Department of Defense. These workers are isolated on a remote island, work with highly toxic and radioactive materials, yet have no ability to organize as a bargaining unit and seek to protect their rights as workers.

In a petition before the National Labor Relations Board in 1990, 185 employees of the civilian contractor were denied recognition as a bargaining unit by the Board, because the Board declined to assert jurisdiction over the territory of Johnston Atoll. The Board acknowledged that they have statutory jurisdiction over the atoll, but turned its back on the Johnston Atoll workers, and in effect, denied them the same rights provided to other U.S. workers.

Mr. Speaker, the workers on Johnston Atoll are U.S. citizens, they are employed in what is probably the most hazardous line of work, the disposal of chemical weapons, which provides a service necessary for arms reduction in the United States and the world. And yet these workers are not guaranteed the right to stand up for safe working conditions, decent wages, and adequate health benefits.

The tradition of labor law in our country has been to balance the rights of the workers with the needs of employers. Under the current situation there is no balance for the Johnston Atoll workers. They have no recognized unit to voice their concerns, no one to listen, and no way to remedy unfair and harmful working conditions.

The one entity established by the Congress to protect them has declined to examine their situation. And unlike other employees in the United States, the Johnston Atoll workers have no State or local agencies to turn to and no courts to hear their appeal.

Mr. Speaker, this is a situation that we cannot and must not allow to continue. The workers on Johnston Atoll are entitled to the same protections afforded to all other U.S. workers. I urge my colleagues to rectify this blatant violation of justice and support this bill.

#### RECOGNITION OF THE RIVER BEND UNITED WAY

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the River Bend United Way. During the fall of 1992, the River Bend United Way raised \$1,845,000 in support of 45 area agencies and services. These agencies affected the lives of more than 164,000 residents of southwestern Illinois.

The River Bend United Way began in 1942 as the Alton-Wood River Community Chest. There were seven agencies participating, and the first campaign raised \$178,415. Over the years, both the number of participating agencies and the amounts the organization was able to raise grew dramatically.

In 1976 the then-River Bend United Fund was reorganized and renamed the River Bend United Way. In 1979, the organization raised over \$1 million for the first time. Numerous current and former residents of southwestern Illinois greatly appreciate the activism of this organization.

I ask my colleagues to join me as I salute the River Bend United Way for their tremendous dedication to the community of southwestern Illinois.

#### THE REPEAL OF THE LUXURY TAX ON BOATS

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. SHAW. Mr. Speaker, today I am introducing legislation to repeal the 10 percent luxury tax on boats costing more than \$100,000. This tax makes no more sense today than it did when Congress passed it, without the benefit of committee hearings, in 1990.

If we had studied this issue then as we should have, we would have had the chance to learn before passing the tax what we have painfully realized since, this tax does not soak the rich. It only costs the jobs of thousands and thousands of people who used to make boats for a living, and who now must collect unemployment checks to support their families.

But this tax did not just cost a lot of people their jobs, it cost many people their dreams. We will never know how many people have had to forego educating their children or buying a new home because this tax cost them a decent paying job.

At least, however, we did some good with the tax. Boatbuilders in the Bahamas and other countries are no doubt in love with it. Wealthy Americans in the market for a new boat do not have to buy it in this country and pay the tax. They can avoid the tax simply by purchasing a boat in a country as close as the Bahamas and docking it there, and many have.

Mr. Speaker, this is an issue many of our colleagues know well. Last Congress my legislation to repeal the boat luxury tax had broad bipartisan support, and many of our new colleagues were made aware of this issue in their campaigns. I urge my colleagues to cosponsor this legislation, and I respectfully request swift action by the House.

#### LUMBEE RECOGNITION ACT OF 1993

**HON. CHARLIE ROSE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. ROSE. Mr. Speaker, I am introducing legislation today that would provide for the

recognition of the Lumbee Tribe of Cheraw Indians who have been put in a peculiar situation by Congress regarding their status as Indians. It is symbolic that I introduce this bill on the first day of the 103d Congress. Today is a day of new beginnings for our Nation and for the Lumbee people.

For over 100 years, the Lumbee Tribe has been seeking recognition from the Federal Government. The tribe was first recognized by the State of North Carolina in 1885. On June 7, 1956, Congress passed the Lumbee Recognition Act; however, a sentence was added at the bottom of the bill that precluded the members of the tribe from receiving any services or benefits that other Indians received. Thirty-seven years have passed and the Lumbee's status is still unresolved.

Mr. Speaker, there are important points I would like to make so that Members can understand why the Lumbee's situation is unique and deserves special attention.

First, the Associate Solicitor of Indian Affairs for the Department of Interior ruled in 1989 that the 1956 act precluded the tribe from proceeding through the administrative process for recognition. This ruling came 2 years after the tribe had submitted their painstakingly prepared petition to the BIA. Ten years had passed since the tribe began to assemble their documentation and raise funds for legal costs. The tribe obviously tried to follow the procedures only to be told that they are no longer eligible to go that route. They are placed in a position where legislative action is not a choice but a necessity.

Second, eight other tribes were also ruled to be ineligible for the Federal acknowledgment process. Only the Catawba and Lumbee remain to be recognized. Currently, the Catawba Tribe is in the process of settling on a land claims restoration that could eventually give them recognition. Lumbee is the last tribe that needs congressional action to become recognized. In dealing with those seven groups, no other tribe was asked to go through two processes in order to become recognized. Congress has established a precedent, and it is only fair that it be applied equitably in this case as well.

Third, I am aware that some Members are frustrated with the Federal acknowledgment process and would like to see it changed. I agree and support the idea that the process needs to be reformed. But because Lumbee is the only remaining tribe with circumstances that set them apart from all others, they should be dealt with first. This tribe has been studied by the Department of the Interior on three separate occasions, in 1912, 1915, and 1933, and it was concluded each time that the Lumbees were Indians with a separate and independent community. They do not need to be examined and further probed by the BIA and the staff of the Bureau of Acknowledgment and Recognition. The U.S. Government is cheating itself and its history by not acknowledging this special group of people.

According to the 1990 census, the Lumbee Tribe is the ninth largest tribe in the Nation. Because of their status as a State recognized tribe, the tribe also receives some Federal services from the Office of Indian Education and the Administration for Native Americans. The Indian Health Service allows Lumbees to

receive scholarships but will not give medical services to the members of the tribe. Clearly, one hand of the Federal Government recognizes the tribe as Indian people while the other hand does not. This tribe deserves the same rights and privileges that other native Americans have across the land. The current system of federally recognized tribes versus non-federally recognized tribes creates unnecessary friction amongst these people. It makes the nonfederally recognized people feel like second-class citizens.

Finally, there are other Indian groups in my congressional district that are adversely affected by the Lumbee Recognition Act of 1956. The 1956 act gave the Lumbee name to all Indians in Robeson and adjoining counties. However, there are Indians in this area who identify themselves as a separate group other than Lumbee. This bill would allow those groups to petition separately for recognition. Without this legislation, they are deemed ineligible for the same reason that the Lumbees are restricted.

Mr. Speaker, we need to finish what our predecessors started. Today is the beginning of another effort to correct the injustice placed on the Lumbee people by our Government. I urge the Congress to pass the Lumbee Recognition Act, as written, so that the history books can be corrected and human dignity can be restored to these people and their culture.

INTRODUCTION OF A RESOLUTION  
TO ESTABLISH THE SELECT  
COMMITTEE ON AGING FOR THE  
103D CONGRESS

**HON. MARILYN LLOYD**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mrs. LLOYD. Mr. Speaker, as chairman of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, I am proud to come to this Chamber on the first day of the 103d Congress to introduce legislation to establish, for another 2 years, the House Select Committee on Aging. The select committee has a distinguished bipartisan history of working toward creative solutions to the many problems that face Americans as they grow old, particularly those with few resources.

We owe a great deal of our success to several of our founders, including the late Claude Pepper, the late John Heinz, and Senator DAVID PRYOR, who now serves as the distinguished chairman of the Senate Special Committee on Aging. Since its inception in 1974, the Committee on Aging has played important roles in issues of vital concern to older Americans including: Social Security, Medicare, housing, retirement income, long-term care, the Older Americans Act programs, and women's health care.

Mr. Speaker, our work is not finished. In fact, the elderly are the fastest growing segment of the population and we need to plan for the graying of the baby boom generation. As an original member of the Select Committee on Aging, I see many of our biggest challenges still ahead of us.

The resolution that I am introducing today, which is cosponsored by Representative BILL HUGHES, chairman of the Subcommittee on Retirement Income and Employment, reauthorizes the Select Committee on Aging for the 103d Congress and enables us to continue our investigations, hearings, committee reports, legislative initiatives, and other activities as we have in the past.

The Committee on Aging does not have legislative jurisdiction, but does have the authority to: First, conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health, including medical research, welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens; second, study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans; third, to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and fourth, to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

One of the primary reasons for the establishment of the Committee on Aging was and is the fact that jurisdiction for this subject matter is so fragmented that no single committee has a clearly established leading authority. The Committee on Aging has the ability to look at issues affecting the elderly with a broad perspective and across jurisdictional boundaries to develop appropriate congressional responses. This is difficult for a standing committee with only a portion of jurisdiction. Our goal is to develop the most effective ways to address the problems of the elderly. We often do this by working closely with committees of jurisdiction and the many advocacy organizations representing older adults.

For example, my subcommittee has developed programs such as the Revised Congregate Housing Services Program, a home repair program for the elderly and disabled, an intergenerational meals program, a proposal that protected the eyeglasses benefit for cataract surgery patients, a provision mandating all public service announcements on television be captioned for the hearing-impaired, and an expansion of the reverse mortgage program. These are a few of the things that our subcommittee has done, and the other subcommittees and the full committee have similar accomplishments.

We play another important institutional role by providing information and by answering numerous questions that Members and their constituents have on issues affecting the elderly, and by assisting the public with information on older Americans and programs which serve them.

Mr. Speaker, I would be ignoring my duty as a Member of the House and as a member of the Select Committee on Aging if I did not address another issue and alert our colleagues

to a change that was made in the rules of the House by the Democratic caucus on December 8, 1992, which made the bill I am introducing today necessary.

That day an amendment was included in the package of rules changes that repealed clause 6(i) of rule 10 which established the Select Committee on Aging as a permanent select committee in 1974. This amendment was introduced the day before and approved by the Committee on Organization, Study, and Review with no discussion with the Committee on Aging leadership, and little time for the Committee on Aging or its supporters to respond.

There was, however, a strong response from those who heard of this last minute amendment to weaken the Committee on Aging. Hundreds of calls came in from around the country in support of the permanent status of the Committee on Aging, and aging organizations were outraged by the actions against the committee that has been most responsive to the needs of the elderly.

I ask my colleagues to think about this for a few moments. Did the American people tell any one of us that the reason for the gridlock in Washington is that the Select Committee on Aging is a permanent committee? I doubt it. In fact, the American people have said the opposite by electing Governor Clinton with a mandate on health care reform and other domestic issues that the Committee on Aging has been pushing Congress to address for years.

Terminating or reducing the permanency of the Select Committee on Aging sends the wrong signal to the Nation's 30 million older adults and their families that are struggling to care for them. I know that most Members did not intend to do that.

The Committee on Aging has not been spending its time on those who have been labeled by some as well-off or greedy; we focus on the most disadvantaged—elderly women, the poor, the disabled, and minorities. During the 102d Congress the Committee on Aging held 81 hearings and issued 37 reports on a variety of issues from women's health and health care fraud, to Social Security, homelessness, and Alzheimer's disease, to the Older Americans Act and intergenerational programs.

If anyone is interested in the accomplishments of the Select Committee on Aging, please feel free to contact our office to request copies of our activities reports.

Mr. Speaker, this is an exciting time to be in Congress and we have much work to do. The Select Committee on Aging will continue to play an important role in the legislative process and I look forward to working with the leadership, standing committees, aging organizations, and the White House to address the many problems that face older adults in our society.

I urge my colleagues to support this legislation.

ON THE INTRODUCTION OF LEGISLATION TO GRANT ALIENS PROMPT ENTRY INTO THE UNITED STATES TO ATTEND THE FUNERALS OF FAMILY MEMBERS

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mrs. MINK. Mr. Speaker, today I am introducing a bill to make immigration law fairer to people from other countries who wish to enter the United States to attend funerals of immediate family members.

Our country has a proud tradition of providing humanitarian solace to those who are suffering. When relatives pass away it is often the family that provides strength and comfort during this time of loss. And those who live outside of the United States should be able to enter this country automatically to be with loved ones and properly grieve the loss.

Mr. Speaker, current policy allows the parole of aliens for this purpose. However, through my work assisting constituents in this type of situation, I have found that in practice the procedure to allow aliens into the country to attend a funeral is often not clear, it is inconsistent, and the final decision is left to the discretion of the embassy or consulate in a particular country, rather than what is prescribed by law.

The result is that people from certain nations are denied entry into the United States. The experience of the people in my own district shows that relatives from certain countries, mainly the Philippines, face far greater difficulty in being granted parole status to be with their grieving families in the United States.

This is blatant discrimination against the people of the Philippines and their families who live in our country. What has happened to the principles of equality and justice for all people, whether from Europe, Asia, or the Pacific?

Mr. Speaker, we cannot let this injustice continue. It is hard enough to learn of the death of a loved one, many miles away or across an ocean. But to outright deny someone the ability to travel to the funeral of the loved one is cruel and heartless.

That is not what America is about. That is not what our forefathers envisioned for this Nation. They envisioned a nation of equality, a nation of compassion, a nation which reaches out to those suffering and in pain.

Mr. Speaker, the bill I have introduced today will correct this injustice in our current policy by granting entry into the United States to any alien who can prove the death of an immediate blood relative with a death certificate. The relative must be the alien's mother, father, son, daughter, brother, sister, or spouse.

This legislation is identical to a bill I introduced in the 102d and which was approved by the House Judiciary Committee. I urge my colleagues to uphold the tradition of fairness and human compassion in our country and support this legislation.

INTRODUCTION OF THE ACTION NOW HEALTH CARE REFORM ACT OF 1993

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. MICHEL. Mr. Speaker, health care is one of the issues of great concern to the American people. Last year, nearly 100 House Republicans joined in sponsoring the Action Now Health Care Reform Act, designed to provide immediate reforms that would increase access and reduce costs. We are today reintroducing that bill as a starting point for our health care deliberations this year. Many of the provisions could, and should, be enacted on their own if Congress becomes bogged down on the overall issue of health care reform.

The provisions include increased availability of health insurance for employees of small businesses, a 100-percent tax deduction for the self employed, Medisave health savings accounts, malpractice reform, a prohibition of costly State mandates and a host of cost-saving administrative forms.

I am inserting at this point in the RECORD a more detailed summary of the bill.

**ACTION NOW HEALTH CARE REFORM ACT**

The Action Now Health Care Reform act provides for comprehensive, innovative reform of our health care system. It makes health insurance available for the working uninsured, increases access to health care for the uninsured, and puts the brakes on skyrocketing costs. At the same time, it enhances the characteristics, such as choice, availability and quality, which the American people expect from their health care system. It does not require major increases in federal expenditures, nor would it increase bureaucracy and red tape.

**PROVISIONS**

*Increased Availability of Health Insurance*

Assures small employers and their workers that they will be able to obtain coverage.

High risk employees or those suffering serious illness would be assured coverage with no increase in premiums to them or their employers.

Employees with pre-existing conditions would be free to change jobs without losing insurance coverage.

The self-employed may deduct 100% of their health insurance premiums (up from 25% currently), making coverage more affordable for them and their families.

*Increased Access to Health Care*

Funding for Community and Migrant Health Centers would be increased by \$1.5 billion over 5 years, making health care more available to an additional 5 million low income individuals. Another \$45 million over five years would be authorized for demonstration projects, and special programs would be available to meet health care needs in rural areas.

*Lower Health Care Costs*

Establishes tax-free "Medisave" health savings accounts as a coverage option. Under this option, employers would contribute to a savings account from which the covered worker could make withdrawals to pay medical expenses. Employees would have greater choice and an incentive to spend wisely be-

cause they would be spending their own money. The Account would be portable and could be used at the employee's discretion for other expenses, although such withdrawals would be counted as income for tax purposes.

Malpractice reforms would be made, including required use of a dispute resolution process before going to court, damage caps and penalties for frivolous suits. Potential savings from reduced need for defensive medicine, reduced premiums, etc., would amount to some \$15 billion or more.

Administrative reforms and paper work simplification (standardization of forms) could reduce administrative costs by some 10-40 billion dollars.

Excessive costs and other abuses would be eliminated by prohibiting self-referral of patients by doctors who own certain labs and clinics.

Allows more flexibility and will lead to lower premiums by waiving state coverage mandates for health plans for small business.

Preempts state restrictions that hinder development of lower cost managed care plans.

States would have greater flexibility in managing their Medicaid programs, thus leading to lower costs.

**GIVE PRESIDENT CLINTON THE LINE-ITEM VETO**

**HON. THOMAS W. EWING**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. EWING. Mr. Speaker, today I am introducing legislation which would give the President the same power which 43 State Governors have, including the Illinois Governor—the line-item veto power. In addition, my legislation would allow the President to reduce the amount of specific spending items, just as the Governor of Illinois may under our Constitution. Most of the constitutional proposals for the line-item veto which have been introduced in the House do not include this important spending reduction provision, so I'm proud to put this proposal forward.

The time has come to bring some responsibility to our budgeting process. I am painfully aware of the deep problems in the way we conduct our budget process. The President is forced to sign or veto multibillion dollar spending bills and has no real control over the amount of special interest spending programs contained in these massive appropriation bills. Because he must either sign these bills or allow important programs to go unfunded, Members of Congress know his hands are tied and therefore load excessive amounts of unnecessary and extravagant spending onto appropriations bills. My legislation would allow the President to veto or reduce these unnecessary programs.

Under my legislation, items vetoed or amounts reduced by the President could be reinstated by a three-fifths vote of both the House of Representatives and the Senate. This would ensure that truly important programs would be protected. Most importantly, it would force individual spending programs to stand on their own merits. I am convinced that if Members of Congress were to vote specifically on certain programs, rather than allowing

them to be buried in massive spending bills, many of them would never be funded. This would bring common sense and fiscal sanity to the budget of our Federal Government.

Despite endless rhetoric about balancing the budget, the Federal deficit is currently about \$300 billion per year. In the last 10 years the Federal debts has increased from about \$1 trillion to over \$4 trillion. That is an increase of over 400 percent. We are clearly moving toward fiscal collapse, and it is increasingly clear that we must take steps to cut unnecessary spending. The line-item veto and spending reduction power contained in my legislation would help achieve this goal. I do not say that the line-item veto and spending reduction will balance the budget on its own, but it will certainly set us on the path toward fiscal responsibility.

The line-item veto and spending reduction powers of the Illinois Governor have been extremely important in cutting unnecessary and wasteful spending from our State budget. In crafting the budget for fiscal year 1993, the Governor was able to trim millions of dollars of needless spending. This power has played an important role in balancing the Illinois budget since it was adopted in 1974. I am convinced that if the President had similar abilities, billions of dollars could be cut out of the Federal budget.

I have strongly supported the line-item veto for many years. In the years that I served in the Illinois General Assembly I witnessed the effective use of this important tool, and I strongly believe the President needs the same authority. This includes both Republican and Democratic presidents, and the fact that I am a Republican and the Democrats will be taking control of the White House this year does not dilute my support for the line-item veto. This is an issue of fiscal responsibility, not partisan politics. In fact, I have organized a group of 67 House Members pledging to work with President Clinton in supporting the line-item veto.

Recently Speaker FOLEY, who has been a longtime opponent of the line-item veto, has proposed giving the President enhanced rescission authority. This would allow the President to rescind specific appropriations, but a simple majority in the Congress could override him. This is a step in the right direction, but it is insufficient. It is critically important that a supermajority vote of three-fifths or two-thirds be required to override Presidential item vetoes. This will force each wasteful spending item to stand on its own and receive more than the simple majority that passed it in the first place. Speaker FOLEY's proposal takes the teeth out of the line-item veto.

We must give the President a true line-item veto, requiring a supermajority vote in Congress to override. I strongly encourage President Clinton to remain steadfast in his desire to obtain a true line-item veto.

Mr. Speaker, let's begin to cut our deficit. Let's begin by eliminating wasteful and unnecessary spending. Let's give the President the tool he desperately needs, the line-item veto and spending reduction authorities.

## ACTION NOW HEALTH CARE REFORM ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, as I have stated many times before, there is no simple solution to solve the current problems of our Nation's complex private and public health care and health insurance system. However, I am very pleased that there is a consensus that Congress must act to address spiraling health insurance costs and an estimated 35 million uninsured Americans.

Today, I am pleased to join my colleague Representative FRED GRANDY in introducing the Healthcare Empowerment and Access Legislation [the HEAL bill] and several of my other colleagues in cosponsoring the Action Now Health Care Reform Act. I believe the introduction of these two measures should help to provide a framework to better focus the health care debate.

It is my intent and, hopefully, the intent of my colleagues to work toward comprehensive reform of our health care system making health insurance available for the uninsured, increasing access to health care for the underinsured, and containing skyrocketing costs. I firmly believe this can be achieved while preserving and enhancing the strengths of our current system. Our current system provides the highest quality health care in the world with little or no delays in access as well as the freedom to choose providers, service delivery systems, treatment methods and insurance coverage. Both the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act are intended to address the problems of our current system while preserving and enhancing its strengths.

The Action Now Health Care Reform Act is intended to provide a comprehensive reform of our health care system, addressing its weaknesses and preserving its strengths. Approximately 86 percent of all Americans have some type of health insurance, the majority of whom obtain coverage through their employer. However, the cost of employer-provided benefit plans have increased 87 percent over the past few years.

It is estimated up to 20 million uninsured could receive insurance coverage if it were made easier for small businesses to provide insurance to their employees. Consequently, the Action Now Health Care Reform Act would provide increased affordability and availability for employees by requiring insurers to make available two standard plans with protections against pre-existing conditions, allowing small employers to form groups for the purchase of health insurance, and providing a 100 percent tax deduction for the purchase of health insurance for the self-employed.

Cost would be contained in a number of ways such as malpractice and administrative reform, anti-trust revisions, preempting restrictive State mandates, providing States greater flexibility in managing Medicaid programs, and the establishment of Medisave accounts.

It is estimated the direct cost of medical liability is over \$5 billion a year with indirect

costs due to the practice of defensive medicine being as high as \$30 billion. To address this cost, the Action Now Health Care Reform Act would reform malpractice laws limiting attorneys' fees and providing penalties for filing frivolous lawsuits. Because of current accounting complexities and regulations, it is estimated administrative reforms and paperwork simplification could reduce costs by \$25 billion to \$40 billion annually. Because there is a technological imperative for every hospital and health care provider to provide the latest technology—keeping up with the Joneses—to stay in business, the Action Now Health Care Reform Act would revise anti-trust law to encourage greater cooperation and sharing of facilities thus reducing costs. The cost of complying with increasing Federal, State, and local requirements has also increased. For example, in 1970, there were approximately 50 State health benefit mandates and today there are over 800. Consequently, the Action Now Health Care Reform Act would preempt restrictive and burdensome State mandates. States would be given greater flexibility in managing their Medicaid programs potentially leading to lower Medicaid costs.

There are several critical issues in the health care debate which deserve careful consideration. I believe our goal should be to improve upon the strengths of our current system and fine-tune or revamp those areas with serious shortcomings. I believe the approaches outlined in the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act would address health care reform in a manner which would provide the choice, quality, and availability of health care demanded by the American public while not increasing Federal expenditures, bureaucracy or redtape. It is my sincere hope that the introduction of the Healthcare Empowerment and Access Legislation and the Action Now Health Care Reform Act will contribute to and enhance the health care debate, both publicly and within the Congress of the United States.

## PUT AN END TO CONGRESSIONAL EXEMPTIONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SNOWE. Mr. Speaker, today I am introducing legislation to put an end to the habit Congress has adopted of exempting itself from the laws it passes.

This legislation, which I am introducing for the second time, would expand coverage for House employees under title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act. Individuals will be able to file complaints with the Fair Employment Practices Office, including those related to sexual harassment, and if not satisfied with the outcome, this bill would let them file a petition for review of the Office's decision by the U.S. Court of Appeals.

My bill seeks to provide House employees with the same rights and protections provided to those in the private sector. It also holds all

of us to the same standards we have required the businessmen and women of this country to adhere to.

In addition the bill requires the Committee on House Administration to recommend an appropriate way to implement workplace health and safety rules in the House just as businesses across the country must meet the requirements established under the Occupational Safety and Health Act [OSHA].

If we want to restore accountability to this body, we need to make the body more accountable. This bill, by bringing the House into compliance with the laws it has passed, will take an important step in that direction.

**INTRODUCING LEGISLATION TO PROVIDE TAX RELIEF FOR VICTIMS OF THE OAKLAND FIRE AND OTHER FEDERALLY DECLARED DISASTERS**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. STARK. Mr. Speaker, today I rise to reintroduce legislation, on behalf of Mr. DELUMS, Mrs. MINK, Mr. ACKERMAN, Mr. EVANS, Mr. MINETA, and Mr. MANTON and myself, to modify the Internal Revenue Code to the benefit of victims who suffer property loss during presidentially-declared national disasters. While this bill is prompted by the Oakland firestorm which killed 25 persons and destroyed more than three thousand homes and hundreds of apartments in the disastrous wildfire that swept through the cities of Oakland and Berkeley, the provisions of this bill would be applicable to any disaster after September 1, 1991.

This bill was first introduced last year and passed the House last July. It was incorporated into H.R. 11, the Revenue Act of 1992, which passed Congress last fall but was then vetoed by the President for reasons unrelated to this issue.

The East Bay blaze was the most destructive urban wildfire in U.S. history and it was particularly difficult because it came before many Californians had received their disaster assistance for the earthquake damage the year before. Yet disasters are not unique to California. South Carolina, the Virgin Islands, and Puerto Rico are still rebuilding from the damage caused by Hurricane Hugo in 1989. What with hurricanes, such as Andrew and Iniki, earthquakes, tornadoes, and floods like the recent one in Chicago, no State is immune from such disasters.

The provisions in this legislation come from the suggestions of CPA's who have volunteered their services to assist the firestorm victims comply with the tax laws.

The bill would make the following changes in the tax code:

First, extend the time to rebuild or buy a new home from 2 to 4 years.

Second, exclude gain on any unscheduled personal property. Insurance proceeds rarely if ever reimburse a taxpayer fully for their loss and this provision would minimize the record-keeping involved in listing losses of all per-

sonal property and replacement cost of normal household personal property.

Third, treat insurance proceeds covering personal property and insurance proceeds covering real property as one common fund which a taxpayer would use to replace their real and personal property. Current law requires real property proceeds to be used only for real property replacement and personal property proceeds to be used only for personal property replacement. The change would provide that there is no gain to the taxpayer as long as all the insurance proceeds are reinvested in replacing their home and furnishings and allows the taxpayer to allocate the insurance proceeds between real and personal property as their needs dictate.

All provisions would apply to losses from federally declared disasters on or after September 1, 1991.

Mr. Speaker, the victims of the Oakland firestorm and other recent disasters have already waited too long for the relief contained in this bill. I urge quick passage of this important and noncontroversial legislation.

**MARTIN LUTHER KING DAY**

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. GILMAN. Mr. Speaker, on January 18, 1993, our Nation will once again take time to commemorate the birthday of one of our Nation's great leaders, Dr. Martin Luther King, Jr. Martin Luther King Day is a time to reflect on the infinite wisdom of Dr. King's message, to be thankful for the progress we have made, and to realize that we must continue to improve upon the delicate interracial balance that exists in the United States today. It is our duty as Americans to dedicate ourselves to the ideal that Dr. King exemplified: Justice and equality for all citizens through peaceful and nonviolent means.

Despite the vast improvements and progress we have made in achieving justice and liberty for all in our Nation, our mission is far from accomplished. Less than a year ago, thousands of Haitian refugees were denied asylum in the United States. Some have contended that these refugees are economic refugees, fleeing from the impoverished way of life in their homeland. However, after my mission to Haiti with the distinguished gentleman from New York, Mr. RANGEL, earlier last year, I can only conclude that these refugees could face severe repercussions from the illegitimate military dictatorship that rules Haiti. I firmly believe that it goes against our national character to force these refugees to return to Haiti to face certain severe punishment.

The race riots that erupted in Los Angeles following the Rodney King verdict also serve as a somber reminder of the tremendous racial tensions that still exist in our Nation. I believe that the Rodney King verdict was a flashpoint, convincing many African-Americans that they do not matter in our system. We must not permit that perception to prevail. In keeping with Dr. King's message, we must provide young African-Americans with in-

creased incentives and opportunities in their lives and communities.

As disconcerting as these critical situations may be, we must not allow ourselves to become discouraged from forging ahead in our quest for justice and equality. Rather, we must let these outbursts of racial injustice serve as a reminder that our work is not yet finished and that we all must strive to incorporate Dr. King's message into our daily lives if we are to achieve the ideal of racial equality. In the words of Dr. King, "If you can't fly, run, if you can't walk, crawl. But by all means, keep on moving." Let us continue the great tradition of Dr. King's ideals both through the appropriate commemoration of this national holiday and through legislation which reflects the ideals he strove so valiantly and diligently to achieve.

Accordingly, I urge my colleagues and constituents to participate in the many community activities commemorating the birthday of Martin Luther King, Jr. Let us take the time to consider the outstanding achievements of this inspirational leader and dedicate ourselves to greater civil rights progress in the days ahead.

**BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE AND HEALTH ACT**

**HON. WILLIAM J. HUGHES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HUGHES. Mr. Speaker, I rise on behalf of myself and my colleagues, JIM SAXTON, DEAN GALLO, DON PAYNE, FRANK PALLONE, MARGE ROUKEMA, and GEORGE HOCHBRUECKNER, to introduce legislation, which seeks to accomplish the much-needed task of protecting and monitoring our beaches and recreational waters.

Incidents of heavy rainfall or malfunctions in sewage treatment plants can result in high concentrations of bacteria and viruses in coastal waters. This can happen anywhere along the coast. However, not all states provide the same level of protection. In fact, some states do not provide any protection at all.

Accordingly, one bill, the Beaches Environmental Assessment, Closure and Health Act, also referred to as the BEACH Act, is designed to address these inadequacies in a simple and straightforward manner.

The bill requires EPA to develop criteria to be used by states in adopting standards to detect periodic influxes of bacteria and viruses in recreation waters. In the event of a violation, states must notify the local government and the public of the occurrence, nature, and extent of the violation of these water quality standards.

In addition to adopting minimum standards established by EPA, States are required to monitor their beaches to ensure that these standards are met. The bill incorporates flexibility in the monitoring requirements to reflect the varying conditions of beaches around the Nation.

Further the bill allows the administrator to specify the conditions and procedures under which discrete areas of coastal recreation wa-

ters may be exempted from the monitoring requirements of this act. Such exemption will occur only if the water quality standards are not exceeded and public safety is not impaired.

Finally, the bill authorizes appropriations to be used by the Administrator and States for carrying out the provisions of the act.

The public has the right to know if they are at risk while using our Nation's beaches. My own State of New Jersey has a stringent beach testing program that consists of weekly testing and, when necessary, closing of beaches during periods of decreased water quality.

People who live and vacation in New Jersey are now recognizing this stamp of approval provided by the State and are assured that the waters are safe for swimming.

Indeed, for coastal States, clean beaches and ocean waters serve as a major source of recreation and are the foundation of their tourism industry. This bill provides a stamp of approval for all coastal and Great Lakes States to proudly show people who live and vacation along their shores.

This legislation has been approved by the House of Representatives twice because it represents a workable compromise to ensure that beaches everywhere will be safe for swimming. I am hopeful that we will be successful in signing this very important health and safety legislation into law this Congress.

I believe this is good environmental legislation and I urge my colleagues' support.

**"HEAL"—HEALTH CARE EMPOWERMENT AND ACCESS LEGISLATION**

**HON. FRED GRANDY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. GRANDY. Mr. Speaker, as this House convenes for the 103d Congress, it is increasingly obvious that the interrelated problems of health care access, costs and quality must be addressed. The problems with our current health care delivery system are well documented—increasing numbers of uninsured; rapidly escalating costs for those with coverage; underserved rural areas where individuals with insurance cannot find a doctor to treat them; individuals who lose coverage when they need it most as their plans are changed under them—it is indeed obvious that reform is needed and needed now.

What is not obvious is the single best solution to these complicated problems. We in Congress have been struggling for years to reach a consensus on how to deal with these problems. At the same time, State legislatures around the country have been struggling to develop and implement innovative solutions to these very same problems. Some of these experiments have been successful, others less so, while still others have been precluded by Federal law. Unfortunately, for all practical purposes, we at the Federal level have yet to act. While we in Congress struggle to develop acceptable solutions, individuals caught in the health care quagmire have seen their families destroyed, businesses lost, and loved ones

suffering needlessly. Mr. Speaker, the time has come for this Congress to be part of the solution. It is in this spirit that my colleagues, Representative WILLIAM F. GOODLING, Representative PAUL HENRY, Representative RANDY CUNNINGHAM, and I have introduced a legislative framework to help HEAL these pressing problems.

The legislation builds from the simple premise that there will be universal access to health care for all U.S. citizens. My bill can be described as health care empowerment and access legislation or HEAL. The bill provides a flexible Federal framework that builds from the experiences developed at the State level, yet provides enough Federal direction to ensure that private and public initiatives adopted around the country achieve the desired goal of access to health care coverage for every individual in the United States.

The simple truth that we in Congress must recognize is that there is no magic bullet which will cure the ailments in our current system. While there are several reform proposals before this body, the fact is no one is certain what the effects of any of these initiatives will be. Of course, each initiative is developed with specific goals in mind; however, there is no body of experience upon which we in Congress can rely when formulating a position. HEAL provides the guidance needed to move forward with various initiatives around the country in order to develop the information base we need to implement serious workable reforms. At the same time, the legislation recognizes the urgency of the problem and avoids the costly trap of one-size-fits-all solutions developed at the Federal level.

Specifically, the HEAL blueprint utilizes a carrot-and-stick approach to induce the development and implementation of private sector mechanisms to provide for the universal availability of health care coverage. To the extent the private sector carrot under section 102 of the legislation is not implemented within a fixed period of time, a State-based fall-back mechanism would be triggered.

The affordability of coverage will be enhanced under the bill in several ways. First, premiums would be lower because the required universal availability of group health coverage would spread risk and help lower expenses—because employees must be offered access to employer-based group health coverage; because basic group health coverage must be available to other uninsured and COBRA eligibles; and because barriers would be removed and 501(c)(9) tax incentives provided to encourage soundly financed multiple employer basic group health plans.

Second, the ERISA preemption of State health benefit mandates under the bill will encourage insurers to offer more affordable group plans to uninsured employers.

Third, the ERISA preemption of State barriers to managed-care options under the bill will encourage competition, innovation of cost control approaches, and quality review.

Fourth, the provisions under this bill for treatment practice guidelines and outcomes research will aid in reducing unnecessary services and in increasing quality while offering a possible means for reducing malpractice costs.

Fifth, the phased-in deduction under the bill of 100 percent of contributions for the self-em-

ployed and their employees provide coverage incentives for 25 percent of the workers and their families who are currently uninsured.

After a fixed period of time, HEAL requires that all mechanisms providing universal access to coverage be implemented. First, under ERISA employers would be obligated to offer employees access to basic group health coverage. Employers are encouraged but not required to contribute to such plans. A State-based nonprofit corporation would serve as a backup only in the event group coverage for the employer's employees is rejected by a group health coverage provider. Second, individuals who would be denied access to group health coverage because of uninsurability, material preexisting conditions, or otherwise must be eligible for coverage either under an employer based plan, an accessible health benefits system or a substitute system providing key elements equivalent to those found under a full-blown accessible health benefits system.

HEAL also provides for a transition period to achieve universal access to basic group health coverage. Before the effective date occurs for the fall-back system, the Secretary of HHS may make a determination that a substitute arrangement provides substantially equivalent elements of health care coverage, thus obviating the need for the fall-back State system. Such determinations may be made separately or in combination with respect to: First, uninsurable risk coverage; second, coverage for substantial material preexisting conditions; and third, COBRA continuation coverage for individuals ineligible for other basic group health coverage. The substitute arrangements may be voluntary or adopted pursuant to State or Federal law and administered by insurers, other providers, or various other private or public partnerships. Managed-competition or other mechanisms could be established to meet these requirements.

In summary, the health care empowerment and access legislation provides a workable Federal framework which will encourage the formation of the private and public partnerships necessary to assure that all Americans have access to more affordable health care coverage.

**H.R. 26: THE REPRODUCTIVE HEALTH EQUITY ACT**

**HON. VIC FAZIO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. FAZIO. Mr. Speaker, I rise to introduce H.R. 26, the Reproductive Health Equity Act [RHEA]. H.R. 26 will remove the barriers to abortion for women who are dependent on the Federal Government for their health care. It will ensure that all women have an equal opportunity to protect their reproductive health, regardless of their economic status.

Nearly 20 years ago, the Supreme Court affirmed in *Roe v. Wade* that women have the constitutional right to choose whether or not to terminate a pregnancy. However, over the years, restrictive abortion riders limiting this important right have been attached to a number of appropriations bills. As a result, women

whose health care is controlled or provided by the Federal Government—Federal employees and their dependents, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, residents of the District of Columbia and Native American women—are not free to exercise their constitutional right to choose, unless their lives are endangered. RHEA, however, would end this discriminatory practice by making abortion-related services available to these groups of women in the same manner as other pregnancy-related services.

I hope that my colleagues will agree that all citizens should live under the same set of rules. I urge them to join me as cosponsors of RHEA and in protecting the reproductive rights of all women.

#### A BILL TO PROHIBIT UNFUNDED FEDERAL MANDATES

**HON. OLYMPIA J. SNOWE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I proposed in the last Congress which goes beyond the promise of a responsible and responsive government to the establishment of it. My bill, very simply, prohibits the Federal Government from imposing unfunded mandates on State and local governments.

Over the last several years, the number of Federal mandates has expanded significantly, but Federal funding for State and local governments to help meet the new requirements remains woefully insufficient. Unfortunately, Federal enactment did not make money for the requirements magically and painlessly appear at the lower levels of government. These mandates carry hefty price tags, and the bills are paid by increases in State income and sales taxes, and by dramatically higher property taxes and user fees at the local level.

In Maine, compliance with the Safe Drinking Water Act and the Clean Water Act alone will cost \$1.5 billion—more than double the amount raised in property taxes by all of Maine's localities. Given the absence of sufficient Federal assistance and the effects of a long recession, this amount is staggering. These laws have very important goals, but the Federal Government must ensure that its mandates are reasonably capable of being met by States and local communities. Otherwise, our citizens will lose faith in the ability of the Federal Government to help solve serious problems, and may even turn people against the idea of any regulation despite the pressing need for it.

While the Federal Government has been busy sending mandates down to the grassroots with inadequate support, the people sent up a mandate to us in the last election, and that mandate is clear. The buck passing has to stop. Government has to become more responsible. As with the massive Federal budget deficit, we need to face reality, however difficult. We have to carefully analyze the costs of solving serious problems, and then devise workable means of paying for the solutions.

The people sent us here to make Government more responsive, and my bill will get us off to a good start in the right direction.

#### TRIBUTE TO POLICE OFFICERS OF PENNSYLVANIA'S 19TH CONGRES- SIONAL DISTRICT

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. GOODLING. Mr. Speaker, I am pleased to recognize several law enforcement officers and K-9 patrols from Pennsylvania's 19th Congressional District who were awarded medals in the "International Law Enforcement Olympics" held in Washington, DC, last summer.

Officer Rick Magee and his partner "Bodie" of the Northern York County Regional Police Department won a gold medal in the Narcotics Search event of the K-9 Competition Police Service Dog Testing Division. They also won a bronze medal for Obedience, a bronze medal for Apprehension, a bronze medal for Best Over All in the World Police Olympics division, and a bronze medal for Best Over All in the Police Service Dog Testing division. Officer Magee is a 4 year veteran officer.

Officer Alan Mace and his K-9 working partner "Brix" of the Carlisle Police Department won a silver medal in the Narcotics Search Event of the Police Service Dog Testing division. The two also won a bronze medal in the Articles Search event, and a bronze medal in the Best Over All in the World Police Olympics division. Officer Mace is an 11 year veteran police officer and a member of the North American Police Work Dog Association.

Officer Jeffery M. Foust, a ten year veteran officer currently employed by Northern York County Regional Police Department, took a silver medal in the "All Event" division of the bowling competition. Foust together with three officers from the York City Police Department took the silver medal in the Bowling Team event. Officer Foust bowls in various competitions in the York area and is a member of the American Bowling Congress.

Detective Mark A. Seiffert, a 14 year veteran of law enforcement, currently assigned to the Criminal Investigation Division of the York City Police Department, won a silver medal in the team event of the Bowling competition. Detective Seiffert bowls in local competitions and is also a member of the American Bowling Congress.

Sergeant Claude W. Stabley, a 15 year veteran police officer assigned to the patrol division of the York City Police Department, won a silver medal in the team event of the Bowling Competition. Officer Stabley bowls locally in a York area league and is a member of the American Bowling Congress.

Officer Clair A. Dacheux, a 23 year veteran police officer assigned to the Patrol Division of the York City Police Department, won a silver medal in the Team event of the bowling competition. Officer Dacheux bowls locally in a York area and is a member of the American Bowling Congress.

Officer Scott George, a 4 year veteran police officer currently serving with the Northern

York County Regional Police Department, won a gold medal in the 220 pound weight class in the power lifting competition.

Sergeant Richard Rupert of Northern York County Regional Police Department won a silver medal in the Individual Obstacle Course competition, and gold medal in the Team Obstacle Course competition. Sergeant Rupert is a 24 year veteran police officer.

Chief of Police Blaine L. Quickel of York County won a bronze medal in the 5,000 Meter Run. Quickel Chief of Police in Wrightsville, also placed 4th in the 800 meter run.

Narcotics Agent IV Walter F. Williams is a 21 year veteran Law Enforcement Officer with the Office of the Attorney General, Bureau of Narcotics Investigation, currently assigned to Headquarters Staff in Harrisburg. Agent Williams won three silver medals in the Trap Shooting competition, the Doubles event, the Singles event, and the High Over all event. This was the fourth International Law Enforcement Olympics in which he has competed.

Trooper Alexander Yalch, a 19 year police officer currently assigned to the Pennsylvania State Police, won a gold medal in the International Law Enforcement Golf championship. On August 28, 1992, Trooper Yalch also won the Pennsylvania State Police Olympics Golf Championship.

Detective Jeffrey S. Huff, an 11 year veteran law enforcement officer currently assigned to Criminal Investigation Division of the Lower Allen Township Police Department. Detective Huff won a gold medal in the Brown-belt event and a bronze medal in the 156 pound weight class open event both in the Judo competition. In addition, he won a bronze medal in the 154 pound weight class of the free-style wrestling competition. He is a member of the United States Judo Association and the Harrisburg Judo Club.

Speaking on behalf of the residents of Pennsylvania's 19th Congressional District, I would like to extend a sincere congratulations to these officers for their outstanding performance at the International Law Enforcement Olympics. The many medals which were taken home symbolize the outstanding effort that has been put forth both in their personal and professional lives and truly exemplifies their dedication to protecting our community. Again, congratulations on this accomplishment.

#### INTRODUCTION OF THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. MICHEL. Mr. Speaker, today I am introducing, as I did in the last Congress, a constitutional amendment requiring a balanced Federal budget. The text of this balanced budget constitutional amendment is identical to the amendment offered by Mr. STENHOLM last June. This version of the balanced budget constitutional amendment came closest, by far, to receiving the necessary two-thirds majority vote by the Congress to adopt a con-

stitutional amendment and send it to the States for ratification.

My introduction of this particular legislation does not preclude my support for other versions which have been debated in the past. I believe that a complete and thorough debate is warranted on an issue as important as a constitutional requirement for the Federal Government to balance its books, just as you and I must do. But, in my opinion, the text that I am introducing today has the best chance of passing the House.

I would like to see a commitment to debate this issue from the Democratic leadership before we are required to raise the \$4.1 trillion debt limit, which may be breached as early as March. Every year that we amass additional Federal debt by running \$200 to \$300 billion deficits puts our future generations further at risk.

At some point we must put a stop to this behavior. A constitutional mandate is where we must begin. The public will become involved through the State ratification process. Once three-quarters of the States have spoken on this issue, it will be difficult for Washington to ignore the broad mandate for a balanced Federal budget. For most of our Nation's history, a balanced budget was assumed to be one of the foundation stones of good government. We have chipped away at that stone, and we now need a specific constitutional requirement.

The balanced budget constitutional amendment which I am introducing today requires that total outlays cannot exceed total receipts unless Congress approves a specific excess by a three-fifths rollcall vote. The public debt cannot be raised except by a three-fifths rollcall vote, and any increase in revenues must be approved by a majority rollcall vote. The constitutional amendment would be effective in fiscal year 1998 or the second fiscal year after ratification.

I am including the text of this balanced budget constitutional amendment and ask my colleagues to join me in the effort to develop a broad mandate requiring the Federal Government to balance its books.

H.J. RES. —

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:*

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposal budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for payment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1988 or with the second fiscal year beginning after its ratification, whichever is later."

#### WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SLAUGHTER. Mr. Speaker, in Seneca Falls, NY, the Women's Rights National Historical Park exists as a testament to the history of the women's rights movement and its early organizers. In 1848, the First Women's Rights Convention was held in the Wesleyan Chapel at the park. At this convention, a number of women and men raised issues such as women's right to vote, rights to equal education, wages and job opportunities. 145 years later, women still face some of these very same inequalities.

Today, the Women's Rights National Historical Park continues to serve an important function since visitors come to Seneca Falls to express opinions or introduce new ideas. The rich history of the park—which includes three historic structures—as well as the Women's History and Resource Center warrants long-term protection so that children will learn the history of women in America, and that the right to freedom of expression is preserved.

This legislation will ensure protection for the park by expanding the boundary of the Women's Rights National Historical Park as well as reauthorizing the park's advisory committee. Both of these actions will provide the park with the room it needs to grow, as well as provide the public the information it needs to know. I am proud to introduce this worthy legislation today.

#### THE PASSING OF LEGENDARY LABOR LEADER TEDDY GLEASON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GILMAN. Mr. Speaker, it is with sad regret that I inform our colleagues of the recent passing of an outstanding, legendary labor leader.

Teddy Gleason, president emeritus of the International Longshoremen's Association, spent 77 years helping his fellow longshoremen fight for a better life. He was born in lower Manhattan on Nov. 8, 1900, the oldest of 13 children. His father and grandfather, both immigrants from Ireland, worked on the docks all their lives, so Teddy grew up with a love and respect for the work of longshoremen. At the age of 15, Teddy was forced to give up an academic scholarship in order to work to help support his large family. Just about every type of work possible on the docks was performed by Teddy Gleason: checker, billing clerk, longshoreman, winch driver, truck loader, timekeeper. Throughout these tasks, Teddy fought for fairness for his fellow workers. Finally, in 1932, when Teddy was a superintendent, he found himself blacklisted due to his increasing activities with the International Longshoremen's Association. Never one to become discouraged, Teddy worked during the day pushing a hand truck in a sugar factory and at night selling hot dogs on Coney Island, in order to support his wife Emma, and their three sons.

In the 1930's, as the Great Depression devastated the economy of the United States, our Government and the Nation as a whole became more sympathetic to the plight of the working man and legislation was approved protecting the rights of the unions. Teddy Gleason was able to return to the work he loved on the docks. He became president of Checkers Local Union 1346 in the 1930's and retained this position for over 30 years. He was elected general organizer of the International Longshoremen's Association in 1953, moving up to vice president in 1961 and international president in 1963.

The more than 20 years that Teddy Gleason served in this capacity were an exciting and innovative time for longshoremen. Teddy Gleason became recognized as one of the outstanding labor leaders in the Nation during this era of rapid change. In 1965, Secretary of State Dean Rusk assigned Teddy with the task of analyzing operations in Saigon, Vietnam, and recommending a plan to ease the congestion at that port which were hindering our war efforts. AFL-CIO Presidents George Meany and Lane Kirkland regularly called on Teddy Gleason for advice and council. As one of the executive council vice presidents of the AFL-CIO, Teddy Gleason often traveled the world to solve labor problems abroad.

His fellow longshoremen will always remember Teddy Gleason for his innovative guaranteed annual income program, which protected his labor union membership against the threat of automation. The Gleason plan allowed automation to flourish, thus vastly increasing productivity, while protecting the future of those who dedicated their lives to working the docks.

Teddy Gleason received so many plaudits and awards during his lifetime that space prohibits listing them all here. A partial listing would have to include the 1967 Medal of Merit from the Veterans of Foreign Wars for his efforts on behalf of our servicemen in Vietnam; the Patriotic Civilian Service Award presented by the Pentagon in 1984; the Admiral of the Ocean Sea Award presented by the United Seamen's Service in 1974; the Catholic Youth Organization Club of Champions Award, presented by Cardinal John O'Connor in 1989; an honorary doctor of laws degree from Molloy College in Rockville Center, NY, in 1980; the Frederick Ozanam Award, presented by the Carmelite Sisters for the Aged and Infirm in 1981.

On March 17, 1984, Teddy Gleason served as grand marshal for the St. Patrick's Day parade in New York City. As he led the marchers up Fifth Avenue, he remarked: "It took me 80 years to get from 12th Avenue to Fifth Avenue."

Thomas W. Gleason III, he was early given the nickname Teddy to distinguish him from his father and grandfather, died on Christmas Eve, 1992, at the age of 92. His beloved wife, Emma Martin, predeceased him by 31 years and he never remarried. He was survived by his sons, Thomas, John, and Robert; by his sister, Catherine; by three brothers, William, Francis, and Michael; by 14 children and 8 great-grandchildren.

Mr. Speaker, Teddy Gleason was not only my constituent, but a good and dear friend who never hesitated to offer advice, guidance, and constructive criticism. Like many other public officials, I had come to call upon Teddy Gleason and am going to sorely miss his wise counsel. I urge my colleagues to join with me in expressing condolences to Teddy's family, friends, and labor colleagues.

**COACH GEORGE KHOURY OF WARRENSBURG HAS BEEN LEG-  
END IN NEW YORK STATE BASKETBALL**

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. SOLOMON. Mr. Speaker, last month a very special man was honored by his many friends and admirers.

His name is George Khoury, and he touched the lives of countless people during his 37 years as coach and athletic director at Warrensburg High School at the foot of the Adirondacks in New York.

For a time, George Khoury was the winningest boys high school basketball coach in New York State history. He went on to win 517 basketball games, 14 league championships, and 5 sectional championships. If you added his football and baseball record, Coach Khoury's teams recorded an incredible 1,029 wins.

Recently, he and a few others, including former New York Knicks coach Red Holzman and St. John's University coach Lou Carnesecca, were inducted into the 2-year-old New York Basketball Hall of Fame, presently

headquartered in the Glens Falls Civic Center. That's pretty select company.

The school and his kids were his life. He could be found at school from 7 in the morning to 10 at night. And however much the world changed, George Khoury never compromised on the most important values. He demanded high moral as well as physical standards from his student athletes. That is why so many of them remember him with love in their hearts.

At his recent Hall of Fame induction ceremony, Khoury seemed almost embarrassed by all the attention and adulation from so many people. He was genuinely touched. The few words he spoke were, characteristically, words of praise for those who had helped him during his long career. It was so typical of Coach Khoury to deflect the spotlight away from himself and toward others.

Mr. Speaker, I ask everyone to rise with me so that we may pay our tribute to a man who has made a difference, Coach George Khoury of Warrensburg, NY.

### ADDRESSING THE HEALTH NEEDS OF AMERICAN FAMILIES

#### HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. HOAGLAND. Mr. Speaker, every American has a very fundamental concern about health care. We all want to know that our health care is of high quality, that it is affordable, and that it is available when we need it. But the American health care system is being called into question on virtually every front.

Today, on the first day of the 103d Congress, I am offering six bills designed to address some of the concerns of my constituents about our health care system that I hope will be part of the health care reform debate of this new Congress. I am putting these bills in on this first day to stress the urgency that I believe my constituents feel about the need to provide good health care to every American.

#### SOME OF THE PROBLEMS

Many Americans today live with a nagging fear that a serious illness will be devastating to their families. Costs of health care and health insurance are skyrocketing out of reach and are devouring a large part of family budgets. In Nebraska, my home State, families are spending 13 percent of their family income on health care expenditures. And health care costs are undercutting our faltering economy. The failure to grapple with the spiralling costs of health care not only hurts the quality and accessibility of health care in the United States, but it affects our jobs, education, and competitiveness as a Nation.

Americans must have high quality, reliable health care at an affordable price—in short, peace of mind and a healthier life. Access to health care is so basic and so important that a country as rich in resources as ours should be able to provide every American the opportunity to buy health insurance and health care that brings peace of mind.

#### ADDRESSING THE HIGH COST OF HEALTH CARE

National spending for health is increasing more rapidly than national income. During the

last decade, the average Nebraska family's health payments rose 243 percent faster than wages. In the 1980's, medical care prices increased much more rapidly than other prices. In 1980, a typical family in Nebraska spent \$1,804 on all its health care. In 1991, the same family spent over \$4,265, and by the year 2000, it can expect to pay over \$9,345. Expensive, complex medical technology has been one of several factors contributing to rising health care costs.

We have made many impressive advances in diagnosing and treating illness; some say we are in the era of high-technology medicine. X ray machines have been replaced by MRI's, magnetic resonance screening, costing from \$1 to \$2 million. We have \$2 million lithotriptors that pulverizes kidney stones without expensive surgery. Clearly, these are important advances. They catch problems earlier and reduce sickness and death.

But these are expensive items. Some say that many hospitals and other providers are in a medical arms race to see who can lure customers by having the most modern equipment. The problem this causes is that in one area several hospitals may purchase the equipment, duplicating services already provided in the area and adding costs to those paying for health care, consumers and insurance companies.

The time has come to encourage hospitals and other health care providers to share some of these expensive, high-technology devices, particularly when sharing would not inconvenience the patient. But hospitals perceive that they might violate our antitrust laws, designed to prevent monopolies and other anticompetitive behavior, if they enter into joint sharing arrangements. They are afraid that if they enter into a sharing agreement, they will violate our antitrust laws' prohibitions against price-fixing, anticompetitive collusion, or restraint of trade through monopolies.

My bill, H.R. 72, would authorize the Department of Health and Human Services to support 20 demonstration projects across the country to facilitate collaboration among two or more hospitals or other providers like HMO's or clinics to share capital-intensive medical technology and demonstrate the extent to which such agreements reduce costs without impairing care. And the bill would grant immunity from antitrust laws for these demonstrations until the project's completion. It would also authorize the Attorney General to create a certificate of review process for facilities wishing to enter into a sharing arrangement and grant limited protection from antitrust violations.

We must continue to develop new diagnostic and treatment methods. But I'm not sure every hospital in every town has to have every new high-technology machine. It seems that some sharing of these expensive technologies could bring down some costs to consumers without diminishing the quality of health care. This bill is designed to encourage some sharing of resources without running into our antitrust laws.

Another factor contributing to the cost of health care is the paperwork of administering insurance plans. And paperwork is a headache for the consumer who must complete claims forms, for doctors and other providers,

for insurance companies and for the Government. Estimates of expenses for administering insurance plans range from 5.5 percent of premium to 40 percent. Documents are often a confusing array of forms written in insuranceese difficult to comprehend. Many people, even the best educated, complain about the difficult and burdensome forms and the arcane terminology we must wade through.

I am introducing a bill, H.R. 74, to direct State insurance regulators, under the guidance of the Secretary of Health and Human Services, to develop simplified, model health insurance forms using commonly understood terminology, particularly claims forms that providers or consumers must complete for health insurance companies, Medicare, and Medicaid.

#### ADDRESSING INADEQUATE LONG-TERM CARE

Long-term care for the disabled and the elderly is truly one of the greatest unmet needs in our health system. Today approximately 1.3 million elderly persons are residents of nursing homes, but for every elderly person residing in a nursing home, there are at least twice as many elderly persons living in the community requiring a wide range of care. Paying for long-term care services can be a catastrophe that impoverishes many elderly persons and their families.

The bill I introduce today, H.R. 75, would provide for a modest improvement in the Medicare home health benefit. The bill would provide Medicare coverage of home health services 7 days a week for up to 40 days. Currently, Medicare beneficiaries can receive coverage of home health services on an intermittent basis. Intermittent care is usually defined as 5 days per week for 1 to 2 weeks. This bill is designed to provide some modest assistance to patients who do not need the intensity of services of a hospital, but yet require some skilled services at home to allow them to fully recover from an illness.

Most people, especially the elderly, prefer to remain in their own homes when they are ill. It used to be that family members cared for other family members, but times have changed. Most of today's families have two parents in the work force. Women have traditionally cared for loved ones, but now a majority of women are in the work force. Families have gotten smaller, thus there are fewer family caretakers. And families, who used to live near each other, today are more dispersed. Home health nurses today provide the care that families used to provide in many situations.

This bill could create savings for the Medicare Program in the long run. A day in a hospital now costs several hundred dollars just for the bed. A home visit from a registered nurse averages about \$75, according to the Visiting Nurses Association. Thus, this bill addresses a real unmet need in the system and may cut long-term costs.

#### PLACING MORE EMPHASIS ON PREVENTIVE CARE

As we develop comprehensive approaches to cure our ailing system, there are several small steps we could take. Preventive care is one. For too long our health care system has paid billions to cure and treat illness rather than invest in preventive services which keep people healthy and out of emergency rooms and hospitals.

I am introducing two bills that would help ensure that America's children get a healthy start in life by making some modest improvements in the immunization of children.

While we have been largely successful in vaccinating school-aged children—95 percent or more of children over age 5 are fully immunized—our preschoolers are not as fortunate. The sad fact is that about a third of 2-year-olds in the United States are not immunized against deadly diseases. Omaha rates parallel the national figures. Studies by the Douglas County Health Department, in my district, show that only 61 percent of our kindergarten-age children were properly vaccinated at age 2.

This trend is frightening. There are many reasons children do not get proper immunizations, from parental laxity to high costs. Declining immunization in part reflects a larger lack of access to basic health services for too many children.

We need to reverse these trends. Immunizations are one of the most cost-effective means of preventing disease and saving health care dollars. Studies show that every \$1 spent on immunization saves \$12 in later medical costs for treatment of vaccine-preventable diseases.

I am introducing two bills to address childhood immunizations. The first, H.R. 77, would require that hospitals provide medical information about vaccinations to parents of all newborns. Parents need to be informed on the importance of immunizations, the type of immunizations recommended by doctors, and the recommended schedule.

My second immunization bill, H.R. 78, tries to address the fact that many children do not get their shots because it is difficult for parents to make the many visits to the doctor or health center required. Under the immunization schedule recommended by pediatricians in this country, a child should have received 11 shots and taken 4 doses of oral vaccine in 5 different visits by the time he or she enters kindergarten.

There is interest in the medical community in developing a supervaccine, which would be a vaccine administered only once in infancy and would produce lifelong immunity against a wide range of key infectious diseases. According to medical researchers, an ideal vaccine may be a single-dose, multiple-antigen compound that could be easily administered by untrained personnel, preferably soon after birth. H.R. 76 would direct funds for the National Institutes of Health to accelerate research on the supervaccine in an effort to make immunization programs more available to children and eliminate the hassle factor for parents. The supervaccine could reduce costs by making vaccines easier to store and handle and, in turn, increasing coverage by reducing costs to parents and governments.

Health professionals have recognized the value of preventive services for many years. Congress should encourage efforts that keep our children healthy.

#### PREVENTIVE CARE FOR THE ELDERLY

I am also introducing a bill, H.R. 76, to provide for more preventive care services for senior citizens. This legislation would add as a Medicare benefit, for all Medicare beneficiaries, an annual physical examination for

what in medical jargon are called asymptomatic individuals. I am introducing this bill, the result of consultation with medical professionals, because for too long our health care system has paid billions of dollars for sickness, after the fact, rather than for prevention of illness before the fact. It is time we expand our efforts to prevent health problems before they become \$1,000 expenses.

Generally, Medicare, the Government health insurance program for the elderly and disabled, does not pay for preventive measures other than those specifically mentioned in the Medicare law. Thus, very few preventive services have been covered by Medicare. Only in the last 10 years has Congress begun a slow process of providing piecemeal coverage for a limited number of preventive services.

In 1984, the Federal Government recruited dozens of health experts to form the U.S. Preventive Services Task Force and charged it with surveying the accumulating literature on the merit of hundreds of preventive measures. The panel's final report, issued in 1989, endorsed a complete schedule of periodic Pap smears, mammograms, regular blood pressure, cholesterol checks, vaccinations for the elderly, and counseling. The task force was a significant milestone for preventive care. In addition, the National Cancer Institute, the American Cancer Society, and the Health Policy Agenda for the American People, recommend annual exams for people over age 65.

Health professionals have recognized the value of preventive services for many years. Early detection and treatment are not just cost-effective. For diseases like cancer, early detection and treatment may offer the best chance for reducing mortality and duration of illness. It is time to move away from this traditional mentality of paying huge sums of money for unpredicted illness when it is exacerbated and expensive and move towards the encouragement of routine health maintenance and prevention. Not only does it make medical sense, but, most importantly, it means better, healthier quality of life for millions of Americans.

These six bills are part of my effort to address some of the serious problems of our health care system. They by no means would solve all the problems, but they are a start. I hope my colleagues here in the House of Representatives will join me in a crusade to make America's health system No. 1 in the world, as we are No. 1 in so many other areas.

#### THE FEDERAL PROGRAM IMPROVEMENT ACT OF 1993

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PICKLE. Mr. Speaker, at the start of the 102d Congress, Ways and Means Chairman ROSTENKOWSKI announced that the committee would undertake a major oversight initiative. The initiative would involve a commitment by the committee to improve the efficiency and effectiveness of health, trade, tax, income security, and other laws within the committee's

jurisdiction. As chairman of the committee's Oversight Subcommittee, I joined Chairman ROSTENKOWSKI in this initiative.

During 1991 and 1992, the Subcommittee on Oversight conducted numerous hearings, investigations, and site visits as part of this major oversight initiative. In followup to these activities, the subcommittee forwarded to the committee its findings and recommendations to improve the administration of certain laws and programs.

Today, to advance the objectives of the major oversight initiative, I am introducing legislation, with other members of the committee, to improve the administration of the Medicare Program, to reform Customs overtime pay practices, to prevent the payment of Federal benefits, to dead people, to require reports on employers with underfunded pension plans, to provide for increased taxpayer procedural protections, to improve the detection of tax evasion and money laundering activities, and to protect taxpayers from deceptive mailings. The provisions of this legislation were included in H.R. 11, The Revenue Act of 1992, which was vetoed by the President last year.

This legislation affects the manner in which the Federal Government serves and protects the public, and manages its resources. In the end, I believe that enactment of this bill will protect the integrity of many programs within the committee's jurisdiction and the pocketbook of the American taxpayer.

In summary, the Federal Program Improvement Act of 1993 provides changes with regard to the following:

First, to prevent erroneous Medicare payments and to enhance recovery efforts relating to the Medicare Secondary Payer Program, Medicare beneficiaries would be screened regarding employer group health insurance coverage at the time of enrollment in the Medicare Program. Doctors and other health care providers would also be required to screen Medicare beneficiaries when they provide services to them. Sanctions would be imposed against providers who routinely and willfully fail to screen beneficiaries. Further, Medicare contractors would be required to submit quarterly reports to the Health Care Financing Administration [HCFA] on their efforts to recover erroneous payments, and the process for recovery of these erroneous payments would be streamlined.

Second, to eliminate abuses regarding durable medical equipment [DME] under the Medicare Program, the Secretary of the Department of Health and Human Service would be required to establish standards for durable medical equipment suppliers that receive reimbursements under the Medicare Program. These businesses would be allowed to use only one Medicare number. In addition, telemarketing would be prohibited and suppliers would no longer be able to initiate unsolicited telephone calls to induce sales of Medicare-reimbursed DME. In addition, HCFA would be authorized to prohibit the practice known as carrier shopping. Under this practice, DME supplies have located in areas with generous Medicare reimbursement rates for DME. Suppliers would be required to submit claims to the carrier for the region where the beneficiary resides. To assure uniformity across the country, HCFA would be required to develop stand-

ardized certificate of medical necessity forms and to develop standardized coverage criteria for 200 items of DME.

Third, to improve Customs administration of inspection overtime, the Customs Service overtime pay laws—the 1911 Act—would be modified to mirror the Federal Employees Pay Act [FEPA] rules which generally apply to Federal Government workers. This would ensure that hours paid bear a more direct relationship to hours worked; provide for more reasonable overtime rates and rate differentials for Sunday and holiday work; provide for the payment of overtime benefits only after 40 hours of work has been completed; and, provide that certain overtime work be credited toward an inspector's retirement benefits.

Fourth, to minimize the payment of Federal benefits to deceased beneficiaries, the Social Security Administration would be required to share with all Federal agencies death certificate information purchased from State agencies.

Fifth, to improve accountability in the Pension Benefit Guaranty Corporation's [PBGC] program to identify, collect, and account for premium payments, PBGC would be required to provide two annual reports to the Congress, the first listing plans with underfunding in excess of \$25 million and the amount of such underfunding, and the second listing plans with underfunding in excess of \$5 million that have been granted a minimum-funding waiver.

Sixth, to provide for increased protections for taxpayers in dealing with the IRS, a new position would be established at IRS for the Taxpayers' Advocate who would have expanded authority and be required to report directly to the Congress. Further, IRS would be required to take reasonable steps to determine the validity of certain information returns, and taxpayers would benefit from improvements to procedures related to installment agreements, responsible officer situations abatement of certain interest, and liens, levies and offers-in-compromise.

Seventh, to improve detection of tax evasion and money laundering, the IRS would be authorized to share certain cash-transaction reports with other Federal and State agencies, and IRS undercover operations could be financed with income earned from such operations.

Finally, to protect taxpayers from deceptive mailings, the law would prohibit the use in any advertisement, solicitation, business activity or product certain words or symbols associated with the Department of the Treasury or its agencies. Further, the public's access to information about tax-exempt organizations would be improved.

#### FARM AND RURAL MEDICAL EQUITY REFORM ACT OF 1993

**HON. STEVE GUNDERSON**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GUNDERSON. Mr. Speaker, during the last decade, health care spending in the United States has more than tripled from \$230 billion in 1980 to \$838.5 billion in 1992. Since

1980, health care costs in Wisconsin have risen over 125 percent, but amazingly, this is the second lowest increase in the Nation.

While health care costs have exploded over the past decade, access to primary care services has declined, particularly in the inner city and rural America. The current estimate for health professional shortage areas in the United States is 2,000. Wisconsin's shortage areas have risen from 27 in 1980 to 50 in 1993, 11 are located in western Wisconsin.

In addition to the lack of providers in many parts of the United States, another factor affecting declining access is the high cost of health insurance. The number of uninsured has sharply increased from 24.5 million in 1980 to over 37 million at the current time.

A significant component of the uninsured population is the American farm family. Ten percent of farmers are uninsured. Of those who can afford insurance, 11 percent are underinsured because they cannot afford the high premiums. One reason farmers must pay more for health insurance is their profession is defined as high-risk. There are over 12,000 disabling farm-related injuries per year. The National Safety Council recently reported that farm injuries account for over 14 percent of all work place injuries.

To address both the accessibility and affordability problems affecting rural America's health care delivery system, I am reintroducing the Farm and Rural Medical Equity Reform [FARMER] Act. This bill, which I introduced in the last Congress, is a first response to both concerns and recommendations raised at health care seminars and town hall meetings that I have conducted over the last 2 years in western Wisconsin. This legislation is the first step in making health care more accessible and affordable, especially for rural Americans. The key components of the Farm and Rural Medical Equity Reform Act are:

One hundred percent deductibility for the self-employed: All self-employed individuals would be entitled to deduct 100 percent of the cost of their health insurance premiums. In previous years, self-employed individuals were allowed to deduct 25 percent of their health insurance policy. An extension of the 25 percent deduction was included in the Revenue Act of 1992, a measure which I supported and passed the Congress. However, the bill was vetoed after the 102d Congress adjourned. My provision will help the 8 million people in the United States who are self-employed, 176,000 are Wisconsin residents. One hundred percent deductibility for the self-employed is an essential element to any health care reform measure that will pass the 103d Congress.

Medical savings account: This provision will enable individuals to save, tax free, for medical expenses. Any amount deposited into the account is tax deductible up to an applicable limit. This limit is equal to \$4,800 per year plus \$600 for each dependent. Funds withdrawn from the amount are nontaxable if used for qualified medical services approved by the Internal Revenue Service.

Uniform claim/electronic card/electronic billing: There are 1,400 insurance companies in the United States and each has a separate insurance form. To alleviate the paperwork burden, my bill will establish uniform health claim reimbursement forms for hospitals and physi-

arians. These two forms would be the only forms used by all private health insurers and the Federal Government. In addition, electronic cards would be developed that would store a patient's insurance information and medical records. Both hospitals and physicians would be required to use electronic means to transmit billing information from hospitals and physicians to insurers.

**Portability:** Portability means that no individual will have to fear losing health insurance coverage for any length of time when switching policies or changing occupations. Today's workforce is one which is mobile. The Department of Labor estimates the average American will change jobs between 5 and 6 times during a lifetime. Thus, it is important that individuals feel free to move to another occupation or switch to another insurance policy without the concern of whether or not they will lose key benefits. To address this issue, I have included two key portability provisions: First, elimination of preexisting conditions as exclusions from coverage; and second, health insurance carriers would only be allowed to set the maximum percent increase in renewal premiums at 5 percent plus the percent change in the base premium rate. The base premium rate is the lowest premium the insurer may charge for a group with similar demographic characteristics, excluding factors related to health status, claims history, or duration of coverage. This provision should especially bring some relief to the high cost of health insurance premiums for farm families.

**Emergency medical services (EMS):** The average U.S. citizen will need emergency care at least twice in a lifetime and that care is not always available, especially in rural communities. My bill has three key provisions to enhance emergency medical services: (a) Establishment of a Federal EMS office which will provide technical assistance to State and local agencies, develop and review EMS guidelines pertaining to health professionals, equipment, training, and examine the unique needs of underserved inner city and rural communities; (b) Establishment/enhancement of State EMS offices will improve the availability and quality of EMS in the States through a Federal/State matching grant program over 3 years. These offices will coordinate all State EMS activities and provide technical assistance; (c) Development of a telecommunications demonstration program that will enable patients and health professionals in rural communities to link-up with medical specialists in larger health facilities for consultations regarding life-saving treatment through telecommunications.

**Extend Medicare dependent hospital status:** There are over 600 hospitals classified as Medicare dependent. Wisconsin has 22 Medicare dependent hospitals, including 7 in western Wisconsin. Hospitals eligible for this adjustment are rural, have 100 beds or fewer, have 60 percent Medicare patient days or discharges, and are not classified as sole community hospitals. The legislation authorizing Medicare dependent classification is scheduled to expire this year. My provision will enable hospitals to continue their Medicare dependent status for 1 additional year.

**Rural health outreach grants demonstration program:** This provision will formally establish a grants program that will deliver health care

services to underserved rural populations/communities or to enhance access and utilization of existing available services. These services are delivered through a consortium arrangement among 3 or more separate and distinct entities. This initiative is intended to permanently authorize these grants which are now funded through a demonstration program. One successful demonstration project is located in Balsam Lake, WI. This project, called KIDSCARE, provides medical and dental services to children in rural communities who do not have health insurance and are not covered by Medicaid.

The Farm And Rural Medical Equity Reform Act of 1993 will: Assist farmers and other self-employed individuals in paying for health insurance premiums, begin to alleviate the paperwork burden for both patients and health professionals, strengthen rural hospitals, and improve the delivery of health care services to rural populations.

#### THE PLASTIC CONTAINER IDENTIFICATION ACT OF 1993

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Ms. SNOWE. Mr. Speaker, to I am reintroducing legislation that I sponsored during the 102d Congress, the Plastic Container Identification Act. The goal of this legislation is to facilitate the recycling of plastics by establishing a national marking and coding identification system for plastic resins.

The need to increase the recycling of plastics is clear. Plastics constitute by far the most rapidly increasing segment of the solid waste stream. At a time when Americans generate 180 million tons of solid waste every year—but when our landfills are closing—recycling and source reduction of plastics and other products have become the cornerstones of a comprehensive solution to the solid waste crisis.

The coding system in my bill, first proposed by the plastics industry, has already been adopted by a number of States. By requiring this coding system on a national level, this bill will make plastics recycling easier in communities large and small throughout America.

The Plastic Container Identification Act establishes a simple identification system which the industry would be required to adopt by January 1, 1995. Any plastic container that could be introduced into interstate commerce would have to be marked with a molded symbol identifying its resin content to ease separation for recycling. Seven easy-to-read marking symbols would be used, covering all of the plastic containers in wide use except small pharmaceutical bottles.

Another component of the bill addresses the overall process of plastics recycling. Within 6 months of passage, the Environmental Protection Agency must submit a report to Congress containing a plan for promoting plastics recycling, and a list of recommendations for reducing the amount of nonrecyclable and nonbiodegradable plastic used in the manufacture of products.

Since 1960, the amount of plastic entering the waste stream has increased by a factor of

more than 30. At the same time, we have recognized that burning and burying plastics releases toxic substances into the environment. Growing public concern about the prevalent use of plastic packaging and its environmental impact necessitates a more sensible use of plastics, beginning with efforts to increase recyclability as well as source reduction. Today, more than 25 percent of plastic soda bottles are recycled. Expanding this level to make recycling economically viable for most other plastic containers can be accomplished, but it requires large quantities of plastics that are homogeneous by resin type.

Mr. Speaker, I urge my colleagues to co-sponsor and support the Plastic Container Identification Act as one remedy to our national problem with solid wastes.

#### INTRODUCTION OF CHILD NUTRITION REAUTHORIZATION LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, today I am pleased to join Chairman FORD of the Committee on Education and Labor, and Mr. KILDEE, chairman of the subcommittee on elementary, secondary, and vocational education, in introducing legislation to reauthorize certain programs, projects, and activities which are part of the National School Lunch Act and the Child Nutrition Act of 1966 and which would otherwise expire in 1994.

As Mr. KILDEE has noted in his introductory remarks, H.R. 8 proposes no substantive changes in existing law—it is simply intended to provide the needed reauthorizations. However, I join Mr. KILDEE in hoping that it will also serve as the vehicle for encouraging both support for the vital programs encompassed by these two legislative charters of our Nation's child nutrition policies and discussion of how all of them may be strengthened or made more effective to serve children and their families.

The National School Lunch Act [NSLA], originally enacted in 1946, permanently authorizes the National School Lunch Program, the Child and Adult Care Food Program, the Meal Supplements for Children in Afterschool Care Program, and the Universal Lunch Pilot Programs. H.R. 8 would extend the authorizations of the following NSLA programs and projects through 1998: The Summer Food Service Program for Children, the Commodity Distribution Program, the Child and Adult Care Food Program's statewide demonstration projects, the cash/commodity letter of credit [CLOC] pilot project, the homeless children food service demonstration projects, the provision of training and technical assistance for food service program workers, and the food service management institute.

In turn, the Child Nutrition Act of 1966 [CNA] permanently authorizes the Special Milk Program and the School Breakfast Program. H.R. 8 would extend the authorizations of the following CNA programs and activities through 1998: Startup costs for school breakfast pro-

grams, State administrative expenses, the special Supplemental Food Program for Women, Infants and Children [WIC], and nutrition education and training.

In the aggregate, Mr. Speaker, these programs have proven themselves to be effective in improving the physical and intellectual capacities of children even prior to their birth, in enhancing their ability to learn once they are in school, and in aiding them to attain their full potential as adults. I am looking forward to the opportunity to review and improve them.

## INTRODUCTION OF THE FAIR AND COMPETITIVE ELECTION ACT

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, today, Congressman BILL THOMAS and I will introduce the Fair and Competitive Election Act of 1993. This legislation was the Republican alternative during House floor consideration of campaign finance reform in the 102d Congress, and represents a starting point for discussions of campaign reform in the 103d Congress.

This bill, if implemented, will make elections more competitive, more honest, and more local. It will require that half of all campaign contributions be raised from within the congressional district. It will ban the use of all soft money. And it will limit PAC contributions to Members to \$1,000 per PAC.

I submit for the record a copy of this legislation:

H.R. —

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Competitive Election Act".

### SEC. 2. HOUSE OF REPRESENTATIVES ELECTION LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL INDIVIDUAL RESIDENTS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), is amended by adding at the end the following new subsection:

"(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to a reporting period for an election, accept contributions from persons other than local individual residents totaling in excess of the total of contributions accepted from local individual residents.

"(2) As used in this subsection, the term 'local individual resident' means an individual who resides in a county, any part of which is in the congressional district involved.

"(3)(A) Any candidate who accepts contributions that exceed the limitation under this subsection by 5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(B) Any candidate who accepts contributions that exceed the limitation under this subsection by more than 5 percent and less than 10 percent shall pay to the Commission, for deposit in the Treasury, an amount equal to three times the amount of the excess contributions.

"(C) Any candidate who accepts contributions that exceed the limitation under this subsection by 10 percent or more shall pay to the Commission, for deposit in the Treasury, an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission."

(b) EFFECTIVE PROVISION.—During any period with respect to which subsection (i) of section 315 of the Federal Election Campaign Act of 1971, as added by subsection (a), is not in effect, such subsection shall be effective as so added, together with the following new paragraph:

"(3) For purposes of this subsection, an individual may not be considered a resident of more than one congressional district."

### SEC. 3. REDUCTION IN THE LIMITATION AMOUNT APPLICABLE TO NONPARTY MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS TO CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 1, is further amended by adding at the end the following new subsection:

"(j) Notwithstanding subsection (a)(2)(A), no nonparty multicandidate political committee may make contributions referred to in that subparagraph which, in the aggregate, exceed \$1,000."

(b) TECHNICAL AMENDMENT.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by inserting after "(A)" the following: "except as provided in subsection (j)."

### SEC. 4. BAN ON SOFT MONEY.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"LIMITATIONS AND REPORTING REQUIREMENTS FOR AMOUNTS PAID FOR MIXED POLITICAL ACTIVITIES

"SEC. 323. (a) Any payment by the national committee of a political party or a State committee of a political party for a mixed political activity—

"(1) shall be subject to limitation and reporting under this Act as if such payment were an expenditure; and

"(2) may be paid only from an account that is subject to the requirements of this Act.

"(b) As used in this section, the term 'mixed political activity' means, with respect to a payment by the national committee of a political party or a State committee of a political party, an activity, such as a voter registration program, a get-out-the-vote drive, or general political advertising, that is both (1) for the purpose of influencing an election for Federal office, and (2) for any purpose unrelated to influencing an election for Federal office."

(b) REPEAL OF BUILDING FUND EXCEPTION TO THE DEFINITION OF THE TERM "CONTRIBUTION".—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking out clause (viii); and  
(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

### SEC. 5. TRANSITION RULE RELATING TO EXCESS FUNDS OF CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, on the date of the enactment of this Act, has campaign accounts containing amounts in excess of the contribution limit under section 315(i) of the Federal Election Campaign Act of 1971 shall

deposit such excess in a separate account subject to section 304 of the Federal Election Campaign Act of 1971. The amount so deposited shall be available for any lawful purpose other than use, with respect to the individual for an election for the office of Representative, in, or Delegate or Resident Commissioner to, the Congress. For purposes of this section, excess funds are those funds which exceed twice the amount of funds raised from local individual residents after December 31, 1992. From the date of the enactment of this Act until the end of the period covered by the 1994 pre-primary report a candidate may transfer excess funds from the separate account to the campaign account so long as a majority of the total funds contributed or transferred to the campaign account were raised from local individual residents after December 31, 1992. No funds may be transferred from a separate account of a candidate to a campaign account of the candidate after the end of the period covered by the 1994 pre-primary report.

### SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

## GIVING THE PRESIDENT LINE-ITEM VETO AUTHORITY

**HON. JIM KOLBE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KOLBE. Mr. Speaker, since coming to Congress, I have supported policies that would restore some order to our fiscal house. One such policy has been giving the President line-item veto authority.

Line-item veto authority is quite simple. It would empower the President to reject specific spending items in an appropriation bill without vetoing the entire bill. Of course Congress can override the line-item veto, in this case with a three-fifths, rather than a two-thirds vote. Under current law, Congress can choose to ignore the President's package of rescissions, or spending cuts, allowing pork barrel spending to go unchallenged.

One notable example of pork barrel spending was the proposal to have American taxpayers spend half a million dollars to refurbish the birthplace of Lawrence Welk last Congress. It is this type of spending mentality that has contributed to a ballooning Federal deficit.

Admittedly, providing the President line-item veto authority is no sure-fire procedural cure to all of our budget woes. But giving the President the ability to get an up or down vote on his proposed cuts in an important tool, one which could make a real difference to a process that seems to defy every attempt at fiscal restraint. According to estimates from President-elect Clinton, it would cut nearly \$10 billion over 4 years. I suspect the psychological restraint it would put on a free-spending Congress might result in even greater savings.

Forty-three States, including Arizona, have provided their Governors with a form of line-item veto authority. Even more a constitutional requirement to balance their State's budget each fiscal year. Why should the Federal Government be any different?

But hope springs eternal. With President-elect Clinton supporting line-item veto, per-

haps the Democrat majority in Congress will put partisan rhetoric aside and demonstrate fiscal responsibility by joining Republicans in support of line-item veto authority for the President.

So today, I am introducing legislation to provide the President with line-item veto authority and will work with my colleagues to see this legislation enacted.

**LEGISLATION TO CREATE A NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT**

**HON. LOUISE M. SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Ms. SLAUGHTER. Mr. Speaker, today I introduced legislation which would create a National Commission to Support Law Enforcement. The beginning of 1993 marks the 28th year since the last commission was established to examine the Federal Government's role in working with law enforcement.

I know it is not news to the American people that crime has drastically increased in the past 28 years. A look at the statistics shows how much worse the problem of crime has become. According to the Department of Justice, 9,850 Americans were murdered in 1965; in 1991, that number rose to a staggering 24,700. The increase in rape has been even more dramatic. In 1965, the number of rapes reported was 22,467, a rate of 11.6 per 100,000; in 1991, there were an astounding 106,590 rapes reported, a rate of 42.3 per 100,000. Comparisons of aggravated assaults, robbery, burglary, and motor vehicle thefts committed in 1965 and 1991 indicate a similar troubling trend.

In addition to the increase of crime, the nature of the problem also seems to have changed. Since the 1960's, the law enforcement community has had to cope with such unwelcome developments as crack cocaine and the massive infusion of handguns and semiautomatic machineguns on our streets. Clearly, a review of the crime problem is long overdue.

While all levels of law enforcement are instrumental, local law enforcement is truly on the front lines in the war against crime, making over 90 percent of all drug arrests. The Commission will examine how the Federal Government can best assist local law enforcement, and will be comprised of members from all aspects of law enforcement: management, labor, academia, the Department of Justice, the Department of Treasury, and Members of Congress. After 18 months, the Commission will report its analysis and recommendations. It has bipartisan support in both the House and Senate, and also has the support of numerous law enforcement organizations including the National Association of Police Organizations, the Fraternal Order of Police, and the International Brotherhood of Police Officers.

It is not hyperbole to state that there is a war on the streets of America. Consider this fact: from 1961 to 1973, the United States lost over 46,000 combat casualties in southeast Asia. During that same time period, more than

169,000 people were murdered on our streets. Given the current murder rates, more people will be murdered every 2 years in this country than were lost in 8 years of combat in Vietnam. Just think, if we were to commemorate those who were murdered in the United States, we would have to build a monument the size of the Vietnam Memorial every 2 years.

This madness has to end. One place to begin is to pass this legislation and create the National Commission to Support Law Enforcement.

**CLAY SPONSORS LEGISLATION TO PROTECT THE COLLECTIVE BARGAINING RIGHTS OF CONSTRUCTION WORKERS**

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. CLAY. Mr. Speaker, today I am introducing legislation to protect the sanctity of collective bargaining agreements in the construction industry. In 1959, the Congress acted to protect and promote the right of workers in the construction industry to exercise a voice in the determination of their working conditions through collective bargaining. Since that time, decisions of the courts and the National Labor Relations Board have so eroded the protection Congress enacted, that now, almost three and a half decades later, the Congress must act to reaffirm that commitment if construction workers are to retain any meaningful ability to benefit from collective bargaining. The legislation I am introducing ensures that contractors will be held to contracts they have voluntarily entered into by prohibiting contractors from either repudiating valid prehire agreements or evading the requirements of existing contracts by using a subsidiary corporation to perform work otherwise subject to the provisions of the bargaining contract on a nonunion basis.

Under our labor law, as it is currently interpreted by the courts, employees in the construction industry have no meaningful means of binding contractors to collective bargaining agreements. A contractor who has entered into an agreement, promising that work covered by the agreement will be performed in accordance with the contract, nevertheless is free to evade the commitment he or she has made simply by establishing a second company and performing work covered by contract on a nonunion basis. Contractors who engage in this tactic, known as double-breasting, are then free to choose on a job-by-job basis whether or not they will afford workers the right to engage in collective bargaining, while the workers who sought the bargaining agreement are denied one of the principal benefits of that agreement, the promise of future employment opportunities over the life of the contract.

The bill I am introducing today, simply stated, merely provides that when a contractor and a union arrive at an agreement, both sides shall be bound by the terms of that agreement. Specifically, this legislation provides that any two or more business entities

sharing substantially common ownership, substantially common management, or substantially common control engaged primarily in the building and construction industry, and performing work of the type and within the geographical area covered by a collective bargaining agreement to which any of the entities is a party, shall be treated as a single employer. The legislation expressly provides that a contractor-subcontractor relationship shall not, of itself, establish single-employer status. The bill further provides that a contractor may not repudiate an otherwise lawful contract with a union unless the employees, themselves, terminate the relationship with the union pursuant to section 9(a) of the National Labor Relations Act.

The bill is substantially the same legislation that passed the House or Representatives in the 99th and 100th Congresses. The opposition of a Republican Administration stymied our opportunity to make further progress at that time. It is my expectation that the new administration will demonstrate a higher regard for the rights of American workers and that this Congress will finally enact this legislation and afford construction workers a meaningful ability to benefit from collective bargaining.

**TRIBUTE TO CARL T. NEWAY**

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 1993*

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to recognize Carl T. Newey, who recently retired from the Chicago Park District after 35 years of service to the people of Chicago.

Carl Newey began his career as a physical instructor in Rosedale Park. Since that time, during his tenure with the park district, Newey served as a playground supervisor, park supervisor, planetarium operations supervisor, physical activities supervisor, and area supervisor of a recreation area. Since 1987, Mr. Newey has served as host park manager for the Trumbull Cluster.

Throughout his years of service, Carl Newey has made tremendous contributions to the Chicago Park District and the people of Chicago. He is exceptionally devoted to the Chicago Park District Junior Bears football program, and to the youth he has served as coach, teacher, and mentor. He is profoundly respected by his peers and others with whom he has come into contact. His coworkers respectfully call him Commander and respect him for his common-sense approach.

As Carl T. Newey begins a new stage in his life, I urge my colleagues to join me in wishing him all the best in the years to come. I hope he and his family will enjoy many more years of happiness and fulfillment.

HEALTH CARE EMPOWERMENT  
AND ACCESS LEGISLATION

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GOODLING. Mr. Speaker, among the questions I am most frequently asked is, "What is Congress going to do about spiraling health insurance costs and covering the 35 plus million uninsured Americans?" Certainly there is no simple solution or silver bullet to solve the multifaceted strains currently faced by our Nation's complex private and public health care and health insurance system.

However, it is also clear that legislated improvements in health care access, cost, and quality cannot be brought about unless there is intensive study and a bipartisan agreement as to the source of the problems that serve to take the luster off our Nation's premier health care system. For this reason, and to provide a framework to better focus this health care debate, I am today cosponsoring the health care empowerment and access legislation—The HEAL bill—being introduced by my colleague, Representative FRED GRANDY.

It is my intent and, hopefully, the intent of my colleagues that we work toward comprehensive reform of our health care system making health insurance available for the uninsured, increasing access to health care for the underinsured, and containing skyrocketing costs while preserving and enhancing the strengths of our current system. Every interested party, including business, and especially small business, should be involved in the reform process every step of the way.

The problem of the uninsured is growing. As recent census data demonstrate, the number of middle-class Americans without health insurance grew by about 1 million just this past year. We must soon put an end to the rising fears experienced by many of our citizens that the loss of health coverage is only a step away. To do so would also eliminate the economic inefficiencies of the so-called job lock phenomenon arising from the potential loss of access to basic health coverage. The HEAL bill is but one of a number of solutions to these problems that should be considered.

The HEAL bill is a blueprint designed to foster the creation of private and public/private partnership arrangements to simultaneously address the health care quality, coverage, and affordability issues. The question of affordability is addressed by expanding on the group insurance principle of spreading risk and lowering expenses. The preemption of State health benefit mandates and of State law barriers to managed care under the bill should also enable insurers to offer more affordable health coverage. The provision of the bill dealing with outcomes research and treatment practice guidelines also offer the potential for reducing unnecessary services and increasing the quality of care while reducing malpractice costs. To encourage the self-employed and their employees to obtain coverage, over time the health plan contributions of the self-employed are brought into fully parity with the 100 percent tax deductibility of corporate plan contributions.

The health care issues raised in the HEAL bill are critical ones. There are also other related and important elements in the health care access debate which will need careful examining.

Our goal should be to improve on the successes of our current health care system and fine-tune those pieces needed to correct any serious shortcomings that may be found. Our challenge as a legislative body will be to proceed in a deliberative manner only after adequate study has demonstrated the correctness of our course. The health and well-being of our Nation's citizens deserve no less. It is my sincere hope that the health care empowerment and access legislation will help contribute to a sound debate, both publicly and within each of our committees of jurisdiction.

MONEY LAUNDERING

**HON. STEPHEN L. NEAL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. NEAL of North Carolina. Mr. Speaker, in the closing days of the 102d Congress we passed important legislation to fight money laundering by domestic and international criminals. Congress added to the Housing and Community Development Act of 1992, Public Law 102-550, the Annunzio-Wylie Anti-Money Laundering Act to place severe penalties on banks that do not cooperate in the reporting of suspicious activities.

Banks have long been encouraged to report suspicious transactions to the appropriate authorities. To ensure that banks have no excuses, the legislation contains a provision, section 1517(b), that provides a safe harbor when banks report suspicious activities. The goal of this new law is to have banks work with international efforts to stop the global movement of drug money.

Money laundering is an international problem. Money knows no borders and flows freely from one country to another. The United States has long recognized that, and has worked hard to ensure cooperation from foreign governments and financial institutions to assure that money launderers have no place to hide. We encourage foreign entities to inform U.S. authorities of suspicious transactions, and we expect our banks to likewise provide foreign governments with the intelligence they need to combat money laundering within their borders.

As this legislation was added during a House-Senate conference there was no legislative history. After adjournment the Honorable Frank Annunzio, who was both the chairman of the Financial Institutions Subcommittee and author of the bill was asked and responded to, a question by a major U.S. bank about the applicability of the new law to help clarify the meaning of this law and at the request of the bank I ask unanimous consent that the letters between the bank and then-Chairman Annunzio be printed in the RECORD.

CHEMICAL BANK,

New York, NY, December 1, 1992.

Hon. FRANK ANNUNZIO,  
Chairman of the Subcommittee on Financial Institutions, Washington, DC.

DEAR MR. CHAIRMAN: It is Chemical Bank's understanding that the "safe harbor" provision of Section 1517(b) of the Annunzio-Wylie Anti-Money Laundering Act (the "Act") applies not only to disclosures made after the date of its enactment, but also to those disclosures made by a financial institution prior to enactment of the Act. We request that you advise us if our understanding is correct.

We thank you in advance for your prompt attention.

Respectfully yours,

BARBARA E. DANIELE,  
Associate General Counsel &  
Senior Vice President, Legal Department.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,

Washington, DC, December 3, 1992.

BARBARA E. DANIELE, Esquire,  
Chemical Bank,  
New York, NY.

DEAR MS. DANIELE: This is in response to your letter dated December 1, 1992 in which you inquire about the intent of section 1517(b) of the Annunzio-Wylie Anti-Money Laundering Act contained in the Housing and Community Act of 1992 (Pub. L. 102-550, October 28, 1992). You ask whether this provision applies not only to disclosures made after the date of enactment, but also to disclosures made by a financial institution prior to enactment of the Act.

As the author of the Annunzio-Wylie Anti-Money Laundering Act and the House-passed bills upon which it was based, I was deeply concerned that financial institutions should be free to report suspicious transactions without fear of civil liability. Two earlier versions of Annunzio-Wylie Anti-Money Laundering Act which I sponsored this Congress, and which passed the House without a dissenting vote, H.R. 26 and H.R. 6048, both contained provisions providing for an exemption from liability for banks which reported suspicious transactions.

Section 1517(b) amends section 5318 of title 31, United States Code, to provide the broadest possible exemption from civil liability for the reporting of suspicious transactions. My colleagues and I in Congress wanted to assure that financial institutions which reported suspicious transactions should not be held liable to any person under any law, Federal, state or local, for making such disclosures. I was my intent as the author of the provision that it would apply to any such disclosure, regardless of whether the disclosure was made prior or subsequent to the date of enactment of the Act.

I hope this helps answer your question concerning the scope of section 1517(b) of this Act.

With every best wish,  
Sincerely,

FRANK ANNUNZIO,  
Chairman.

THE WETLANDS REFORM ACT OF  
1993

**HON. DON EDWARDS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. EDWARDS of California. Mr. Speaker, today I have introduced the Wetlands Reform Act of 1993, a bill carefully designed to increase protections for wetlands in a manner that is compatible with the economic needs of the country.

We need a strong wetlands protection bill because under the existing system, 300,000 acres of wetlands are lost each year. That translates into 60 acres every hour, or 1 acre every minute. As a result, fish populations have declined, hurting a historically strong and lucrative industry. Duck and other bird populations are declining as a direct result of the shrinking wetlands base. Other wildlife depend on wetlands as well, and species are becoming increasingly endangered as their habitat disappears.

Wetlands have a direct impact on human health as well. Because they act as natural flood control buffers, areas that have destroyed a significant amount of historical wetlands suffer from problems of flooding. In my home State of California, this is especially true, and last year we witnessed millions of dollars in flood damage and even some deaths—much of which could have been avoided through better land use practices which utilized wetlands instead of destroyed them.

The destruction of too many wetlands can have serious consequences for the condition of ground water supplies. In the San Joaquin Valley of California, wetlands have been drained so severely for agricultural uses, they are no longer able to help recharge aquifers. As a result 2-million acre feet more water is drawn out than replaced each year. Water tables are declining and farmers are forced to pay for the increasingly expensive electrical costs of pumping up groundwater.

In keeping with the message of our newly elected President and Vice-President, this bill is in line with the notion that good environmental policy is compatible with a strong economy. Wetlands are part of the equation necessary for a healthy economy because of the valuable functions they perform. It is no coincidence that wetlands are in areas attractive for development because people want to live where the benefits of wetlands are available. Where you find wetlands you find beauty, a healthy environment and an attractive quality of life. The San Francisco Bay Area, where I am from, is a popular place to live because it has these qualities in abundance.

More and more, we are recognizing the tremendous value wetlands contribute to a region when they are maintained in their natural state. Communities are willing to fight for their wetlands now because we understand that these values are lost forever when wetlands are destroyed to make way for a shopping center, golf course or other development project that may only realize a short-term gain. That is precisely why the small and financially strapped community of Carpinteria in Califor-

nia rejected a lucrative offer from developers to build a marina and condominiums on beachfront property and nearby wetlands. Instead, the community will spend \$1.3 million to purchase wetlands in the Carpinteria Salt Marsh to allow for their preservation.

However, some reform of wetlands policy is also needed to help the small landowner, the farmer and industries negotiate the permit process to carry on necessary and productive activities where wetlands exist.

I believe the Wetlands Reform Act carefully balances these important issues.

It keeps the authority to issue permits in the Army Corps of Engineers, and except in extraordinary circumstances the decision on the permit must be rendered in 90 days.

Under this bill, the Environmental Protection Agency retains its veto power.

It gives the Fish and Wildlife Service and the National Marine Fisheries Service a stronger role in the permit process.

It tightens up the entire nationwide permit process so that loopholes are eliminated.

It requires a report to Congress each 2 years by the Corps of Engineers outlining the effects on wetlands of the permit activity.

For small parcels of 1 acre or less, it provides a Fast Track Team—whose job it is to give 60 day service.

It protects farmers by maintaining present law. We don't interfere with normal farming practices.

It offers incentives to private holders of wetlands to keep their wetlands in their natural state.

The bill has the support of all the key environmental organizations. The National Wildlife Federation, the Audubon Society, the Sierra Club, the Natural Resources Defense Council, Friends of the Earth, Clean Water Action, the Izaak Walton League of America, Trout Unlimited, the American Oceans Campaign, and the Campaign to Save California Wetlands, have all pledged to work in favor of this bill.

I urge my colleagues to join with me as a cosponsor of this measure. I cannot stress enough how important it is to take a stand in favor of wetlands protection now, when we are still able to enjoy the benefits of these remarkable natural resources.

IN HONOR OF SANDRA R. SMOLEY

**HON. VIC FAZIO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FAZIO. Mr. Speaker, it is with great pride that I rise today to honor Sandra R. Smoley, on the occasion of her departure from the Sacramento County Board of Supervisors, as she has been bestowed the honor of serving the great State of California as a member of Governor Wilson's cabinet.

In 1972 Sandy broke ground by becoming the first woman ever elected to the Sacramento County Board of Supervisors. During her 20-year tenure for the board, she has shown a willingness to listen to local concerns and serve the local interest. Her knowledge and commitment to local issues have earned her both local respect and national recogni-

tion. She was reelected to the board numerous times, in addition to having served as a Presidential appointee to three major commissions—clear evidence of her distinguished standing.

In addition to the duties demanded of her office, she has been an active participant in the community. She has received numerous prestigious awards including a Distinguished Service Award from the United Way, an Honorary Big Sister Award from Big Brothers/Big Sisters, and a Personal Courage Award from the American Cancer Society.

With such an impressive background it is easy to see why Governor Pete Wilson recently appointed Sandy to the position of Secretary of the State Consumer Services Agency. In this important position, she will be charged with implementing the Governor's policies in a variety of areas including civil rights, fair housing and employment, consumer protection, and State administration. I am confident that the skills she gained and perfected as a county supervisor will translate to the statewide level.

On this occasion, as Sandy ends one outstanding career and begins another, I ask my colleagues on both sides of the aisle to join me in wishing her the best in all her future endeavors.

THE COLORADO WILDERNESS ACT  
OF 1993

**HON. JOEL HEFLEY**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HEFLEY. Mr. Speaker, I rise to introduce the Colorado Wilderness Act of 1993. I am joined in its introduction by three of my Colorado colleagues, Messrs. MCGINNIS, ALLARD, and SCHAEFER.

As some of you may know, S. 1029, the Colorado Wilderness Act of 1991, died on October 8 when the House refused to receive papers from the Senate and adjourned sine die.

The week prior to adjournment saw greater progress toward a Colorado wilderness bill than at any other time in the past 13 years. More importantly, the bill that stood before the House on that day recognized the possible impacts of wilderness reserved water rights from downstream areas and the need for those downstream areas to be treated differently. This was a major breakthrough.

Still, there were a number of elements contained in the final version of S. 1029 that make us somewhat thankful that proposal was not enacted. Concessions were made on access to and expansion of existing water facilities and S. 1029, far from settling Colorado's wilderness questions once and for all, placed a number of downstream areas into de facto study status.

I think we need to step back from this handiwork and take a look at what we're building. It is for that reason that I'm introducing this bill here today, a bill that comprises the original compromise introduced by Senators HANK BROWN and Tim Wirth in May 1991. The bill would create approximately 600,000 acres of new wilderness areas from Colorado, contains

the softest of release language, allows access to existing water facilities, and disclaims an existing wilderness water right on the North Platte.

Most importantly, this bill embodies the water language that enabled Colorado wilderness legislation to advance in the 102d Congress. This bill would deny Federal reserved water rights to all but one of the wilderness areas it creates, a denial justified by their locations in headwaters areas, where it is commonly agreed water development would be unlikely.

The remaining wilderness area, the Piedra, is located downstream. Its water needs merit special treatment due to the possible impacts of a Federal water right on existing rights upstream of the new wilderness area. This bill specifies that that need would be served through Colorado's instream flow law, following study and recommendations by the U.S. Forest Service and Colorado water authorities. The Forest Service completed a preliminary study last year.

I will not kid myself that this bill is going to be passed, unchanged, into law. But I hope it sets at least one of the parameters for an eventual resolution of this issue. As I have stated in the past, water is a life-and-death issue in the West, one whose treatment has evolved over 300 years and which reflects the needs and realities of that area of the country. It is a subject which must be taken seriously and not buried in some kind of ideological rhetoric. By building upon last year's discussions, I believe we have the chance to establish important new precedents with regard to the treatment of downstream wilderness areas. By introducing this bill today, I hope I am doing my part to move that process along.

H.R.—

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorado Wilderness Act of 1993".

#### SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Gunnison Basin Resource Area administered by the Bureau of Land Management which comprise approximately 1,470 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(2) certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 140 acres, as generally depicted on a map entitled "Larson Creek Addition to the Big Blue Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness designated by Public Law 96-560;

(3) certain lands in the Pike and San Isabel National Forests which comprise approximately 40,150 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposal", dated May 1991, and which shall be known as the Buffalo Peaks Wilderness;

(4) certain lands in the Gunnison National Forest and in the Bureau of Land Management Powderhorn Primitive Area which comprise approximately 60,100 acres as generally depicted on a map entitled "Powderhorn Wilderness—Proposal", dated May 1991, and which shall be known as the Powderhorn Wilderness;

(5) certain lands in the Routt National Forest which comprise approximately 17,300 acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88-555;

(6) certain lands in the San Isabel National Forest which comprise approximately 22,040 acres as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposal", dated May 1991, and which shall be known as the Greenhorn Mountain Wilderness;

(7) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 32,000 acres as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991, and which shall be known as the Fossil Ridge Wilderness Area;

(8) certain lands within the Pike and San Isabel National Forests which comprise approximately 13,830 acres, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated May 1991, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96-560; *Provided*, That the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act;

(9) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 5,000 acres, and generally depicted on a map entitled "Oh-Be-Joyful Addition to the Raggeds Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96-560;

(10) certain lands in the San Juan National Forest which comprise approximately 56,000 acres, as generally depicted on a map entitled "Piedra Wilderness", dated July 1991 and which shall be known as the Piedra Wilderness: *Provided*, That no motorized travel shall be permitted on Forest Service trail number 535, except for snowmobile travel during periods of adequate snow cover;

(11) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests which comprise approximately 18,000 acres, as generally depicted on a map entitled "Roubideau Wilderness—Proposal", dated May 1991, and which shall be known as the Roubideau Wilderness;

(12) certain lands in the Rio Grande National Forest which comprise approximately 207,330 acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposal", dated May 1991, and which shall be known as the Sangre de Cristo Wilderness;

(13) certain lands in the Routt National Forest which comprise approximately 44,000 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated May 1991, which shall be known as the Sarvis Creek Wilderness: *Provided*, That the Secretary is authorized to acquire by pur-

chase, donation, or exchange, lands or interests therein within the boundaries of the Sarvis Creek Wilderness only with the consent of the owner thereof;

(14) certain lands in the San Juan National Forest which comprise approximately 15,920 acres as generally depicted on a map entitled "South San Juan Expansion Wilderness—Proposal", (V-Rock Trail and Montezuma Peak), dated May 1991, and which are hereby incorporated in and shall be deemed to be part of the South San Juan Wilderness designated by Public Law 96-560;

(15) certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Hunter-Fryingpan Wilderness designated by Public Law 95-327: *Provided*, That no right, or claim of right, to the diversion and use of the waters of Hunter Creek, the Fryingpan or Roaring Fork Rivers, or any tributaries of said creeks or rivers, by the Fryingpan-Arkansas Project, Public Law 87-590, and the reauthorization thereof by Public Law 93-493, as modified as proposed in the September 1959 report of the Bureau of Reclamation entitled "Ruedi Dam and Reservoir, Colorado," and as further modified and described in the description of the proposal contained in the final environmental statement for said project, dated April 16, 1975, under the laws of the State of Colorado, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance, or repair of said Fryingpan-Arkansas Project facilities, nor the operation thereof, pursuant to the Operating Principles, House Document 187, Eighty-third Congress, and pursuant to the water laws of the State of Colorado: *And provided further*, That nothing in this Act shall be construed to impede, limit, or prevent the use of the Fryingpan-Arkansas Project of its diversion systems to their full extent;

(16) certain lands in the Arapaho National Forest which comprise approximately 7,630 acres, as generally depicted on a map entitled "St. Louis Peak Wilderness—Proposal", dated May 1991, and which shall be known as Byers Peak Wilderness;

(17) certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests and in the Bureau of Land Management Montrose District which comprise approximately 16,740 acres, as generally depicted on a map entitled "Tabeguache Wilderness—Proposal", dated May 1991, and which shall be known as the Tabeguache Wilderness;

(18) certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness—Proposal", dated May 1991, and which shall be known as the Vasquez Peak Wilderness;

(19) certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness and Weminuche Wilderness Addition—Proposal", dated May 1991, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93-632;

(20) certain lands in the Rio Grande National Forest which comprise approximately 23,100 acres, as generally depicted on a map entitled "Wheeler Additions to the La Garita Wilderness—Proposal", dated May 1991, and

which shall be incorporated into and shall be deemed to be a part of the La Garita Wilderness;

(21) certain lands in the Arapaho National Forest which comprise approximately 12,100 acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposal", dated May 1991, and which shall be known as the Farr Wilderness; and

(22) certain lands in the Arapaho National Forest which comprise approximately 6,400 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness—Proposal", dated May 1991, which are hereby incorporated into and shall be deemed to be a part of the Never Summer Wilderness.

(b) MAPS AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a legal description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary is authorized to correct clerical and typographical errors in such legal descriptions and maps. Such maps and legal descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

### SEC. 3. WATER RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) since virtually all of the lands designated as wilderness by this Act lie at the headwaters of streams and rivers that arise on those lands, the designation of these lands as wilderness poses few, if any, conflicts with existing water users in view of the provisions of this Act, and the land management agencies can protect these wilderness lands and their water-related resources without asserting either implied or express reserved water rights;

(2) these particular headwaters areas are not appropriate for new water projects;

(3) while the Piedra Wilderness designated by section 2(a)(10) of this Act is located downstream of numerous State-granted conditional and absolute water rights, the Forest Service can adequately protect the water-related resources of this wilderness area by working in coordination with the Colorado Water Conservation Board through a contractual agreement between the Secretary and the Board (as provided in subsection (e) of this section) to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Colorado Water Court for Division 7; and

(4) the water-related values of the existing Platte River Wilderness will be adequately protected by the terms of the equitable apportionment decree that the United States Supreme Court has issued for allocation of the waters of the North Platte River and its tributaries.

(b) WATER RIGHTS.—(1) Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied reservation of water or water rights arising from—

(A) wilderness designation for the lands designated as wilderness by this Act;

(B) the establishment of the Fossil Ridge National Conservation Area pursuant to section 6 of this Act; or

(C) the establishment of the Bowen Gulch Backcountry Recreation Area pursuant to section 7 of this Act.

(2) The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Act pursuant to the substantive and procedural requirements of the State of Colorado: *Provided*, That nothing in this Act shall be construed to authorize the use of eminent domain to acquire water rights for such lands.

(3) Notwithstanding any other provision of law, no officer of the United States shall authorize or issue a permit for the development of a new water resource facility within the wilderness areas designated by this Act: *Provided*, That nothing in this Act shall affect irrigation, pumping and transmission facilities, and water facilities in existence within the boundaries of such wilderness areas, nor shall anything in this Act be construed to limit operation, maintenance, repair, modification or replacement of existing facilities as provided in paragraph (f) of this section.

(c) PIEDRA WILDERNESS.—The Secretary shall enter into an agreement with the Colorado Water Conservation Board to protect and enforce instream flow filings established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado, and neither the United States nor any other person shall assert any rights for water in the Piedra River for wilderness purposes except those established pursuant to the provisions of section 37-92-102(3) of the Colorado Revised Statutes by the Water Court of Water Division 7 of the State of Colorado.

(d) NORTH PLATTE RIVER.—Notwithstanding the provisions of this Act or any prior Acts of Congress to the contrary, neither the United States nor any other person shall assert any rights which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of valid water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be junior and subordinate to use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

(e) INTERSTATE COMPACTS.—Nothing in this Act shall be deemed to alter, modify, or amend any interstate compact or equitable apportionment decree affecting the allocation of water between or among the State of Colorado and other States nor the full use and development of such waters, and nothing in this title shall affect or limit the use or development by holders of valid water rights of Colorado's full apportionment of such waters.

(f) ACCESS.—Reasonable access shall be allowed to existing water diversion, carriage, storage and ancillary facilities within the wilderness areas designated by this Act, including motorized access where necessary and customarily employed on existing routes. The present diversion, carriage and storage capacity of existing water facilities, and the present condition of existing access routes, may be operated, maintained, re-

paired and replaced as necessary to maintain serviceable conditions: *Provided* That, unless authorized by applicable statute: (i) the original function and impact of an existing facility or access route on wilderness values shall not be increased as a result of changes in operation; (ii) existing facilities and access routes shall be maintained and repaired when necessary to prevent increased impacts on wilderness values; and (iii) the original function and impact of existing facilities and access routes on wilderness values shall not be increased subsequent to maintenance, repair, or replacement.

(g) PRECEDENTS.—Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

### SEC. 4. ADMINISTRATION OF THE WILDERNESS AREAS.

(a) IN GENERAL.—(1) Subject to valid existing rights, each wilderness area designation by this Act shall be administered by the Secretary or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (1), (2), and (12) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service.

(b) GRAZING.—(1) Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560.

(2) REVIEW.—The Secretary of the Interior is directed to review all policies, practices, and regulations of the Bureau of Land Management-administered wilderness areas in Colorado to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in this Act.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) REPEAL OF WILDERNESS STUDY AND FURTHER PLANNING AREAS STATUS.—(1) Public Law 96-560 is amended by striking sections 105(c) and 106(b).

(2) Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness area areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that non-wilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

### SEC. 5. WILDERNESS REVIEW CONCERNS.

(A) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has adequately met the wilderness study require-

ments of Public Law 96-560, Public Law 95-237, and section 12(g) of Public Law 98-141;

(2) the initial Land and Resource Management Plans and associated environmental impact statements (hereinafter referred to as "land and resource management plans") for the National Forests in the State of Colorado have been completed as required by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1976;

(3) the Department of Agriculture, with substantial public input, has reviewed the wilderness potential of these and other areas; and

(4) the Congress has made its own examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) with respect to the National Forest System lands in the State of Colorado that were reviewed by the Department of Agriculture in wilderness studies conducted pursuant to Public Law 95-237, Public Law 96-560, and section 12(g) of Public Law 98-141, and the initial land and resource management plans, such reviews shall be deemed for the purposes of the initial land and resource management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless prior to such time the Secretary finds that conditions in a unit have significantly changed;

(2) except as may be specifically provided in sections 6 and 7 of this Act, those areas in the State of Colorado referred to in subparagraph (1) of this subsection which were not designated as wilderness shall be managed for multiple use in accordance with land and resource management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land and resource management plans;

(3) in the event that revised land and resource management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable laws, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless

area review and evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) APPLICATION OF SECTION.—The provisions of this section shall also apply to those National Forest System roadless lands in the State of Colorado that are less than 5,000 acres in size.

#### SEC. 6. FOSSIL RIDGE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge National Conservation Area (hereinafter referred to as the "conservation area").

(2) The conservation area shall consist of certain lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests, Colorado, which comprise approximately 43,900 acres as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated May 1991.

(b) ADMINISTRATION.—The Secretary shall administer the conservation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the conservation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the conservation area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the conservation area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the conservation area. After the date of enactment of this Act, no new roads or trails may be constructed within the conservation area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the conservation area only on those designated trails and routes existing as of July 1, 1991.

#### SEC. 7. BOWEN GULCH BACKCOUNTRY RECREATION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch backcountry recreation area (hereinafter referred to as the "backcountry recreation area").

(2) The backcountry recreation area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 6,800 acres as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated May, 1991.

(b) ADMINISTRATION.—The Secretary shall administer the backcountry recreation area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the backcountry recreation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the backcountry recreation area. After the date of enactment of this Act, no new roads or trails may be constructed within the backcountry recreation area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the backcountry recreation area except for the minimum necessary to protect the forest from insects and disease, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the backcountry recreation area only on those designated trails and routes existing as of July 1, 1991 and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the backcountry recreation area.

(g) MANAGEMENT PLAN.—During the preparation of the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the backcountry recreation area, after providing for public consultation.

### A BALANCED BUDGET

#### HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. HOAGLAND. As the 103d Congress convenes today, I am introducing a bill to require the President to submit and the Congress to pass a balanced budget. I have also urged President-elect Clinton and Office of Management and Budget Director-designate LEON PANETTA, in developing an economic revitalization program, to attack the Federal deficit head on.

The federal budget deficit for the fiscal year ending September 30, 1992, was a whopping \$290.2 billion. In fact, the Federal deficit has plagued the American economy since 1969. That was the last time we had a budget surplus. When President Carter left office, the annual deficit was \$74 billion and the national debt was \$94.5 billion and net interest \$52.5 billion. The debt was 34 percent of GDP. By the time President Reagan left office, the deficit had doubled to \$155.2 billion and the debt had climbed to \$2.7 trillion or 54 percent of GDP. Interest on the debt was \$152 billion. Even worse, the Congressional Budget Office predicts that the deficit will stay in the \$250 to \$290 billion range over the next 5 years unless we enact significant deficit reduction legislation.

It is worth noting, too, that recent administrations have not sent Congress a balanced budget. The last President to do so was Richard Nixon in 1971. President Bush last year sent up a budget for fiscal 1992 with a record-setting \$281 billion deficit.

#### THE DAMAGE CAUSED BY DEFICITS

The Federal deficit is eating away at our Nation's economic health. Large deficits inevi-

tably create ever-increasing interest payments on the national debt, now costing each taxpayer about \$2,000 per year. As economist Barry Bosworth testified last year, the Federal deficit every year uses up "two thirds of all savings in the private sector, leaving [us] with almost nothing to invest in private capital formation."

The debt created by the deficit undermines the U.S. standard of living. Former Director of the Congressional Budget Office Alice Rivlin testified that "persistent budget deficits [in the 1980s] produced a slower-growth economy, trade deficits and growing foreign ownership of U.S. securities and physical capital \* \* \* If Americans are to live better in the future, they need to save more and channel those savings into productivity-enhancing investment." As long as we continue to use our savings to finance government deficits, she says, we can expect "low investment, stagnant productivity growth, continue trade deficits and growing obligations to send interest, dividends and profits overseas."

Virtually all mainstream economists in America agree with Ms. Rivlin. Her conclusions are consensus predictions that will mean fewer jobs, lower wages, higher interest rates, and further erosion of the quality of life Americans expect. Huge government borrowing means less private capital invested in ways that increase productivity and create jobs. That slows improvements in our standard of living.

This is money essentially wasted that could be spent on productive governmental investments like education, job training and health care. As long as we are putting resources into paying off debt, we are practically hamstringing in addressing many of the Nation's problems, like deteriorating roads and bridges, inadequate health care and job training.

The bill I am introducing today has two simple provisions. It would require the President to submit to Congress each year a balanced budget and the House and Senate to vote each year on a balanced budget.

My bill has one important advantage over an amendment to the U.S. Constitution. A constitutional amendment could take up to 5 years for ratification, not to mention additional years of litigation. Why should we wait for five years to enact legislation requiring a balanced budget? We can quickly pass this bill and send it to the President soon.

Another strength of my bill is that it places the blame for the problem and the responsibility for correcting it squarely where it belongs, with both the President and the Congress.

We had the so-called Andrews Air Force Base summit on the budget in the fall of 1990 which led to nearly \$500 billion in deficit reduction over 5 years. We need to do that or its equivalent at least twice more this decade if we are to have the impact we need.

We must force the tough decisions that need to be made to bring this problem under control. We must end our senseless spending and borrowing that is causing such grave economic problems threatening our continual prosperity for our country.

## INVESTMENT TAX CREDIT FOR NEW MANUFACTURING EQUIPMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEVIN. Mr. Speaker, today I am reintroducing legislation to provide an investment tax credit for new manufacturing equipment. Over a year ago, Frank Guarini and I put together this bill as a responsible, effective alternative to President Bush's across-the-board capital gains tax cut proposal. President-elect Clinton included a 10-percent ITC for manufacturing equipment in his economic plan, Putting People First, and it is my hope that this legislation will serve as a useful tool in determining how best to shape an ITC.

The recent economic news has been more positive, but there is a real need to ensure the present recovery is sustainable and to lay the groundwork for an investment-oriented tax code. We need a long-term strategy for restoring economic growth, focused on two goals. First, we must continue to be vigilant in bringing the Federal budget deficit under control. Second, we must target the scarce resources available to us on those economic activities that offer the biggest long-term economic payoff.

The legislation I am introducing today should help further the second goal by increasing investment in our neglected industrial base. It provides a tax credit for new investment in manufacturing plant and equipment. The level of the credit, 7.5 percent, is set to approximate the difference in cost of capital between the United States and our economic competitors in Europe and Japan. It should help reverse the trend of under-investment in manufacturing equipment during the 1980s and close the gap in capital stock between the United States and our major trading partners.

The tax credit is targeted in two important ways.

First, only investment above an adjusted historical base would qualify for the credit. The approach we used is almost identical to the historical base used in the research and experimentation tax credit, and is designed to provide an incentive for new investment, not a reward for investment that would take place anyway.

Second, only investment in property integral to the manufacture of tangible property would be eligible for the credit. Our intention is to limit the credit to investment that directly aids the manufacturing process. For example, investment in mixed use property, in fixtures for retail sales, or in agricultural production would not qualify for the credit.

Mr. Speaker, a threshold question for any tax incentive, new or old, is whether it channels investment efficiently to those areas of the economy that are important to our economic future.

A targeted ITC meets this test, and would do much more for economic growth than a capital gains tax preference. According to a comprehensive study by Dr. John Shoven of Stanford University, an ITC is the most effective means of reducing capital costs per dollar

of foregone revenue, much more so than a cut in the capital gains rate. The ITC credit only rewards investment in productive assets, while an across-the-board capital gains cut would apply equally to unproductive assets and the benefit might be spent on consumption rather than investment.

In addition, since the manufacturing sector consistently shows higher productivity rates, encouraging investment in this area promises higher overall productivity and a consequent increase in our standard of living. Recent research by economists Larry Summers and Bradford DeLong demonstrates that this is a strong positive correlation between the level of a nation's capital stock and its overall economic performance, measured by productivity and GDP gains.

I'm well aware of the ITC's checkered history. The old ITC we repealed as part of the 1986 tax reform legislation was far too broad and invited all kinds of fraud and abuse. We've tried to draft this legislation so as to avoid the problems that plagued the original ITC, and I hope all those with an interest in this legislation will provide their comments on this matter.

Mr. Speaker, we cannot afford to repeat the mistakes of the past. It is high time we developed a strategic, integrated approach to economic policymaking in this country.

We should start with an economic growth package designed to treat the decade-long deterioration in our competitiveness, a package combining tax incentives and a tough, invigorated trade policy. A narrowly targeted ITC would bring much needed investment to our battered industrial base and would ensure that our businesses and workers have the tools they need to compete in the global marketplace.

President-elect Clinton recognizes this better than anyone, and has pledged to focus on the economy with a laser beam. I look forward to working with the Clinton administration on this and other economic growth proposals, and hope that this bill provides some useful guidance. I also realize a number of important issues surrounding an ITC are still outstanding—such as the situation of heavy manufacturers who have invested heavily in the recent past—and I look forward to working with those who are interested to resolve them.

## DEFENSE NUCLEAR WORKERS' HEALTH INSURANCE ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. SKAGGS. Mr. Speaker, today I am introducing legislation to provide continuing health insurance for Department of Energy [DOE] nuclear weapons plant workers losing their jobs as a result of the downsizing of the nuclear weapons complex. The Defense Nuclear Workers' Health Insurance Act of 1993 will meet the unique and compelling health insurance needs of defense nuclear workers.

For more than 40 years, workers at the Nation's nuclear weapons plants have been among America's frontline soldiers in the cold

war. In carrying out their national security mission, many have worked with uranium, plutonium, and other radioactive materials under conditions we would consider appalling by today's standards. With the coming consolidation and likely downsizing of the weapons complex, some of these workers face serious health, insurance, and future employment difficulties that are unique to their industry.

These workers have dedicated their careers to this difficult and sometimes dangerous national defense mission. We should treat them now with a decent sense of national responsibility. They did their part; we should keep faith with them. Congress has already recognized America's special obligations to veterans, of course, and to those who were innocently exposed to dangerous levels of radiation during the cold war—uranium miners, people living downwind of nuclear tests, and the "atomic veterans." I strongly believe that nuclear weapons workers deserve similar consideration.

Please let me take a minute to describe more fully what the bill does.

With the cold war over, several nuclear weapons plants have reduced or suspended operations, and further contraction and consolidation of the nuclear weapons complex will occur over the next decade. Some workers at these facilities have already been laid off, and more will be. Unfortunately, when they seek new jobs, they may face resistance because employers fear that the workers' prior exposure to radiation could increase company health care or health insurance costs.

My bill would establish a DOE-funded health insurance program for former weapons plant workers who were exposed to levels of radiation that carry substantial health risks. Because DOE's worker-exposure records are often inaccurate or nonexistent, the program would also cover those who worked for 5 or more years in "hot" facilities, a period of time in which unhealthy levels of radiation exposure might reasonably be presumed.

This provision would eliminate a significant reemployment hurdle, and make it easier for these former defense nuclear workers to obtain new civilian jobs. It would provide former defense nuclear workers with Federal health insurance for any costs exceeding \$25,000 for illness or injury caused by on-the-job exposure to ionizing radiation. The initial expenditure of \$25,000 would be the responsibility of the worker or his or her insurer. By covering the most expensive cases, this Federal insurance will remove the fear of potential new employers that their insurance costs will increase if they hire former weapons plant workers. It shows that the Nation isn't going to abandon people who have devoted their working lives to protecting their country.

The bill I am introducing today is virtually identical to a major element of H.R. 3908, the Defense Nuclear Workers' Bill of Rights Act, which I introduced in the 102d Congress. I am pleased that other portions of that bill were adopted as part of the fiscal year 1993 Defense authorization bill. However, the bill that was enacted didn't address one of the fundamental concerns of the defense nuclear worker—the need for adequate health insurance coverage when he or she leaves the nuclear weapons complex. That's why I intro-

duced H.R. 5887, the Defense Nuclear Workers' Health Insurance Act of 1992, on August 12, 1992, and that's why I'm reintroducing that same bill today.

Since I introduced H.R. 5887, I've received comments from many individuals and organizations with important suggestions about who should be covered, what should be covered, and how much this will cost those individuals who are covered. I welcome their comments and look forward to working with them, and others, to make any necessary improvements to this bill.

I urge my colleagues to support this legislation, and so to treat these defense workers in a fair and responsible manner.

#### INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1993

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. FIELDS of Texas. Mr. Speaker, it is an honor and a privilege for me to reintroduce, along with our distinguished colleague LANE EVANS, on this the first day of the new 103d Congress, the Merchant Mariners Fairness Act.

During the last Congress, this bill received extensive consideration but, regrettably, it was not enacted into law. It was cosponsored by 227 Members, adopted unanimously by the House Merchant Marine and Fisheries Committee, and was the subject of a hearing before the Veterans' Affairs Committee.

The bill I am reintroducing today is the product of that careful consideration. It has been endorsed by many diverse groups, including the largest American Legion Post in the United States, and it deserves the support of every Member of the House of Representatives.

Mr. Speaker, by way of background, my colleagues should know that during World War II, some 17.9 million men and women were inducted into our Armed Forces. Of that figure, 6.3 million volunteered and the remaining 11.5 million were drafted. Of this total, some 6.4 million or 35.8 percent were rejected for active duty because of various physical or mental disabilities.

Furthermore, it is interesting to note that of the nearly 12 million Americans who served in active duty status, 73 percent served overseas and, of these, 38.8 percent had rear echelon assignments. I have presented these figures only to illustrate that millions of uniformed men and women never served outside of the United States. In no way does this denigrate or negate their vital service to this country. It simply means that these individuals were needed here in the United States to train those who did go overseas.

Furthermore, some 270,000 men volunteered for service in the U.S. merchant marine. Many of these men joined the merchant marine because they had physical imparities, such as poor eyesight, or because they were too young to serve in the Army, Navy, or Marine Corps. Each of them could have avoided service but instead they chose to serve their country by enlisting in the U.S. merchant marine.

Of the 270,000 that volunteered, 37 died as prisoners of war, 6,507 were killed in action, and 4,780 are missing and presumed dead. In addition, some 733 U.S. merchant ships were destroyed. In fact, the casualty rate for the merchant marine was only one-tenth of 1 percent lower than the Marine Corps, which had the highest casualty rate of any branch of service during the war.

In order to man our growing merchant fleet during World War II, the U.S. Maritime Commission established various training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, a seaman became an active member of the U.S. merchant marine.

These seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported our troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people.

Mr. Speaker, it has been 47 years since the end of World War II. Nevertheless, there are still some Americans who served in that war who have not received the honors, benefits, or rights they deserve. H.R. 44 will correct that injustice by providing veterans status to some 2,500 merchant mariners who have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers or to preserving the freedoms that all Europeans and all Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by other Americans who served their country during the World War II period.

In 1987, after years of litigation and delay, U.S. District Judge Louis S. Oberdorfer ruled that previous decisions by the Air Force rejecting veterans status for World War II merchant seamen were "arbitrary and capricious and not supported \* \* \* by substantial evidence".

Despite the results of this landmark court case, then Air Force Secretary Edward Aldridge unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. Merchant Marine.

Mr. Speaker, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal Court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V-J Day.

Let me briefly describe why the August 15, 1945, date is wrong and why these 2,500 Americans have earned the right to be given veterans status.

First, the Federal War Shipping Administration [WSA] was in control of all ship movements far beyond the date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

During the hearings on this legislation, we learned that at least 13 U.S. merchant vessels were damaged or sunk after August 15, 1945—a greater number than were lost at Pearl Harbor. One of them was the S/S *Jesse Billingsley*, which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. Merchant Marine, the war did not end on August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December, 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. Merchant Marine did not radically change on that date. In fact, I have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it wasn't until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

There is no arbitrary cut-off date for the Male Civilian Ferry Pilots, the Wake Island Defenders, the Guam Combat Patrol or the Women's Army Auxiliary Corps and there shouldn't be any for our Nation's merchant mariners.

Mr. Speaker, H.R. 44 will correct Secretary Aldridge's unfair decision by eliminating the unworkable date of August 15, 1945. It is a fair solution to this problem because it treats all those who served during the World War II period in exactly the same manner. If an individual was in a Navy boot camp or Army basic training on December 31, 1946, then they have been considered a World War II veteran for the past 46 years.

While the 2,500 Americans affected by H.R. 44 would be eligible for a variety of veterans benefits, in reality the only benefits they are likely to obtain are recognition and the right to have a flag on their coffin.

After all, education benefits have long been expired, people in their mid-60's do not usually buy new homes, and all of these individuals are already eligible for Medicare benefits. In short, it is highly unlikely that any of these individuals will ever obtain care at a VA hospital. In fact, we know that 76,000 merchant mariners have been given veterans status because of the 1988 decision and, of that number, only a handful have received VA hospital benefits.

Mr. Speaker, it is for this reason that the Congressional Budget Office has estimated that H.R. 44 would result in outlays of only

\$100,000 in fiscal year 1994. Furthermore, my bill requires that an individual seeking veterans status pay the Coast Guard a \$30 processing fee. This fee will cover all administrative costs.

I have been contacted by hundreds of people affected by Secretary Aldridge's unfair decision. Each of these Americans shares the common characteristic of love of country and the commitment to serve during one of the most difficult periods in our Nation's history.

Because of their young age or physical impairments, most of these men could have simply chosen to avoid service during World War II. However, they chose not to do so, and we must not, even at this late hour, forget them.

Mr. Speaker, it is essential that we resolve this problem legislatively because the Department of the Air Force is either unwilling or unable to resolve it administratively.

Finally, I would like to acknowledge the outstanding leadership of Congressman LANE EVANS. We have stood together on this legislation, and LANE EVANS is a champion for all of our Nation's veterans.

I would also like to express my deep appreciation to my other colleagues, including the distinguished chairman of our committee, GERRY E. STUDDS, who join with us in reintroducing the Merchant Mariners Fairness Act. I urge the House of Representatives to move H.R. 44 so that we can finally provide these Americans with the recognition which they have long deserved. In my 13 years in Congress, I have never seen an issue, which affects so few people, attract the support of so many Americans. It is time we finally enacted this important legislation into law. These men have waited a lifetime to tell their grandchildren that they are World War II veterans.

#### YEAR OF THE WOMAN IN POLITICS

##### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MOAKLEY. Mr. Speaker, this year is being called the "Year of the Woman" in politics, and great advances are being made as a record number of women are running for public office, especially at the national level.

Politics is not the only area where great achievements are being recorded by American women. Over the past decade, there has been progress in a vast array of fields, and the engineering profession in particular has become fertile ground for efforts to advance opportunities for women.

I am proud that Stone and Webster Engineering Corp., which is headquartered in Boston, is leading this advance.

An example of Stone and Webster's leadership and initiative is their Women in the Workplace Task Force that was organized to identify and resolve issues faced by both women and men in a changing work force. One outgrowth of the task force is a special team on hiring female professionals.

Additionally, Stone and Webster's human development office has run a number of workshops and conferences to help women progress in their professional and career de-

velopment, and it is engineer Nina Antolino who chairs the Women's Career Development Network that provides a forum for professional skill development and mutual support.

Engineering has been perhaps the most nontraditional profession for women. It is heartening to see respected and long-established firms like Stone and Webster Engineering encouraging career advancement for women in such meaningful ways.

#### A TRIBUTE TO BOB HAMMOCK

##### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to pay special tribute to my very good friend, Bob Hammock, whose fine work and outstanding record of public service is well known to the people of San Bernardino County. Bob is among our most accomplished and dedicated community leaders. Most importantly, he is a trusted friend to those who know him and have worked closely with him for many years.

Bob was born on November 20, 1940 in Lenwood, CA, and is a lifetime resident of San Bernardino County. Since 1976, he has represented the Fifth Supervisorial District, and has served multiple terms as chairman of the board. Bob also served as Fourth Ward councilman for the city of San Bernardino from 1969 to 1976.

Bob's active involvement in civic activities spans three decades. Over the years, he has committed himself to improving the quality of life for people, young and old, in our community. In this time, he has served on the boards of the Arrowhead United Way, California Jaycees, Uptown YMCA, Boys' Club, Zoological Society, Boy Scouts, Children's Fund, YWCA Campaign for Kids, and the March of Dimes.

Bob has also been very active in providing leadership at times of critical need. He serves as the cochairman of the Inland Valley Development Agency, created for the purpose of expediting economic recovery as a result of the Federal Government's decision to close Norton Air Force Base.

As one of our county supervisors, Bob has demonstrated leadership in many capacities serving as a member of the board of directors and executive committee of the California State Association of Counties, a member of the board of directors of the National Association of Counties, and chairman of the Southern California Regional Airport Authority. He is also vice-chairman or past president of the Omnitrans Board of Directors and San Bernardino Associated Governments/County Transportation Committee. Bob also serves on the San Bernardino County Disaster Council, and on the governing boards of the San Bernardino County Flood Control District and the San Bernardino Building Authority.

Mr. Speaker, I ask that you join me, our colleagues, and Bob Hammock's many friends in recognizing his many years of dedicated, selfless work for our great country. I join his lovely wife, Barbara, his children Ralph, Kathy, and Patricia, and grandchildren Joseph and

Coreena, in wishing Bob the very best in the years to come. Indeed, Mr. Speaker, Bob Hammock is certainly worthy of recognition today by the House of Representatives.

REFORM OF THE MINING LAW OF  
1872

**HON. NICK JOE RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. RAHALL. Mr. Speaker, today I am introducing into the 103d Congress legislation to reform the Mining Law of 1872. Joining me in introducing this measure is the distinguished chairman of the Committee on Natural Resources, GEORGE MILLER, as well as Representatives BRUCE VENTO and RICHARD LEHMAN.

This bill, the Mineral Exploration and Development Act of 1993, is based on the substitute to H.R. 918 that was considered on the House floor on October 4, 1992, during the waning hours of the 102d Congress. At that time, for the first time in history, the full House began consideration of comprehensive mining law reform legislation when, by a vote of 251 to 146, it approved the rule governing debate on H.R. 918.

Today, with the introduction of this measure, we begin where that historical debate left off. The House, I believe, has sent a clear signal to the Nation that the reform of the Mining Law of 1872 is of paramount importance to advancing the public interest in Federal land use policy.

For the benefit of my colleagues, the Mining Law of 1872 still allows mining claims to be staked on Federal lands in the West for minerals such as gold, silver, lead, copper, and zinc. Under these claims, no rent is paid to the Government and companies may mine these minerals without paying a royalty to the Treasury. Claim holders can also buy the land from the Federal Government for a mere \$2.50 or \$5.00 an acre depending on the type of claim under the guise of what is known as a patent. Meanwhile, through a policy of benign neglect, the Federal Government has failed to impose substantive reclamation standards on these mining operations. This has given rise to a legacy of abandoned tailings piles, open pits, and poisoned streams.

The legislation I am introducing would require a minimal rental for the use of claimed lands, impose a production royalty, stop the fire sale of valuable Federal mineral lands, and require industry to clean up after itself in exchange for the privilege of utilizing public domain lands. Indeed, the name of every American is on the deed of these lands and it simply seems to me that if we are to be good stewards, and promote the public interest, we should manage the public domain in a fashion at least as responsible as one would treat privately owned property in this country.

To give just one example of the inadequacies of the current system, according to a report issued by the U.S. General Accounting Office last year, the value of eight types of minerals extracted under the Mining Law from Federal lands in 1990 was \$1.2 billion. Yet,

the American taxpayer did not receive a single cent in return. Meanwhile, it is not the lone prospector of old who is producing these minerals. The vast majority of the gold mining operations in the West today are foreign-controlled conglomerates.

For my part, I am advancing this legislation for a number of reasons.

I do so because I no longer believe that we can expect a viable hardrock mining industry to exist on public domain lands in the future if we do not make corrections to the law today.

I do so because there are provisions of the existing law which impede efficient and serious mineral exploration and development.

I do so because the public deserves some return for the use of Federal lands dedicated to mining.

I do so because it is no longer in the public interest to dispose of these mineral lands under the guise of a patent.

And, I do so because persons and communities in proximity to these hardrock mines deserve no less protections than persons and communities in proximity to other types of mining, such as coal.

The Mineral Exploration and Development Act of 1993 contains the eight basic reform tenets that were incorporated into its predecessor legislation.

First, the bill recognizes that self-initiation and access to public domain lands open to the location of mining claims are important features of the Mining Law of 1872 that should be maintained.

This is a mining claim bill, based on the principles of access to public domain lands and the right of self-initiation.

Second, security of tenure is another important function of mineral exploration and development. One of the major thrusts of the legislation is to provide locators of mining claims with the type of security of tenure they currently do not enjoy.

The Mining Law of 1872 provides that claims cannot be located until there is discovery of a valuable mineral. At some point in the past, while the Mining Law dictum of discovery and the judicially promulgated concept of *pedis possessio* may have made sense, they simply do not comport well with today's modern mineral exploration techniques, or for that matter, the types of mineralization involved.

This bill says to the prospective mining claimant that once a claim is properly located it is the exclusive possession of the locator for mineral prospecting and mining purposes so long as he is being diligent, pays the annual rental, and files an affidavit once a year.

Third, certain provisions of the Mining Law of 1872 hinder serious mineral exploration and development activity. Among them, the distinction between lode and placer claims, the acreage limitation, extralateral rights, and the discovery concept. The bill would eliminate them.

The bottom line is that by eliminating the concept of discovery and a number of other arcane aspects of the Mining Law of 1872, such as the distinction between lode and placer claims, and causing claims to be held on the basis of sound market-based business decisions, I believe this legislation offers the mining industry a much more superior legislative framework under which to operate.

Fourth, the bill recognizes that the patent feature of the Mining Law of 1872 does not

comport with modern Federal land policy which is grounded on the retention of the public domain under the principles of multiple use.

It is certainly not in the public interest to dispose of valuable mineral lands for \$2.50 or \$5.00 an acre. Nor is it appropriate for lands to be gained under the guise of a mining law to be subsequently utilized for nonmineral development purposes.

In addition, the patenting feature of the Mining Law of 1872 can cause the administrative withdrawal of lands which would otherwise be open to mining from entry. For these reasons the bill proposes to eliminate the concept of the patent.

Fifth, the public is justified in expecting the diligent development of its mineral resources. It is not appropriate to allow a person to locate a claim and to indefinitely take no further action, or to use the land for nonmining purposes. This in effect constitutes a withdrawal of public domain lands from other uses. In addition, it is not fair to the serious mineral explorationist and developer to have to deal with these situations. For these reasons, this measure would impose reasonable diligent development requirements on mining claim holders.

Sixth, there should be some financial return to the public for the use of Federal lands, and the disposition of valuable mineral resources from this land. The bill proposes a minimal surface rental fee and a production royalty. Furthermore, it would dedicate a good portion of this revenue to the reclamation of abandoned hardrock mines in the Western States.

Seventh, there is a pressing need for the effective enforcement of reasonable reclamation requirements for hardrock mining operations. This legislation would provide statutory enforcement mechanisms. It would also grant the Forest Service a greater degree of authority to manage hardrock mining activities on lands that it administers.

Eighth, hardrock mining activities should be fully considered in BLM and Forest Service land use planning documents within the context of multiple use of the public domain. Consideration of mining law operations within the planning process would not only protect other resource values but provide industry with greater assurances of being able to develop lands subjected to adequate plans.

Mr. Speaker, I commend this legislation to the House.

EMERGENCY MEDICAL SERVICES  
AMENDMENTS OF 1992

**HON. STEVE GUNDERSON**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. GUNDERSON. Mr. Speaker, the average U.S. citizen will need emergency care at least twice in a lifetime. However, will that care be available?

Comprehensive emergency medical services systems are essential to our health care delivery system. However, not all States have well-developed EMS programs. Rural populations face an additional challenge because often emergency medical care is more difficult to deliver in rural areas.

In 1990, the Congress passed the Trauma Care Systems Planning and Development Act. This legislation created a Federal Advisory Council on Trauma Care, authorized grants to States for the purpose of incorporating a State trauma care plan into State emergency medical programs, and called for the development of rural demonstration projects that would improve emergency medical care in rural America. The purpose of this initiative is to assist States and communities in the development and implementation of effective trauma care systems.

Trauma is only one element of emergency medical care. Trauma is defined as a body injury usually caused by a violent, chemical, or other extrinsic force. In addition to improving our trauma care system, it is imperative that we enhance our emergency medical services programs.

Today I am reintroducing the Emergency Medical Services Amendments of 1993, which I introduced in the 102d Congress. This bill will begin to address the coordination of emergency medical services [EMS] at both the Federal and State levels. In addition, my proposal will also enhance emergency medical care in rural communities. The key components of my legislation are:

First, establishment of a Federal EMS office. This office will be located within the Department of Health and Human Services. The duties of this office will include: (a) conduct activities that will maintain an adequate number of health professionals involved in both prehospital and hospital, based activities, (b) provide technical assistance to State and local agencies, (c) coordinate EMS activities within the Department of Health and Human Services and as appropriate, with activities of other Federal agencies, (d) develop and review EMS guidelines pertaining to health professionals, equipment, and training, (e) investigate communications technologies for the purpose of carrying out EMS activities, and (f) examine the unique needs of underserved inner city and underserved rural areas in regard to EMS.

Second, establishment/enhancement of State EMS offices. The purpose of this office is to improve the availability and quality of EMS in the States. Many States do not currently have formally established EMS offices. Others have a definitive office, but suffer from lack of funds and staff. My proposal will enable States that choose to do so to create an office or enhance already existing EMS offices through a Federal/State matching grant program over 3 years. Required activities of the State offices include the coordination of all State EMS activities, providing technical assistance to public and nonprofit private entities regarding EMS programs including training of health professionals.

Third, demonstration telecommunications program. This program will enable patients and health professionals in rural communities to linkup with medical specialists in larger health facilities for consultation regarding life-saving treatment. This activity will be accomplished by rural facilities using telecommunications such as static video imaging transmitted through telephones and facsimiles. The development of this project will enable rural hospitals to stabilize and treat patients in criti-

cal condition who are unable to travel long distances to comprehensive medical centers.

My proposal will allow for a strong EMS presence at both the Federal and State levels. Revamping of emergency medical care is an essential component of health care reform. I urge my colleagues to support this bill and make the revitalization of emergency medical services a key provision of any health care reform package that passes this Congress.

THE RETIREMENT OF RAY L. BOURNE, DIRECTOR OF THE CARL T. HAYDEN VA MEDICAL CENTER, PHOENIX, AZ

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. STUMP. Mr. Speaker, I rise in order to pay tribute to a remarkable public servant from my State of Arizona on the occasion of his retirement. Mr. Ray L. Bourne will soon retire from his current position as medical center director of the Department of Veterans Affairs Medical Center in Phoenix. He has served in this position since 1981 and has made great contributions toward improving the lives of Arizona's veterans.

Mr. Bourne is himself a veteran, having served in the U.S. Army from 1953-56. He has dedicated his entire career to serving fellow veterans.

Mr. Bourne began employment with the then Veterans Administration in 1961 as a house-keeping officer. Over the course of his 32 year employment with VA, Mr. Bourne successfully performed positions of greater responsibility. His distinguished career highlights the remarkable degree to which he has exemplified the mission of the Department which states, "To care for him who has borne the battle, his widow, and his orphan."

Mr. Speaker, I have had the good fortune to work very closely with Ray. His responsiveness on behalf of the veterans entrusted to his care has always been exceptional. He is an ardent advocate for veterans and worked tirelessly to promote the health care programs and enhance the quality of care delivered at his facility. As ranking minority member of the Committee on Veterans' Affairs, I have also had occasion to work with many other hospital directors. That is how I know without a doubt that Mr. Bourne is among the best we have. He typifies the ideal professional, which the VA continually strives to recruit and retain.

Over the past 12 years, the VA has been faced with a serious erosion of the funds necessary to adequately meet the health care needs of veterans. During this time, Mr. Bourne kept a watchful eye over his facility, developed innovative and cost-efficient procedures for minimizing rising health care costs, and above all was never afraid to speak out when he believed that Arizona's veterans were not getting their due. While planning for the growth of the medical center, he consistently highlighted the true needs of veterans without regard to arbitrary budget constraints applied by VA managers here in Washington.

His outspokenness on behalf of veterans is what truly sets Mr. Bourne apart from other

managers. He proved himself to be a tireless advocate and was instrumental in initiating a land exchange agreement allowing for expansion of veterans health care facilities in Phoenix. Under this agreement, veterans will receive a total of 11.5 acres for a new clinical addition to the Carl T. Hayden VA Medical Center in Phoenix and 3.5 acres for the construction of Arizona's first Veterans' State Home. Although these vitally important improvements are still in the planning stages, when they do finally stand, they will be a permanent reminder of the contributions of this remarkable man.

Clearly Mr. Bourne is a manager who possesses not only exceptional leadership qualities but one who has vision. His vision for providing accessible, quality health care services to Arizona's veterans has continually held him at the front of an uphill battle to garner adequate VA resources for this rapidly growing State. He held fast to his beliefs, and in so doing accomplished a great deal, despite pressure to make do with less.

Mr. Speaker, I want to state my appreciation for the contributions and assistance provided by Mr. Bourne to the Committee on Veterans' Affairs and the U.S. Congress on all health care matters affecting the veterans of Arizona and their families.

### INTRODUCTION OF THE NATIONAL VOTER REGISTRATION ENHANCEMENT ACT OF 1993

#### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MICHEL. Mr. Speaker, I rise today to announce the introduction of the National Voter Registration Enhancement Act of 1993.

This legislation will expand voter registration to encourage all qualified voters to participate in the election process. It will provide block grants to States of \$25 million over a five-year period for the purpose of supporting, facilitating, and enhancing voter registration.

It also strengthens the current fraud provisions by providing new penalties, including 20 years imprisonment for voting fraud.

Increasing voter registration is obviously an important priority for this Nation. We must take measures, however, to insure that vote fraud is discouraged and that federal mandates on the States are paid for by the Federal Government.

I insert for the record the text of the National Voter Registration Enhancement Act of 1993:

H.R.—

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1993".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—  
 (1) the right to vote is a fundamental right;  
 (2) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters,

which dilute the worth of qualified votes honestly cast; and

(3) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

#### TITLE I—VOTER REGISTRATION ENHANCEMENT

##### SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

##### SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

##### SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1993, 1994, and 1995, a total of \$25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, such as, but not limited to—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles; and

(B) providing for uniform and non-discriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(a) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections in connection with applications for driver's licenses;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

##### SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

#### TITLE II—PUBLIC CORRUPTION

##### SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United

States Code, is amended by adding at the end thereof the following new section:

##### "§ 226. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner

or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), and objective of the scheme or artifice to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official."

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"226. Public corruption."

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery)."

(3) Section 2518(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests)."

#### SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce."

#### SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

#### CLAY SPONSOR LEGISLATION TO END THE PERMANENT REPLACEMENT OF STRIKING WORKERS

#### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. CLAY. Mr. Speaker, today I am introducing legislation to ban the permanent replacement of striking workers. The bill I am introducing is identical to legislation passed by the House of Representatives in the last Congress by a vote of 247-182. The bill generally provides that employers may not permanently replace striking workers. This bill applies to all private sector workers covered by the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA]. Reflecting the action taken on the House floor in the last Congress, the bill I am introducing is limited to cover only employees who either are represented by a collective bargaining representative or have taken specific steps to obtain certification at least 30 days prior to the commencement of the labor dispute. While employees who are neither represented by a union nor seeking representation by a union may lawfully strike, under the provisions of this legislation such employees may be permanently replaced by their employer. Where employees are represented by a union, or are seeking union representation, it is the intent of this legislation to prohibit the permanent replacement of striking workers.

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and engage in collective bargaining. A key protection of the NLRA is the prohibition

against firing workers for exercising their right to join or help organize a union. During a strike, however, this protection loses its force. A strike is the one situation when it is legal to replace an employee for supporting union activity. When workers strike today for improved working conditions, there is a good chance they will lose their jobs. Permanently replacing workers who strike was deemed lawful by the Supreme Court in the Mackay Radio case. This deficiency in labor law has remained for many years but has become especially serious in recent years as, increasingly, employers have not hesitated to fire, in effect, striking workers. The problems spawned by the Mackay Radio decision were exacerbated by the Supreme Court's 1989 decision in *Trans World Airways* versus International Federation of Flight Attendants. In this decision, the Court departed from precedent and decided that employers could offer preferential benefits to strikers who cross picket lines and return to work. The Court condoned a practice it had earlier labeled inherently destructive of the right to strike. The bill I am introducing today reverses the Mackay Radio case and the TWA case by prohibiting the hiring of permanent replacements during a labor dispute and prohibiting discrimination against striking workers who return to their jobs once the labor dispute is over.

When the air traffic controllers struck in 1981, President Reagan fired the striking workers and proceeded to hire permanent replacements. His action gave the green light to similar actions by private employers. Since 1981, a total of more than 300,000 workers at Continental Airlines, TWA, the Chicago Tribune, Magic Chef, the International Paper Co., and many other companies have suffered the harsh experience of losing their jobs to permanent replacements when they exercised their right to strike. Repeatedly, we have seen communities torn apart as replacements take the jobs of an existing work force. The striking workers are legally helpless to do anything but look on as they lost their jobs. Increasingly, employers provoke strikes to exploit the weakness in the law. Provoking strikes undermines not only basic worker rights but also the stability of labor-management relations. The effective right of workers to withhold their labor as leverage during negotiations is an essential element of our collective bargaining system. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined. Legislation is needed to restore confidence in the process which underlies all of labor law. I commend this legislation to the attention of my colleagues and urge your support for it.

#### INFRASTRUCTURE NOW, FOR AMERICA'S TOMORROW

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce legislation that will provide up to \$5 billion annually for the repair and renovation of our Nation's system of infrastructure. The leg-

isolation will also provide up to \$3 billion annually for lowering the Federal budget deficit and \$2.5 billion for programs funded out of the Highway Trust Fund. The goal of this legislation is simple, to establish a new spending program with a dedicated funding source for America's existing highways and bridges, mass transit systems, airports, and water resources. Only through increased spending on these infrastructure systems can new employment opportunities be created and future economic growth be insured.

My legislation is called the Infrastructure Now, For America's Tomorrow Act of 1993—INFRA Tomorrow. It is designed to provide states and localities with a new and unique source of Federal funding. Except for water resource projects, this funding can only be used for the repair of existing facilities. This spending condition is deliberate because there are already several programs that provide funding for new projects and/or operating costs. In the case of water resources however, where adequate funding has not been made available in the past, INFRA Tomorrow funding can be used for new as well as existing projects.

The legislation creates a new trust fund that will receive revenue from an increase in the Federal excise tax on fuels. This INFRA Tomorrow Trust Fund will then make funding available directly to the agencies that have jurisdiction over each particular infrastructure area: Highways, mass transit, aviation, and water resources.

In summary, the INFRA Tomorrow Program will consist of a 3-year authorization beginning on January 1, 1994. Revenue from the new trust fund can only be used for projects that repair or rehabilitate existing infrastructure systems within the following areas: Highways, bridges and congestion relief efforts; Mass Transit, except operating and maintenance costs; Airports, including those airports collecting PFCs.

And for new projects and projects that repair or rehabilitate existing facilities: Water, clean water and waste disposal.

No more than 25 percent of the trust fund's total annual revenue can be allocated for projects in each of the four areas. The INFRA Tomorrow program will be administered by the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration and Environmental Protection Agency.

In order to insure that the infrastructure needs of our Nation's urban centers are provided funding, the Nation's fifty largest metropolitan areas are guaranteed to receive at least 20 percent in each category. INFRA Tomorrow funding will be available to states and localities with an 80 percent Federal to 20-percent local matching share. Additionally, the 20-percent local matching share can be borrowed from the INFRA Tomorrow Trust Fund. The loan must be repaid within two years with interest.

The INFRA Tomorrow program will be paid for with a 10½ cent increase in the fuel tax. The first five cents will be used for infrastructure repair, the next three cents will be applied to reducing the debt, and the final two and one-half cents will be deposited into the Highway Trust Fund. This is necessary to prevent a projected shortfall in Highway Trust Fund revenue. INFRA Tomorrow is designed to cre-

ate economic conditions that will more than offset the burden of an increased fuel tax. While the governments of other countries are aggressively continuing to invest in their infrastructure systems, the United States continues to disinvest. In the past decade, spending on America's infrastructure has declined nearly 43 percent. It is clear that the Nation requires more in the way of infrastructure legislation.

Revenue for infrastructure repair must be generated by increasing fuel taxes across the board. Today, the American people and its business leaders appear willing to support fuel taxes as the best method of providing repairs for our infrastructure systems. In fact, during the presidential campaign and more recently, the President-elect's economic summit, as well as in newspapers from across the country, individuals who represent vastly diverse interests have come together in support of fuel tax increases. This seems to be a long overdue recognition of our country's need to shift the tax burden away from activities that society wants to encourage, like working and raising families. Americans appear willing to take the necessary steps to squarely place the burden on those things that society ought to discourage, like fuel consumption and air pollution. With the INFRA Tomorrow Program, we can achieve these necessary goals, improve our quality of life and most importantly, provide a secure future for our children.

#### TURKEY'S SHAMEFUL RECORD ON HUMAN RIGHTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. PORTER. Mr. Speaker, despite Turkey's best efforts to align itself with the Western world, including its application for membership in the European Community, and its stated desire to receive huge amounts of U.S. military and economic assistance it continues to maintain an unconscionable human rights record.

In fiscal year 1993, partly because of Turkey's horrendous treatment of its own people, its treatment of the Kurds, and its intransigent stance on reunification of the tiny island nation of Cyprus, Congress eliminated all military grant aid to Turkey.

The article reprinted below, which originally appeared in the January 5, 1993 Washington Post, clearly outlines the types of abuse being perpetrated in Turkey and Prime Minister Demirel's refusal to address this essential issue in a meaningful way.

I join the authors of this article in calling on Turkey to adhere to internationally recognized standards of human rights and on President-elect Clinton to make clear to Prime Minister Demirel that he will oppose providing any assistance to Turkey until it dramatically improves its human rights record.

I commend this important article to Member's attention and urge all Members to propose aid to Turkey until it substantially improves its shameful human rights record.

[From the Washington Post, Jan. 5, 1993]

THE CRIES THAT HAUNT TURKEY

(By Jack Healey and Maryam Elahi)

One year ago, Suleyman Demirel promised during his election campaign for prime min-

ister that "the walls of all police stations in Turkey will be made of glass." Demirel acknowledged that torture existed in Turkey, but vowed to end it.

Today, Prime Minister Demirel's promise is shattered like a thousand shards of glass. Torture remains widespread and systematic in Turkey, especially during the first few days of detention in police stations. With interrogations carried out in complete secrecy by police who are rarely if ever prosecuted, it is no surprise that deaths in custody continued in 1992.

One such case is that of a 16-year-old Kurdish girl, Biseng Anik. She was among 100 people, mostly students, detained by Turkish police in Sirkat Province in southeastern Turkey in March 1992. She died in police custody. When her mother went to collect the body, she found that half her daughter's head had been shot away, her hands were torn between the fingers, some fingers were broken, and flesh was covered with cigarette burns, cuts and bruises.

According to the official version of events, Biseng had not been tortured and had killed herself with a rifle she found in her cell. Despite public outcries, no independent inquiry was every initiated on this case. The autopsy report was never released, and the family's request for a second autopsy was refused.

In another case, in April 1992, during a military operation in the Mardin Province, a group of soldiers, beat and dragged a 16-year-old boy out of his home between 4 and 5 a.m. The soldiers built a fire, and when it had burnt down, they laid the boy on the embers and forcibly held him down. The soldiers repeated this procedure five or six times, before they finally left him for dead. The boy managed to crawl to a road and was found by shepherds. Miraculously, he survived.

On April 27, 1992, Nazli Top, a 23-year-old nurse, was detained in Istanbul as she was leaving the hospital where she worked. The police suspected her of having been involved in a terrorist attack. She was taken to a police station where she was tortured, even though she told them she was pregnant. According to Nazli Top, "They punched me all over with fists, but especially in my stomach, breasts and belly. They raped me with a truncheon, an they tried to rape me with a bottle. In particular, they groped my stomach and said, 'Are you pregnant?' and then punched me there."

Who is held accountable for these brutalities? Are there public condemnations, prosecutions of torturers and compensations to torture victims? Unfortunately, Prime Minister Demirel has forgotten his campaign promise. His government has not taken the minimal steps required under international law to safeguard all detainees and punish the violating officers. These are haunting images of Turkey a decade ago, when Demirel was also in power and gross violations of human rights were taking place.

The Turkish government justifies many of its human rights violations as necessary evils to combat attacks by the Kurdish Workers Party (PKK) in southeast Turkey. Amnesty International does not deny the government of Turkey its right to respond to violent assaults by the PKK or other violent organizations. But who protects citizens from the violence of the government?

Instead of working to comply with international law to honor basic human rights, Turkey has focused on improving its image abroad. For example, Turkey spends more than \$2 million a year on lobbyists in Washington, instead of conducting extensive trainings in human rights law for law en-

forcement officers and the judiciary. The government has taken additional cosmetic steps such as publishing a slick brochure entitled "Human Rights in Turkey: A Record of Improvement," establishing a commission and ministry of human rights.

None of these steps has resulted in reducing abuses and promoting human rights. In fact, the latest PR scandal is a judicial package that was passed by the parliament in November '92 and is being presented to the international community as "reform," even though it provides no protection for political detainees who face the greatest risk of torture.

One year after Demirel's inauguration, the cries of torture still echo from behind closed doors at Turkish police stations. Those cries will stop haunting Turkey and the rest of the world only if Prime Minister Demirel finally honors his pledge to break down those doors and build walls of glass instead.

After a decade of dialogue, the United States needs to reexamine its policy toward Turkey and to genuinely prove to the people of Turkey that adherence to basic principles of human rights continues to be a fundamental pillar of U.S. foreign policy. Bill Clinton, the campaigner, declared that a principled, coherent and consistent foreign policy would guide a Clinton administration. "Such a foreign policy would not only reflect our national ideals but serve our national interest," he declared.

Let us hope for the sake of the people of Turkey that President Clinton's promises are less breakable than Demirel's.

#### A TRIBUTE TO CHARLES S. TERRELL, JR.

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. LEWIS of California. Mr. Speaker, on this first day of the 103d session of the U.S. Congress, I would like to bring to your attention the fine work and outstanding public service of Charles Terrell, Jr., who is retiring after 40 years of work in the field of education. Since 1982, Terrell has served as San Bernardino County Superintendent of Schools.

Charles is a lifetime resident of California, graduating from LaVerne College in 1952 and receiving his Masters Degree from San Diego State in 1956. He completed his studies and received his Ed.D. at the University of Southern California in 1966.

"I never had a job I didn't like," Terrell said in describing his career in education which began as an elementary teacher in 1952. In 1956, Terrell began a 10-year stint at Azusa High School as teacher, counselor, director of student activities, unit administrator, and principal. In 1966, Terrell became superintendent of the Needles Unified School District and three years later, moved to the Corona-Norco Unified School District where he served as superintendent until 1976. That year, Terrell took on an ever bigger challenge as superintendent of the San Bernardino City Unified School District.

In 1982, Terrell stepped into the role of county superintendent of schools following in the steps of his mentor, Roy Hill, a popular county superintendent who served for 22

years. Terrell was appointed to fill Hill's unexpired term and was subsequently elected and re-elected three times.

Charles has been very active in a number of civic activities and community affairs. Over the years, he has committed himself to improving not only the quality of education of students, but the quality of life for people in our community, both young and old. His involvement with the San Bernardino Area Chamber of Commerce, the Rotary Club, First United Presbyterian Church, the Inland Empire Symphony Association, and many other groups is well known and deeply appreciated.

Mr. Speaker, I ask that you join me, our colleagues and Charles Terrell's many friends in recognizing his many years of selfless service and outstanding achievement in education. I join his wife Bobbie, his children Gregory and Kathleen, and five grandchildren in wishing him the very best in the years to come. Indeed, Mr. Speaker, Charles Terrell is certainly worthy of recognition today by the House of Representatives.

#### TRIBUTE TO JOHN PARKER

#### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. MOAKLEY. Mr. Speaker, over the holidays, one of Massachusetts' finest public servants passed away. Senator John J. Parker of Taunton, a Republican, died at the age of 85. A major player in Bay State politics for a half-century, Senator Parker, prior to his retirement in 1989, was the Republican leader in the Massachusetts State Senate for over 22 years—a record for longevity.

Above and beyond longevity, John Parker left his imprint on the Commonwealth's legislature, its political institutions, and the public's expectation of competent, responsible and caring representation. Senator Parker set the standard for constituent service, effective representation and forceful delivery of good government. Bright, principled, and driven, Senator Parker was a legend during my tenure as a Massachusetts State representative and senator. He impacted my service in that body in a very personal way on almost a daily basis. His death has left a void in the Massachusetts State House, but his record on service and contribution will endure well beyond all of us.

I would like to submit for the RECORD a recent article from the Boston Globe, summarizing what John Parker's service meant to the Commonwealth of Massachusetts and to those fortunate enough to call John a friend.

#### JOHN PARKER'S WIT AND INSIGHT

(By Robert L. Turner)

For a former newspaperman, John F. Parker of Taunton got some pretty good obituaries this week upon his death at age 85. But there was something missing.

The news stories focused, understandably, on his political career, which included stints on the Taunton School Committee and as mayor of Taunton before moving to the state Senate, where over 36 years he became one of the great Massachusetts legislators of this century.

Parker was the Republican leader in the Senate for 22 years—a record for minority leader and thought by State House clerks to make him the longest-serving party leader in either the House or Senate ever.

Before his retirement in 1989, he was the only incumbent Republican who had served when his party held a majority in either branch.

Still, he always listed his profession as "newspaper."

This referred partly to the 20 years he put in at the Taunton Daily Gazette, where he served as newsboy, compositor and sports writer.

But it had a larger connotation, and that was what was missing from the obits.

Parker often viewed the Legislature with the keen eye of a reporter, at times even historian.

Though he was a central part of its workings and studied it as only a lover could, Parker had enough perspective to see the Legislature's shortcomings and enough humor to enjoy its foibles.

Under the heading "When Politics Was Fun," Parker from 1978 to 1987 contributed frequent anecdotes, most of them about state legislative matters around the country, to "Roll Call," the Capitol Hill weekly published in Washington.

Here and in other material collected for freshmen legislators, as well as in his own performance in the Senate, Parker demonstrated his tremendous affection for the institution and the tremendous range of his curiosity.

Often, it was something his sharp ears picked up from his colleagues in solemn debate:

"I don't know why it is," one said, according to Parker, "but every time I take the microphone some fool starts talking."

"That's a horse of a different feather."

"It would be well if this House had more of the Pilgrim backbone flowing through its veins."

"Not listening to my colleague is like a college education."

Parker did not exempt himself from his own sharp wit. Thought not a great orator, he usually followed his own advice: "If you don't strike oil, stop boring."

Nor did he exempt his first profession. quoting Adlai Stevenson, he said, "Newspaper editors are men who separate the wheat from the chaff and then print the chaff."

But he warned new legislators: "Remember, they roll the presses every day."

Worried, at one point, that the Legislature's reputation might be falling to new lows, Parker took the unusual step of actually looking into the history. He was somewhat discouraged to find a long record of mistrust. In the 1950s, a legislator said, "the roll-call bell is facetiously referred to as the burglar alarm." And nearly a century ago, he found a commentator said, "The Massachusetts Legislature is like an iceberg: 10 percent visible, 90 percent submerged and 100 percent at sea."

Parker opposed the regular yearling sessions that have become unique to Massachusetts and often occasions for mischief.

In 1984 he penned a Christmas poem urging his colleagues to prorogue. But, the poem concluded:

"It seems that will not happen, for the syndrome has set in,

"Postpone, delay and table is the agenda as each day begins,

"And the wish of those who struggle to do the work each day

"Is simply to ask Santa for a rule to find a better way."

One thing that was no joke to Parker was the effort required of a good legislator. "I put the most time into it," he said in an interview before leaving office, "I studied the thing from A to Z."

Parker was himself an institution—a tall, big-handed monument to the folly of term limits—a treasure not likely to be replaced.

#### A NEW HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES AND RETIREES

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. ACKERMAN. Mr. Speaker, today I am pleased to introduce, with Representative CONSTANCE MORELLA, comprehensive legislation to reform the Federal Employees Health Benefits Program [FEHBP]. This legislation is a revised version of the Federal Employees Health Benefits Reform Act of 1991, which I introduced in the 102d Congress. The revision is the result of subcommittee hearings, as well as recommendations made by enrollee organizations, insurance carriers, and provider groups. The bill also reflects analysis provided by the Congressional Research Service [CRS], the General Accounting Office, and independent consultants retained by the House Post Office and Civil Service Committee.

The reform proposal would replace the 30-year-old FEHBP, which has strayed from the principle of group insurance and is no longer meeting the needs of its 9 million beneficiaries. Over the past decade, studies by various groups have concluded that the FEHBP suffers from serious deficiencies and structural flaws. The studies highlighted the facts that plan segmentation by risk groups has become chronic, that premiums have escalated beyond the rate of inflation, that annual open season choices are often confusing to even the most well-informed enrollees, and that the variations in FEHB plans' premiums are not proportionate to variations in the value of the plans' benefits. Most of the studies also highlighted the fact that the value of Federal employees' health benefits lags significantly behind the value of health benefits offered to employees in large private sector firms.

The Ackerman-Morella proposal would replace the current 13 fee-for-service options with a single two-option plan which would be managed by the Office of Personnel Management [OPM] in consultation with a newly created FEHB board. The plan would consist of a standard option and a high option, for either self or family coverage. Enrollees who elect to participate in the high option would pay less in out-of-pocket expenses if they choose to receive health care through providers who have negotiated agreements with the plan.

Federal enrollees could continue to enroll in health maintenance organizations [HMOs] as an alternative to the fee-for-service options. Under the new FEHBP, HMO's would be required to offer the same health services as provided under the standard option.

The Government-wide fee-for-service options would be administered on a regional basis. The regions may be underwritten by insurance carriers, or self-insured by the government. The regions would be competitively awarded. In the case where no prospective contractor in a specific region submits an acceptable bid, the Government would self-insure that region. In addition, the new FEHBP would permit employee organization-sponsored health plans which currently self-insure to continue to provide benefits for members of their respective collective-bargaining units. The primary responsibilities of the carriers would include the processing of health insurance claims and the implementation of cost-control programs.

Annuitants could elect from among any of the health plans, which, together with Medicare, would pay for virtually all reasonable and customary charges for services.

One of the major deficiencies of the current FEHBP is that an enrollee's premium is not related to the value of coverage. Current FEHBP plan premiums differ significantly because of the varying health care costs of the population enrolled in each plan. For example, a 1989 report by the CRS found that there is only a 41-percent variation in the value of benefits among FEHBP plans, but a 246-percent variation in their premiums. To address this problem, the Ackerman-Morella bill specifies that the price difference between the standard option and the high option would represent solely the amount by which the actuarial value of the high option's benefits exceed the benefits for the standard option. Initially, the standard option premium would be set at \$10 per pay period for self only coverage and \$22 for family coverage. The enrollee's contribution for the high option would be established at \$20 per pay period for self only coverage and \$44 for family coverage. The enrollee premium increases would be limited to a rate equal to the lesser of the increase in the medical care component of the Consumer Price Index, or the increase in total FEHBP costs.

The bill would offer lower-salaried employees an enhanced benefit by indexing their maximum out-of-pocket expenses to their salaries. In addition, the bill would create flexible spending plans, now available to many private sector workers, to permit certain health-related expenses to be paid for which pre-tax funds. Under my bill, unused balances in flexible spending accounts would be used to finance wellness programs for Federal employees.

The Ackerman-Morella FEHBP reform legislation reflects efforts by the incoming Clinton administration to use managed competition as the basis for national health care reform.

Summary of Benefits

	Standard option	High option	High option (provider agreement)
Deductible .....	\$250/\$500	\$150/\$300	\$150/\$300
Maximum out-of-pocket .....	\$2,000/\$4,000	\$1,000/\$2,000	\$1,000/\$2,000
Hospital benefits .....	80%	90%	100%
Surgical-medical benefits .....	80%	85%	100%
X rays and laboratory test .....	80%	85%	100%
Emergency and accidental benefits .....	100%	100%	100%
Prescribed drugs .....	75%	80%	85%
Mail order option co-payment .....	\$10	\$5	\$5
Well-baby benefits .....	80%	85%	100%

Summary of Benefits—Continued

	Standard option	High option	High option (provider agreement)
Prosthetic devices .....	80%	85%	85%
Mammograph .....	80%	85%	100%
Mental health and substance abuse:			
Inpatient .....	75%	80%	80%
Out patient .....	75%	75%	75%

<sup>1</sup> Maximum 30 visits.

<sup>2</sup> Maximum 50 visits; and addition 50 if certified necessary.

#### INTRODUCTION OF A CONSTITUTIONAL AMENDMENT LIMITING CONGRESSIONAL TERMS OF OFFICE

**HON. JIM KOLBE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 5, 1993

Mr. KOLBE. Mr. Speaker, today I am introducing a constitutional amendment to limit congressional terms of office. Although congressional term limit proposals have been considered many times in the past—33 were introduced in the last 3 Congresses alone—their popular support has never been greater.

Many different conclusions can be drawn from the results of the 1992 elections, but one thing is clear: Term limits were overwhelmingly endorsed by voters wherever they were given an opportunity to express their views. All State congressional term limit initiatives passed last fall. Now, 15 States place some form of term limits on their congressional Representatives. National polls continue to show support for term limits at around 70 percent.

Despite their success, term limits face an uncertain future. The U.S. Constitution sets length of congressional terms in article I, sections 2 and 3; no limit is placed on the number of terms. This failure by the constitutional Framers to include limits on service appears to be no accident. Term limits were the focus of debate since the Constitutional Convention of 1787. The Framers agreed that the Constitution forbids States or Congress from tampering with the congressional eligibility requirements of age, residency, and citizenship.

The Supreme Court has generally adhered to this view, ruling that the standing qualifications in article I—in the language of the Constitution, the history of the Framers, and long standing congressional practice—are the exclusive list of requirements for Members of Congress.

As a result, it appears likely that State-imposed term limits will be held unconstitutional, despite their widespread popularity. Fortunately, the Framers provided a remedy to amend the Constitution in article V, which establishes a procedure for Congress or the States to change the Constitution—a procedure that was used to limit Presidential terms to two.

Congress should move quickly to do what the States probably cannot do themselves. We should send to the States a Constitutional amendment limiting terms for Congress since that is clearly the public's will. If Congress fails to act, a cloud of uncertainty is likely to remain over this issue. A challenge against one of the various state-imposed term limit laws may not

occur until a Member is affected by the limits—which could take years. Further, if the various State measures do succeed in limiting terms, only those States that have passed term limit measures will be affected. Those States—including Arizona—would be at a decided disadvantage in a Congress that places great importance on seniority.

The only sure way to settle the issue is to adopt a constitutional term limit amendment

applicable to all States. My amendment will do just that. The amendment—which mirrors the recently enacted Arizona initiative—would limit service for Representatives to three consecutive terms and Senators to two consecutive terms. Terms will be considered consecutive unless they are at least one full term apart. Time served to fill a vacancy for at least half of a term will be counted as a term in office. The term period will begin to run on the date

the amendment becomes valid as part of the Constitution.

The need to act now is greater than ever before. The last thing this institution needs is a cloud of uncertainty hanging over the service length of its Members. The overwhelming support for term limits sends a clear message to Congress. A constitutional amendment to limit terms will tell the people we are listening.

JOINT MESSAGE OF THE TWO HOUSES CONCERNING THE FISCAL YEAR 1993

The VICE PRESIDENT, I request to be seated. I have the honor to announce to the Senate that the House of Representatives has passed a joint resolution for the purpose of continuing the fiscal year of the Government until September 30, 1993.

...the House of Representatives has passed a joint resolution for the purpose of continuing the fiscal year of the Government until September 30, 1993.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered in the Senate, the Senate recessed until Thursday, January 7, 1993, at 10 noon.

...the Senate recessed until Thursday, January 7, 1993, at 10 noon.

RESOLUTION

RESOLUTION

...the House of Representatives has passed a joint resolution for the purpose of continuing the fiscal year of the Government until September 30, 1993.

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