HOUSE OF REPRESENTATIVES—*Tuesday, March 2, 1993*

The House met at 12 noon.

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

As You, O God, have created that first garden of the world where life was full and the human spirit was free, and all Your creation had the potential of greatness so we have used our freedom for good, we have also used it to cause divisions and pain. Forgive us, gracious God, for all we have done with words of hurt or by withholding our bounty from the least among us. Forgive us, correct us, and sustain us by Your Spirit so we will be the people You would have us be and do those good things that honor You and serve people everywhere. In Your name, we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. The gentleman from New York [Mr. SOLOMON] demands a vote on the Speaker's approval of the Journal.

The Chair announces that the vote on this matter will be postponed until the end of the day or until later in the day.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Florida [Mr. STEARNS] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

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

RESIGNATION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation as a member of the Committee on the District of Columbia:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1993.

Speaker THOMAS FOLEY,
U.S. Capitol.

DEAR MR. SPEAKER: Because of the heavy load of work this session of the Ways and Means Committee, and the likelihood that there will be even more conflicts this year between meetings of the various subcommittees of Ways and Means and of the Committee on the District of Columbia, I feel it is necessary that I withdraw from service on the Committee on the District of Columbia.

I do so even though I have enjoyed my work on that Committee. It is my understanding that there are other Members of the Caucus who would be willing to accept an appointment in my place.

Therefore, please accept my resignation from the Committee on the District of Columbia.

Respectfully,

SANDER LEVIN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 22, 1993.

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

DEAR MR. SPEAKER: Pursuant to House Rule 51, clause 7, I have appointed the Honorable Martin Frost as chairman of, and the Honorable William L. Clay to serve on, the review panel established by that Rule for the 103d Congress.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

INTRODUCTION OF THE CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. MANN. Mr. Speaker, it is with a great deal of pleasure that my first occasion to address this body is to stand to express support for the Congressional Accountability Act, H.R. 349, presented by the gentleman from Connecticut [Mr. SHAYS], cosponsored by myself and over 100 other Members of this body.

This is the act which would make the laws which the Congress adopts apply to the Members of Congress. I feel passionately that this is an important change to the laws of this land.

I have a daughter who is hearing-impaired, and last summer we shared the elation at the coming into effect of the Americans with Disabilities Act. My daughter, Debbie, said to me, "Does this law apply to Congress?" I said, "I do not know. Let me find out."

I came back to her, and I said, "Well, the rules apply, but if a rule is violated by a Member, your recourse is to go before a panel of other Members of the House." My daughter, who is not reluctant to speak her mind, said, "That does not seem fair. Why can I not go to court like any other citizen just because a Member of the House was the person who was faced with a violation?"

Mr. Speaker, it is a simple proposition. The citizens of this land want us to live like them, not like a special class.

I urge that this House act quickly on H.R. 349.

A FLAWED PLAN

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

Mr. BURTON of Indiana. Mr. Speaker, two of President Clinton's economic supporters, Mr. Allen Sinai, the chief economist for the Boston Co., and Lawrence Chimerine, senior economic counselor with DRI/McGraw-Hill, Inc., have said that President Clinton's promises to cut spending and reduce the deficit are going to fall about $75 billion short of the estimate.

In addition to that, they both said that it is probably going to produce, and get this, job loss over the next few years. The President has said he wanted to stimulate economic growth by raising the taxes on the backs of the American people by the largest amount in American history, $325 billion, plus about $70 billion in hidden taxes in his plan.

Even his economic supporters are now saying it is a flawed plan.

Mr. Speaker, the people of this country have gotten the message, and they

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do not like it. Last week, my colleague, the gentleman from Texas [Mr. JOHNSON], held up a sign from one of his constituents that said, "It's spending, stupid"; this week I gave a speech to my constituents in one of my town meetings, in one of my Lincoln Day dinners in Johnson County, IN, and this is what they gave me: The American people have gotten the message, and the message is they do not want more taxes, or the message is that they are sending you is that they do not want more taxes, they want spending cuts.

To my colleagues, on the Democrat side, please, read this.

THE PEOPLE'S SUPPORT FOR THE CLINTON ECONOMIC PLAN

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

Mr. DERRICK. Mr. Speaker, the more the American people hear about President Clinton's economic package the more they support it.

Last week, a group of business leaders endorsed the President's blueprint for renewal.

Local officials and Governors from both parties have signaled their support.

A national poll published today indicates overwhelming support for the President's package. Three out of five Americans back the Clinton plan.

Even more Americans say it is time to make the tough choices to ensure our children's future.

The majority of Americans think the President's plan is fair to everyone.

We are the leaders of this country. The people who elected us to lead, sent us here to do what is best for our Nation.

Sometimes doing what is best for the country involves difficult decisions and choices. But that is what we were elected to do.

It is up to the Congress to translate the people's support into public policy.

Mr. Speaker, the time has come to do just that.

□ 1210

PRESIDENT CLINTON, WHERE IS YOUR BUDGET?

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

Mr. STEARNS. Mr. Speaker, let us talk about President Clinton's budget. Where is it? We need to see the details of his budget. But he has not provided those. He has not submitted a budget here to Congress. The law requires that the President submit his budget for the next fiscal year by February 1. Well, it is more than a month late now; no budget in sight.

When is he going to submit the budget?

The American people want action on the economy now. But we really cannot begin until the budget arrives.

Members of the Clinton Cabinet are crisscrossing the country, working to sell the public on the plan. President Clinton could perform a great service for this country by stopping the sales pitch, devoting the time in his administration to producing a budget.

How can we really make progress here in Congress if he does not submit a specific budget? Mr. Speaker, when is he going to submit the budget?

TRIBUTE TO THE SLAIN ATF AGENTS

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

Mr. EDWARDS of Texas. Mr. Speaker, I am convinced there are still modern day heroes in America. Yesterday, I met seven of them in Hillcrest Hospital in Waco, TX.

All seven were Alcohol, Tobacco and Firearms agents who had been wounded by Branch Davidians, at their Mt. Carmel compound.

Mr. Speaker, these ATF agent's wounds were painful, but their spirits were strong. They serve as an inspiration to all Americans who are deeply grateful for their service to our Nation.

My heart-felt sympathy and prayers go out to the families of the four ATF agents who gave their lives in the line of duty. To Steven David Willis, Robert Williams, Todd W. McKeehan, and Conway LeBleau, we can never adequately repay our Nation's debt of gratitude.

The real heroes go beyond those wounded or killed. Every day, ATF and law enforcement agents all across America quietly but courageously put their lives on the line for us.

In the midst of this terrible tragedy in Texas, I hope that law enforcement agents everywhere will feel a renewed appreciation for their selfless service.

HEADLINES CAN AND OFTEN DO MISLEAD AND DISTORT

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

Mr. SMITH of Texas. Mr. Speaker, headlines can and often do mislead, especially in regard to public opinion polls. Today's headline in the Washington Post read, "Clinton Plan Enjoys Broad Public Support." Based on the figures, the headline could have been and should have been, "Clinton Weaker than Reagan"; Clinton had a 60-percent approval rate versus a 68-percent approval and 66 approval for Presidents Reagan and Bush at the same point in their Presidencies.

Or the headline could have read, "Clinton Disapproval Twice Reagan's and 2⅓ times Bush's at this Point." It was 33 percent to 16 percent and 14 percent, respectively.

By 53 percent to 31 percent, Americans believe the Clinton plan will hurt their own situation. Or the headline could have read, "Majority of Americans Believe Clinton Plan Went To Far in Raising Taxes on Average Americans, 57 Percent."

Or, "By 8 to 1, Americans Believe Clinton not Cutting Spending Enough, 75 Percent to 9 Percent."

Or, "Three-fifths of All Americans Want Deeper Spending Cuts," 60 percent wanted more and 8 percent wanted less.

Or the headline could have read, "Clinton Fails to Reestablish Trust in Government." The polls showed only 21 percent trust Government today, the lowest level reached in the 35 years the question has been asked.

Finally, the desire for smaller Government is stronger than it was in 1984, the year of Reagan's landslide. That year, 49 percent wanted a smaller Federal Government, while 43 percent wanted it bigger. Today the number is 67 percent smaller, to 30 percent larger. So the country has shifted 18 points more toward a smaller Government and 13 points away from a bigger Government.

It is amazing how a headline can distort. All this data is from the same poll.

LITTLE PAIN NOW; MUCH GAIN LATER

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

Mr. MILLER of California. Mr. Speaker and Members of the House, in fact the public opinion is very clear: The President's plan receives widespread support among the American public. Where it does not receive support is in the halls of special interests; where it does not receive support is on the Republican side of the aisle. That is, the Republicans who talk about smaller Government but in 12 years were unable to deliver that smaller Government; the Republicans, who talk about more budget cuts but in the last 12 years were unable to deliver those budget cuts; the Republicans talk about how they wanted a balanced budget but in 12 years the Republican President sent no balanced budget to this Congress or ever used his veto to enforce one.

The fact is, right, the American people recognize that this budget that the President has put forth and the economic plan will hurt them to some extent, but they are also saying they are prepared to absorb that pain at this moment so that we can have a stronger

country in the future, so that their children can afford an education, so they can afford a house.

The fact is, more money will be put into the public's pocket as a result of the drop in the interest rates since the introduction of this plan than anything a Republican President or the Congress have offered in the last 12 years.

H.R. 349, CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. SHAYS. Mr. Speaker, it is time, in fact it is past time, for Congress to live under the same laws it requires for the executive branch and the private sector.

Currently, Congress is wholly or partially exempt from several major pieces of legislation including: the Fair Labor Standards Act, the Civil Rights Act, the Age Discrimination in Employment Act, the Occupational Safety and Health Act, the Americans With Disabilities Act, and the Family and Medical Leave Act.

I, along with Congressman DICK SWETT of New Hampshire, JAY DICKEY of Arkansas, DAVID MANN of Ohio, ROSCOE BARTLETT of Maryland, and PAUL MCHALE of Pennsylvania, have introduced H.R. 349, the Congressional Accountability Act.

This bipartisan effort, which already has 127 cosponsors, would bring Congress under the same laws for which it is currently exempt.

It maintains the integrity of separation of powers doctrine by establishing a mechanism for internal regulation and enforcement of these laws, while providing employees with the right to appeal an adverse decision to the appropriate district court.

It is easy to be a demagog on this issue, but that is not the point of this effort. We firmly believe Congress will want better laws when it is required to live by the same laws it places on others.

By exempting ourselves from laws, we are depriving ourselves of the opportunity to experience firsthand the effects of the legislation we adopt. And, in turn we are removing ourselves one step further from individual Americans insulating this institution from the needs and frustrations of the people it serves.

I urge Members of this House to cosponsor H.R. 349, the Congressional Accountability Act and work for its passage into law.

PRESIDENT CLINTON'S PRESCRIPTION FOR RESTORING HEALTH TO THE AMERICAN ECONOMY

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

Mr. MAZZOLI. Mr. Speaker, even though it is galling and bitter and painful, the Clinton prescription for restoring health to the American economy, in the opinion of American business and labor, appears to be the correct medication administered in the correct amount at the correct time.

Everyone knows that lowering the deficit will have the salutory effect of reducing interest rates, lowering bond fees and charges, increasing the production of jobs and spurring business activities throughout the economy. We are already seeing the payoff: 30-year bond yields down below 7 percent, to 6.84 percent; 30-year fixed-rate mortgage interest rates at about 7 percent.

It has been calculated by Harvard Professor Benjamin Friedman, who also is a Louisville native, that a one-half of 1-percent drop in long-term bond rates would yield a 1-percent increase in the gross domestic product, about $60 billion.

The long and short of this is that while the jury is still out on the Clinton plan, at least one juror has already given a verdict of favorable, and that is the American business community.

CUT THE FEDERAL BUDGET, NOT THE FAMILY BUDGET

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

Mr. COLLINS of Georgia. Mr. Speaker, the people of the Third District of Georgia are choking on the President's complex economic plan. They are tasting the same old fat that has been rammed down their throats before—only this time they will not swallow it.

President Clinton says the polls show the people are behind him. Well Mr. President, the letters and phone calls I am receiving are just the opposite.

Mr. President, I challenge you to spend a half day in my office, read my mail, answer my phone, and hear and see the real truth. In exchange, I will spend a half day in your office, I will read your mail and answer your phone.

Mr. President, the people in the Third District of Georgia have a message for you that is very clear: Let's cut the Federal budget, not the home budget. Economies grow when the people save, spend, and invest their money without Government intervention.

□ 1220

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds Members in debate to address the Chair only.

WHO ARE THEY WAITING FOR?

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

Mr. MENENDEZ. Mr. Speaker, I rise today to bring my colleagues' attention to the rising tide of support for the President's economic plan from this country's business leaders.

I would like to offer my colleagues my own list of specifics: That is, a specific list of the corporate CEO's who have publicly supported President Clinton's bold agenda. Perhaps my colleagues who have risen to deride the plan will recognize a few of the companies whose CEO's support the plan.

If company names like Anheuser-Busch, ARCO, the American Stock Exchange, and the Ford Motor Co. ring a bell, then you may be starting to get the idea.

Last week I had the opportunity to report to this House the strength of support for the President's plan which was evident in my district in New Jersey. This week I am pleased to have been able to recite that impressive list of corporate supporters.

In light of the support this plan has from the people of this country, and the support this plan has gathered from business leaders, Mr. Speaker, I wonder—if those opposed to this plan cannot offer specifics on how to improve it, perhaps they can at least tell us just who they are waiting to hear from before they get off the dime and get down to business.

PEROT GOT IT RIGHT

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

Mr. KIM. Mr. Speaker, Ross Perot got it right.

He said today, on "CBS This Morning," Washington is still growing and gloating, while the rest of America is downsizing.

What President Clinton wants in his plan is more Government spending, higher taxes, and the appearance of spending cuts.

What Ross Perot and Republicans want is real spending cuts.

As Perot put it, "We cannot continue massive, dreamlike spending programs until we get this deficit under control."

No matter how he tries to avoid the scrutiny, President Clinton must come clean on his economic recovery package. With the economy now expanding, his first focus should be on deficit reduction.

Mr. Speaker, I urge President Clinton to resist his spending urge, to delay his investment package, and to concentrate first on cutting the deficit with spending reductions.

GOP DOUBLETALK INSULTS THE INTELLIGENCE OF THE AMERICAN PEOPLE

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

Mrs. COLLINS of Illinois. Mr. Speaker, I guess, if we live long enough, we would see just about anything. Last week on television, I saw all those Republican's talking heads that are continuing to pick at the President's economic package. This time they complained that the President is redefining income to serve political goals. They are unhappy with the support the President has received from the public, so their new tactic is to complain that the formula used to determine income inflates the number of rich people.

Well, if that does not beat all. The formula they are criticizing was developed by the Reagan administration.

However, as you know, Mr. Speaker, last weekend I visited the Steinmetz High School in my district and was absolutely surprised that so many students were concerned about their future and have wholeheartedly embraced the President's economic package, because they see it as an assurance that their lives will be at least as affluent as their parents' and, especially, that their opportunities to have a college education will be more greatly enhanced. These young people are astute, they are politically aware, and they are serious about the impact that our work here in this Congress will have on their lives.

Mr. Speaker, I hope that we can end all these double messages that we are sending to the young people and that we can get on with dealing with the real issues that they have in mind. The GOP talking heads and doubletalk are perpetrating a double insult on the intelligence of the American people and on their children.

SUPPORT THE CONGRESSIONAL ACCOUNTABILITY ACT

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

Mr. DICKEY. Mr. Speaker, I speak today in strong support of H.R. 349, the Congressional Accountability Act. Passage of this bill is critical to restore the public's confidence in this body. It is hypocritical, Mr. Speaker, for Congress to pass laws which do not apply to Congress. Unfortunately we are continuing this ill-advised precedent. Most recently the Congress passed the Family and Medical Leave Act of 1993, but exempted itself from the judicial enforcement of the provisions of this act. Other examples can be mentioned: the Americans With Disabilities Act and others.

Mr. Speaker, as a businessman in Pine Bluff, AR, I have almost despaired in the past because I have tried to comply with congressional mandates, knowing full well that the people who passed them did not know what the effect was on businesses, like not being able to give employees benefits, stopping expansion, and preventing making needed repairs.

Mr. Speaker, we need to experience firsthand the effects of the laws which we pass. If Congress is subject to the laws it passes, it will pass better laws.

I ask my colleagues to join with me in this bipartisan effort to secure the passage of H.R. 349.

THINK OF THE MESSAGE

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

Mr. MORAN. Mr. Speaker, of course Ronald Reagan had higher poll numbers after his first State of the Union Message. We do not argue. He had 76 percent.

But think of the message. He told the American people: "I'm going to cut your taxes, I'm going to give you more tax breaks than in your wildest dreams you ever could have imagined, and the only people who are going to pay are poor people."

So, "Wonderful," 76 percent of the American people said, "This is terrific."

Mr. Speaker, my point is that 12 years later, after 12 years of being flimflammed, the American people are looking for leadership, they are looking for courage, and that is what they got in President Clinton's State of the Union Message, and that is why a majority of the American people are saying, "Yes, I do support this plan because I support my country, and I appreciate the fact that we finally have Presidential leadership with the courage to tell us the truth."

SUBLIMINAL MAN EXPLAINS THE PRESIDENT'S PLAN

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

Mr. DREIER. Mr. Speaker, a couple weeks ago I had the opportunity to take this well and describe how Subliminal Man, that character on Saturday Night Live, would have responded to some of the rhetoric we have heard from President Clinton, things like:

He would say, "Contribution (tax)";

"Investment (spend)"; things like that.

Well, as my colleagues know, the President has been attempting to build this grassroots base of support over the past several weeks for his programs. A number of friends of mine have even gotten calls from the Democratic National Committee encouraging them to call other offices with words of support. Well, not surprisingly, the DNC was able to get through to the studios of Saturday Night Live, but they enlisted the wrong person by getting Subliminal Man to call my office. The message that I got that came in yesterday said to me:

> I urge you to enact the President's plan to stimulate the economy (more spending) and reduce the deficit (middle-class taxes). It's time to break the backs of special interests (American taxpayers) and require the rich (anyone with a job) to pay their fair share. I support the proposed tax on Btu's (beyond taxpayers' understanding) because it will conserve energy (long gas lines), and create jobs (make work). We need a new direction (tax and spend), and the best way all of us can do this is by supporting procedures that prevent partisan debate (closed rules).

The Subliminal Man, Mr. Speaker, could not have made it more clear than if his statement had been written by David Broder.

□ 1230

WIDESPREAD PRAISE FOR THE PRESIDENT'S ECONOMIC PLAN

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

Mr. FLAKE. Mr. Speaker, I come not representing the subliminal man but the grassroots people.

I have had the opportunity to move throughout my district over the last several weeks, and to my surprise and great joy the people of America have determined that it is time for us to begin to move forward, and they are convinced that the Clinton economic plan moves us in the right direction.

Clearly, the grassroots people of America have determined that this is a Government in which they can share in partnership, as opposed to being viewed as people who have no hope.

The man from Hope has brought hope to all of America, and I think it is time for us to embrace him, simply because his ideas are better than any we have had over the last 12 years and certainly helps us to be able to move in the future in a way that brings America back to the place, to the standard, and to the substance of our being that historically has been ours.

The national service plan, for instance, is one of the greatest introductions of a program that America has seen over the last 20 years. It allows our young people not only to get a good education but then to use it to help make America strong.

Mr. Speaker, this is a good investment, I think this is the man to lead us with this plan.

PLANNING A RESPONSE FOR FUTURE DISASTERS

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

minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise to pay my highest respects to the New York City Fire Department. I spent yesterday in downtown Manhattan at the World Trade Center with Commissioner Carlos Rivera, Frank McGarry, the New York State Fire Commissioner, and all of my friends at the New York City Fire Department. Their handling of the situation on Friday was absolutely phenomenal. But it also highlighted some of the problems that we need to deal with in this country relating to the potential of other high-rise disasters.

This in fact was the largest bombing in the history of this country. But there are other problems that we have to look at beyond this particular incident: The communications problem that existed in evacuating the people; the lack of proper smoke control in those stair towers; the fact that government buildings are exempt from most of our life safety requirements; and the media's actions during the height of this disaster in actually telling the inhabitants of the World Trade Center to do the wrong thing.

This whole incident reinforces the need for the Congress and the President to take a comprehensive look at disaster preparedness and response. I repeat my call for President Clinton to establish a Presidential task force to look at this issue once and for all and to make recommendations as to how we can better respond to each and every disaster in this country.

I will be doing a special order today to outline in detail this incident and what we need to do to come together with the Clinton administration to make sure we deal with disasters in a way that protects the lives and the property of the American people.

CLINTON ECONOMIC PLAN RECEIVES BROAD SUPPORT

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

Ms. PELOSI. Mr. Speaker, all across America people are talking about the Clinton economic package, and there is good news in that discussion for President Clinton. There is great diversity in the support that has sprung from the debate.

Leaders of business, labor, and the environment have expressed strong support for the President's plan. In addition, a bipartisan collection of Governors, mayors, State legislators, and county officials have voiced their support. Republican Governor Edgar of Illinois applauded the infrastructure initiative to stimulate the economic recovery. William Althaus, the Republican mayor who is the president of the U.S. Conference of Mayors, has told the staff of the conference to go all out in support of the program. Experts in fiscal policy support the plan because it changes 12 years of the Federal Government's sending mandates and not money to our local governments.

But most of all, Mr. Speaker, it is the positive response of the American people that should be encouraging to the President. In large majorities they support his plan because they believe he has begun to break the gridlock, and that he has found the proper balance in the budget plan. The American people have placed a high level of trust in the President. They recognize the merit of his economic plan. It is time for Congress to do so as well.

EXTENSION OF FAST TRACK NEGOTIATING AUTHORITY

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

Mr. KOLBE. Mr. Speaker, today marks the day that the President's trade negotiating authority effectively expires. Any agreement would have to be submitted to Congress today in order to receive the benefits of fast track consideration before the President's negotiating authority expires in the end of May. Regrettably, the 108 members of GATT [General Agreement on Trade and Tariffs], have not successfully completed the Uruguay round of talks, so vital to a healthy world economy.

It is not an overstatement to say that failure to conclude the Uruguay round would be a disaster for the world trading system and future United States economic growth and security.

In addition, without extended trade negotiating authority, the President would not be able to pursue other bilateral and multilateral trade agreements with countries wishing to accede to the recently completed North-American Free-Trade Agreement.

To restore the President's ability to pursue free trade negotiations, I am today introducing legislation to extend current law giving the President negotiating authority and congressional fast tract consideration of trade agreements.

For the Uruguay round, this legislation would provide an additional 6 months, or until December 1, 1993. President Clinton has said he is committed to a prompt and successful conclusion to the Uruguay round, and our timetable should be short and specific in order to force a successful conclusion to the negotiations.

For other free trade agreements, or accessions to the NAFTA, President Clinton would have an additional 3 years.

Presidents Reagan and Bush had the ability to negotiate and foster free trade for the last 12 years. Today, I submit legislation to give President Clinton the same opportunity, without any of the conditions some Members of Congress would impose.

NO MORE ICE CREAM SUNDAE DIET

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

Mr. GEJDENSON. Mr. Speaker, the 1980's were, as Mark Shields indicated, the ice cream sundae diet. We had economic policies from the administration that said you could eat ice cream sundaes all day long and you would not gain weight. We know where we are today. We have become a debtor Nation rather than a creditor Nation. We have had some of the toughest economic times this country has had since the Great Depression.

But what is heartening to me is that the American people listened to President Clinton in his substantive State of the Union Address and subsequent addresses which did not give us an ice cream sundae solution for some very tough problems. At least in my district, from workers to small business men and women, there is broad support for his economic plan.

Thomas Jefferson said that if democracy is to work, we cannot make it work by excluding the people: We must inform them. President Clinton in his State of the Union address and his subsequent addresses has talked about the substantive policies, not all of which are painless but all of which address the basic and fundamental economic issues that will help revive our economy and invest in our children and our future.

Mr. Speaker, it is gratifying to me to see that young people and old people, workers and management, all support this program.

THE BOMBING AT THE WORLD TRADE CENTER

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, on Friday, February 26, the world became a small place for the employees at the World Trade Center. In a split second a terrorist bomb went off. In a split second five people died including Steven Knapp who lived in my district. In a split second hundreds of New Yorkers received serious injury to their lungs. In a split second, we all realized our vulnerability.

In the moments that followed, however, we also realized that we live among heroes. They are the New York State Police, Fire Department, and Emergency Service. For hours we watched in horror and awe as these men and women battled the smoke put-

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ting aside their own misgivings to bring hundreds to safety.

To these brave individuals, we owe you so much. To the Knapp family we offer our sympathies and the promise to find the killer or killers.

We in Congress and members of the Executive branch should make it our number one priority to hunt down these killers and prosecute them to the fullest extent of current law which clearly states:

Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property * * * and if personal injury results shall be imprisoned * * * and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided * * * (18 USCA 844 (i)).

For the people who are responsible for this treacherous act we as legislators can do no less than find these ruthless criminals who have no consideration for the lives they took and make sure that they are punished.

INCIDENT AT WACO, TX, POINTS UP NEED FOR GUN LAW

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

Mr. TRAFICANT. Mr. Speaker, a religious cult headed by a man who claims to be the second coming killed four Federal agents at Waco, TX. What is bothering me, though, is that BTF personnel have said that they were not outmanned, outmaneuvered, or outsmarted; they were outgunned. These bums had more firepower.

This is ridiculous. It is easier to get a gun in America than it is to vote. In fact, I would bet you your 1040 that more of these fanatics are registered to own guns than they are to vote.

I think it is time that Congress passed a reasonable gun law before grandma starts packing an Uzi. Congress has had enough of this. Congress has passed it by as a sin of omission. It is a sin of omission in the House of Representatives, and we should all be ashamed of ourselves.

□ 1240

ENFORCE FAIR TRADE ACROSS THE BOARD

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

Mrs. BENTLEY. Mr. Speaker, the congressional steel caucus held a hearing this morning on the conditions facing the U.S. industry. Testimony on the devastating effect of over a decade of free trade on the heavy industrial base was sobering—U.S. Steel had 500,000 employees in 1980—180,000 in 1993.

These figures represent not only direct losses to foreign subsidized steel imports—and in a number of years foreign steel was being dumped. The figures also are representative of the downstream loss of U.S. market share by domestic producers of automobiles and machine tools, commercial tools and fasteners, representing all manufacturing that uses steel.

At the same time, there is a downstream threat to millions of retirees from the job losses in U.S. companies. Twenty-two thousand workers at Bethlehem Steel now carry the retirement fortunes of 70,000 retirees. If big steel has been impacted by the shutdown of many hundreds of small manufacturing companies, thousands of retirees will be impacted if we lose one more steel producer.

We must stand behind our domestic industries—enforcing fair trade across the board.

CONGRESS MUST ACT ON THE STIMULUS PACKAGE

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

Ms. DELAURO. Mr. Speaker, some of our colleagues have said that America doesn't need an economic stimulus package. They oppose the President's plan to create jobs. They tell us it is unnecessary. Well, Mr. Speaker, we need not look far to answer these falsehoods.

We need look only as far as the pages of today's New York Times, which reported that unemployment has risen by 818,000 people in the past 21 months and that nationally today, more people than ever, 1 in 10, are receiving food stamps.

We can look to downtown New Haven, the urban center of my district, where yesterday Macy's announced the closing of its New Haven store, laying off more than 200 workers. This in a State that has already lost 200,000 workers over the past 3 years.

Those who would choose to ignore these statistics, to ignore the hundreds losing their jobs, are choosing a path that has already been rejected by the American people.

The American people know the economy has not yet turned the corner. They want a plan that creates jobs, that infuses our economy, that provides hope for the future.

We have an opportunity to act on that plan. For the 818,000 newly unemployed people across America, for the 1 in 10 individuals now on food stamps. For the 250 Macy's employees laid off in New Haven, Congress must act. We must support the President's plan. We cannot afford not to.

TAX INCREASE WILL STALL RECOVERY

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

Mr. DUNCAN. Mr. Speaker, a CBS-New York Times poll a few days ago found that 84 percent of the American people said they were unwilling to pay even $500 more per year in higher taxes. Yet by the most conservative estimate, the President's tax increase will come to over $1,000 per person. Most people will not see their taxes go up that much, but everyone will see prices go up on everything. The corporations will pass their increased taxes on in the form of higher prices. The rich will buy tax-free bonds or find other loopholes to shelter their incomes.

Taxes, in the end, always come back to the middle and lower middle-income people. They always have and always will, and they will this time, too.

These taxes will not just hit those making over $30,000 per year; they will hit everyone who buys anything. These proposed taxes add up to the largest tax increase in history, and they will really hurt the poor and working people if they are not stopped.

We need to cut spending first. Our Federal Government should be forced to live within its means, just as our families have to. If these tax increases are passed, it will slow or stall our recovery, or, even worse, throw us into another recession.

WHEN PEOPLE LEAD, LEADERS WILL FOLLOW

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

Mr. KLINK. Mr. Speaker, it is easy to be a flamethrower; it is harder to stand up and back a plan when hard times fall upon us. But a lot of Americans are coming forward to back the President's plan, because it is bold and it is brave.

These are just some of the people who have contacted my office in support of President Clinton's economic plan, and why they support it.

Educators support the Clinton economic stimulus plan, because it targets critical resources to the education and training needs of our Nation's children, youth, and adults.

Specifically, the Clinton plan will invest in chapter 1 programs for the educationally disadvantaged and the Head Start Program for services that students need to succeed in school and to correct the current shortfalls in the Pell Grant Student Aid Program.

Environmentalists have contacted my office in support of the plan.

The environmental community supports the Clinton economic plan because it eliminates subsidies that are

harmful to the environment and will add to the deficit.

The U.S. Conference of Mayors supports the Clinton economic plan because it will provide jobs for America's cities, revenue increases that are fair, and budget cuts that are necessary.

The National Association of Counties supports the Clinton economic stimulus package because it will improve our Nation's infrastructure and allow counties to maintain or increase the levels of services.

Contractors back the Clinton plan because it will bring tens of thousands of unemployed construction workers back to the job-site.

Mr. Speaker, I say when the people lead, it is time for the leaders to follow.

GET BUDGET DETAILS BEFORE PASSING BUDGET RESOLUTION

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

Mr. BOEHNER. Mr. Speaker, there has been much debate over the last several weeks about the Clinton economic plan, the call for the greatest tax increase in America's history. But we are still waiting for the details on where are the cuts.

Yes, we are aware of some of those cuts, but the fact is, we have not seen a list. We have not seen the details.

Now what is going to happen? In 2 weeks, this Congress is going to be asked to pass a budget resolution that is just a shell, some overall numbers with no details, because the President's plan is not due here until April 5.

What you may not be aware of is when we pass that budget resolution in mid-March, we will be automatically raising the debt ceiling to allow this Government to borrow more and more money, again without any plan in place to restrain continued Federal spending.

I think it is time to cut spending. I think it is time for this Congress to get the resolve to have that debate, and to have the budget and the details before we pass another budget resolution.

Mr. Speaker, I, as one Member of this institution, am not going to buy into any more plans that promise another pig in a poke.

FAIRNESS FOR HAITIANS

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

Mrs. MEEK. Mr. Speaker, I want to bring to my colleagues' attention legislation I introduced last week to assist Haitians who are here in the United States.

Many of the Haitians currently in the United States are fortunate to be alive. After the military coup, they risked their lives at sea primarily to escape political persecution. Many of these same Haitians are now in various stages of immigration processing. Unfortunately even those who have a legitimate and credible fear of persecution are subject to deportation. I do not believe that Haitians who are currently in the United States should be forced to return to Haiti. The reality is that many Haitians currently in the United States will never go back to Haiti but will, if given a chance, become productive citizens.

My legislation, H.R. 986, will allow Haitians who have been in the United States since January 20, 1993 to adjust their status to permanent residency within a 2-year period. This would not benefit any Haitians not in the United States prior to that date and so would not be a magnet for others. My bill would extend a humanitarian hand to those who have every reason to be designated refugees but that they are Haitians.

Mr. Speaker, I realize that the Haitian refugee crisis in South Florida will only be solved by long-term democratic government in Haiti. But I hope that until that time comes, we will have the courage to see that Haitians are treated with fairness and are even, in some cases, given the benefit of the doubt as is every Cuban who enters the United States.

Mr. Speaker, I would like to invite my colleagues to join me in a special order at the close of business on March 10 to discuss in more detail the Haitian issues in all its aspects.

GO WITH CLINTON PLAN

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

Mr. WISE. Mr. Speaker, there is a long list of impressive supporters of the Clinton plan, but I would like to share with you my town meeting, one of five that I held over the past week, last night at Hedgesville at the James Rumsey Vocational Institute. I want you to know it was well attended, and I got the blazes kicked out of me.

I had people complaining about talking about taxes, people wondering about the energy tax. They wanted to know the impact of the Social Security increases. They wanted to know where the real cuts were. It was hard hitting. And finally, of course, they wanted to know what is Congress doing to cut its budget.

But do you know, that after all of that, and I was thinking boy, things are looking pretty bad, a lady said I am the spouse of a Federal employee. I would like to know how people feel. And the folks that had been giving me the blazes, well over half of them raised their hands to say they supported the plan.

They supported the plan because they knew it was honest, and it was shared. And in sharp contrast to what my colleagues on the other side of the aisle are offering, they don't want to offer a plan, they just want to complain. They want a B–1 budget. That is one that they can keep secret as long as they can, they cannot define the mission, and when they roll it out of the hangar, they know it will not fly.

Bill Clinton has offered us something that we know we have to go with.

PRESIDENT'S PROGRAM GETS TOWN MEETING SUPPORT

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

Mr. POMEROY. Mr. Speaker, this weekend I held town meetings across the State of North Dakota to discuss with my constituents President Clinton's plan to get the economy moving and to reduce the deficit.

In general, the North Dakotans I visited with know this economic recovery needs help and they know the financial condition of this country is a mess. They also know addressing these issues will not be easy or painless.

The thrust of what my constituents told me was that they will do their part—even if it means higher taxes—provided that Congress makes meaningful spending cuts and attacks Government waste.

These are reasonable expectations for this body. As we address the President's plan we must not back away from the spending reductions Bill Clinton has advanced.

Rather, we should look further for additional spending cuts and take the deficit down even faster and farther than the President has proposed.

Because President Bill Clinton had the courage to put forward a bold plan for change, Americans have responded positively. I hope this body has the courage to follow through on the President's goals and enact a program of economic recovery and meaningful deficit reduction.

THE AVIATION INDUSTRY COMMISSION

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

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 904, to expand the Aviation Commission established under the 1992 Aviation Authorization Act. In addition, the legislation would expedite its work in reporting back to Congress on recommendations to ensure a strong and competitive aviation industry.

Mr. Speaker, our subcommittee, the Subcommittee on Aviation, held 3 days

of hearings led by our distinguished chairman, Mr. JIM OBERSTAR. Every person who testified agrees that the current financial problems being experienced by the airlines has serious repercussions for the entire American economy.

After selling a record number of tickets in 1992, the industry will lose a record $3 billion. In Nashville, the Girl Scouts made more money selling cookies than the airline industry did selling tickets. The challenge for this Congress, in my opinion, is to take rational steps to halt the airline industry's fiscal free fall.

Anybody who has flown to or through Nashville knows that the home of country music is also home to a first-class airport and hub for American Airlines. The Metropolitan Nashville Airport Authority has recently announced an ambitious expansion plan to handle the anticipated increase in passengers. If the airline industry is under stress, Nashville is no different from any other city which feels the economic sting of airlines cutting back. From trade to tourism, from hotels to airline manufacturers, our country will suffer if the airline industry's current financial woes continue.

Mr. Speaker, once the Commission is appointed, they will hear many suggestions to get the airline industry back on its feet. One thing I believe we should do is to encourage the administration to renegotiate the bilateral trade agreements governing U.S. access to foreign markets. It would not be in our best interest if we were to increase the limit on foreign investment and not get a favorable overseas open market agreement for our carriers. I will be following this one issue particularly closely as the Commission develops its recommendations for Congress.

Mr. Speaker, I urge the passage of this legislation.

SAM HOUSTON

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

Mr. SPARPALIUS. Mr. Speaker, last night I stood on top of a hill in Lexington, VA, in the snow around a bonfire, and there with me was my colleague, the gentleman from Texas [Mr. BRYANT], former Congressman Bob Eckart, Molly Ivins, Don Kennard, his wife Mary Jo, Tony Korioth, and the great-great-grandson of Sam Houston, as we talked about the life of this great man who was born 200 years ago today. Life is short, but what a mark did he leave us? He was the only man to serve as Governor of two States. He served as Member of this body, as a Member of the Senate across the hall. He served as President for the Republic of Texas. He was a defender of two republics.

On his 43d birthday, he signed the declaration of independence for the State of Texas.

Let the spirit and the fire of Sam Houston, who loved liberty, who loved his country, who loved freedom and who loved life and who loved his Texas continue to burn in the hearts of every Texan and every American.

THE BIG LIE

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

Mr. BACHUS of Alabama. Mr. Speaker, Bill Clinton has been trying to rewrite the history of the 1980's. He is trying to convince the American people that they are at fault for the deficit and that they must now pay for the prosperity of the 1980's.

President Clinton's false premise is that Republican tax cuts for the rich caused the deficit increases of the 1980's. This kind of historical revisionism is not only misleading; it is downright dishonest.

Fact No. 1: During the 1980's, the American economy experienced the greatest peacetime expansion in U.S. history.

Fact No. 2: Federal revenues grew.

Fact No. 3: The wealthiest Americans paid more in taxes.

Fact No. 4: Congress failed to control spending, so the deficit grew.

Fact No. 5: Throughout the 1980's and for the last 38 years, the Democrats have controlled the House of Representatives.

Now that the Democrats control both the executive and legislative branches, they have the power to pass their tax and spend agenda with impunity.

But let us not blame the American people for the deficit. The truth about the 1980 s is Congress couldn't control its spending habits. I hope President Clinton will have the courage to face the truth then learn the real lesson of the 1980's: Economic growth will not erase the deficit unless we cut wasteful spending.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

Mr. NEAL of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to amend the Federal Deposit Insurance Act to provide for extended periods of time for claims on insured deposits, as amended.

The Clerk read as follows:

H.R. 890

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 "Unclaimed Deposits Amendments Act of 1993".

SEC. 2. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED BANKS AND SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Subsection (e) of section 12 of the Federal Deposit Insurance Act (12 U.S.C. 1822(e)) is amended to read as follows:

"(e) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under section 11(f)(1) to insured depositors at any insured depository institution, any depositor fails to claim such payment for the depositor's insured deposit from the Corporation before the later of—

"(i) the end of the 3-month period beginning on the date on which the Corporation mailed a notice of the distribution to the depositor at the last-known address for the depositor on the books of the institution; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a receiver for such institution,

the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO DEPOSITOR.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), the Corporation shall permit the depositor (on whose behalf such transfer was offered) to make a claim against the Corporation for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF RECEIVERSHIP.—If a depositor described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such depositor at the insured depository institution before the termination of the receivership—

"(I) all rights of the depositor against the Corporation with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(C) DISPOSITION OF CLAIMS IF STATE DOES ACCEPT CUSTODY.—If the appropriate State does accept the custody of the amount of any insured deposit which the Corporation offers to transfer under subparagraph (A), all rights of the depositor against the Corporation with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO CORPORATION AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF DEPOSITOR.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the depositor before the

end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Corporation;

"(ii) all rights of the depositor against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Corporation; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Corporation.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Corporation satisfies the Corporation's obligation under section 11(f)(1) by making available to each depositor a transferred deposit in an insured depository institution (including a new bank or bridge bank), all rights of the depositor against the Corporation with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any depositor fails to claim a transferred deposit from the insured depository institution to which such transfer was made under section 11(f)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such institution—

"(i) the institution shall transfer the insured deposit back to the Corporation;

"(ii) the Corporation shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such depositor at such institution for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Corporation notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under section 11(f), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or receiver had been appointed for the depository institution (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Deposit Insurance Corporation and the Resolution Trust Corporation shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Corporation was liable under section 11(f) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CLOSED RECEIVERSHIPS.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured depository institution for which the Corporation has been appointed receiver before the date of this Act's enactment if—

(A) the Corporation was appointed receiver before January 1, 1989; or

(B) all stages of winding up the affairs of the institution, or the liquidation of the institution, has been fully completed before the date of the enactment of this Act, including the termination of any receivership, bridge bank, or new bank or the termination of any conservatorship established for any successor or resulting depository institution in connection with such resolution.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Corporation shall permit a qualifying depositor to make a claim against the Corporation for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the receivership for the insured depository institution in default is terminated—

(i) all rights of the qualifying depositor against the Corporation with respect to such claim shall be barred; and

(ii) notwithstanding any provision of State law, the amount shall become property of the Corporation.

(C) QUALIFYING DEPOSITORS HOLDING RECEIVERSHIP CERTIFICATES OR CLAIMS.—In the case of any qualifying depositor who has filed a claim with the Corporation as receiver for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Corporation shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE CORPORATION.—To the extent the Corporation makes payments of amounts under this subsection, the Corporation shall have the subrogation rights provided in section 11(g) of the Federal Deposit Insurance Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Corporation shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any depositor whose claim with respect to an insured deposit at any insured depository institution was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) CORPORATION.—The term "Corporation" means the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as the case may be.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means a depositor who did not receive payment of the depositor's insured deposit or transferred deposit as a result of the depositor's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 12(e) of the Federal Deposit Insurance Act, as in effect on the day before the date of the enactment of this Act.

SEC. 3. AMENDMENTS RELATING TO TREATMENT OF UNCLAIMED DEPOSITS AT INSURED CREDIT UNIONS.

(a) IN GENERAL.—Section 207(o) of the Federal Credit Union Act (12 U.S.C. 1787(o)) is amended to read as follows:

"(o) DISPOSITION OF UNCLAIMED ACCOUNTS.—

"(1) CASH DISTRIBUTIONS.—

"(A) IN GENERAL.—If, in connection with any cash distribution under subsection (d)(1) to insured accountholders at any insured credit union, any accountholder fails to claim such payment for the accountholder's insured deposit from the Board before the later of—

"(i) the end of the 4-month period beginning on the date on which the Board mailed a notice of the distribution to the accountholder at the last-known address for the accountholder on the books of the credit union; and

"(ii) the end of the 18-month period beginning on the date of the appointment of a liquidating agent for such credit union,

the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides for the disposition of abandoned or unclaimed property in the State.

"(B) DISPOSITION OF CLAIMS IF STATE DOES NOT ACCEPT CUSTODY.—

"(i) AVAILABILITY TO ACCOUNTHOLDER.—If the appropriate State does not accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), the Board shall permit the accountholder (on whose behalf such transfer was offered) to make a claim against the Board for an amount equal to the insured deposit.

"(ii) TERMINATION OF CLAIM AT END OF LIQUIDATION.—If an accountholder described in clause (i) fails to make a claim under such clause for the amount of the insured deposit of such accountholder at the insured credit union before the liquidation of the credit union is completed—

"(I) all rights of the accountholder against the Board with respect to such insured deposit shall be barred; and

"(II) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(C) BAR ON CLAIMS AGAINST BOARD WHILE STATE RETAINS CUSTODY OF INSURED DEPOSIT.—If the appropriate State does accept the custody of the amount of any insured deposit which the Board offers to transfer under subparagraph (A), all rights of the accountholder against the Board with respect to such deposit shall be barred as of the date of the transfer.

"(D) REVERSION TO BOARD AFTER 10 YEARS AND TERMINATION OF ALL CLAIMS OF ACCOUNTHOLDER.—If an insured deposit is transferred to the custody of the appropriate State and is not claimed by the accountholder before the end of the 10-year period beginning on the date of the transfer—

"(i) the deposit shall be transferred back to the Board;

"(ii) all rights of the accountholder against the State with respect to such insured deposit shall be barred as of the date of the transfer to the Board; and

"(iii) notwithstanding any provision of State law, the insured deposit shall become the property of the Board.

"(2) TRANSFERRED DEPOSITS.—

"(A) IN GENERAL.—If the Board satisfies the Board's obligation under subsection (d)(1) by making available to each accountholder a transferred deposit in an insured credit union (including a new credit union), all rights of the accountholder against the Board with respect to the transferred deposit shall be barred as of the date of the transfer except to the extent otherwise provided under subparagraph (B).

"(B) OFFER TO TRANSFER TO STATES.—If any accountholder fails to claim a transferred deposit from the insured credit union to which such transfer was made under subsection (d)(1) before the end of the 18-month period beginning on the date of the deposit transfer to such credit union—

"(i) the credit union shall transfer the deposit back to the Board;

"(ii) the Board shall notify the appropriate State and offer to transfer to the custody of such State an amount equal to the insured deposit of such accountholder at such credit union for disposition by such State in accordance with any State law which provides

for the disposition of abandoned or unclaimed property in the State; and

"(iii) subparagraphs (B), (C), and (D) of paragraph (1) shall apply with respect to such deposit as of the date the Board notifies the appropriate State pursuant to clause (ii).

"(3) APPROPRIATE STATE DEFINED.—For purposes of this subsection, the term 'appropriate State' means, with respect to any insured deposit for which a cash distribution or transferred deposit is made available under subsection (d)(1), the State whose laws providing for the disposition of abandoned or unclaimed property would have applied to such deposit if no conservator or liquidating agent had been appointed for the credit union (as of the date of the distribution or transfer).".

(b) RETROACTIVE APPLICATION TO UNRESOLVED CASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the National Credit Union Administration Board shall make available to any qualifying depositor an amount equal to the insured deposit or transferred deposit for which the Board was liable under section 207(d)(1) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

(2) EXCEPTION FOR CREDIT UNIONS FULLY LIQUIDATED BEFORE DATE OF ENACTMENT.—The requirements of this subsection shall not apply with respect to any insured deposit or transferred deposit from an insured credit union for which the Board has been appointed liquidating agent before the date of this Act's enactment if—

(A) the Board was appointed liquidating agent before January 1, 1989; or

(B) the liquidation of the institution has been fully completed before the date of the enactment of this Act.

(3) DISPOSITION OF CLAIMS.—

(A) CLAIM BY QUALIFIED DEPOSITOR.—The Board shall permit a qualifying depositor to make a claim against the Board for the amount referred to in paragraph (1).

(B) CONSEQUENCES OF FAILURE TO CLAIM.—If a qualifying depositor fails to make a claim under subparagraph (A) before the Board completes the liquidation of the insured credit union—

"(i) all rights of the qualifying depositor against the Board with respect to such claim shall be barred; and

"(ii) notwithstanding any provision of State law, the amount shall become property of the Board.

(C) QUALIFYING DEPOSITORS HOLDING CERTIFICATES OR CLAIMS AGAINST AN INSURED CREDIT UNION IN LIQUIDATION.—In the case of any qualifying depositor who has filed a claim with the Board as liquidating agent for any amount which, by reason of this subsection, is eligible for payment under this subsection, the Board shall treat the claim as a claim under subparagraph (A).

(4) SUBROGATION RIGHTS OF THE BOARD.—To the extent the Board makes payments of amounts under this subsection, the Board shall have the subrogation rights provided in section 207(e) of the Federal Credit Union Act with respect to such payments.

(5) RELEASE OF DATA TO STATES.—The Board shall provide, at the request of and for the sole use of the appropriate State, the name and last-known address of any accountholder whose claim with respect to an insured deposit at any insured credit union was extinguished pursuant to section 12(e) of the Federal Deposit Insurance Act after December 31, 1988, and before the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection—

(A) BOARD.—The term "Board" means the National Credit Union Administration Board.

(B) QUALIFYING DEPOSITOR.—The term "qualifying depositor" means an insured accountholder who did not receive payment of the accountholder's insured deposit or transferred deposit as a result of the accountholder's failure to claim the insured deposit or to arrange to continue the transferred deposit, as the case may be, within the 18-month period described in section 207(o) of the Federal Credit Union Act, as in effect on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. NEAL] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

GENERAL LEAVE

Mr. NEAL of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 890, the bill now under consideration.

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

There was no objection.

Mr. NEAL of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 890, the Unclaimed Deposits Amendments Act of 1993, would protect the insured deposits of persons who may have inadvertently abandoned them. This legislation was originated by our colleague, the gentleman from Massachusetts [Mr. FRANK], and I would like to commend the gentleman from Massachusetts [Mr. FRANK] for his outstanding work on this issue.

Mr. Speaker, under current law, a depositor in an insured financial institution must file a claim for deposit insurance within 18 months of the failure of that insured depository institution. Failure to file the claim converts the insured deposits into a general claim and can result in the depositor losing the entire amount on the deposits.

H.R. 890 would protect depositors, who fail to file claims, by requiring the FDIC and the RTC to offer the unclaimed insured deposits, in failed institutions, to the States, to accept and hold under State abandoned property laws for a period of 10 years. The States would use their established procedures to try to find the owners of these deposits.

After this period, the unclaimed funds would revert back to the FDIC, or the RTC, or its successors, with all further claims to these funds barred.

This bill, therefore, allows depositors up to 10 years to make claims on their insured deposits.

Last fall, the Financial Institutions Subcommittee held hearings on this same topic. At that hearing, we heard how some elderly depositors lost the benefit of deposit insurance by failing to file claims with the FDIC during the 18-month period for filing such claims.

□ 1300

These individuals, who held long-term certificates of deposit that were transferred to new banks, did not realize that they had to file claims. They thought that since they had a long-term CD they did not have to take any action to protect their accounts.

Since those hearings, the gentleman from Massachusetts [Mr. FRANK] has worked hard to develop legislation to protect depositors from losing the benefit of deposit insurance. This legislation removes a trap for unwary depositors.

Last week the Financial Institutions Subcommittee, which I chair, held hearings on H.R. 890. At that hearing, witnesses from the FDIC and the RTC testified in favor of this legislation. They pointed out that the legislation would assist them in meeting their goal of assuring that every insured depositor receive the funds to which he or she is entitled. Following the hearing, the Financial Institutions Subcommittee marked up and adopted an amended version of the legislation.

The amendment accomplishes two things. First, the amendment extends coverage to depositors at failed credit unions. This is a provision which is fully supported by the credit union community. It assures that credit union depositors, like bank and thrift depositors, are fully protected from inadvertently losing the benefit of deposit insurance.

Second, the amendment incorporates technical changes, recommended by the FDIC and the RTC, to assure that the depositor protections of this Act can be implemented efficiently.

Since the subcommittee action, we have made technical changes to satisfy concerns expressed by the Budget Committees.

Mr. Speaker, our Federal deposit insurance pledge is there to protect our Nation's depositors. This bill assures that all insured depositors will be fully protected up to 10 years after an institution fails.

The gentleman from Massachusetts [Mr. FRANK] is to be commended for his foresight and vision in raising this matter and finding a solution to a serious problem. The action by the gentleman from Massachusetts [Mr. FRANK] will save a number of people from severe financial losses. I would like to thank him again for his fine effort.

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

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

Mr. Speaker, we have the opportunity today to move quickly on some

legislation that will help some people out who have had trouble claiming their deposits in failed institutions. As I understand it, unclaimed deposits in receiverships amount to less than one-third of 1 percent of all deposits, but, for those individuals who purchased long-term CD's these deposits are often their life savings. H.R. 890 will replace existing Federal law with provisions that apply the relevant State law on unclaimed property. To assist those who have already lost deposit insurance coverage on their savings, we are including a retroactivity clause that applies to deposits in institutions closed after January 1, 1989.

I would conclude by commending Mr. FRANK for bringing this legislation before us and I urge my colleagues to support this bill.

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

Mr. NEAL of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding, as I appreciate the expedition and support that he, and the ranking minority member, have shown in dealing with this bill.

I also want to mention an individual who preceded the gentleman from North Carolina as chair of the subcommittee, our former colleague, Frank Annunzio from Illinois, because when this was first brought to my attention last summer, Mr. Annunzio moved very rapidly to let us have a hearing on it and set the stage by having a hearing, but it was too late in the year to legislate, but it helped us to flush out the issue. It got us together with the FDIC and the RTC, and it set the basis by which we were able to move so quickly today.

I think this is a good example of bipartisanship and of flexibility.

The problem is this: Sometime, when they set up the FDIC, they put in a provision that said that if there was no activity, in an account that had reverted to the FDIC, for 18 months, the depositor would lose any rights in that account, and it would revert to the Federal Government. At that point, they had not foreseen, not that we blame them for this, the invention of certificates of deposits.

We had a situation that came to our attention recently when a number of banks, sadly, failed, S&L's and banks, where individuals had certificates of deposit significantly less than $100,000 per depositor, and found that when their bank had failed and they had let more than 18 months go by without doing anything about it, they were told that they had forfeited their certificate of deposit.

From the Federal standpoint, this is financially insignificant. From the standpoint of an individual, who has saved and put $50,000 or $60,000 or $20,000 or $12,0000 into an account, it was devastating. What represents a minuscule fraction of a percentage of Federal funds involved, was very often 100 percent of the savings of individuals. Unfortunately, the FDIC and the RTC took the position that that 18-month loss gave them no flexibility.

A lawsuit was filed with States on behalf of the depositors trying to get the funds for their unclaimed deposit funds. It seemed to us, rather than to let a lawsuit go forward, since everyone agreed that justice dictated that the individuals get their money back, that we act.

So what this bill says, as it has been outlined, and I just want to make it clear again, is in effect, we say if you are a depositor and the bank fails and you have less than $100,000 in that bank, you will not be adversely affected. You will have a route to get your deposit back even if more than 18 months goes by.

Again, in an era of certificates of deposit, if you happen to have a 3-year or a 5-year certificate of deposit, it would not be surprising that you would not have called the bank every 6 months to see how the President was feeling. That is what this does. It does have a retroactivity clause with everybody's agreement, that is, there are some people who lost their money, and this would allow them to get their money. It also, in the future, would have those unclaimed deposits given to the States, because the States, and here I want to congratulate Joe Malone, the State treasurer of Massachusetts, who has been very, very active in this area, and brought this to my attention, the States will be given the responsibility of finding the depositors.

At the end of 10 years, any depositors not located, those deposits will go back to the Federal Treasury, so the Federal Treasury will not be hurt in that sense; the States will not be put to any great expense, because they will get the use of the money; and they will use the State efficient methods for finding the unclaimed depositors.

It is in the overall Federal context a small problem. To an awful lot of individuals, unfortunately, it has become a very major problem. We now have resolved this, and I am very grateful to my friend, the ranking member, and my friend, the chairman, for helping us move very quickly early in the session to get this set up, and I hope that the other body will, as they should more often, follow our example.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 904) to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The Clerk read as follows:

H.R. 904

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

SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 7 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 2 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 1 nonvoting member appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 2 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 1 nonvoting member appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALIFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) CHAIRMAN.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of

the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission."

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end of the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Commission which is the subject of this legislation was initiated at the end of the 102d Congress, reported from the Committee on Public Works and Transportation, to give the President and the Congress expert advice on the financial crisis facing the airline industry and the decline in airline competition. The commission idea was recommended by our former Public Works Committee chairman, Bob Roe.

The pending bill amends the legislation enacted in the 102d Congress by expanding the Commission's membership from 7 in current law to 15 voting and 7 nonvoting members appointed as follows: There would be 5 voting and 1 nonvoting members appointed by the President; 3 voting and 2 nonvoting appointed by the Speaker of the House; 2 voting and 1 nonvoting appointed by the House minority leader; 3 voting and 2 nonvoting appointed by the Senate majority leader; 2 voting and 1 nonvoting appointed by the Senate minority leader.

□ 1310

The bill also makes some changes in the qualifications for membership on the Commission. It requires that commissioners be experts in aviation, economics, international trade, and related disciplines.

Commissioners may include persons who are not employees of aviation groups but must be familiar with the positions and concerns of the various aviation groups: shippers, aircraft manufacturers, general aviation, the financial community, State and local government, and persons adversely affected by aircraft noise.

Mr. Speaker, I will have more to say later about the reasons for this approach and the need for this Commission.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

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

During the past 3 years, the airline industry has suffered unprecedented losses of $10 billion, more than it has earned in all the rest of its history.

During this period, all but one major airline have sustained substantial losses. The financial problems have also caused significant increases in concentration in the industry. Three major carriers have been liquidated in bankruptcy proceedings and three others are trying to reorganize in chapter 11. If financial conditions do not improve soon, other major airlines may be forced into bankruptcy, where about one-fifth of the current industry is now operating.

Furthermore, the current financial crisis of the airline industry is now spilling over into the aircraft manufacturing industry and local economies where billion dollar aircraft orders are being canceled and thousands of jobs are disappearing.

At a time when there is much discussion about stimulating our economy and creating new jobs and the kind of investment that is needed for long-term economic growth, the situation facing the airline industry is bleak—not how many jobs can we add, but how many can we avoid losing. And, the overriding question facing all of us is how much worse is it going to get?

With this in mind, I am pleased that the Committee on Public Works and Transportation, which I am privileged to chair, brings to the House floor today legislation that will build upon a blue ribbon commission established by the Congress to deal with the problems of the aviation industry. Few will dispute that the issues associated with the airlines' condition are complex and, at times, quite contentious. I look to the Commission to be part of developing a consensus as to what is doable and desirable from a policy standpoint. I would also strongly encourage the Commission to draw upon the good efforts of our Subcommittee on Aviation, under the leadership of Mr. OBERSTAR and the ranking Republican member, Mr. CLINGER, which just completed last week 3 days of extensive hearings on the financial condition of our Nation's airlines.

At this time, Mr. Speaker, I wish to state that by unanimous consent I will include in the RECORD a copy of my opening statement at these hearings. It includes some specific suggestions of how we might help solve the aviation financing problem and I would call these to the Members' attention.

Mr. Speaker, while everyone agrees that the basic premise and mission of the Commission established last year is valid, present circumstances dictate that some adjustments be made in the Commission structure. H.R. 904 does that.

First, the Commission membership is expanded to provide more appointees by the President and the Republican leadership in the Congress. This expansion reflects the political change brought about by the November election and the spirit of cooperation that now exists between the executive and legislative branches of our Government, as well as Democrats and Republicans, on this issue.

Second, the legislation requires a shorter timetable for the Commission to report back to the President and the Congress on its recommendations. The airlines' financial crisis continues unabated since Congress took action last fall, making a short 90-day report, instead of one of 180 days, is better suited to present day circumstances.

Given the importance of the airline industry in the Nation's economy, enactment of H.R. 904 is the very least we must do to insure that all necessary steps to restore it to profitability are quickly addressed.

Finally, Mr. Speaker, I applaud the cooperation and industrious work of President Clinton, Secretary Peña, our distinguished subcommittee chair, JIM OBERSTAR, BUD SHUSTER, BILL CLINGER, and everyone else in coming to a quick resolution on how we should proceed on this important matter.

Mr. Speaker, I urge adoption of H.R. 904.

OPENING STATEMENT OF NORMAN Y. MINETA, SUBCOMMITTEE ON AVIATION, FEBRUARY 17, 1993

Tonight President Clinton will present his proposals for stimulating our economy, creating new jobs, and creating the kind of investment that is needed to grow our economy.

In the airline industry, however, we face a much bleaker scene, where the question is not how many jobs we can add, but how many we can avoid losing. The airline industry has lost $10 billion in the past 3 years, more than it made in all the rest of its history. Airline jobs have disappeared, airlines have disappeared, about one-fifth of the industry is now operating under the bankruptcy code, much of the rest of the airlines are described politely as financially troubled, aircraft orders are being cancelled, manufacturing jobs are disappearing, and the question hanging over us all is—how much worse is it going to get? And what, if anything, can we do about it?

The irony here is that the industries we are talking about—airlines and aircraft manufacturing—are not the latest example of industries in decline because they have not kept up and are not competitive. These are not the whale-oil lamp industry or the shoe industry. These are industries where we are at our most competitive and our most technologically advanced.

The better analogy may be to the commercial real estate industry, which over-built and over-expanded, and then got caught in an economic downturn more persistent than anyone foresaw.

Whatever the cause of the problem, the airline and related industries are a real source concern as we try to bring job growth to the overall economy. Whatever we do right in the rest of the economy may be undone by further deterioration in airlines and airline-related manufacturing. These industries could be the millstone around the rest of the economy.

Our task is not just to discuss the problem, but to try to solve it.

The first step is always to understand the problem. In my view the problem is not that the airline industry itself is threatened with extinction. All airline passengers are not going to switch to AMTRAK. The fact is that the biggest and strongest airlines are not going to disappear, but most other airlines are at risk. Zero airlines is not a possible outcome, but 3 airlines, give or take an airline, is. It is the risk of losing those airlines other than the biggest and strongest which must concern us and must be the focus of our efforts.

Some would have us believe that, short of creating a strong economic recovery, there is relatively little we can do. I agree that a strong recovery would be a big help, but I disagree that there is nothing else for us to do.

Let me put a few specifics on the table:

First, airlines and their customers pay more to the federal government in excise taxes than they get back in services or than they need to be paying at this time. Temporarily cutting the airline passenger ticket tax from 10% to 8% would put a billion dollars per year back into this industry, and would not impair our ability to make needed investment from the Trust Fund. This tax cut for passengers will not solve the basic problems of the industry, but will buy us time and help us keep a few of the airlines who would otherwise be at the edge of extinction.

Second, the fact is that while most airlines are losing money, not all money-losing airlines are equal. Some have the wherewithal to survive continuing losses and some do not. That disparity among airlines is due in part to the fact that for nearly a decade airlines have not competed on a level playing field—some have anti-competitive advantages over the rest, most notably in the area of computer reservation systems. This Subcommittee, under the outstanding leadership of Jim Oberstar and Bill Clinger tackled this problem last year when the Administration would not, and got a bill passed by the House. If we want there to be more than 2 or 3 airlines, we will once again have to seek a remedy for these anti-competitive problems that handicap all but the strongest.

Third, government has sometimes put unreasonable burdens on the industry, and we need to remedy those situations. A leading example is the 50% random drug testing requirement. We have in the airline industry a very effective drug testing program consisting of pre-employment testing, probable cause testing, periodic testing, and post-accident testing. But DOT in 1988 required, in addition to all these forms of testing, 50% random testing, an enormously expensive and intrusive undertaking. Even after adding not only flight crews but also baggage handlers, FBO employees, and a great many others to the program, random drug testing has never uncovered drug use in more than a small fraction of one percent of those tested. And for airline flight deck crews there has been virtually no drug use discovered by random testing. The fact is that 50% random testing is a massive amount of effort producing very little benefit. Whatever deterrent effect random testing has could be achieved at far lower cost with a significantly reduced testing rate. A year ago, the DOT quietly reduced its random testing requirement for its own employees, including air traffic controllers, from 50% to 25%, but continued to require all airline employees and others to undergo 50% random testing. DOT now has a rulemaking underway to consider lowering the 50% random testing rate for private industry.

That rulemaking presents a very real opportunity to reduce a largely pointless burden on airlines. I note that the airlines are calling for a reduction to 10% random testing. I would remind the airlines before they dwell on how stupid the government is to persist in such a clearly unproductive requirement, that it was originally the airlines themselves who called for the 50% random testing requirement. This industry has not always been its own best advocate.

Fourth, DOT is moving toward 50% random testing for alcohol, as well as drug use. For the same reasons, that testing rate should be substantially reduced.

Fifth, the world has changed enormously since the late 1980's, and so has the size and nature of the security threat to U.S. airlines. Generals often tend to fight the last war, and nowhere is this more true than in the case of security generals. We no longer have a Cold War. We no longer have hostages in Lebanon. The dimension and nature of the threat has changed.

The security threat began with hijackings to escape the U.S. and go to Cuba. The latest hijackings were to get into the U.S. We need a complete review of security requirements to make sure we are responding fully to today's threat and not wasting money in response to past threats. In particular, the 1989 DOT requirement that airports install elaborate computer-based employee screening systems at approximately 270 domestic airports should be re-evaluated to determine if we are imposing costs of hundreds of millions of dollars, ultimately borne by airlines and their customers, to little or no purpose. many of the airports covered by this rule serve rural areas of less than 50,000 population. This is a clear case for reassessment.

Sixth, one of the new cost burdens imposed on airlines just in the last few years was allowing airports to levy their own airline passenger taxes in addition to federal passenger taxes. A great many worthwhile projects have been built with this money, but a new and largely uncontrolled cost burden has also been put on the airlines at precisely the time they can least afford it. In the past year and a half, five and a half billion dollars worth of PFC projects have been approved. Over five billion dollars worth of additional PFC projects are now seeking approval at FAA. These are not new burdens the airlines and their passengers can sustain without limit. I would strongly suggest to the airport operators that the right to impose PFC's is not the same thing as the power to suspend the laws of economics. You, like we, need to remember that the power to tax is the power to destroy. And once you help destroy a large airline at your airport, you may find that all the PFC's you can impose will not make up the difference. I would urge the FAA to scrutinize the pending PFC projects very closely, with an eye to protecting the public interest. We all need to review the question of how PFC projects can be judged to assure that there are no unnecessary cost burdens put on airlines or their passengers.

And finally, I would like to make a suggestion to the subjects of these hearings, the airlines themselves. No one that I have talked to about your situation in the Congress, or in the new Administration, doubts the seriousness of your financial situation. And no one I have talked to suggests that we should not try to help. But many of us find that when we ask you what it is we can do to help, instead of offering us suggestions as to how we can strengthen the airline industry, you urge us to help you destroy your competitor airlines instead. Some of you seem to be concerned primarily that the plague will recede before killing off your pesky neighbor. It is not at all clear that the industry is unanimous in wanting a cure for the plague, at least not a cure that arrives too quickly.

Some of you now seem to believe that not only should government not help the wounded among you, we should go around and shoot the wounded for your convenience. I have to say that what you see as the solution—the demise of several more airlines—I see as the calamity we are trying to prevent. I do not see our proper role as public officials to be the agents of airline euthanasia. There are real people who work for these airlines, who have families, who depend on these companies for pensions and medical coverage.

Just taking the 3 major airlines now operating under Chapter 11, they have about 75,000 employees. Add the financially troubled airlines, and the number of employees involved more than doubles. That's a lot of people to be throwing out on the street. That's a lot of new burden to put on the Pension Benefit Guarantee Corporation. That's a lot of dead weight to add to an economy still struggling to achieve a real recovery.

I've heard efforts to use changes in the bankruptcy code to kill off weaker airlines. I have heard of attempts to use DOT to revoke the certificates of some airlines. I have heard of efforts to block legitimate investment in other airlines. Yes, you are all vigorous competitors in the commercial mar-

ketplace, and that's exactly what you are supposed to be. But here, before government, you should be making constructive suggestions to help us deal with a threat to the airline industry as a whole, to the employees, communities, and other industries which rely on the airline industry, and to the goal of economic recovery. That is what I want to hear.

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

Mr. Speaker, I rise in strong support of H.R. 904.

This legislation amends section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992, by increasing the number of members on the Commission from 7 to 15, and shortening the reporting deadline from 180 to 90 days.

Late last year Congress passed legislation, signed by the President, to create a seven-member Commission. The Commission was never constituted. The Clinton administration, and particularly Transportation Secretary Secretary Peña, have embraced the Commission proposal but sought changes to shorten the reporting requirement in view of the dire financial straits of the carriers. In addition, the Secretary recommended that the Commission's size be increased.

The air carrier industry is in extreme financial distress. With one exception, all major air carriers suffered record losses last year. During the past 3 years, air carriers have lost more money than they earned since the advent of the industry. Even our largest carriers have seen their net asset value seriously diminished.

Air carriers are literally the lifeblood of American commerce. Businesses rely on air carriers as the primary mode of travel. Over 90 percent of intercity passenger traffic, carried by commercial conveyance, use air carriers.

The underlying causes of the industry's ills are complex and cannot be ascribed to deregulation, to any one actor, or any one set of circumstances. Some have argued that there's too much capacity, that bankrupt carriers are dragging down the healthy carriers, or that a succession of taxes have pushed ticket prices too high. The Commission is charged with answering these and other fundamental questions and making recommendations to help return the industry to profitability, including the efficacy of increasing the amount of foreign investment in a domestic carrier.

Mr. Speaker, as I mentioned previously, H.R. 904 creates a 15-member Commission; 5 appointed by the House; 5 by the Senate; and 5 by the President. Of the five House appointees, three are made by the Speaker and two by the minority leader. The same holds true for the Senate.

In addition, the bill also authorizes the House and Senate to each appoint three nonvoting Members; two by the Speaker and one by the minority leader. The President gets one appointment.

H.R. 904 does not specify that any one group or groups be represented on the Commission. However, the bill does stipulate that commissioners are expected to be appointed from among experts in transportation policy, including representatives of Federal, State, and local governments, as well as organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community. Just as important, it is the intent of this Member—and I'm sure the chairman will agree with me—that at least one commissioner should come from among the ranks of noise affected communities. They have just as much at stake as any other group.

While public attention has focused on the immediate problems of the industry, experts have considerable fear about the ability of carriers to sustain their capital plans over the long term. If carriers are unable to maintain route systems, communities may lose a vital link to our Nation's commerce, and most certainly jobs will be jeopardized. It would be difficult to imagine what would befall our economy if any one or several of our remaining nine major carriers left the market altogether.

Mr. Speaker, I support this legislation and urge all Members to lend their support as well.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 904. My district in Washington State includes Boeing Co. headquarters and has more Boeing employees than any other district.

We also have the headquarters of one of the most efficient small carriers in the country—Alaska Airlines. So my concern for the revival of our airline industry, and for secure, high-paying jobs, could not be greater.

The people of my district are victims of a nosedive in the airline industry. Boeing will eliminate 19,000 jobs in Washington State—1 of every 5. Every Boeing job produces three more indirect jobs. It adds up to a staggering loss to Washington State's economy.

As for Alaska Airlines, it had 19 consecutive years of profitability, until its fares were undercut by airlines operating under bankruptcy protection. That is costing another 1,100 jobs.

Restoring the health of the airlines will help not only the workers of my district, but all those Americans who benefit from thriving competition.

I appreciate the concern and leadership of Chairman MINETA and Chairman OBERSTAR, who came to Washington State last month to see Boeing's problems firsthand.

And I know that President Clinton understands these problems and their effects on working families. We were deeply gratified by his visit to our State last week. He showed a depth of understanding, a commitment to action, and the kind of leadership we have needed for a long time.

Today, it is our turn to act. We strengthen the national commission. We require it to get serious. And we require it to bring us its recommendations in 90 days instead of 6 months. Then, we will have to work quickly to revitalize this industry, to restore jobs, and to create economic growth for the future.

I urge my colleagues to support H.R. 904, and bring hope to thousands of working families who need and deserve our help.

□ 1320

Mr. CLINGER. Mr. Speaker, I yield 5 minutes to the ranking Republican member on the full Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. My colleagues, I rise in strong support of this legislation today. We have an ironic situation in America in aviation. Over the past 10 years we have had tremendous success in that we have had about a 65-percent increase in the number of people flying, and we have had about a 30-percent reduction in the price of a ticket, adjusted for inflation. This is an enormous success. But at the same time, we have seen a once healthy airline industry go from a strong position to a situation today where it is in crisis and where the very future of the airline industry is in doubt.

So, Mr. Speaker, if there is any time when we need an urgent look at this issue to see what can be done, that time is now. I commend my colleagues for moving this legislation and moving it quickly. Let us do it quickly because it is not going to cause any increase in spending since the payment for this Commission is going to come out of the Department of Transportation budget.

Mr. Speaker, I would say, particularly to my Republican colleagues, that we have actually improved this legislation over the legislation from the past year in that the minority has a clear representation on this Commission. That was not provided for in the previous legislation.

One of the most troubling aspects of the situation today, however, Mr. Speaker, is that, while we are moving to try to address the problems in our aviation industry, we have a proposal before the country now to increase energy taxes, the Btu tax. This tax will cost the airline industry over $1.2 billion a year in increased costs, and that

is the most conservative estimate. This is nearly as much as the airline industry made in profit in its best year.

So, here we are, everyone acknowledging that we face a real crisis in America today, an airline industry which may not survive as we know it, and yet a proposal for a tax increase that will impose upon that airline industry a cost increase, nearly as great as all the profits that they ever made in their most successful years. This exacerbates a situation where we have over 100,000 people laid off—terminated—not working in the airline industry; 28,000 people at Boeing, referred to by the previous speaker; and about 4,000 people at GE out of work. These people are out of work because the airline industry is in deep trouble.

And yet, Mr. Speaker, we have a proposal for a massive tax increase, a cost increase. I hope, and I believe, that this Commission should look at that particular question, along with all the others. How in the world can we expect an airline industry to survive when it is in all the trouble it is in with eight of the nine major airlines hemorrhaging millions of dollars of losses, three of the nine in bankruptcy, and two or three more that are ready to go? How can we help them if we are going to impose upon them the most massive cost increase in the history of the airline industry?

So, Mr. Speaker, I believe this particular issue should be looked at very carefully along with the other issues that are so important, and for that reason I think this is a very timely commission, and I strongly support it, and I would urge its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank the chairman and commend the quick action of the Public Works Committee. Their speedy response demonstrates that they fully appreciate the dire emergency that today confronts our aviation industry. Never has an industry needed special attention as this one does at this moment.

Since the pioneering days of the Wright brothers at Kitty Hawk, America has led the way in aviation technology. Others around the world look here for innovations in technology. Our companies have built an industry that today connects every point of the globe, provides quick and efficient transportation, and has made our complex society a smaller and more manageable one.

But today, the industry that has grown from its humble beginnings at Kitty Hawk is threatened. The American aviation industry faces unfair competition from overseas competitors. Foreign governments are providing support and financial assistance to the tune of $26 billion to their aerospace consortium—assistance that our industry cannot compete with. The result is to further exacerbate an untenable situation. Our economy, already suffering from recession is now beginning to feel the aftershocks triggered by the troubles in this industry.

Connecticut is a State that is particularly hard hit. Thousands of people are employed by companies that rely on the defense and commercial aviation industry. Pratt & Whitney, a major aviation supplier, last month announced the layoff of more than 5,000 employees. These layoffs aren't the result of Government defense cutbacks. This company had the forethought to move away from reliance on the defense industry. These layoffs are the result of the sagging fortunes of our commercial aviation industry.

At a time when we are searching desperately for the larger answers to our economic crisis, we cannot afford to ignore the problems occurring in this important industry. I applaud the President's actions that have made this problem one of his highest economic priorities. I am encouraged that the committee has acted so quickly to amend and report this legislation that will allow the commission to begin its important work.

For the good of Connecticut's thousands of aviation workers, for the hundreds of thousands of aviation workers across the Nation, and for the strength of our economy, we need to act expeditiously on the proposal before us today. We need to be sure that our aviation industry continues in the tradition of leadership and strength that began more than 93 years ago with the flight of a glider in North Carolina.

Mr. CLINGER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. LEVY], a new member of the Committee on Public Works and Transportation and a very valuable member.

Mr. LEVY. Mr. Speaker, I am going to be joining with the gentleman from California [Mr. MINETA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER] in supporting this bill today, but I must confess that my support is less enthusiastic.

Mr. Speaker, this bill is designed to create a national commission to ensure a strong, competitive airline industry. Originally passed last year as a provision of the Airport and Airway Safety Act, the bill's language calls for expanding the Commission from 7 to 15 members, and I think that is a good thing. But last year's bill required one of the seven members to be a representative of citizens concerned with the issue of jet noise. Well, H.R. 904, which we are about to consider, more than doubles the membership on that commission. We have stopped insisting that the air noise representative be present at the table. That is not only unfair, but I think it is a slap in the face to the millions of Americans who, like many of the people in my district, live near airports and who have to put up with aircraft noise day after day, hour after hour.

Mr. Speaker, a move was made by my friend, the gentleman from New Jersey [Mr. FRANKS], in committee to include a member among the 15 who is concerned with air noise. That effort lost out in the full committee markup on a partisan vote.

Mr. Speaker, as I said, my concern for that issue does not prevent me from voting for this bill; however, I do have to state for the RECORD that I feel that the concerns of those who must confront air noise have been sadly deemphasized.

Mr. CLINGER. Mr. Speaker, I yield 2½ minutes to the gentleman from new Jersey [Mr. FRANKS], another new and very distinguished member of our committee who is indeed concerned about the noise issue and its impact upon competitiveness.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in reluctant support of H.R. 904, a bill that would reconfigure the National Commission To Ensure a Strong Competitive Airline Industry.

Mr. Speaker, I will be ultimately voting for this legislation, because I believe this Commission can be effective in offering suggestions and recommendations on how we in Congress can help our ailing domestic airline industry. With all but one of our major airlines suffering financial losses, we can no longer afford to wait for this problem to get better on its own.

Although H.R. 904 is directed at an important concern, this legislation contains a major flaw—a flaw which I tried to rectify in committee. Specifically, this bill weakens current law and Congress' strong commitment to reducing aircraft noise by removing the aircraft noise representative from the Commission. This is reversal from present law. If Congress is indeed serious about combating the aircraft noise problem, we must not allow important provisions of law directed at this problem to be jettisoned.

Mr. Speaker, before the House adjourned last year, Congress passed the law which this bill now amends. Under that law, Congress mandated that the communities affected by aircraft noise would have a representative on the Commission. Now, a scant 5 months later, Congress is flip-flopping on this issue. What is sadly ironic is that even though the aircraft noise representative is being purged from the Commission, the membership of the Commission is being increased from 7 to 15 members under this bill. That makes no sense at all to me. If we can more than double the size of the Commission, surely we can keep that one member who is most concerned about aircraft noise.

I attempted to amend H.R. 904 during its markup, so it would keep an aircraft noise representative on the Commission. Although my amendment failed on a party line vote, we in the minority were successful in gaining report language on this issue. However, that report language still will not fully rectify the problem, nor will it satisfy the millions of Americans who are forced to tolerate unacceptable levels of aircraft noise during all hours of the day and night.

Mr. Speaker, I understand that the purpose of H.R. 904 is to refocus the Commission so it concentrates on our Nation's troubled airline industry more closely. However, I can assure my colleagues that the problem of airport noise has not abated since Congress addressed this issue last fall, and that the need still exists for an aircraft noise representative to be included as a member of the Commission. I urge the other body, when they consider this legislation, to take the necessary steps to ensure that an aircraft noise representative remains on the Commission. Clearly, an expert on this subject is needed if this important issue is to be properly addressed by the Commission.

□ 1330

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 904 and urge my colleagues to join me in supporting its enactment.

The U.S. aviation industry has experienced a tremendous downturn. Only 2 of the 22 airlines that entered the industry after deregulation are still operating. Over the past 3 years, U.S. airlines have lost a staggering $8 billion and eliminated thousands of jobs. These difficulties have led to a steep decline in orders from the airlines which have in turn led to massive loss of aerospace jobs. We cannot continue to sit by and watch the elimination of thousands of high-tech, high-wage jobs.

In my district I have seen all too clearly the effects of problems facing the commercial airline industry. United Technology's Pratt & Whitney, headquartered in East Hartford, CT, has undergone a massive restructuring effort which will leave thousands of Connecticut residents out of work. From January 1992 through the end of 1994, Pratt's Connecticut employment will drop from 23,100 to 13,700.

The United States risks losing its edge in the aerospace industry. Expansion of this commission will allow experts to closely examine the issue and suggest the most efficient manner of rectifying the situation.

Congress and the Clinton administration must act as one to ensure steps are taken to revitalize the aviation industry.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to another new and very dedicated and dynamic member of our committee, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I wish to thank the ranking member, the gentleman from Pennsylvania [Mr. CLINGER] for this time, and I rise in support of this legislation today. I also wish to commend the chairman of our full committee, the gentleman from California [Mr. MINETA], and the gentleman from Minnesota [Mr. OBERSTAR], chairman of this subcommittee, for their work, for their attention, and for their dedication to this important issue. I also thank them for including language in this report, something that I feel is very important, and that is the impact of regulations, particularly conflicting regulations on the airline industry, and I hope that this Commission does pay attention to the cost and impact to our Nation, to the airlines, and to the manufacturers.

Another issue that I think is important that I would like to raise involves the lack of incentives that Government provides for research and development. As a businessman, I know the importance of research and development in maintaining global competitiveness. Many of the aviation companies and executives with whom I have had an opportunity to speak lately have commented on the lack of incentives for the United States to pursue the necessary research and development in this important industry.

Mr. Speaker, I respectfully request that hopefully we make a part of this record today the request that this commission look at ways in which the Federal Government can encourage much-needed research and development.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Pennsylvania [Mr. CLINGER] just said that the airline industry is the lifeblood of American commerce, and I agree with that in large part.

The gentleman from Washington [Mr. KREIDLER] said that Boeing was in difficulty and needed help and he was glad that this Commission was going to be reappointed so this Commission could do its job and really help the airline industry. He said also that President Clinton understands Boeing's problems and the problems of the airline industry, and that he went to Washington and showed that he cared.

I say to my Democrat colleagues whom I love so much that if they really care so much and if the President really cares so much, why is his Btu tax going to add 15 cents a gallon to every gallon of jet fuel they have to buy?

I have talked to airline executives, and they tell me they are going to be put out of business. It is one thing to say today on the floor of the house that you care, but it is quite something else to add 15 cents a gallon for very gallon of jet fuel they have to buy. That does not sound like they care very much to me.

Let me just say that the Democrat Party and the Democrat President giveth with the left hand and then smacketh them in the mouth with the right hand.

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

Mr. OBERSTAR. Mr. Speaker, we have no further speakers on our side, and I will simply close out the discussion of the subject myself.

Mr. CLINGER. Mr. Speaker, in view of the fact that the gentleman from Minnesota [Mr. OBERSTAR] is the final speaker, I yield back the balance of my time.

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

Mr. Speaker, the dire current condition of the airline industry has been well described throughout this debate, but we should remember that in the period of 1985 through 1988, the airline industry was expanding. Growth was exploding throughout the United States, and profits were soaring. In fact, in 1988 the industry enjoyed a record $3.1 billion in operating profits, and $1.1 billion in net profits, more than it had made in the previous several years.

□ 1340

Questions were being raised at that time about whether deregulation really was working, was there enough competition. Fares were starting to rise. Questions were asked about whether competition really was working, because the industry was concentrating into fewer carriers, less competition at the fortress hubs, and fares were starting to rise. Questions were being raised.

Now we see an entirely different picture. The mid-1980's were probably the peak of the profitability of the airline industry in its entire history. Now we are in a trough, where in the last 3 years the industry has lost $8 billion.

Questions have been raised by Members of this body about the viability of deregulation. In fact, hardly a day goes by that I come on the House floor that someone does not ask is it not time to reregulate the airline industry?

That definitely is not the case. We do not want to return to an era of regulation, that is, Government control of market entry and pricing of airline fares.

In fact, airline fares have risen from the period of 1981 through 1993 only 2 percent, while the Consumer Price Index in that same period of time rose 54 percent.

The Brookings Institution estimated that every year consumers are benefiting to the tune of $6 billion in avoided

costs and lower fares because of deregulation and the competition and expanded service that it has brought.

What is facing this industry is more than a triple whammy, powerful economic forces have hit the industry from all sides at once: recession at home, recession in Europe, recession in the Pacific rim; the security fears resulting from the bombing of Pan Am 103 and the war in the gulf. All of which caused a huge falloff in demand at the very time when fuel prices were ignited by the gulf war causing the airlines to pay over $4 billion in additional costs because of the increased price of fuel due to the gulf crisis.

In addition, the airlines themselves added problems. The three largest carriers increased their fleets from 1988 through 1992 by 445 aircraft, adding to the excess capacity in the industry and creating the huge problem of many aircraft flying with not enough passengers to fill the seats.

In the leveraged buyout craze of the 1980s, including the acquisition of new entrant carriers, airlines added so much debt that their costs of interest expense and rental went from $2 billion in 1982 to $8 billion in 1991. These were tremendously increased burdens for an industry which has always been cyclical and has had difficulties even in the best of times.

Now we have further problems created by this lingering period of recession and the excess capacity, as well as the number of carriers in bankruptcy.

Mr. Speaker, I must observe that, while the finger has been pointed at bankrupt carriers, they account for only 18 percent of industry capacity. If the bankrupt carriers disappeared overnight, we still would have excess capacity in this industry. That has to be understood.

The purpose of this commission is to review the status of the airline industry, of aviation in total, and make some conclusions and recommendations, the first of which, I hope, will deal with the preservation of competition. It will be of little value to have a profitable industry with only two airlines operating. It will be of immense value to have a number of solvent airlines competing vigorously for customers at home and abroad.

We want to assure that the competition engendered by deregulation will remain strong and vigorous so American carriers can compete, not only the domestic economy, but in our foreign markets as well. We also want to return this industry to profitability, and we look to this commission to make wise and responsible recommendations.

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

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to reclaim the time of the minority. I have had a Member come to the floor who would like to participate in this debate.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Pennsylvania [Mr. CLINGER] has 4 minutes remaining, and the gentleman from Minnesota [Mr. OBERSTAR] has 3 minutes remaining.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], one of the new active contributing members of the committee.

Ms. DUNN. Mr. Speaker, I rise to lend my strong support of H.R. 904 to establish a commission to assess one of the most vital transportation industries in our country, our commercial aviation industry.

For decades now, that industry has served as a springboard for researching and developing advanced technologies. It has spawned thousands of manufacturing jobs throughout our States.

It is undeniably a crucial thread in our Nation's industrial fabric. However the thread has slowly begun to unravel and will continue unless we initiate some action to restore some stability to this faltering industry.

While more and more carriers fall prey to chapter 11, our manufacturing base continues to erode. This year alone in my home State of Washington, Boeing will be laying off 14,000 people. This will undoubtedly impact the thousands of other jobs around the country, in industries that supply parts and other goods for Boeing and other manufacturers of aircraft.

Mr. Speaker, we must realize that our Nation's airline industry is a vital ingredient in our efforts to retain our competitive edge in the world marketplace.

The Commission which this bill creates, is composed of policymakers and industry experts. They will offer us a way to closely examine the history of this important industry and to see why it is in its current condition.

We must then evaluate their recommendations on how to ensure the future prosperity of the aviation industry based on free and fair trade, free markets, and limited Government interference.

Mr. Speaker, this Commission is a crucial first step in that direction, so I urge my colleagues to give it their full support.

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

Mr. OBERSTAR. Mr. Speaker, just a few concluding observations: First, with respect to the question that has been raised about noise: The House-passed bill last year did not have any seat designated for a specific interest or sector of the aviation industry.

□ 1350

That provision, designating a representative from the noise community, was added by the other body in the final minutes of the 102d Congress. In order to get a bill passed, we just accepted that language with great, great reluctance. And we resolved at the beginning of this Congress, when the new administration wanted to invigorate the Commission and give a different timetable, that we should return to the neutrality of membership on this Commission. That is the reason that no interest grouping is designated for a specific seat on the Commission.

We do urge the administration to appoint people from a wide array of interests, and we do urge that noise interests be given full and fair and adequate and expert representation on this Commission. But it really would be a mistake to designate, in the law, one interest apart from others for special recognition and special seating on the Commission.

Finally, I would like to express my great appreciation to the gentleman from California, Chairman MINETA, for his support of the Subcommittee on Aviation to hold hearings on the financial condition of the airline industry and bring this legislation out so quickly. His longstanding interest as chairman of the Subcommittee on Aviation, for over 8 years, of course, puts him in a very special position of understanding. And we, all of us subcommittee chairs on the Committee on Public Works and Transportation, appreciate the opportunity to manage our own bills on the House floor, which is a practice that he has initiated.

I want to express a special gratitude, again, to my longtime colleague and friend on the committee, the gentleman from Pennsylvania [Mr. CLINGER], for his ever-present attendance and always thoughtful recommendations and insights into the issues with which we deal. It is a great pleasure to work with him. And to our staff for their splendid and vigorous work in bringing this bill and the committee report to the House floor.

I urge enactment of the pending legislation.

Mr. GEJDENSON. Mr. Speaker, I rise today to express my support for H.R. 904 which expands and improves the Aviation Industry Commission. The Commission was formed last October to study the problems of the U.S. airline and aerospace industry and make recommendations to improve the aviation industry's competitiveness. H.R. 904 makes two simple changes to the Commission. First, it broadens the membership of the Commission, and more importantly, it requires it to report its recommendations within 90 days instead of 6 months.

The airline industry is in need of immediate assistance. Since deregulation began, 22 airlines entered the industry. Of those 22, only two are still in operation. Many airlines are operating under the protection of bankruptcy and

two major carriers—Eastern and Pan American—have gone out of business completely. Additionally, the airlines have experienced $8 billion in operating losses during the past 3 years and thousands of airline workers have lost their jobs.

Both the decline of the airline industry and reductions in our Nation's defense spending has had repercussions for the entire aerospace manufacturing industry. United Technologies Corp. [UTC], the largest employer in my home State of Connecticut, anticipates a 21-percent decrease in its commercial airline business this year and has seen a reduction of military fighter engines from 700 in the early 1980's to under 100 in 1993. As a result of this loss of business, UTC has announced the layoff of 6,700 workers in Connecticut by the end of 1994. In a State which has had an unemployment rate higher than the national average for most of 1992 and is experiencing other defense-related layoffs at the Electric Boat Division of General Dynamics, this additional job loss is devastating.

Given the difficult times the aviation industry is facing, the changes H.R. 904 makes to the Commission are desperately needed. The requirement that the Commission make its recommendations to help these industries get back on their feet in 90 days, as opposed to 6 months, is essential when thousands of jobs could be at stake if changes are not made quickly.

For years, America's aviation industry has built state-of-the-art military fighter and commercial planes, and made air transportation safe and efficient. These industries need the assistance of the Commission to help them address the problems they are facing. We must fight to ensure that the aerospace and airline industries can remain competitive and keep dedicated American workers on the job.

I look forward to the Commission's important work and its efforts to address this crisis in America's manufacturing and industrial base.

Mr. GEPHARDT. Two weeks ago, Transportation Secretary Federico Penã called for a 90-day bipartisan review of the problems facing the aviation industry.

H.R. 904 implements this recommendation. It constitutes a National Commission To Ensure a Strong Competitive Airline Industry and directs the Commission to forward its recommendations to President Clinton and the Congress within 90 days. I particularly want to recognize Chairman MINETA and Chairman OBERSTAR, and the ranking members of the Public Works Committee, for their hard work in expediting this legislation.

Nowhere is the need for a comprehensive review more apparent than in our aviation industry. Vital to our economy, this industry suffered neglect at the hands of the administration during the 1980's. Leveraged buyouts saddled carriers with huge debts. Congressional efforts to level the playing field among airlines met with administration opposition. And subsidies to Airbus were not taken as seriously as they should have been.

Partly as a result of this, the U.S. airline industry has suffered $8 billion in losses in 3 years. Once proud airlines like Pan Am and Eastern are gone, 60,000 people have lost their jobs. Airlines like TWA and Northwest, whose existence is vital to vigorous competition, face a difficult future. Even the largest carriers have suffered enormous losses.

These problems in turn have led to $16 billion in aircraft order cancellations. The cost: nearly 50,000 jobs at McDonnell Douglas, Boeing, and Pratt & Whitney. It now appears that the problems in the airline industry, by reducing demand for civilian aircraft, threaten the efforts of aerospace-dependent communities to diversify beyond defense production.

We are at a crossroads. The hands-off policies of the 1980's have left major companies perched on brink of ruin, jeopardizing the very competition that has made travel affordable for Americans and contributed so much to the strength of our economy.

This legislation is of vital importance to Missouri, which is home to McDonnell Douglas and TWA. TWA, for example, expects to emerge from bankruptcy later this spring, and its 25,000 employee owners—13,000 of them in Missouri—are working hard to turn things around. Customer complaints are down. On time performance is better than ever. Nevertheless, they face a difficult future unless we enact policies that enable the industry to recover.

Our task must be to restore stability to the industry in a manner that preserves choice for consumers and creates a fair playing field for our companies and workers.

A strong recovery will help restore growth to the industry, and so quick action on the President's economic plan will be critical. Beyond this, the Commission's recommendations will provide us with a needed road map. The Commission will consider short-term measures needed to prevent further hemorrhaging. And it will address in a thoughtful manner the long-term measures needed to fully restore the industry's health.

I urge support of this legislation so that we may begin work without delay.

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 904. The Subcommittee on Aviation, on which I serve, recently completed 3 days of hearings on issues confronting our domestic aviation industry. These hearings demonstrated the urgency and necessity for quick and decisive action to address issues such as industry debt, carriers operating under chapter 11 bankruptcy proceedings, and agreements involving domestic and international air carriers.

Mr. Speaker, I am a businessman and would like to state that I do not see a commission as a panacea to the very serious problems facing the aviation sector of our economy. My colleagues should be aware, however, that the Commission proposal was originally endorsed by former President Bush, and instead of allowing 180 days to complete its report, the legislation before us calls for the Commission to make its recommendations within 90 days. In addition, no new expenditures are required under H.R. 904 since the Commission will be funded using existing Department of Transportation dollars.

Mr. Speaker, our airline industry is the most cost efficient in the world but today stands at a crossroads. Domestic carriers and aviation manufacturers are facing increased competition from foreign governments which promote and often subsidize their carriers and manufacturers, as the largest air market in the world, the United States must ensure that our aviation industry maintains a healthy presence both here and abroad. This legislation is supported by both the airlines and the Air Transport Association and I urge its adoption today.

Mr. TRAFICANT. Mr. Speaker, as a member of the Committee on Public Works and Transportation, I rise in strong support of H.R. 904 which amends the 1992 Aviation Authorization Act to broaden participation in the Aviation Commission established under the act and to ensure that the work of the Commission is finished expeditiously.

Mr. Speaker, like so many industries in America, the U.S. aviation industry has been devastated over the past few years. Aviation giants such as Eastern and Pan American have gone out of business. Several airlines are currently on the ropes, operating under the protection of U.S. bankruptcy laws. In fact Mr. Speaker, of the 22 airlines that entered the industry following airline deregulation, only two are still operating—the rest having either gone under or merged with other carriers.

Over the past 3 years, airlines in the United States have lost a total of $8 billion—resulting in tens of thousands of layoffs. These problems have also had a severe impact on U.S. aircraft manufacturers. A falloffs in orders for new aircraft combined with stiff competition from heavily subsidized foreign manufacturers has resulted in more lost American jobs.

The latest victim: Boeing Corp. which recently announced that it would reduce its work force by some 28,000 employees.

What do all these statistics mean? For the American worker it means pain. The pain of losing a job, losing a home, losing health benefits, and—tragically—losing hope. H.R. 904 is a small, but necessary step, toward examining the financial problems of the American airline and aircraft manufacturing industry. Under the bill the Commission would be required to report to the Congress and the President within 90 days its recommendations on how to revive the U.S. aviation industry and make it competitive worldwide.

Mr. Speaker, this legislation and this Commission by itself won't save the U.S. aviation industry. This country needs to embrace tough trade policies that ensure that America's trading partners fully open up their markets to U.S. products and that they engage in fair trade practices. This country also needs to adopt tax policies that provide real incentives for American manufacturers to invest in America and create jobs.

Most importantly, we need to bring together the best and brightest minds in the country to examine the problems of American industries and develop real solutions and initiatives that the Federal Government can implement to get us on the right track.

H.R. 904 is a prudent first step that will provide the Congress and the President with real answers to real problems in a short time frame. I commend my colleague from Minnesota, Mr. OBERSTAR, for the lead role he has taken on this initiative and urge all of my colleagues to support the bill.

Ms. CANTWELL. Mr. Speaker, the bill before us is critical to hundreds of thousands of workers in my district and across the country. H.R. 904 establishes a commission to study

the problems of U.S. airlines and aircraft manufacturers.

Last week, members of the Aviation Subcommittee heard from the Boeing Co. that the sustained financial difficulties of the airline industry have forced Boeing to reduce production rates on all aircraft models over the next 18 months. As a result, the Puget Sound region can expect massive layoffs at Boeing. I'm extremely concerned about the impact on Puget Sound workers and the possibility of significant job loss in the subcontracting and consumer services that support Boeing.

The aviation industry is one place where America has a competitive edge. Boeing is the largest exporter in this country and leads the world in commercial aircraft manufacturing.

Mr. Speaker, the most important thing we can do to help the airline and aircraft industry is to get our economy back on track. However, I believe that the creation of this Commission comes at an important juncture and should examine ways that we can build new partnerships between Government and the private sector to enhance our ability to compete in the international marketplace. It's time that the Federal Government recognize the critical importance of aviation to our economy and conduct a comprehensive study of the financial condition of the airline industry, the adequacy of competition in the airline industry and legal impediments to a financially strong and competitive airline industry. I'm pleased that the Commission will operate on a fast track and must report to Congress within 90 days of its establishment.

The health of the airline industry is not only vital to our region, but to the Nation. As I mentioned, a financially sound domestic airline and aircraft industry is essential to our economy and our national defense. We depend upon airlines for the safe movement of people and goods across the country and the world.

Mr. Speaker, I urge my colleagues to support the aviation industry and pass this legislation.

Mr. DICKS. Mr. Speaker, I want to take this opportunity to express my strong support for this important legislation. The United States has a long and proud tradition as the world's leader in aerospace technology. Aerospace exports provide more than $43 billion annually toward a positive balance of trade for the United States. In fact, between 1980 and 1983 net aerospace trade has produced a surplus for the United States of $230 billion. Only agriculture can even approach this stunning record. In addition, aerospace technological advances have invaluable applications in other fields and help drive our quest to maintain our competitive position in the world economy.

We are also blessed with the most comprehensive aviation transportation structure in the world that provides a critical component of the business operations in virtually every field.

But the aerospace aviation and aerospace industry face a crisis today that jeopardizes our enviable position and demands our immediate attention. Over the last 3 years U.S. airlines have registered losses approaching $10 billion. As a result they are canceling increasing numbers of orders, and deferring delivery of those aircraft they still intend to purchase.

This has had a devastating impact on the aircraft manufacturing firms. The seriousness of the situation was brought home in the last few weeks as Boeing announced that it will be cutting back its production by one-third and reducing its employment by 28,000 in the next 3 months, with 21,000 of these dismissed employees in Puget Sound.

I know that this crisis is a priority concern for Public Works Chairman MINETA and for the chairman of the Aviation Subcommittee, Mr. OBERSTAR. This is evident by the fact that the Aviation Authorization Act enacted by the Congress last October included the establishment of a national Commission to study the problems of U.S. airlines and the aircraft manufacturing industry.

But since October the situation has taken a turn for the worse and the expert advice of the Commission is needed even more, and more quickly so that the Congress can expedite steps to make the Federal Government a positive force in dealing with the problems.

As a result the Public Works Committee leadership, along with the majority leader and our new Secretary of Transportation Peña, have determined to expand the membership of the Commission to assure that the full range of expertise is brought to bear on the problem, and to direct it to report its findings in 90 days rather than in 6 months as originally proposed. That is what this bill before us today will accomplish.

I do not envy the Commission in having to come to grips with airline issues that range from suggestions for changes in bankruptcy laws, revisions in the rules for foreign investment in airlines, adjustments in the airline ticket tax and the impact that the Btu tax could have on an already fragile industry. Addressing a more level trade environment in the aviation industry is another difficult issue that will have to be addressed.

No one should be misled to think that the Commission can by itself resolve these issues. The real tough decisions are going to have to be made by the Congress and the administration. But the Commission can serve as an invaluable source of expert advice and as a forum to develop consensus opinions by those most directly impacted by the issues involved. The Commission is a good first step toward meeting the challenge of maintaining our leadership in aerospace and aviation. I for one look forward to moving out smartly to take the actions that will be necessary to follow through on the guidance that the Commission will provide.

Mr. GALLO. Mr. Speaker, I rise today in reluctant support of H.R. 904, authorizing the National Commission To Ensure a Competitive Airline Industry.

While I support the merits of creating such a Commission and understand the problems that the airline industry is having, I cannot support the committee's decision not to include language that would have provided representation for the thousands of Americans plagued with aircraft noise.

Last year when Congress passed the Aviation Reauthorization Act—Public Law 102–581—it included language to provide for such representation. However, this year, even in spite of expanding the Commission's membership, the Public Works and Transportation Committee felt that such a specific seat was not needed.

Over the past 5 years, New Jersey has been plagued with a severe air noise problem. The New Jersey congressional delegation has been trying for many years to work with the Federal Aviation Administration [FAA] and the airline industry to come to an equitable solution to this pressing problem. But, after repeated attempts, we still have not arrived at a solution that will provide the needed relief to the citizens of New York and New Jersey.

Since the Commission has been charged with looking at the airline industry, aviation policy and any other items that affect the industry, I believe it would only be fair to have a representative for one of the largest growing citizen groups in New York and New Jersey—the air noise advocacy group. I sincerely hope that while the Commission deliberates and draws conclusions, it will give careful consideration to any changes that will affect citizens who live in the busiest airspace in the world.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904.

The question was taken.

Mr. CLINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

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

There was no objection.

CONSUMER PROTECTION TELEMARKETING ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, as amended.

The Clerk read as follows:

H.R. 868

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 "Consumer Protection Telemarketing Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to insure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $10 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception (including fraud) and abuse.

SEC. 3. TELEMARKETING RULES.

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities.

(2) The Commission shall include in such rules respecting deceptive telemarketing activities—

(A) a definition of deceptive telemarketing activities, and

(B) criteria that are symptomatic of deceptive telemarketing as distinguished from ordinary telemarketing business practices.

(3) The Commission shall include in such rules respecting other abusive telemarketing activities a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy. In prescribing the rules described in this paragraph, the Commission shall consider—

(A) including a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided within such period, a refund be required, and

(B) including, where practicable, authority for a person who orders a good or service through telemarketing to cancel the order within a specified period.

(b) RULEMAKING.—

(1) The Commission shall prescribe the rules under subsection (a) within 270 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) A rule issued under subsection (a) shall be considered a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisory, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by the Commission, institute a civil action under subsection (a) against any defendant named in the Commission's complaint for acts or omissions alleged in the complaint for violation of any rule as alleged in the Commission's complaint.

(e) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers and who are designated by the Commission to bring an action under subsection (a) against persons that the Com-

mission has determined have or are engaged in a pattern or practice of telemarketing which violates a rule of the Commission under section 3.

SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3 or an authorized person acting on such person's behalf may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(d) COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

SEC. 6. CLEARINGHOUSE.

(a) IN GENERAL.—The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement such section) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

(b) LIABILITY FOR PROVIDING INFORMATION.—No person who provides information to the clearinghouse established under subsection (a) shall be liable for damages for the provision of such information unless such person provided such information knowing it to be false.

SEC. 7. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 8. REVIEW.

Upon the expiration of 5 years following the date of the enactment of this Act, the Commission shall review its implementation of this Act and its effect on deceptive telemarketing activities and report the results of the review to the Congress.

SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Marianas Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by significant use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this legislation, to protect consumers from fraudulent, deceptive, and abusive telemarketing activities, is the product of many hours of constructive work by consumer and business groups, and the State attorneys general. It is also an example of Congress at its best, of Members working in a bipartisan manner to achieve this important result. I especially want to thank Chairman DINGELL and the ranking minority members of the full committee and subcommittee, Representatives MOORHEAD and OXLEY for their unstinting labors in the passage of this legislation.

Regulating legitimate, mutually beneficial telemarketing activities is not the purpose of this legislation. What this legislation goes after are those unscrupulous telemarketing activities where no one benefits but the perpetrator.

The telephone has become a powerful weapon in the hands of those with a persuasive message and a desire to steal. From a boilerroom operation perhaps thousands of miles away, a long hand can reach out and into a consumer's pocket. Fraudulent telemarketers have already gotten past the consumer's front door and into their homes every time they make a phone call. When the day of reckoning comes, and consumers discover they have been ripped off, all too often the fraudulent telemarketer has left behind a rented room, a few phone lines, and no forwarding address.

And it is not only consumers, but businesses and financial institutions that suffer loss. At a hearing before my subcommittee, MasterCard and VISA in a joint statement outlined the problem:

MasterCard and VISA believe that telemarketing fraud losses will continue to mount without an effective federal legislative response to this national problem. State and local enforcement agencies * * * have initiated actions against fraudulent telemarketers only to be frustrated by state law jurisdictional limits. These jurisdictional limits make it difficult to prosecute or obtain relief from fraudulent telemarketers who locate their operations outside the states in which their victims are located or move frequently to avoid detection and prosecution under state law.

The National Consumer's League—which administers a telemarketing coalition of over 80 industry associations and law enforcement agencies—states that reported losses due to telemarketing fraud now amount to $15 billion per year. The Federal Trade Commission estimates that actual losses may run as high as $40 billion per year. The National Consumers League has sent a letter to every Member urging support of this legislation. The National Association of Attorneys General have also written stating the support of all 50 State attorneys general for this legislation. I quote from their most recent letter, dated March 1 of this year:

We urge you to vote for this legislation which is critically needed to help state law enforcement officers take effective action

to stop fly-by-night unscrupulous telemarketers from preying on unwary consumers.

H.R. 868 reflects the concerns of law enforcement agencies, consumer groups, and affected financial institutions. This legislation directs the FTC to undertake a rulemaking to prohibit fraudulent, deceptive, and abusive telemarketing activities. It will also allow State attorneys general and certain other State consumer agencies to use the powers of this act to target fly-by-night telemarketers who make deceptive long-distance telemarketing calls and then skip across State lines before State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances, and directs the FTC to establish a clearinghouse of information so that consumers can better protect themselves.

An additional protection has also been added to this bill. Working with the Agriculture Committee, and the Telecommunications and Finance Subcommittee on Energy and Commerce, an amendment has been added to require the Commodity Futures Trading Commission and the Securities Exchange Commission to promulgate telemarketing rules for the broker-dealers under their jurisdiction and therefore exempting them from the FTC telemarketing rule. Dual regulation is rarely justified, and I do not believe that dual regulation would be helpful in combating problems with telemarketing fraud and deception. The expertise for policing broker-dealers selling financial instruments regulated by the CFTC or SEC is clearly with those agencies. Having said that, the record is clear that telemarketing abuses are pervasive and they must be dealt with. This amendment creates a clear legislative obligation for the SEC and CFTC to seriously and substantively address this issue. I want to thank Mr. DE LA GARZA, Mr. ENGLISH, Mr. ROBERTS, and Mr. COMBEST of the Agriculture for working so constructively with members of the House Energy and Commerce Committee in furthering this legislation, and include letters of support and clarification.

And this is good legislation. It is necessary legislation for consumers who lose billions every year to telemarketing fraud; for the Federal Trade Commission and our State legal officers who need the tools in this bill to ferret out these telemarketing boiler rooms; and for legitimate businesses who are being exploited by fraudulent and deceptive telemarketers. I strongly urge my colleagues to support this important consumer legislation, H.R. 868, the Consumer Protection Telemarketing Act.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 23, 1993.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Today, the Committee on Energy and Commerce marked up and favorably reported the bill H.R. 868, the Consumer Protection Telemarketing Act. We intend to file the Committee report on the bill tomorrow and to seek to have the bill listed on the suspension calendar early next week.

As you will recall, the same legislation was adopted by the Committee on Energy and Commerce during the 102nd Congress (H.R. 3203, H.Rpt. 102-688). Prior to consideration of the bill by the full House last year, I sought and received the cooperation of the Committee on Agriculture to include an appropriate amendment to the bill that provided commensurate rulemaking authority to the Commodity Futures Trading Commission (FTC) as that provided to the Securities and Exchange Commission under section 3 of the legislation, as amended.

As we agreed last year, we would be pleased to include such a CFTC provision in the suspension vehicle we bring to the floor next week so that commodities transactions will be treated no less favorably or more favorably than securities transactions. In doing so, we of course recognize the jurisdiction of the Committee on Agriculture with respect to the CFTC provision.

I trust this process will allow our Committees to bring the bill, as amended, to the floor next week and hopefully will give our Committees the opportunity to complete action on this legislation with the other body in the near future. We greatly appreciated the full cooperation and assistance we received from the Committee on Agriculture last session and look forward to a prompt and successful resolution of this matter.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, March 1, 1993.

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

DEAR MR. CHAIRMAN: This is in response to your letter regarding H.R. 868, the Consumer Protection Telemarketing Act, and the inclusion in that bill of an amendment regarding the regulation of telemarketing in the commodity markets. As you know, clause 1(a)(18) of Rule X of the Rules of the House of Representatives provides that the Committee on Agriculture has sole jurisdiction over commodity exchanges. I believe that the amendment enclosed herewith—developed through consultations between our Committees—will serve as a valuable addition to the important legislation reported by the Committee on Energy and Commerce. As you mentioned, the amendment would accomplish the purpose of our agreement relating to similar legislation considered in the 102nd Congress.

H.R. 868, as ordered reported, requires that the Federal Trade Commission (FTC) issue rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities. As you know, section 2(a)(1)(A) of the Commodity Exchange Act (CEA) provides that the Commodity Futures Trading Commission (CFTC) has exclusive jurisdiction with respect to transactions involving contracts of sale of a commodity for future delivery.

Last year Congress passed legislation reauthorizing the CEA which was enacted as the Futures Trading Practices Act of 1992 (P.L. 102-546). Section 204 of that Act consists of a provision recommended by the Committee on Agriculture in recognition of the need to provide protections against certain telemarketing practices. Under section 204, each registered futures association is required to establish guidelines to protect the public interest relating to telephone solicitations of new futures and options accounts.

In January the CFTC approved supervisory guidelines submitted by the National Futures Association addressing futures industry registrants' telephone solicitation of new accounts. While these guidelines have yet to be fully implemented by the industry, the Committee on Agriculture will support including the enclosed amendment in H.R. 868 to further ensure that customers targeted by entities registered under the CEA will be afforded any necessary regulatory protections from deceptive and abusive telemarketing activities.

Specifically, the enclosed amendment provides that rules promulgated by the FTC under the bill are not to apply to persons who are futures market participants registered or exempt from registration under the CEA. In addition, it adds a new section 6(f) to the CEA to require that not later than 6 months after the promulgation of telemarketing rules by the FTC, the CFTC is required to promulgate rules that prohibit deceptive and abusive telemarketing activities by any entity acting in his or her capacity as a registrant subject to regulation under the CEA. The rules promulgated by the CFTC are required to be substantially similar to the rules promulgated by the FTC. An exception is included to provide that the CFTC is not required to promulgate a new rule if it determines that its existing rules are sufficient, or that such a rule is not necessary or appropriate in the public interest or for the protection of customers in the futures and options markets.

The Committee on Agriculture supports the incorporation of the enclosed amendment in H.R. 868 and will support your request that the bill, as modified, be eligible for consideration under a motion to suspend the rules. Of course, it would be our expectation that members of the Committee on Agriculture would be appointed to serve as conferees regarding this provision and any provision passed by the Senate which relates to the regulation of commodity exchanges. In the event that amendments between the Houses are addressed without the appointment of a conference committee, I would expect the Agriculture Committee to be included in discussions regarding the process of disposing of such amendments, as has been the practice between our committees in the past.

I am grateful for your cooperation and assistance in this matter and commend you and the Members of the Committee on Energy and Commerce for your efforts on this important legislation.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

AN AMENDMENT TO H.R. 868 OFFERED BY MR. DE LA GARZA

At the end of section 3 of the bill add the following new subsection:

"(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

"(1) APPLICATION.—The rules promulgated by the Commission under subsection (a) shall

not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

"(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

'(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarking activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

'(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

'(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

'(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.'"

Amend section 7 by striking "sections" and inserting "sections 3(e),".

Amend section 9 by striking "the implementation" and inserting "its implementation".

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

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

Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Washington State [Mr. SWIFT] our committee chairman, the gentleman from Michigan [Mr. DINGELL], and our ranking Republican, the gentleman from California, for their prompt movement of this bipartisan legislation through the committee.

This bill addresses the fight against the defrauding and deception of American consumers by unscrupulous telemarketers—a loss that is now at least $10 billion annually. The legislation provides for new rules to be developed by the Federal Trade Commission to identify and target fraudulent and deceptive telemarketing practices. The bill also strengthens the partnership of State law enforcement agencies and the Federal Trade Commission by empowering State attorneys general to enforce the FTC telemarketing regulations in Federal court.

This is the same approach to joint State-Federal enforcement contained in the FTC provisions of the Telemarketing Disclosure and Dispute Resolution Act reported by this committee and enacted last fall to deal with abuses in the pay per call or 900 number industry.

Under this bill, the State attorneys general and the FTC can forge an even stronger partnership to deal with fraudulent and deceptive telemarketing operations that frequently operate across, and flee across, State lines.

By taking legislative action here, we are not only helping to protect American consumers, but also helping to maintain the integrity of a highly productive and growing industry.

Telemarketing, like all information-based technologies, helps to increase productivity by separating work from location. Telephone shopping provides consumers increased convenience, lower costs, and a wider variety of choices. But all of these advantages depend upon the public's being able to relay upon the integrity of the telemarketing process. That is a key role of this legislation, H.R. 868.

Finally, I want to commend our committee and subcommittee leadership for assuring through technical changes to this bill that there will not be any overlap or duplication of effort between the jurisdiction of the Federal Trade Commission on the one hand, and the antifraud authority of the Securities and Exchange Commission and the Commodities Futures Trading Commission, on the other.

I strongly support this legislation and urge its prompt approval.

□ 1400

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

Mr. SWIFT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Ms. LAMBERT], who is a cosponsor of the legislation and a member of the subcommittee.

Ms. LAMBERT. Mr. Speaker, I want to commend Chairman SWIFT and ranking member OXLEY for the energy they and their staffs have put into this legislation. Their efforts have given us an outstanding chance to break the backbone of fraudulent telemarketers by voting in favor of H.R. 868, the Consumer Protection Telemarketing Act.

The backbone I want to break is the financial incentive involved in illegal telemarketing. Through additional cooperation between the Federal Trade Commission [FTC] and State attorneys general, midnight bandit telemarketers could have their operations shut down and their finances seized quickly. Elimination of financial incentives will go a long way toward eradicating this pervasive crime from our society.

Some may be asking why do we need this additional legislation? The answer is in the existence of these common criminals. The typical fraudulent telemarketer is making phone calls across State lines talking the innocent victim into releasing their credit card number. Once the card number is given, the game is over. The criminal processes the credit card, gets the money, and moves on. It is just that simple. But shutting the bandits down is not as simple as the crime.

When attorneys general shut down these thieves, the offenders quickly set up shop in another State usually leaving only rented phone lines and office equipment as proof of their existence. Generally though, the attorney general cannot cross his State line to get these criminals. As you have heard, the overhead is low and the potential is as big as your local phone book.

In my home State of Arkansas, we have an active consumer affairs division. Throughout the past year, the division collected over 3,000 grievances and filed 25 lawsuits, which did not even dent the problem. These crimes have touched the majority of our constituents. There is not a single demographic group who has not suffered the financial loss and humiliation brought on by this fraud.

Telemarketing fraud is so out of control that Winston Bryant, the attorney general of Arkansas, calls telemarketing fraud elimination "the biggest consumer protection issue." Don't get me wrong, I am not professing that this bill is the end-all for the elimination of fraud. Rather, I do believe this legislation is a necessary first step in the correlation of efforts between State and Federal agencies. Hopefully, this venture will provide a model for future Federal and State coordination.

Last but certainly not least, I want to thank the legitimate telemarketing industry. Prior to and throughout our hearings on this matter, lawful operators have been forthright in providing their assistance to find a solution to this problem. I know first hand that the legitimate companies provide vital services especially to such rural areas as the First District of Arkansas.

Mr. Speaker, I believe our colleagues are ready to give State attorneys general the ability to provide the relief our constituents desire. I strongly urge a vote in favor of H.R. 868, the Consumer Protection Telemarketing Act.

Mr. Speaker, I include for the RECORD an article entitled "Telemarketers in LR, Fort Smith, Tulsa get wake-up call from FTC."

TELEMARKETERS IN LR, FORT SMITH, TULSA GET WAKE-UP CALL FROM FTC

(By D.R. Stewart)

FORT SMITH.—Four telemarketing "boiler room" operations in Little Rock, Fort Smith and Tulsa have been closed by a federal district court order following federal and state investigations of allegedly deceptive prize schemes.

The Arkansas and Oklahoma operations are part of two "major clusters" of Las Vegas, Nev.-based telemarketing companies that are charged by the Federal Trade Commission with engaging in deceptive prize-promotion schemes. The federal agency filed its complaints under seal in U.S. District Court for the District of Nevada, in Las Vegas, on Monday. The seal was lifted Wednesday.

The court ordered company officers and employees to halt the challenged sales practices, froze defendants' assets and ordered them to appear at a hearing on the FTC's motion for a preliminary injunction on March 1.

In Little Rock, Sierra Pacific Marketing Inc. operated a 50-phone telemarketing center at Suite 212, 9108 Rodney Parham Road.

Jim DePriest, assistant Arkansas attorney general, said about 30 employees were engaged in telephone sales when state officials closed the telemarketer Wednesday.

"Office Manager Mr. Sonny Blair told me they had been in business since March 1992," DePriest said. "The room was equipped with close to 50 telephone stations. They had been calling all over the U.S. except for 10 states, including Arkansas."

Bonnie Jansen, representative for the Federal Trade Commission in Washington, said Sierra Pacific had been in the telemarketing business since 1987.

Employees of Sierra and the other companies named in the court order typically called people from purchased lists or out of the phone book and told them they had won valuable prizes, Jansen said. The telemarketers then used a variety of misrepresentations to get consumers to purchase cosmetics, vitamins, "environmentally safe" cleaning products, water purifiers and other products, she said.

Sierra and the other companies also aided other telemarketers engaging in similarly deceptive sales practices, Jansen said. The schemes have been particularly successful in victimizing elderly consumers, she said.

The federal district court order follows a 1992 FTC case against a third major Las Vegas-based group of telemarketing companies that allegedly used a similar prize-promotion scheme. The defendants in that scheme, led by Pioneering Enterprises Inc., recently agreed to halt the practices challenged by the FTC and to pay $1.5 million to consumers bilked by the operation.

"This reflects a new approach by the FTC toward combating fraud," Jansen said. "There are hundreds of telemarketing boiler rooms around the country that can shut down in a moment's notice when they find out they are being investigated. What we have found is that the larger organizations supply these boiler room operations with everything they need to engage in deceptive or fraudulent schemes—scripts that sales persons can use when they call consumers to try and get them to bite, postcards they send to consumers to entice them, credit card processing and a variety of other services.

"The FTC has found that by going after the larger organizations, you can shut down all the boiler rooms in one fell swoop. We call it the dandelion and root theory. We go after the root rather than picking off the dandelion flower."

Also closed Wednesday by representatives of the Arkansas and Oklahoma attorneys general were boiler room operations in Fort Smith and Tulsa.

The Fort Smith operation was located at Suite 180, 5111 Rogers Ave. It was operating when it was closed, and state officials are examining company files, said Robert Schroeder, assistant regional director of the Seattle office of the FTC.

Schroeder said only one of two telemarketing offices in Tulsa was in use when they were sealed Wednesday. That was at Suite 119, 8228 E. 61st St. Another operation at 6111 E. Skelly Dr., Suite 100, had been abandoned.

Cooperating in the investigation of Sierra Pacific Marketing Inc. and a cluster of companies known variously as S.E.C. Enterprises Inc., National Health Care Associates, Future World Inc., and American Health Associates Inc. were the FTC, the Federal Bureau of Investigation, the Arkansas attorney general and the attorneys general of Oklahoma, Louisiana, Texas, California, Arizona, Idaho and Oregon, officials said.

According to FTC complaints filed in the cases, the defendants mailed consumers "Certificate(s) of Award Guarantee" or made unsolicited telephone calls, or both, in which they stated that recipients had been selected to receive one of four or five prizes as part of a special promotion. At that point, officials said, the defendants allegedly began a deceptive pitch to entice the consumers to purchase various types of merchandise in order to receive their prizes.

In the course of the sales pitches, telemarketers allegedly misrepresented the values of the awards or told the consumers they had won the most valuable prize. Often, consumers were told they had won a car or other prize worth thousands of dollars, FTC officials said.

Consumers who cooperated with the phone sales scheme initially spent $399 or more, but officials said some spent thousands of dollars, the FTC complaint said.

After considering the FTC complaints, the court granted temporary restraining orders halting the allegedly deceptive marketing practices and freezing the defendants' assets pending hearings on the FTC's motions for preliminary injunctions. The preliminary injunctions would prohibit the companies from reopening the boiler rooms or opening other such operations until after the trial.

Mr. SANTORUM. Mr. Speaker, I rise in strong support of the Consumer Protection Telemarketing Act which will strengthen the ability of the Federal Trade Commission to establish and enforce laws against fraudulent and illegal telemarketing practices.

Many illicit telemarketing firms are virtual boiler-room operations, moving from State to State just one step ahead of law enforcement officials. Yet, so long as telemarketers do not commit mail fraud or violate other Federal laws, they can be nearly immune from prosecution. This bill will make it much more difficult to escape State and Federal action.

According to a 1992 National Consumer League survey, more than 92 percent of adult Americans received fraudulent solicitations over the previous 2 years. I believe this number is not an exaggeration, because I am frequently asked by my constituents whether a particular offer is legitimate.

At one gathering held in West Mifflin, PA, a retiree stayed after the meeting to ask my opinion about a prize that he and his wife had been offered. Although they depended largely on their modest Social Security benefits for income, both he and his wife had been nearly coerced into paying $2,000 to accept their prize.

This is outright fraud, and I strongly support H.R. 868 to reign in the activities of unscrupulous telemarketing firms who prey on the most vulnerable of the American population, our elderly and our poor.

Mr. MOORHEAD. Mr. Speaker, I want to commend our committee chairman, Mr. DINGELL, the subcommittee chairman Mr. SWIFT, and the subcommittee's ranking member, Mr. OXLEY, for their diligent work on this bipartisan legislation.

Fraudulent and deceptive telemarketing practices are exacting a multibillion-dollar toll from American consumers and businesses. They prey heavily on the elderly, the young, and those whose disabilities prevent them from employing other means of shopping.

Not only does this small minority of bad apples in telemarketing harm its own customer victims, such fraudulent operations also undermine the integrity and credibility of that vast majority of legitimate businesses who use the telephone as a helpful marketing and sales tool. I am therefore pleased to support this legislation, which is intended to give State and Federal authorities the tools they need to go after fraudulent and deceptive telemarketing operations on a comprehensive basis.

We in California especially appreciate the need for a concerted, multi-State offensive against these con artists. Thousands of Californians have been victimized by boiler room operations based in neighboring States—beyond the reach of our State authorities. I am therefore pleased that a major theme of this bill is a broad-based partnership of the Federal Trade Commission with State attorneys general to attack telemarketing scams wherever they may be based.

This enforcement partnership between the FTC and the State attorneys general will help assure that the limited resources at both the State and Federal levels are used to produce the greatest possible returns.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 868, the Consumer Protection Telemarketing Act. I want to compliment Chairman SWIFT and his staff on their fine work in putting together this piece of legislation, which will help to prevent the billions of dollars of telemarketing fraud taking place every year.

This bill would empower the Federal Trade Commission [FTC] to establish rules prohibiting fraudulent, deceptive, and abusive telemarketing practices. The FTC would also create an information clearinghouse on telemarketing activities. Private citizens, including credit card companies and banks acting on behalf of groups of private citizens, would be allowed to sue telemarketers under the provisions of this legislation. Finally, this bill would allow State attorneys general to take action in district court against fraudulent telemarketers, even those based in other States.

Kansas attorney general, Robert Stephan has been a strong supporter of H.R. 868. He believes strongly that State attorneys general should be able to go after dishonest telemarketers, who often pack up their bags and disappear before overburdened attorneys at the FTC can get after them. He is especially supportive of the provisions allowing credit card companies and banks to go after telemarketers, because several Kansas institutions have run into such problems.

I am pleased that the Energy and Commerce Committee, of which I am member, has

taken such quick action on this legislation in the 103d Congress, and I urge its adoption.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 707) to establish procedures to improve the allocation and assignment of the electromagnetic spectrum, and for other purposes.

The Clerk read as follows:

H.R. 707

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 "Emerging Telecommunications Technologies Act of 1993".

SEC. 2. AMENDMENT TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.

The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part B as part C; and

(2) by inserting after part A the following new part:

"PART B—EMERGING TELECOMMUNICATIONS TECHNOLOGIES

"SEC. 111. FINDINGS.

"The Congress finds that—

"(1) the Federal Government currently reserves for its own use, or has priority of access to, approximately 40 percent of the electromagnetic spectrum that is assigned for use pursuant to the Communications Act of 1934;

"(2) many of such frequencies are underutilized by Federal Government licensees;

"(3) the public interest requires that many of such frequencies be utilized more efficiently by Federal Government and non-Federal licensees;

"(4) additional frequencies are assigned for services that could be obtained more efficiently from commercial carriers or other vendors;

"(5) scarcity of assignable frequencies for licensing by the Commission can and will—

"(A) impede the development and commercialization of new telecommunications products and services;

"(B) limit the capacity and efficiency of the United States telecommunications systems;

"(C) prevent some State and local police, fire, and emergency services from obtaining urgently needed radio channels; and

"(D) adversely affect the productive capacity and international competitiveness of the United States economy;

"(6) a reassignment of these frequencies can produce significant economic returns; and

"(7) the Secretary of Commerce, the President, and the Federal Communications Commission should be directed to take appropriate steps to correct these deficiencies.

"SEC. 112. NATIONAL SPECTRUM PLANNING.

"(a) PLANNING ACTIVITIES.—The Assistant Secretary and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues—

"(1) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

"(2) the spectrum allocation actions necessary to accommodate those uses; and

"(3) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum that does not cause harmful interference as a means of increasing commercial access.

"(b) REPORTS.—The Assistant Secretary and the Chairman of the Commission shall submit a joint annual report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary, and the Commission on the joint spectrum planning activities conducted under subsection (a) and recommendations for action developed pursuant to such activities.

"(c) REPORTING REQUIREMENTS.—The first annual report submitted after the date of the report by the advisory committee under section 113(d)(4) shall—

"(1) include an analysis of and response to that committee report; and

"(2) include an analysis of the effect on spectrum efficiency and the cost of equipment to Federal spectrum users of maintaining separate allocations for Federal Government and non-Federal Government licensees for the same or similar services.

"SEC. 113. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

"(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 24 months after the date of the enactment of this part, prepare and submit to the President and the Congress a report identifying bands of frequencies that—

"(1) are allocated on a primary basis for Federal Government use and eligible for licensing pursuant to section 305(a) of the Act (47 U.S.C. 305(a));

"(2) are not required for the present or identifiable future needs of the Federal Government;

"(3) can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the Act (other than for Federal Government stations under such section 305);

"(4) will not result in costs to the Federal Government, or losses of services or benefits to the public, that are excessive in relation to the benefits that may be obtained by non-Federal licensees; and

"(5) are most likely to have the greatest potential for productive uses and public benefits under the Act.

"(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

"(1) IN GENERAL.—Based on the report required by subsection (a), the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the Act (47 U.S.C. 305), bands of frequencies that span a total of not less than 200 megahertz, that are located below 6 gigahertz, and that meet the criteria specified in paragraphs (1) through (4) of subsection (a). The Secretary may not include, in such 200 megahertz, bands of frequencies that span more than 20 megahertz and that are located between 5 and 6 gigahertz. If the report identifies (as meeting such criteria) bands of frequencies spanning more than 200 megahertz, the report shall identify and recommend for reallocation those bands (spanning not less than 200 megahertz) that meet the criteria specified in paragraph (5) of such subsection.

"(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary's report recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the Act for use by non-Federal stations, may be counted toward the minimum spectrum required by paragraph (1) of this subsection, except that—

"(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimum required by paragraph (1) of this subsection;

"(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

"(C) the operational sharing permitted under this paragraph shall be subject to coordination procedures which the Commission shall establish and implement to ensure against harmful interference.

"(c) CRITERIA FOR IDENTIFICATION.—

"(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

"(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial carrier or other vendor;

"(B) seek to promote—

"(i) the maximum practicable reliance on commercially available substitutes;

"(ii) the sharing of frequencies (as permitted under subsection (b)(2));

"(iii) the development and use of new communications technologies; and

"(iv) the use of nonradiating communications systems where practicable; and

"(C) seek to avoid—

"(i) serious degradation of Federal Government services and operations; and

"(ii) excessive costs to the Federal Government and users of Federal Government services.

"(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

"(A) assume such frequencies will be assigned by the Commission under section 303 of the Act (47 U.S.C. 303) over the course of not less than 15 years;

"(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

"(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies

available for licensing by the Commission for non-Federal use;

"(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

"(E) consider the immediate and recurring costs to reestablish services displaced by the reallocation of spectrum.

"(3) ANALYSIS OF BENEFITS.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(4), the Secretary shall consider—

"(A) the extent to which equipment is or will be available that is capable of utilizing the band;

"(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use; and

"(C) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

"(4) POWER AGENCY FREQUENCIES.—

"(A) ELIGIBLE FOR MIXED USE ONLY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas and shall not be recommended for the purposes of withdrawing that assignment. In any case where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall, consistent with the procedures established under subsection (b)(2)(C), not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

"(B) DEFINITION.—As used in this paragraph, the term 'Federal power agency' means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, or the Southwestern Power Administration.

"(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

"(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 12 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Congress a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

"(2) CONVENING OF ADVISORY COMMITTEE.—Not later than the date the Secretary submits the report required by paragraph (1), the Secretary shall convene an advisory committee to—

"(A) review the bands of frequencies identified in such report;

"(B) advise the Secretary with respect to (i) the bands of frequencies which should be included in the final report required by subsection (a), and (ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

"(C) receive public comment on the Secretary's report and on the final report; and

"(D) prepare and submit the report required by paragraph (4).

The advisory committee shall meet at least monthly until each of the actions required by section 114(a) have taken place.

"(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The advisory committee shall include—

"(A) the Chairman of the Commission and the Assistant Secretary, and one other representative of the Federal Government as designated by the Secretary; and

"(B) representatives of—

"(i) United States manufacturers of spectrum-dependent telecommunications equipment;

"(ii) commercial carriers;

"(iii) other users of the electromagnetic spectrum, including radio and television broadcast licensees, State and local public safety agencies, and the aviation industry; and

"(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

"(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The advisory committee shall, not later than 36 months after the date of the enactment of this part, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report containing such recommendations as the advisory committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between Federal and non-Federal use, and any dissenting views thereon.

"(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—

"(1) TIMETABLE REQUIRED.—The Secretary shall, as part of the report required by subsection (a), include a timetable that recommends immediate and delayed effective dates by which the President shall withdraw or limit assignments on the frequencies specified in the report.

"(2) EXPEDITED REALLOCATION OF INITIAL 30 MHZ PERMITTED.—The Secretary may prepare and submit to the President a report which specifically identifies an initial 30 megahertz of spectrum that meets the criteria described in subsection (a) and that can be made available for reallocation immediately upon issuance of the report required by this section.

"(3) DELAYED EFFECTIVE DATE.—The recommended delayed effective dates shall—

"(A) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 115(1);

"(B) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

"(C) be based on the need to coordinate frequency use with other nations; and

"(D) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

"SEC. 114. WITHDRAWAL OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.

"(a) IN GENERAL.—The President shall—

"(1) within 6 months after receipt of the Secretary's report under section 113(a), withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

"(2) within such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 113(b)(2);

"(3) by the delayed effective date recommended by the Secretary under section 113(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

"(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

"(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

"(b) EXCEPTIONS.—

"(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

"(A) may substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

"(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

"(A) the reassignment would seriously jeopardize the national defense interests of the United States;

"(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

"(C) the reassignment would seriously jeopardize public health or safety; or

"(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency.

"(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a frequency may not be substituted for a frequency identified by the report of the Secretary under section 113(a) unless the substituted frequency also meets each of the criteria specified by section 113(a).

"(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 113(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 115, the President may—

"(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

"(B) substitute alternative frequencies pursuant to the provisions of this subsection.

"(c) LIMITATION ON DELEGATION.—Notwithstanding any other provision of law, the authorities and duties established by this section may not be delegated.

"SEC. 115. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

Not later than 1 year after the President notifies the Commission pursuant to section 114(a)(5), the Commission shall prepare, in consultation with the Assistant Secretary when necessary, and submit to the President and the Congress, a plan for the distribution under the Act of the frequency bands reallocated pursuant to the requirements of this part. Such plan shall—

"(1) not propose the immediate distribution of all such frequencies, but, taking into

account the timetable recommended by the Secretary pursuant to section 113(e), shall propose—

"(A) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (B), over the course of a period of not less than 10 years beginning on the date of submission of such plan; and

"(B) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

"(2) contain appropriate provisions to ensure—

"(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Act (47 U.S.C. 157); and

"(B) the availability of frequencies to stimulate the development of such technologies;

"(3) address (A) the feasibility of reallocating spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations; and

"(4) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

"SEC. 116. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.

"(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 114, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

"(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

"(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the Act, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part.

"(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 114(b) of this part, except that the notification required by section 114(b)(1)(A) shall include—

"(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

"(B) an estimate of the cost of displacing spectrum users licensed by the Commission.

"(c) COSTS OF RECLAIMING FREQUENCIES; APPROPRIATIONS AUTHORIZED.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency band, and any other costs that are directly attributable to the reclaiming of the frequency pursuant to this section. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

"(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which the President's notification is received.

"(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or otherwise affect the authority of the President under sections 305 and 706 of the Act (47 U.S.C. 305, 606).

"SEC. 117. DEFINITIONS.

As used in this part:

"(1) The term 'allocation' means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

"(2) The term 'assignment' means an authorization given to a station licensee to use specific frequencies or channels.

"(3) The term 'commercial carrier' means any entity that uses a facility licensed by the Federal Communications Commission pursuant to the Communications Act of 1934 for hire or for its own use, but does not include Federal Government stations licensed pursuant to section 305 of the Act (47 U.S.C. 305).

"(4) The term 'the Act' means the Communications Act of 1934 (47 U.S.C. 151 et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

This piece of legislation, Mr. Speaker, is really the first jobs bill to come on to the floor of the House of Representatives in the Clinton era. It is a piece of legislation which will free up at least 200 megahertz of radio spectrum for use by telecommunications, computer, other high-technology industries over the next decade.

Just for a little bit of history so people know what it is we are talking about, back in 1968 the U.S. Government reallocated 50 megahertz of the spectrum, just 50, and from that 50 was created the entire cellular phone industry, creating tens of thousands of jobs in the American economy. Here today on the floor of the House we are about to reallocate 200 megahertz of the spectrum which has the potential of creating hundreds of thousands of new jobs in the American economy, in my opinion the most exciting and the most critical part of the additions that can be made to the improvement of efficiencies in the American economy over the next 3, 4, 5 years, up toward the year 2000 because it unleashes the extraordinary creativity of the hybrid technologies that can be created by the most brilliant scientists, computer software, satellite geniuses within our society.

We can talk about wireless computer faxes, digital assistance, smart computer phones. We can be talking about, before the year 2000, that mythical Dick Tracy two-way wrist radio that we used to read about and think was only the fantasy of cartoon drawers or of science fiction writers. We will have them in our lives by the year 2000 if we work smart and give this kind of incentive to the new industries which are out there in our country.

So this piece of legislation is going to move very swiftly. We have moved it out of the committee, and out here on to the floor so that there can be a companion piece of legislation which we work with in the Senate. As well, we have to work on subsequently a concomitant piece of legislation which will deal with the subject of what kind of revenues we will derive from the spectrum as entrepreneurs, larger companies, individuals begin to utilize it. It has a tremendous potential as a budget-solving part of the 1993 fiscal crisis, and also as a private sector entrepreneurial-driven technology-based set of programs which I think has the potential of being one of the major new additions to our economy over the next 6 to 8 years.

So I recommend this bill wholeheartedly to all Members out there in their offices listening. We passed it in the last Congress. Unfortunately, it was stymied at the end of the session. But we hope this year to be able to put it on a fast track so that we can deal with all of the other attendant issues that will be dealt with as we look at them and how we derive revenues from this reallocation.

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of the bill H.R. 707, the Emerging Telecommunications Technologies Act. This represents the third time that the Committee on Energy and Commerce has brought this bill to the House. It has passed the House twice, each time by unanimous voice vote. I hope that, in this case at least, the third time is the charm, and that this bill can finally be sent to the President for his signature.

Two years ago, when the committee marked up H.R. 531, I stated that this was probably the most important piece of communications legislation that would come before us. Since that time, I have become even more convinced that this is true.

We have seen extraordinary developments in high definition television. Personal communications services are now in the experimental stages. New technologies on the horizon will revolutionize the way Americans communicate and conduct their daily lives.

But many of these technologies can only be made available to the American people if the Government allocates a sufficient amount of spectrum. Without additional frequencies, new wireless technologies will remain in the laboratories.

Other countries have realized that spectrum availability is critical to leadership in wireless technologies. They have moved swiftly—in many cases, much faster than the United States—to make sure that their manufacturers have spectrum available for new products and services.

Unless we do likewise, America's leadership in radio technologies will be at risk.

H.R. 707 is a good bill. It will help to make our Government more efficient in its use of the spectrum, freeing up 200 megahertz for new technologies. It will help to alleviate congestion, so that services such as public safety will be better able to serve the public. I hope that all of the members of this committee will join

me in supporting this legislation, so that we can send it to the President expeditiously.

The legislation is supported by nearly every user of the radio spectrum. Among its supporters are the Association of Public Safety Communications Officials, the National Association of Business and Educational Radio, and the National Association of Broadcasters. Virtually everyone agrees that this bill should be signed into law.

Before yielding back my time, I would like to address the issue of spectrum auctions. The primary reason that this bill is not law is because of the insistence of the last administration that it be joined with a proposal to permit the FCC to auction spectrum. Many of us felt that this legislation was too important to be held hostage to the auction proposal, and that the manner in which this spectrum is disposed of should be considered separately. In fact, had the bill not been held hostage, the processes contained in the legislation would have been completed. The FCC would be making decisions to allocate Government spectrum to new technologies today.

Two weeks ago, President Clinton submitted his comprehensive economic plan to the Congress. Included in his proposal is that the FCC be given authority to auction spectrum.

We will deal with this proposal. Many of us have questions about how the public interest will be protected if auctions are permitted. It is my hope that we can craft a response that will satisfy the President, without simply selling the Nation's airwaves to the highest bidder.

But in the meantime, we ought to move forward. There is too much demand for spectrum to delay further the implementation of this landmark bill. I urge my colleagues to join me in supporting this legislation, and working with me in the coming months to address the issue of auctions

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

Mr. Speaker, I rise in strong support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. It is critical that Congress enact this legislation into law this year to avoid a serious impending spectrum crisis.

Like all resources, the radio spectrum is finite in future and must be cautiously distributed. All agree that the radio spectrum is crowded just from existing technologies. Failure to make spectrum available for new and emerging technologies creates the risk of delaying or inhibiting the development and deployment of vital new telecommunications services in America.

Everyone recognizes that our domestic telecommunications industry competes in an increasingly competitive global marketplace. In this market, innovation and responsiveness to customer demand will determine who succeeds and who fails. Thus, this bill is about jobs, U.S. competitiveness, and the future of our telecommunications industry.

H.R. 707 helps to ensure that we do not hamstring our own domestic telecommunications industry, and thereby threaten our future competitiveness.

The bill is substantially similar to legislation adopted by this committee and the full House last year. It requires the Secretary of Commerce and the Commerce Department's National Telecommunications and Information Administration [NTIA], as the Government's spectrum coordinator, to identify 200 megahertz of spectrum to be turned over to the FCC. The FCC is then directed to allocate that spectrum to commercial users, either to expand existing technologies, if necessary, or to make room for new ones.

I commend the full committee chairman, Mr. DINGELL, for his leadership on this important issue. I also commend the subcommittee chairman, Mr. MARKEY, the ranking minority members of the full committee and subcommittee, Messrs. MOORHEAD and FIELDS, respectively, for their significant efforts as well. I believe this bill meets an important need of a critical U.S. industry.

I am pleased to note that I have received assurances during the Energy and Commerce Committee's consideration of H.R. 707 that the committee will consider spectrum auction legislation such as I have introduced. I am also gratified that the Clinton administration has endorsed the concept of auctions. I would like to propound a question to my good friend, the subcommittee chairman, Mr. MARKEY.

Mr. Speaker, my question is this: As the chairman knows, once this bill is passed and the spectrum is available, the next question occurs then as to how that spectrum is allocated in the private sector. As the gentleman also knows, I have introduced legislation that would call for replacing the current lottery system that many find, I think, abhorrent, to a more equitable system which would distribute through the auction process.

I also understand, as a result of my forbearance in offering the amendment in committee, that the chairman is prepared to recognize our efforts with hearings and the like, and I would just simply ask for confirmation from my good friend, the gentleman from Massachusetts.

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

Mr. OXLEY. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, we genuinely do appreciate the gentleman's forbearance at the committee level, notwithstanding the fact that his amendment would have lost. But the commitment that we have made to the gentleman remains intact, which is that in 1981–82, when there was an institution of the lottery system, without question a mistake, a disgrace was perpetrated upon the telecommunications policy history of our country. I opposed the lottery as it was proposed and instituted from 1981 and 1982 on, and I do think we need a complete reformation, looking at the entire licensing scheme.

On the one hand, we do not want the frequency speculators to be out there as they were in the lottery process, without any relationship whatsoever to the benefits which this society could, in fact, derive from a more thoughtful process being adopted.

On the other hand, for the smaller entrepreneurs, for the individuals who may want to participate in this process, there is no such thing as a spectrum fairy out there that ensures that the smaller company also is benefited.

So we have to make sure that it is not just the largest companies with the deepest pockets who are going to be able to purchase the entire spectrum through some auction process.

So the gentleman from Ohio whose name is so inextricably linked with this whole proceeding, the Oxley auction already part of the lexicon of telecommunications history, that we will have a parallel piece of legislation which we will be moving later on this year, but with the intent of ensuring that there is a proper set of safeguards which are built in to ensure that universal service, localism, and diversity remain at the heart of our telecommunications policy while still advancing the goals which the gentleman from Ohio has been pushing correctly and aggressively over the last couple of years through Congress.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his remarks and for his incisive dealing with that issue.

I know both of us are pleased that the new administration has indicated that they support the auction concept and that, in potential terms, as much as over $4 billion in potential revenue to the Federal Treasury is one of the major reasons, I am sure, why they are supportive of that, and so I think we can work to that end.

I might ask the chairman, while he is still standing, if he would engage in a colloquy with me so that the record could reflect an issue that is of some importance to my home State, and I appreciate that.

I want to commend the distinguished chairman of the subcommittee, Mr. MARKEY, as well as the distinguished chairman of the full committee, Mr. DINGELL, for their leadership on this important piece of legislation. In the 2 years since the House last acted on this Federal spectrum initiative to promote new technologies, the Federal Communications Commission [FCC] has engaged in a rulemaking proceeding to reallocate the commercial 2 Ghz band for emerging technologies, including personal communications services. This controversial FCC proceeding has underscored the urgent need for liberating Federal Government spectrum.

On the one hand, current users of the 2 Ghz band, including our Nation's rail-

roads, electrical utilities and safety officials, have raised very legitimate concerns about jeopardy to the safe and reliable operation of their equipment and facilities in the event of a disruptive relocation to different spectrum. On the other hand, the computer and PCS industries have forcefully pointed out the need to move quickly on making spectrum available for their revolutionary products, the deployment of which could provide a major boost to America's international competitive position.

The one thing upon which virtually all parties to the FCC proceeding agree, however, is that freeing up Federal spectrum could go far to accommodate these competing concerns. For example, the record before the FCC makes clear that it would facilitate immediate deployment of emerging technologies if Federal spectrum between 1710 and 1850 Mhz were made available either as a situs for PCS or as a reasonable situs for relocating current users of the 2 Ghz band. While this is only one example, it is my understanding that such reassignment of Federal spectrum is possible under H.R. 707.

Is that the understanding of the chairman?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield further, his understanding is correct. The Commission's 2 Ghz proceeding initiated last year along with other petitions for new services that are pending have provided concrete evidence of the great need for Federal spectrum to facilitate deployment of PCS and other new technologies.

We must find a way to harmonize the need to maintain the reliability and safety of our existing infrastructure with the need to spur the growth of the new telecommunications infrastructure of the 21st century.

The Commission is able to act in this manner under current law today. Enactment of this legislation should not be viewed as addressing FCC actions regarding current spectrum management plans. Indeed, under H.R. 707, the FCC continues to have broad discretion to administer the spectrum and, therefore, the gentleman is correct to state that under the bill, the FCC could assign liberated Federal spectrum to new technology licensees or to licensees displaced from the 1-gigahertz band under the Commission's reallocation plan or other uses, since all of these approaches would further the purposes of the act.

Mr. OXLEY. Mr. Speaker, I thank the chairman for his explanation and for getting that on the record for the legislative history.

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

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

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

Mr. Speaker, I rise in support of H.R. 707 and would like to engage the chairman of the subcommittee in a short colloquy.

During the hearing on H.R. 707, representatives of the broadcasting industry expressed concern about the FCC's policies regarding the development of new technology, specifically digital audio broadcasting [DAB] and high-definition television [HDTV]. In the case of DAB, broadcasters are concerned about the development of satellite-delivered DAB which would or could harm our system of licensing radio frequencies to local communities.

In addition, the HDTV development timetable proposed by the FCC seems to be somewhat arbitrary and fixed.

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These two issues may be solved to the benefit of all parties; but I want to call your attention to section 115 of H.R. 707 which establishes the guidelines by which the FCC shall distribute newly available frequencies. This section contemplates that the distribution of frequencies from Government reserves as well as frequencies available from the relocation of current commercial spectrum users. Is section 115 drafted to accommodate the FCC's policies regarding the development of DAB and HDTV?

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

Mr. SWIFT. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, in response to the question of the gentleman from the State of Washington, section 115 of H.R. 707 was not drafted with the intention of addressing proposals made by the FCC concerning the development of DAB or HDTV. Enactment of this legislation should not be viewed as either endorsing or opposing FCC actions regarding current spectrum management plans. This bill is proposed to address current demands on the spectrum. I do not believe the Congress is in a position to address the concerns raised by the broadcast industry in this bill.

It is my view that continued availability of spectrum is needed for the full operation of universal, over-the-air broadcast services, consistent with these stations obligations to service the local public interest. It is possible that the future demands of over-the-air broadcast service is for more, not less spectrum. Advanced television and DAB may possibly require new spectrum.

I would encourage the continued efforts of the Commission and the broadcast industry to achieve a consensus on the amount of spectrum that will be adequate for the terrestrial provision of advanced television.

Mr. Speaker, I think we can, on the concerns of Mr. OXLEY, continue to work on a parallel track on these issues to see that the gentleman's concerns are dealt with.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for his observations; they are very helpful.

Mr. Speaker, I urge support of H.R. 707.

Mr. MARKEY. I thank the gentleman for all of his assistance on this legislation.

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

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

Mr. Speaker, I rise today to support H.R. 707, the Emerging Telecommunications Technology Act of 1993. This legislation is critical to free up much needed radio spectrum for private use. Emerging technologies such as HDTV, and the continuing growth of current spectrum users like cellular and mobile radio, will require larger and larger amounts of spectrum during the coming decades. This bill takes a big step toward providing that additional spectrum by requiring the Commerce Secretary of identify and recommend for commercial reassignment at least 200 megahertz of the spectrum currently used by Government.

This bill also sets up a number of rational, cost-effective criteria for the Secretary to follow in selecting those portions of the Government's spectrum for reassignment. These criteria are especially important with regard to the transfer of spectrum currently assigned to Federal power marketing agencies. Approximately 1,100 public power systems and rural electric cooperative purchase power generated by Federal power facilities. By law, the ratepayer consumers who buy electricity through the Federal power agencies would be required to bear all of the substantial costs incurred by the power agencies if they are required to move to new spectrum. Many of these customers reside in rural areas like my own district. Moreover, many are poor, or on a fixed income, and cannot afford a rate increase in their electric bill. Fortunately, this bill provides the National Telecommunications and Information Administration the flexibility to ensure that the impact of the bill on these consumers will be minimized.

It is critical that in our rush to embrace new technologies we do not ignore the basic needs of our less fortunate citizens. I believe H.R. 707 achieves this goal and I strongly urge my colleagues to adopt the measure.

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

Mr. Speaker, I rise in full support of this bill. It is an important first step toward making America more competitive by encouraging the development of new telecommunications technologies.

However, as I mentioned during the full committee markup, I am concerned that the public service work of amateur radio operators may be adversely impacted by this legislation.

In my State of Washington, there are almost 20,000 amateur radio operators. In fact, we rank in the top 10 in number of operators per State. Our operators have formed the Washington State Amateur Radio Emergency Service, an organization that is ready at all times to assist local and State law enforcement agencies in times of emergency. These citizens perform vital services throughout our State and they deserve our gratitude and support.

This emergency service was particularly helpful in January during the wind storms that hit the entire western portion of the State, including my district. The Washington State Emergency Service worked with each county's department of emergency management to keep communications intact, including maintaining 911 services and assisting with communications at hospitals and clinics.

In addition, they worked with the Red Cross and other relief organizations to ensure that victims of the storms were located and helped. Some operators also went above and beyond the call by assisting with damage assessment efforts.

Ninety-five percent of the spectrum used by amateur radio operators is allocated on a primary basis for Federal use. Under H.R. 707, some of these frequencies may be reallocated for new technologies, resulting in a loss of spectrum for amateur operators.

I have raised this concern with the distinguished chairman of the committee, Mr. DINGELL, who assured me that this legislation is not intended to harm amateur operators. I look forward to working with him and our colleagues on the Senate side to ensure that amateur radio operators are protected from further erosion of their spectrum availability.

Mr. Speaker, I will vote for H.R. 707, and I encourage others to do the same.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, just to say, in summation, that the gentleman from Washington [Mr. KREIDLER] raises a very important point.

We intend to work with the gentleman. Ham operators are an important part of the fabric of the telecommunications network of the country and as we move forward we will continue to take into account the very real concerns raised by the gentleman on the floor this afternoon.

In addition I would also like to point out that the NTIA have the authorization to reallocate spectrum right now. We want to encourage NTIA to do so, without feeling that they will be penalized because the allocation that they may make during this time frame would not be counted against their 200 MHz; that they would be required to transfer under the pressure of the hammer of this legislation. We want them to know that we are going to be very flexible, looking at whatever they may do during this timeframe so that we do not invoke the law of unintended consequences, and they actually delay in the transfer of the spectrum, which should be out there and should be in the process of being reallocated so that the entrepreneurial spirit of the country may be engaged as quickly as possible.

In conclusion I would like to thank the chairman of the full committee, Mr. DINGELL. Mr. DINGELL, his staff, Dave Leach working with my staff, Gerry Waldron, and Colin Crowell, have worked very, very hard over the last several years to bring this legislation on to the floor. It offers the potential of $50 billion, $60 billion, $70 billion boom in this area if we can get this 200 MHz reallocated from governmental defense uses over to the private sector.

Mr. DINGELL and his staff ought to be complimented. The gentleman on the minority side, the gentleman from Ohio [Mr. OXLEY], the gentleman from California [Mr. MOORHEAD], and the gentleman from Texas [Mr. FIELDS], the ranking minority member on the committee are also to be complimented as well as the staff of the minority.

Mr. Speaker, I recommend this bill to the full House with the highest of recommendations. I believe this is good legislation, a jobs bill, one that can also potentially serve as the precursor in helping to reduce the deficit as well.

Mr. MOORHEAD. Thank you, Mr. Speaker. I rise in strong support of this legislation.

To put it simply, our radio spectrum is too congested. With the Federal Government controlling approximately 40 percent of available spectrum, commercial users, along with State and local users, are expected to squeeze on to the remaining 60 percent of available spectrum.

For many years, the supply of spectrum adequately satisfied the demand. However, with the revolution in telecommunications today, demand far outweighs supply. The availability of the newest wireline technologies, such as personal communications services and wireless computing, is dependent upon additional spectrum being reallocated to commercial users. Without reallocation, many of these vital, innovative technologies will go undeveloped.

This bill, Mr. Speaker, will free up much needed spectrum. It directs the President to reallocate 200 megahertz of spectrum from the Federal Government to commercial users. The FCC will be specifically responsible for determining which commercial users get the new spectrum. To be sure, the bill does not dictate which technologies will benefit. Instead, the bill merely recommends that the Commission give favorable consideration to emerging technologies.

I want to add that the bill also ensures that national security and general public health and safety will not suffer as a result of withdrawing spectrum assignments from the Federal Government. The bill specifically authorizes the President to substitute any withdrawal that he believes will threaten national security or generally disserve the public interest.

Again, I strongly urge my colleagues to join me in supporting this important piece of legislation.

Mr. KIM. Mr. Speaker, I have strong reservations about H.R. 707.

At a time when our country is facing a growing deficit of over $300 billion and national debt of over $4 trillion, we should look at this bill as an opportunity to reduce the deficit and promote free enterprise. Therefore, I have the following concerns about how well this measure addresses these goals.

First, why are we reallocating 200 MHz of Federal radio bands through a lottery system? I say that we auction off new frequencies to the highest bidder. Selling them through a lottery is unthinkable, when millions more could be raised through auctioning. It's ridiculous that on one hand we're jeopardizing economic recovery with new taxes, yet, on the other hand, we're ignoring a far more acceptable way of increasing Federal revenues. Even President Clinton favors auctioning over lottery.

Second, while it appears that there is more than ample radio spectrum to release, I am really concerned that there is no clearly defined statement as to the price the Government would have to pay, should it need to reclaim bands in the future. The cost could be in the billions.

Third, the bill fails to provide for reimbursement of the Federal Government's cost in vacating bands currently being used.

I realize that radio spectrums are urgently needed for private and commercial use with the new technologies of today, and I strongly support making the bands available to private industry in the most responsible and cost effective manner.

My message is clear. We should be supporting free enterprise and deficit reduction through an auction and not a lottery. I urge the other body and the administration to address this serious issue before final enactment.

Mr. HASTERT. Mr. Speaker, as my other colleagues have done, I rise in support of H.R. 707, the Emerging Telecommunications Technologies Act of 1993. This bill, like its predecessors in previous Congresses, has received considerable bipartisan support. The support from both sides of the aisle is warranted for this vital piece of legislation.

H.R. 707 will free up critically needed radio spectrum which can be put to new uses for the benefit of the American public. The reallocation of 200 megahertz of spectrum will also give American manufacturers an opportunity to develop and employ new technologies which will create new jobs in this country and, in turn, encourage the export of more American services and products overseas.

Mr. Speaker, the radio spectrum, as scarce as it is, should be available to any U.S. company. This bill makes the reallocated spectrum available to any entity that can demonstrate it has developed a new technology or will provide a new service. Such open eligibility will

promote vigorous competition among U.S. firms which will inure to the benefit of the American consumer and strengthen U.S. firms for the competition they will face here and abroad.

My concern about open eligibility was alleviated in discussions I had with the gentleman from Massachusetts [Mr. MARKEY], chairman of the Telecommunications and Finance Subcommittee, during the markup of H.R. 707 in the subcommittee.

In the personal communications services [PCS] docket before the Federal Communications Commission [FCC], which is still under review, the FCC has suggested that open eligibility may not be appropriate. The FCC is considering barring cellular carriers and telephone companies from eligibility for PCS licenses in those areas where they currently provide cellular or telephone service. I believe such restrictions will impede the development of PCS. A majority of the comments in the PCS docket support my position. Respected economists submitted testimony demonstrating the benefits to be derived from the participation of cellular carriers and telephone companies as PCS licensees. These economists also demonstrated that the participation of cellular carriers and telephone companies in PCS would promote a competitive environment.

Mr. Speaker, I believe the American economy will benefit most from the use of the reallocated 200 megahertz of spectrum if no American entity is barred from bidding for the use of this precious resource. In this regard, I hope we can move quickly to consider legislation to provide for auctions in connection with the release of this new spectrum. Such open eligibility in the assignment of this new spectrum will reap new ideas, new services, and new jobs.

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

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 617) to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 617

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 "Limited Partnership Rollup Reform Act of 1993".

SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.

(a) AMENDMENT.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—

"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under subsections (a) and (d) as required by this subsection. Such rules shall—

"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purposes of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent, fraudulent, deceptive, or manipulative acts or practices under this title;

"(B) require the issuer to provide to holders of the securities that are the subject of the transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;

"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a transaction—

"(i) on the basis of whether the solicited proxies, consents, or authorizations either approve or disapprove the proposed transaction; or

"(ii) contingent on the transaction's approval, disapproval, or completion;

"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure with respect to—

"(i) any changes in the business plan, voting rights, form of ownership interest or the general partner's compensation in the proposed limited partnership rollup transaction from each of the original limited partnerships;

"(ii) the conflicts of interest, if any, of the general partner;

"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;

"(iv) the valuation of the limited partnerships and the method used to determine the value of limited partners' interests to be exchanged for the securities in the limited partnership rollup transaction;

"(v) the differing risks and effects of the transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the transaction with less than all limited partnerships;

"(vi) a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and the general partner's evaluation, and a description of alternatives to the limited partnership rollup transaction, such as liquidation; and

"(vii) such other matters deemed necessary or appropriate by the Commission.

"(E) provide that such soliciting materials contain or be accompanied by an opinion on the fairness of the proposed transaction to holders of each security which is subject to the proposed transaction that—

"(i) includes such information, representations, and undertakings with respect to the analysis of the transaction, scope of review, preparation of the opinion, and basis for and methods of arriving at conclusions as the Commission may require in such rules; and

"(ii) is prepared by a person—

"(I) who does not receive any compensation that is contingent on the transaction's approval or completion;

"(II) who meets such additional standards of independence from the person or persons proposing the rollup transaction as shall be required in the rules prescribed by the Commission;

"(III) who has been given access by the issuer to its personnel and premises and relevant books and records; and

"(IV) who has represented to have undertaken an independent analysis of the fairness of the proposed rollup transaction to holders based upon the information obtained through such access and upon other independently obtained information;

"(F) require that the soliciting material include a clear and concise summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (vi) of subparagraph (D) and a summary of the matter referred to in subparagraph (E)), with the risks of the limited partnership rollup transaction set forth prominently in the forepart thereof;

"(G) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and

"(H) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.

"(2) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this Act, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraph (1) or from the definition contained in paragraph (4).

"(3) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.

"(4) DEFINITION OF LIMITED PARTNERSHIP ROLLUP TRANSACTION.—As used in this subsection, the term 'limited partnership rollup transaction' means, except as provided in paragraph (5), a transaction involving—

"(A) the combination or reorganization of limited partnerships, directly or indirectly, in which some or all investors in the limited partnerships receive new securities or securities in another entity, other than a transaction—

"(i) in which—

"(I) the investors' limited partnership securities are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A; and

"(II) the investors receive new securities or securities in another entity that are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) involving only issuers that are not required to register or report under section 12 both before and after the transaction;

"(iii) in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(iv) which will result in no significant adverse change to investors in any of the limited partnerships with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; or

"(v) where each investor is provided an option to receive or retain a security under substantially the same terms and conditions as the original issue; or

"(B) the reorganization of a single limited partnership in which some or all investors in the limited partnership receive new securities or securities in another entity, and—

"(i) transactions in the security issued are reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(ii) the investors' limited partnership securities are not reported under a transaction reporting plan declared effective before January 1, 1991, by the Commission under section 11A;

"(iii) the issuer is required to register or report under section 12, both before and after the transaction, or the securities to be issued or exchanged are required to be or are registered under the Securities Act of 1933;

"(iv) there are significant adverse changes to security holders in voting rights, the term of existence of the entity, management compensation, or investment objectives; and

"(v) investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(5) EXCLUSION FROM DEFINITION.—As used in this subsection, the term 'limited partnership rollup transaction' does not include a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate.

"(6) DEFINITION OF PARTNERSHIP.—The term 'partnership' includes such other entity having a substantially economically equivalent form of ownership instrument as the Commission determines, by rule consistent with the purposes of this subsection, to include within this definition.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall, not later than 12 months after the date of enactment of this Act, conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a).

SEC. 3. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);

"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;

"(C) the right not to have their voting power unfairly reduced or abridged;

"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the association during the period in which the offer is outstanding and complies with such other procedures established by the association.".

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the exchange finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);

"(B) when the exchange determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the exchange, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;

"(C) the right not to have their voting power unfairly reduced or abridged;

"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such term means any person who files an objection in writing under the rules of the exchange during the period in which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to the following: (i) an appraisal and compensation, or (ii) if the association finds that granting the rights under clause (i) of this subparagraph would be infeasible or not in the financial interest of the dissenting limited partners, other comparable rights designed to protect dissenting limited partners, which may include the rights set forth in subparagraph (B);

"(B) when the association determines it to be necessary to the protection of such rights, the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor and that would have the authority to protect the interest of limited partners, including (but not limited to) the authority (but not the obligation) to hire independent advisors to represent all limited partners at the partnership's expense, to negotiate the proposed transaction with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction, but not the authority to provide consents or authorizations to the proposed transaction on behalf of limited partners;

"(C) the right not to have their voting power unfairly reduced or abridged;

"(D) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(E) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership transaction who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer such term means any person who files an objection in writing under the rules of the association during the period during which the offer is outstanding.".

(d) EFFECT ON EXISTING AUTHORITY.—The amendments made by this section shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 18 months after the date of enactment of this Act and shall apply to any security resulting from a partnership rollup transaction (as such term is defined in section 14(h)(4) of the Securities Exchange Act of 1934) that is issued on or after the date of enactment of this Act.

□ 1430

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, this subject is, on the one hand, very complex, but, on the other hand, quite easily understood by millions of investors in the United States who, during the 1980's, were among those 7 million Americans who participated in limited partnership investments that ultimately came under a cloud, a new and very dangerous phenomenon which began to develop where general partners began to roll up limited partners into investments which they had absolutely no intention of participating in, but, because the general partners had developed financial problems of their own in investments, separate from the limited partnership's investment, the general partners began to use the limited partners as a personal piggybank to bail out the general partners from the financial woes which were besetting them across the country. Over the last few years, the dream of limited partnership turned into a nightmare of rollups and clampdowns as upward of 1.2 million Americans were confronted with the threat and ultimate reality of being rolled up financially into deals which they had no intention, from the get-go, of having ever been participants.

Now, these 75 rollup transactions ultimately accounted for $7.3 billion, and ultimately affected 1,800 partnerships, including 1.2 million American investors. Overall, 510,000 investors, 510,000 Americans, mostly ordinary Americans; we are not talking about the big players here. Limited partnerships, were thought of, in a way, as the small economic player, not the high roller, but the ordinary individual who could select just this small oil, or gas, or real estate investment, to put a part of their life savings into it in order to get a sure return because they were absolutely confident that the deal that they were going into was going to be successful. They saw themselves, 510,000 of these people, rolled into deals which they had absolutely no intention of participating in.

The losses: $1.7 billion to these 500,000 people. Meanwhile the general partners and others earned $200 million in fees and reimbursements on those very same transactions.

Now listen to this for a horror story for American investors: In the first year of trading, rollup securities often dropped 70 percent below the value assigned to the securities at the time of the transaction. In other words, on day one, the transaction is worth a hundred cents on the dollar. A month later, it may only be worth 30 cents on the dollar, even though their insight as to the value of the original investment was still valid, only that it had depreciated in value as it was being commingled with the other economic investments which have been made by the general partners. On average, 45 percent of the value of the limited partnership was lost on the first day of trading. That is on day one, the day before the transaction transpired. The value of the limited partnership was $1. On the day after, it was worth 55 cents, with absolutely no recourse on the part of the limited partnerships to extract themselves from the transaction.

What have we done in this legislation? In order to protect the limited partnerships, Mr. Speaker, we give them dissenters' rights. We give them the right to be able to be compensated fairly for the original value of their limited partnership, before it was rolled up. We give them the right to a fairness opinion so that they can get an independent evaluation of the value of their limited partnership, so that there is not just an arbitrary decision made by the general partners as to what they should be given as compensation. We also ensure that there be some comprehensible financial disclosure. Oftentimes the disclosure which is given by the general partner to the limited partner is 300, 400, 500 pages long. This is just a small investor given 500 pages of legalese. The only thing productive that the investor could use that disclosure for was for a doorstop because they would have to pay more in legal fees in order to finally be able to extract the relevant information for themselves, and meanwhile the rollup continues. We ensure that there be a simplification of the information which is transmitted to the individual investor so that they can make an intelligent, informed decision right from the get-go.

As well, Mr. Speaker, we ensure that there be a protection which is given that the already existing reforms which have been instituted by the regulators, and by the exchanges, be locked into permanent law. We want to make sure that as the exchanges, as the regulators, have been responding to the activities of our committee, that we lock that permanently into law and we not lose the gains which have already been made.

We ensure that the prospectuses that are given provide third-party opinions analyzing the fairness of the transaction. We ensure that there be a highlighting made of the risks, or the conflicts of interest, that may exist between any of the parties that are being consulted in the rollup. We also ensure that there be no way in which there be an escape hatch which is constructed so that by not using the NASD, a general partner escapes the provisions which are now being put on the books and are on the books at a regulatory level, at an exchange level, and so there not be a back door around which there be no escape.

And we also ensure that the broker dealers cannot be paid differentially as they solicit proxy votes. That is, they cannot be paid more to get a yes vote than they are to get a no vote. The proxy process, in order to have integrity, must ensure that there be a full protection which is given to the integrity of the process by ensuring that there be no differentiation in terms of conversation given to proxy solicitors as they are out there compiling the votes which are going to be used to determine whether or not a rollup should occur.

Mr. Speaker, there are 7 to 8 million estimated limited partners out in the country. This is needed legislation to give them the protection against rapacious, avaricious needs of general partners desperate for their own financial reasons to use the limited partners as their personal piggybank. That should not be the case. Limited partners make narrow, specific investment decisions which have to be respected. This legislation is a bill of rights for those limited partners, to protect them against the practices which ran rampant in the 1980's.

Mr. Speaker, we passed this legislation in the last Congress on a bipartisan basis. Unfortunately, as with so many of the financial reform packages

which were sent over to the Senate, they died a slow, but certain, death in the final, waning days in the system of holes which is still indecipherable to the limited cerebral mechanism capacity of those of us in the House. This year, we are going to move ever more aggressively to ensure that those rights are protected over on the Senate side as well.

Senator DODD and Senator RIEGLE have done wonderful work on this subject. We are going to continue to work with them and Senator D'AMATO.

On the House side, the gentleman from Michigan [Mr. DINGELL] once again performed yeoman's work in this area, moving it forward. He absolutely has been a stalwart in ensuring that these rights are protected. The gentleman from Oklahoma [Mr. SYNAR] has worked from day one to ensure that this legislation is drafted procedurally, and that protections are put on the books.

□ 1440

On the minority side, the gentleman from Texas [Mr. FIELDS], the ranking minority member, working with the gentleman from Ohio [Mr. OXLEY], the ranking minority member, the gentleman from California [Mr. MOORHEAD], and the staff of the minority, have made this possible.

The gentleman from Oregon [Mr. WYDEN], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Tennessee [Mr. COOPER], the gentleman from Kansas [Mr. SLATTERY], on our side, and others on both sides, have worked intensively now over a 3-year period to bring this legislation to fruition. It is a good piece of legislation, long overdue, and I recommend it to the full House.

Mr. Speaker, today the House is considering legislation to reform the regulatory treatment of mergers and reorganizations of limited partnerships, known on Wall Street as rollups.

I am pleased to have joined with Representative JACK FIELDS, the ranking Republican member of the subcommittee, Chairman JOHN DINGELL, and Representatives WYDEN, SYNAR, COOPER, and SLATTERY in sponsoring this legislation.

Since 1980, over 150 billion dollars' worth of limited partnership securities have been marketed to the public. For the more than 8 million people who invested, these limited partnerships seemed to provide a way for the little guy to realize the American dream of financial success by participating in the ownership of shopping centers, commercial office buildings, or oil and natural gas production.

Over the last several years, however, this dream turned into a nightmare for the over 1.2 million small investors who were faced with proposals to roll up their limited partnerships. Since 1985, nearly 75 rollup transactions have been registered with the SEC, involving 1,800 limited partnerships valued at approximately $7.3 billion.

Virtually all of the transactions which were approved during this period resulted in devastating financial losses for investors. For example, according to an analysis by the American Association of Limited Partners of 18 major real estate and oil and gas rollups completed over the last decade, over 510,000 investors lost an estimated $1.7 billion, while general partners and others earned up to $200 million in fees and reimbursements. In the first year of trading rollup securities often drop 70 percent below the values assigned to the securities at the time of the transaction, with first trading day losses averaging 45 percent.

The tragedy is that even those investors who voted against the deal get rolled up if a simple majority consents to the transaction. On Wall Street, this is called a cram down because it crams often worthless rollup securities down the throats of unwilling investors.

The subcommittee has received hundreds of letters from investors around the country who have been victimized by rollups. During our hearings, we heard testimony from many small investors who saw the value of their limited partnerships plunge after unfair or abusive rollups that they were either unfairly pressured to support or were powerless to oppose. We have heard from:

Steven Santoro of Tewksbury, MA, who lost over 65 percent of the $25,000 he invested in the Concord Limited Partnership in a rollup that granted the general partners nearly 10 percent of the stock in the new company and nearly $1 million in annual salaries and compensation;

Frank Freiler of Los Osos, CA, who was improperly prevented from getting access to investor lists he sought to alert fellow investors to abusive features of the Krupp Limited Partnership rollup, and then watched his $125,000 inheritance plummet nearly 40 percent in value after the rollup went through;

Anne Petrocci of Midland Park, NJ, who was shoved, threatened, subpoenaed, and harassed after she went to an investor meeting and tried to organize opposition to a rollup of her Equitec limited partnership, and then watched her $4,000 investment drop 97 percent in value after the rollup;

Eleanor Foerster, of Porterville, CA, who was pressured by the general partner who told her that she would lose all of her $120,000 investment if the rollup wasn't approved, only to see her investment drop 65 percent in value after the rollup; and,

Bruce Wertz, of Hurst, TX, who was misled into believing his partnership would go bankrupt without a rollup, and then witnessed his $10,000 investment drop 97 percent in value after the rollup.

The devastating financial losses these investors experienced are directly attributable to the unfairness of most rollup transactions. In all too many cases, we have seen rollups which are clearly the result of blatant self-dealing by the general partners who have disregarded their fiduciary duties to the limited partners.

In the past, regulatory scrutiny of rollup transactions by the Commission and by the self-regulatory organizations often has been inadequate. The subcommittee's investigations revealed:

Incomprehensible rollup disclosure documents 300 to 700 pages long that never should have been declared effective by the SEC;

Abusive differential compensation practices which were not reined in until after the subcommittee began examining them;

Certain stock exchanges waiving their listing standards in order to list rollup securities which later plummeted in value;

Shortcomings in SEC proxy rules which inhibited efforts by limited partners to communicate with their fellow investors regarding an abusive rollup; and,

Inadequate direct legal mandate for the Commission, the NASD, and the exchanges to respond to manifestly unfair rollup transactions rife with self-dealing and conflicts of interest.

After the committee shined a spotlight on the abuses of rollups, the SEC and the NASD took steps to improve regulatory scrutiny of rollups. However, major gaps still exist that could allow abusive rollups to continue. SEC rules do not require rollup sponsors to get an independent fairness opinion and the NASD's proposed rollup rules contain significant loopholes that would allow rollup sponsors to avoid providing dissenting investors with a financial alternative to a cramdown—even if it were feasible to do so. Moreover, NASD's rules only apply to rollups involving NASD members or listed on the NASDQ system. As we discovered in our hearings, without Federal legislation nothing would prevent an unscrupulous operator from putting together a rollup without participation of any NASD member and then listing it on the New York or American Stock Exchanges. If we are to give limited partners the full range of protections they need, we need to pass this bill.

H.R. 617, the Limited Partnership Rollup Reform Act of 1993, would both lock in the limited reforms already undertaken by regulators, close certain loopholes in existing or proposed rules, and supplement these rules with more comprehensive investor protections. The legislation will:

Assure that wherever feasible, dissenting investors are afforded with a financial alternative to the rollup and are no longer forced to accept cramdown securities;

Require that all rollup prospectuses be accompanied by an independent third-party opinion analyzing the entire fairness of the transaction to investors in each partnership;

Improve rollup disclosures to prominently highlight any risks and conflicts of interest and assure that rollup disclosure documents are more clear, concise, and comprehensible;

Prevent rollups from being utilized to make certain changes in corporate governance, unfair changes in fees paid to the general partner, and unfair transaction charges for failed transactions;

Make it easier for limited partners to fight abusive rollups by assuring they get access to investor lists and can communicate with other investors;

Assure investors have adequate time to review a rollup proposal by setting a 60 day minimum solicitation period; and finally,

Bar broker-dealers or other proxy solicitors from being paid for "yes" votes but not for "no" votes, in order to reduce financial incentives for engaging in abusive boiler room solicitation practices.

This bipartisan reform legislation neither bans rollups, nor does it violate the sanctity of

contracts—as certain opponents of this legislation have claimed. What H.R. 617 will do is prevent general partners from forcing limited partners into what amounts to an unconscionable contract of adhesion that leaves the general partners rolling in cash and the limited partners realizing that they've just been rolled.

I urge my colleagues to join with us in supporting this important legislation to protect the estimated 8 million limited partners who today are at risk of being subjected to an abusive rollup.

Mr. DINGELL. Mr. Speaker, today the House considers, under suspension of its rules, the bill H.R. 617 to curb abuses in limited partnership rollups.

I would observe to my colleagues that not all rollup transactions are bad. Sometimes such transactions are the only way to provide investors in nontraded limited partnerships with any liquidity by which to cash out of their holdings. However, a number of scoundrels have taken advantage of these situations to engage in abusive practices and ripoffs, which are fully documented in our hearings and the hundreds of complaint letters we have received from constituents across the Nation. These abuses must be stopped.

Publicly available documents show dramatically what happened in one rollup in terms of share values immediately before and after conversion, and currently.

Partnership: Hollywood Realty Partners (Equitec).

Day before: $1 (Nov. 1, 1990).

Day after: 22 cents.

One February 1: 3 cents.

In the past year, the SEC and the NASD instituted reforms in this area. Our modest bill would lock in these protections and require them to be reflected in the rules of other self-regulatory organizations, as well as require rules that would provide the public with independently prepared fairness opinions and important dissenters' rights.

To be sure, there are iniquitous forces blowing around the Hill who would seek to overturn our efforts and those of our distinguished colleague Senator DODD. We intend to prevail.

I urge my colleagues to support the interests of the American people, and not evil special interests, in this matter.

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

Mr. Speaker, I rise in support of this legislation designed to prevent abusive limited partnership rollup transactions.

The rollup market is a significant one. In the last 7 years, the marketplace has seen approximately 1,800 rollup transactions with an estimated exchange value of $7.1 billion. These rollups have involved almost 1.2 million investors.

However, hearing testimony has indicated that general partners frequently use unfair tactics to organize rollups for their own financial gain.

In many cases, rollups have been structured to allow the general partners and others to collect exorbitant fees while leaving the limited partners with a significantly different and diminished investment.

The SEC reports that in the 20 rollups that took place in 1991, the value of the securities in the entities created by the transactions dropped an average of 50 percent from the exchange value assigned by the sponsors prior to the deal.

Most investors involved in rollups are smaller investors who can ill afford such dramatic financial losses.

Congressional attention has led to recent initiatives by the SEC and the NASD in the area of rollup reform.

For example, new SEC proxy rules facilitate investor communication and improve information requirements.

The NASD has adopted a rule prohibiting payments to brokers only for votes in favor of a rollup and awaits approval of a comprehensive rollup rule package.

In addition to codifying these rule changes, H.R. 617 contains other important measures designed to protect investors.

For example, the bill requires independent fairness opinions, enhanced dissenters' rights, and, when necessary, the appointment of a committee independent of the general partner or sponsor to review or negotiate a proposed rollup on behalf of the limited partners.

In conclusion, H.R. 617 provides a comprehensive and balanced Federal framework for reform of the rollup process. This legislation will ensure that rollups are fairly organized and structured and restore investor confidence in an important marketplace.

Mr. Speaker, I wish to thank the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee, as well as the full committee, for their fine work on this, as well as my good friend, the gentleman from Texas [Mr. FIELDS], and the staffs on both sides for putting together what I think is a very effective and fair piece of legislation.

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

Mr. MOORHEAD. Mr. Speaker, I support H.R. 617 in its effort to curb unfair practices associated with limited partnership rollup transactions and restore credibility in this important market.

Abuses in limited partnership rollups have occurred with alarming regularity. In far too many cases, general partners have ignored their fiduciary duties and used abusive measures to organize self-interested transactions.

Some of these unfair tactics include inadequate disclosure, artificial barriers to legitimate communication among limited partners, differential compensation practices and disregard of dissenters who oppose the transaction.

H.R. 617 will help to ensure that rollup transactions are organized and structured in a fair manner for all participants.

Among other things, the bill will increase the amount of information rollup sponsors must disclose to investors, it will provide dissenting limited partners with meaningful alternatives, and it will require an independent assessment of the rollup's overall fairness.

H.R. 617 is substantially similar to a rollup reform bill which last Congress passed the House by voice vote under suspension. That bill ultimately died in conference.

However, rollup abuses have not gone away. H.R. 617 addresses the problems associated with rollup transactions in a balanced and responsible manner and ensures their fairness, especially to smaller investors.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR], who since June 1990, when we began this investigation, has been in the forefront of the desire of this Congress to overhaul this entire area.

Mr. SYNAR. Mr. Speaker, let me take this opportunity to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY], as well as the gentleman from Ohio [Mr. OXLEY], for the excellent job in getting this legislation through so quickly so that we can proceed back on schedule as we did last session to correct this problem.

Mr. Speaker, as the gentleman from Massachusetts [Mr. MARKEY] has pointed out, this is a problem which is very clear and very simple to understand. We have the unfair treatment of literally hundreds of thousands of investors throughout this country as limited partners that literally are in jeopardy of losing hundreds of millions of dollars. That problem, now identified, offers a very simple solution, a simple bill of rights for limited partners in this country, which includes compensation for their losses, a fairness opinion so that they can make better decisions, comprehensive disclosure so they can understand the dealings of their general partners, and, finally, integrity in the proxy voting as decisions are made.

Mr. Speaker, that seems to be a very good case to make, that once we find a problem, then we can find the solution, that we can move quickly in the U.S. Congress. So I want to join with my colleagues in commending this to my fellow Members, because this will go a long way toward correcting a problem which for too long has existed in this country with respect to this financial problem.

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

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, only to conclude by asking unanimous consent to insert the statement of the distinguished chairman of the Committee on Energy and Commerce.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I thought I heard the gentleman from Massachusetts [Mr. MARKEY] request unanimous consent, and I would reserve the right to object in order to make a short statement.

Mr. Speaker, first of all, this has nothing to do with the great esteem

that I hold for the subcommittee, its chairman, and ranking member. But for the fifth consecutive rule now, the Committee on Rules has just put out a closed modified rule which gags Members on both sides of the aisle, 435 Members, who will not have their constitutional right to take this floor and participate in meaningful debate on upcoming legislation.

Mr. Speaker, for the fifth consecutive time this has happened now. It is not going to continue to happen, because we are not going to be pushed around by dictatorial policies of the Democrat leadership.

Mr. Speaker, let me just say that there have been five votes ordered, or will be as soon as this one is called. I regret that there has to be votes on these five noncontroversial issues today. There also is a rollover vote on the approval of the Journal earlier.

Mr. Speaker, we just have to put you on notice, the gentleman from Washington [Mr. FOLEY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], and the rest of the Democratic leadership, that we are not going to just lay down and take what you want to give us. You are going to treat us fair, or else.

Mr. Speaker, let me just read this statement by the gentleman from Massachusetts [Mr. MOAKLEY], whom I have a great deal of respect for, who is my counterpart on the Committee on Rules.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] said back on August 5, 1989, and I will quote from a little brochure I made up called Cooking Up the Rules, Boston-style, Boston-style I will say to my good friend from Massachusetts [Mr. MARKEY].

The gentleman from Massachusetts [Mr. MOAKLEY] said:

I think we should all be distressed by the rising number of rules requests that seek restrictions for no justifiable political reasons.

Mr. Speaker, the gentleman goes on to say:

I don't do any of these things in a vacuum. I consult with my committee, and, you know, we try to do the best thing for mankind.

The gentleman goes on to say:

On the big bills, we have called the Republicans, sat down with them, listened to their problems. And we gave them some of the things they wanted, rather than the old style of saying, "Hey, we've got the votes. Let's vote. Screw you."

Mr. Speaker, the gentleman goes on to say:

You know, I don't play that game because we have an old Irish proverb—the people you meet on the way up the ladder are the same people you meet on the way down. I would like to be treated by some of these people the way I think I am treating them.

Mr. Speaker, I would ask the gentleman from Massachusetts [Mr. MOAKLEY] what happened to the statement, and a like statement by the gentleman from Washington [Mr. FOLEY], our Speaker, which took place about 3 days later. Where is the fairness around here?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. Speaker, I have the highest regard for the gentleman from New York [Mr. SOLOMON]. I work with the gentleman on a wide range of issues, but most notably in the human rights and nonproliferation area.

What I would say to the gentleman here is that right now the gentleman is making basically an undifferentiated attack on the rules process. Here we have a situation where the legislation that we are dealing with passed unanimously through the House of Representatives last year. This is exactly the appropriate process to be used for this legislation.

Similarly, the legislation that we considered and voted favorably upon 5 minutes ago dealing with the reallocation of the spectrum, that legislation as well passed unanimously last year. In fact, it would be a waste of the time of the House of Representatives to have granted open rules on these measures.

Mr. Speaker, just so the listening public on C–SPAN understands, there is no objection on this legislation, there is no request to make these rules open, and if the gentleman does have specific objections about specific legislation, it seems to me that that is where the gentleman should be lodging his complaint.

□ 1450

I think it leaves a misimpression, as the gentleman is asking for a rollcall on every one of these suspensions today, that there is great controversy which is being hidden. In fact, here we have truths that are found to be self-evident embodied in every one of these bills that we are dealing with today with no real controversy, and the gentleman is bringing in a complaint he may have about other debates which are ongoing.

God knows, with my name ending in a "y," as does the gentleman who is the chairman of the full Committee on Rules, I do appreciate Boston rules. And I understand what it is that the full committee chairman was referring to. But on the other hand, it is not the legislation that is pending before the House right now, and the point which the gentleman is making is more rhetorical than relevant to what it is that we are now considering.

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

Mr. MARKEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am glad the gentleman brought up that point because I certainly would not want anyone to think that this is a controversial bill. As a matter of fact, I intend to vote for the gentleman's bill, and I hope it passes unanimously with a recorded vote so that we can make our point about what is happening with unfairness around here.

Mr. MARKEY. Mr. Speaker, reclaiming my time, and again, just to conclude, the gentleman from the Committee on Rules, I think, the chairman of that committee is without question one of the wisest Members to sit in the House. And in his infinite wisdom, in meeting with the other Committee on Rules members, they make determinations on the appropriate rules for each bill.

Here he has, once again, in his infinite wisdom, made the correct decision. I have to, once again, tip my hat to the gentleman from Massachusetts [Mr. MOAKLEY], because I invariably find myself supporting his judgments, as they are issued. My feeling here is that this bill is long overdue. Millions of Americans are right now locked into limited partnerships.

They could, in fact, be violated at any point in time without laws being passed by general partners who will continue to feel the pressures of an overleveraged 1980's in many of their various and sundry economic, financial, real estate, oil, gas deals.

Limited partners, who did not make those decisions, should not have to suffer the pains of the general partners of poor economic decisions. This legislation should pass.

The gentleman from New York, the minority, working hand-in-hand to put this together, the minority counsel, Steve Blumental, our counsel, Mr. Duncan and Ms. Daly, along with the full committee counsel, Consuela Washington, have worked long and hard in concert. This is good legislation. I hope that the House, in its wisdom, accepts it here today.

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

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on H.R. 617, as amended, the bill just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 890, by the yeas and nays; H.R. 904, by the yeas, and nays; H.R. 868, by the yeas and nays; H.R. 707, by the yeas and nays; and H.R. 617, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

UNCLAIMED DEPOSITS AMENDMENTS ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 890, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 890, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 20, as follows:

[Roll No. 43]

YEAS—409

Abercrombie	Bilirakis	Clayton
Ackerman	Bishop	Clement
Allard	Blackwell	Clinger
Andrews (ME)	Bliley	Clyburn
Andrews (NJ)	Blute	Coble
Andrews (TX)	Boehlert	Coleman
Applegate	Boehner	Collins (GA)
Archer	Bonilla	Collins (IL)
Armey	Bonior	Collins (MI)
Bacchus (FL)	Borski	Combest
Bachus (AL)	Boucher	Condit
Baesler	Brewster	Conyers
Baker (CA)	Browder	Cooper
Baker (LA)	Brown (CA)	Coppersmith
Ballenger	Brown (OH)	Costello
Barcia	Bunning	Coyne
Barlow	Burton	Cramer
Barrett (NE)	Buyer	Crane
Barrett (WI)	Byrne	Crapo
Bartlett	Calvert	Cunningham
Bateman	Camp	Danner
Beilenson	Canady	Darden
Bentley	Cantwell	de la Garza
Bereuter	Cardin	Deal
Berman	Carr	DeFazio
Bevill	Chapman	DeLauro
Bilbray	Clay	DeLay
Dellums	Jefferson	Nussle
Derrick	Johnson (CT)	Oberstar
Deutsch	Johnson (GA)	Obey
Diaz-Balart	Johnson (SD)	Olver
Dickey	Johnson, E.B.	Ortiz
Dicks	Johnson, Sam	Orton
Dingell	Johnston	Oxley
Dixon	Kanjorski	Packard
Doolittle	Kaptur	Pallone
Dornan	Kasich	Parker
Dreier	Kennedy	Pastor
Duncan	Kennelly	Paxon
Dunn	Kildee	Payne (NJ)
Durbin	Kim	Payne (VA)
Edwards (CA)	King	Pelosi
Edwards (TX)	Kingston	Penny
Emerson	Kleczka	Peterson (FL)
Engel	Klein	Peterson (MN)
English (AZ)	Klink	Petri
English (OK)	Klug	Pickett
Eshoo	Knollenberg	Pickle
Everett	Kolbe	Pombo
Ewing	Kopetski	Pomeroy
Fawell	Kreidler	Porter
Fazio	Kyl	Poshard
Fields (LA)	LaFalce	Price (NC)
Filner	Lambert	Pryce (OH)
Fingerhut	Lancaster	Quillen
Fish	Lantos	Quinn
Flake	LaRocco	Rahall
Foglietta	Laughlin	Ramstad
Ford (MI)	Lazio	Rangel
Fowler	Leach	Ravenel
Frank (MA)	Lehman	Reed
Franks (CT)	Levin	Regula
Franks (NJ)	Levy	Reynolds
Frost	Lewis (CA)	Richardson
Furse	Lewis (FL)	Ridge
Gallegly	Lewis (GA)	Roberts
Gallo	Lightfoot	Roemer
Gejdenson	Linder	Rogers
Gekas	Lipinski	Rohrabacher
Gephardt	Livingston	Ros-Lehtinen
Geren	Lloyd	Rose
Gibbons	Long	Roth
Gilchrest	Lowey	Rowland
Gillmor	Machtley	Roybal-Allard
Gilman	Maloney	Royce
Gingrich	Mann	Rush
Glickman	Manton	Sabo
Gonzalez	Manzullo	Sanders
Goodlatte	Margolies-Mezvinsky	Sangmeister
Goodling	Markey	Santorum
Gordon	Martinez	Sarpalius
Goss	Matsui	Sawyer
Grams	Mazzoli	Saxton
Grandy	McCandless	Schaefer
Green	McCloskey	Schenk
Greenwood	McCollum	Schiff
Gunderson	McCrery	Schroeder
Gutierrez	McCurdy	Schumer
Hall (OH)	McDermott	Scott
Hall (TX)	McHale	Sensenbrenner
Hamburg	McHugh	Sharp
Hamilton	McInnis	Shaw
Hancock	McKeon	Shays
Hansen	McKinney	Shepherd
Harman	McMillan	Shuster
Hastert	McNulty	Sisisky
Hastings	Meehan	Skaggs
Hayes	Meek	Skeen
Hefley	Menendez	Skelton
Hefner	Meyers	Slattery
Herger	Mfume	Slaughter
Hilliard	Mica	Smith (IA)
Hinchey	Michel	Smith (MI)
Hoagland	Miller (CA)	Smith (NJ)
Hobson	Miller (FL)	Smith (OR)
Hochbrueckner	Mineta	Smith (TX)
Hoekstra	Minge	Snowe
Hoke	Mink	Solomon
Holden	Moakley	Spence
Horn	Molinari	Spratt
Houghton	Mollohan	Stark
Hoyer	Montgomery	Stearns
Huffington	Moorhead	Stenholm
Hughes	Moran	Stokes
Hunter	Morella	Strickland
Hutchinson	Murphy	Studds
Hutto	Murtha	Stump
Hyde	Myers	Stupak
Inglis	Nadler	Sundquist
Inhofe	Natcher	Swett
Inslee	Neal (MA)	Swift
Istook	Neal (NC)	Synar
Jacobs		Talent
Tanner	Unsoeld	Weldon
Tauzin	Upton	Wheat
Taylor (NC)	Valentine	Whitten
Tejeda	Velázquez	Williams
Thomas (CA)	Vento	Wise
Thomas (WY)	Visclosky	Wolf
Thornton	Volkmer	Woolsey
Thurman	Vucanovich	Wyden
Torkildsen	Walker	Wynn
Torres	Walsh	Yates
Torricelli	Washington	Young (FL)
Towns	Waters	Zeliff
Traficant	Watt	Zimmer
Tucker	Waxman	

NAYS—1

Taylor (MS)

NOT VOTING—20

Barton	Cox	Owens
Becerra	Dooley	Rostenkowski
Brooks	Evans	Roukema
Brown (FL)	Fields (TX)	Serrano
Bryant	Ford (TN)	Wilson
Callahan	Henry	Young (AK)
Castle	McDade	

□ 1518

Mr. TAYLOR of Mississippi changed his vote from "yea" to "nay"

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

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ESTABLISHING THE NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 904.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 904, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 367, nays 43, not voting 20, as follows:

[Roll No. 44]

YEAS—367

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff

NAYS—43

Allard
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Boehner
Burton
Castle
Coble
Crane
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Gekas
Herger
Huffington
Hunter
Hyde
Johnson, Sam
Klug
Kolbe
Lightfoot
Manzullo
Moorhead
Nussle
Packard
Paxon
Pombo
Rohrabacher
Royce
Santorum
Sensenbrenner
Smith (MI)
Stump
Sundquist
Taylor (NC)
Walker
Zimmer

NOT VOTING—20

Barton
Becerra
Brown (FL)
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Hancock
Henry
Jefferson
McDade
Minge
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1526

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

So, (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSUMER PROTECTION TELEMARKETING ACT

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 868, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 868, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 16, as follows:

[Roll No. 45]

YEAS—411

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—3

Hancock
Penny
Smith (MI)

NOT VOTING—16

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
Hinchey
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1534

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

Mr. SMITH of Michigan changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill, H.R. 707.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 707, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 15, as follows:

[Roll No. 46]

YEAS—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—5

Herger
Hoke
Lightfoot
Pombo
Zeliff

NOT VOTING—15

Barton
Bryant
Callahan
Cox
Dooley
Evans
Fields (TX)
Ford (TN)
Henry
McDade
Rostenkowski
Roukema
Serrano
Wilson
Young (AK)

□ 1545

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

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

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The pending business is the question of suspending the rules and passing the bill (H.R. 617), as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 617, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 6, not voting 16, as follows:

[Roll No. 47]

YEAS—408

Abercrombie	Dornan	Johnston
Ackerman	Dreier	Kanjorski
Allard	Duncan	Kaptur
Andrews (ME)	Dunn	Kasich
Andrews (NJ)	Durbin	Kennedy
Andrews (TX)	Edwards (CA)	Kennelly
Applegate	Edwards (TX)	Kildee
Archer	Emerson	Kim
Armey	Engel	King
Bacchus (FL)	English (AZ)	Kleczka
Bachus (AL)	English (OK)	Klein
Baesler	Eshoo	Klink
Baker (CA)	Everett	Klug
Baker (LA)	Ewing	Knollenberg
Ballenger	Fawell	Kolbe
Barcia	Fazio	Kopetski
Barlow	Fields (LA)	Kreidler
Barrett (NE)	Filner	Kyl
Barrett (WI)	Fingerhut	LaFalce
Bartlett	Fish	Lambert
Bateman	Flake	Lancaster
Becerra	Foglietta	Lantos
Beilenson	Ford (MI)	LaRocco
Bentley	Fowler	Laughlin
Bereuter	Frank (MA)	Lazio
Berman	Franks (CT)	Leach
Bevill	Franks (NJ)	Lehman
Bilbray	Frost	Levin
Bilirakis	Furse	Levy
Bishop	Gallegly	Lewis (CA)
Blackwell	Gallo	Lewis (FL)
Bliley	Gejdenson	Lewis (GA)
Blute	Gekas	Lightfoot
Boehlert	Gephardt	Linder
Boehner	Geren	Lipinski
Bonilla	Gibbons	Livingston
Bonior	Gilchrest	Lloyd
Borski	Gillmor	Long
Boucher	Gilman	Lowey
Brewster	Gingrich	Machtley
Brooks	Glickman	Maloney
Browder	Gonzalez	Mann
Brown (CA)	Goodlatte	Manton
Brown (FL)	Goodling	Manzullo
Brown (OH)	Gordon	Margolies-Mezvinsky
Bunning	Goss	Markey
Burton	Grams	Martinez
Buyer	Grandy	Matsui
Byrne	Green	Mazzoli
Calvert	Greenwood	McCandless
Camp	Gunderson	McCloskey
Canady	Gutierrez	McCollum
Cantwell	Hall (OH)	McCrery
Cardin	Hall (TX)	McCurdy
Carr	Hamburg	McDermott
Castle	Hamilton	McHale
Chapman	Hancock	McHugh
Clay	Hansen	McInnis
Clayton	Harman	McKeon
Clement	Hastert	McKinney
Clinger	Hastings	McMillan
Clyburn	Hayes	McNulty
Coble	Hefley	Meehan
Coleman	Hefner	Meek
Collins (GA)	Herger	Menendez
Collins (IL)	Hilliard	Meyers
Collins (MI)	Hinchey	Mfume
Combest	Hoagland	Mica
Condit	Hobson	Michel
Conyers	Hochbrueckner	Miller (CA)
Cooper	Hoekstra	Miller (FL)
Coppersmith	Hoke	Mineta
Costello	Holden	Minge
Coyne	Horn	Mink
Cramer	Houghton	Moakley
Crane	Hoyer	Molinari
Crapo	Huffington	Mollohan
Cunningham	Hughes	Montgomery
Danner	Hunter	Moorhead
Darden	Hutchinson	Moran
de la Garza	Hutto	Morella
Deal	Hyde	Murphy
DeFazio	Inglis	Murtha
DeLauro	Inhofe	Myers
Dellums	Inslee	Nadler
Derrick	Istook	Natcher
Deutsch	Jacobs	Neal (MA)
Diaz-Balart	Jefferson	Neal (NC)
Dickey	Johnson (CT)	Nussle
Dicks	Johnson (GA)	Oberstar
Dingell	Johnson (SD)	Obey
Dixon	Johnson, E.B.	Olver
Doolittle	Johnson, Sam	Ortiz
Orton	Sabo	Synar
Owens	Sanders	Talent
Oxley	Sangmeister	Tanner
Packard	Santorum	Tauzin
Pallone	Sarpalius	Taylor (MS)
Parker	Sawyer	Taylor (NC)
Pastor	Saxton	Tejeda
Paxon	Schaefer	Thomas (CA)
Payne (NJ)	Schenk	Thomas (WY)
Payne (VA)	Schiff	Thornton
Pelosi	Schroeder	Thurman
Penny	Schumer	Torkildsen
Peterson (FL)	Scott	Torres
Peterson (MN)	Sensenbrenner	Towns
Petri	Sharp	Traficant
Pickett	Shaw	Tucker
Pickle	Shays	Unsoeld
Pomeroy	Shepherd	Upton
Porter	Shuster	Valentine
Poshard	Sisisky	Velázquez
Price (NC)	Skaggs	Vento
Pryce (OH)	Skeen	Visclosky
Quillen	Skelton	Volkmer
Quinn	Slattery	Vucanovich
Rahall	Slaughter	Walsh
Ramstad	Smith (IA)	Washington
Rangel	Smith (MI)	Waters
Ravenel	Smith (NJ)	Watt
Reed	Smith (OR)	Waxman
Regula	Smith (TX)	Weldon
Reynolds	Snowe	Wheat
Richardson	Solomon	Whitten
Ridge	Spence	Williams
Roberts	Spratt	Wise
Roemer	Stark	Wolf
Rogers	Stearns	Woolsey
Rohrabacher	Stenholm	Wyden
Ros-Lehtinen	Stokes	Wynn
Rose	Strickland	Yates
Roth	Studds	Young (FL)
Rowland	Stump	Zeliff
Roybal-Allard	Stupak	Zimmer
Rush	Swett	
	Swift	

NAYS—6

DeLay	Pombo	Sundquist
Kingston	Royce	Walker

NOT VOTING—16

Barton	Fields (TX)	Serrano
Bryant	Ford (TN)	Torricelli
Callahan	Henry	Wilson
Cox	McDade	Young (AK)
Dooley	Rostenkowski	
Evans	Roukema	

□ 1553

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I respectfully reserve the right to object just to alert the House that today the Committee on Rules met on the Hatch Act that will be on this floor tomorrow.

The Committee on Rules saw fit to put out another modified closed rule, depriving Members of this House from a meaningful debate on germane amendments. This is the fifth time this year that it has happened. We have only had five rules. All five have been restricted.

Mr. Speaker, I just want to read a statement to the House from 1989.

The gentleman from Washington [Mr. FOLEY] said on June 6, 1989, and I read this out of respect to the Speaker, he said,

I will do what I can, every day that I serve in this office, to insure that the rights and privileges of each Member of the House are respected, and to insure that the procedure is fair to all.

He went on to say,

* * * I understand the responsibility of the Speaker of the House, as other Speakers have understood it and practiced it, to be a responsibility to the Whole House and to each and every individual Member, undivided by that center aisle.

Mr. Speaker, you went on to say,

I look forward to working with you (Bob Michel) in a spirit of cooperation and increased consultation as we address the problems facing this House and the nation.

Mr. Speaker, we are not addressing the problems of this House and this Nation when Members on both sides of the aisle are gagged, as were Democrats today, and as were Republicans today. I would ask the Speaker not to bring more restricted rules before this House. Be fair, Mr. Speaker, you are the Speaker of the entire House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. The pending business is the question on the Chair's approval of the Journal.

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 155, not voting 23, as follows:

[Roll No. 48]

AYES—252

Abercrombie	Chapman	Fields (LA)
Ackerman	Clay	Filner
Andrews (ME)	Clayton	Fingerhut
Andrews (NJ)	Clement	Fish
Andrews (TX)	Clyburn	Flake
Applegate	Coleman	Foglietta
Archer	Collins (IL)	Ford (MI)
Bacchus (FL)	Collins (MI)	Frank (MA)
Baesler	Combest	Frost
Barcia	Condit	Furse
Barlow	Conyers	Gejdenson
Barrett (WI)	Cooper	Gephardt
Bateman	Coppersmith	Geren
Becerra	Costello	Gibbons
Beilenson	Coyne	Gillmor
Berman	Cramer	Gonzalez
Bevill	Danner	Gordon
Bilbray	Darden	Green
Bishop	de la Garza	Gunderson
Blackwell	Deal	Gutierrez
Bonior	DeFazio	Hall (OH)
Borski	DeLauro	Hall (TX)
Boucher	Dellums	Hamburg
Brewster	Derrick	Hamilton
Brooks	Dicks	Harman
Browder	Dingell	Hastings
Brown (CA)	Dixon	Hayes
Brown (FL)	Durbin	Hefner
Brown (OH)	Edwards (CA)	Hilliard
Byrne	Engel	Hinchey
Cantwell	English (AZ)	Hoagland
Cardin	Eshoo	Hochbrueckner
Carr	Fazio	Holden

Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—155

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Barton
Bryant
Callahan
Cox
Deutsch
Dooley
Edwards (TX)
English (OK)
Evans
Fields (TX)
Ford (TN)
Gilchrest
Glickman
Henry
Hoke
Horn
Lancaster
McCurdy
McDade
Rostenkowski
Roukema
Wilson
Young (AK)

□ 1613

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 20

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 20.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on tomorrow.

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

There was no objection.

THE IMPACT OF THE PRESIDENT'S PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, President Clinton, in his State of the Union Message, talked about his plan to deal with the deficit, and the Republican Study Committee, which I chair, spent the entire weekend studying President Clinton's budgetary proposals and what kind of an impact it would have, either positive or negative, on the United States of America.

Here is what we found: There were $325.5 billion in tax increases, the largest tax increase in U.S. history by more than 60 or 70 percent. The largest before that was around $184 billion. In addition to that, there are $70 billion in hidden fee and, get this, they are called spending cuts. They have got $70 billion in fees in there that are called spending cuts when that is actually more money coming out of taxpayers' pockets.

When you talk about spending cuts, he has been telling America about this; there are spending cuts totaling $91.7 billion, but there are spending increases totaling $185.9 billion for a net increase of $94.2 billion. So when he tells you he is going to cut spending, the fact of the matter is we are not cutting domestic spending. We are increasing it by over $94 billion.

On top of that, there are $395 billion in new taxes and hidden fee increases.

The only spending cuts in his budgetary proposal that we can find are in the area of defense, and those cuts were going to take place anyhow, and that is $112 billion.

So the deficit reduction plan he is talking about is not coming from spending cuts. It is coming out of the hides of the American taxpayer.

Now 2 years ago when we had the budget summit agreement and President Bush erroneously, I believe, signed on to that agreement with the Democrat majority in both the House and the Senate, we raised taxes on the backs of the American people to the tune of $182 billion.

□ 1620

And that tax increase cost us thousands and thousands of jobs and put this country into an economic recession that we are just now coming out of.

The tax increases President Clinton is talking about, in my view, are going to cost at least 250,000 jobs in the next year to 18 months, and it is going to put this country into an economic decline much worse than what we have seen in recent years.

Now I was talking to one of my Democrat colleagues today and I promised I would not use his name because he was sorry he said this, but he meant it. Here is what he said with smile: "Any tax you pass is going to put somebody out of business." And that is the problem.

These huge tax increases are going to put a lot of marginal business people over the brink and they are going to go bankrupt.

Today out in the hall just 5 or 10 minutes ago I talked to members from the Farm Bureau. Do you know what they told me? The Btu tax, the energy tax, which I call the "big time unemployment tax," the Btu tax is going to cost them so much that many of them will go out of business because they cannot pass those increased costs on to the consumer because of the way the agricultural markets work on the Commodities Exchange. They cannot pass that on.

So a lot of small farmers and medium-sized and large farmers are going to go out of business if we pass the Btu tax.

In addition, I just had a bunch of people call me who are in the foundry

business. They rely on energy to make the molds and make the products that most of us in this country use. It is one of the biggest industries in America. They tell me that many foundries are going to go out of business if we pass this Btu tax.

Then we come to the airline industry, and I am only going to mention three tonight, but I can go on and on and on. But the airline industry is going to be hit with a 15 cents per gallon jet fuel increase and many of those airlines, if you have been reading in the papers, are on the brink of bankruptcy now. They are trying to cut deals with British Airways and other foreign airlines just to stay above water.

Here we are going to load on the backs of the airlines, one of the most important parts of commerce in this country, another 15 cents per gallon fuel tax? I guarantee it is going to put a lot of them out of business.

Every one of these companies that go out of business has employees. When they go out of business, their employees lose their jobs, and when they lose their jobs, that increases the unemployment rolls.

For each 1 percent of unemployment, when you add in all of the benefits they get, that costs the taxpayers and the Treasury $42 billion. This one little phase of his economic recovery program is a recipe for economic disaster.

So I am telling my friends across this country who say, "Well, we have to do something, we have got to do something, we want to cut that deficit, cut the debt." That is absolutely true. When President Clinton stood up here and he said to the American people it is not what is important for me, it is what is important for us, meaning the entire Nation, he was absolutely correct.

But the solution is not these humongous tax increases which will make us less competitive with our foreign trading partners, will drive business out of this country and take jobs along with it, take money out of the taxpayers' pockets without which they cannot buy products, and if they do not buy the products, they do not produce products, and if they do not produce products, people lose their jobs and unemployment goes up.

The solution is to cut Government spending. Ten years ago we were bringing in $500 billion a year in tax revenues. It is now $1.2 trillion. We have almost tripled the amount of tax revenues coming in in the last 10 years and yet we are still running deficits of about $350 to $400 billion per year.

So what is the answer? The answer is not more taxes out of your hide, America; the answer is to cut spending.

Now how do you do that? President Clinton challenged the Republicans, saying, "If you are going to complain, be specific. I have got a plan and you don't." Well, we do have a plan, many of us have a plan; it is called freezing spending at last year's level. Do not increase Government spending.

Some people say, "well, you have got to increase some programs." OK; let us increase them 1 or 2 percent, but not the 23-, 24-, 25-percent increase we have seen in entitlement programs in the last couple of years. Freeze Government spending at no more than last year's spending and if we cannot, 1 or 2 percent higher. If we can do that actuarily, we can look at a trend chart, we can see what a freeze would do over 5 years, what a 1-percent growth rate would do over 5 years and a 2-percent growth rate would do over 5 years, and just come up with a program that will get us to a balanced budget in 5 years plus the freeze, whatever we can live with, defense cuts and cutting out the pork and waste in Government—and there is a lot of that. We can get to a balanced budget without these humongous tax increases and it will not hurt the economy and drive jobs out of this country and put people on the unemployment lines.

President Clinton I think in his speech made some good points and the American people really responded. Seventy-nine percent said they really agreed with him and they thought that sacrifice was the answer and that they were willing to do it. That is something we ought to commend the American people for because they are willing to share this pain in order to get control of this deficit so that the national debt will not go out of control and our kids, at least, will have some chance to live the kind of life that we have been able to have.

I think that is great. But the recipe that he is proposing is a recipe for economic disaster, higher deficits, higher debts, and more problems down the road.

Some people say, "DANNY, you are kidding. That is not really the case." Let me give you a case in point. Two years ago when we raised taxes $182 billion they said it was going to be used for tax reduction. Since that tax increase of $182 billion, do you know how much we have spent for every dollar of tax we raised? We have spent $2.70. For every $1 of that $182 billion in new taxes that we raised, we spent $2.70.

So tax increases do not cut the Government deficit, the only thing that cuts the deficit is intestinal fortitude in this body saying that we are going to cut that spending and we are going to control the rise in the budget. That is what has to be done, not more taxes.

So if the President happens to be watching, Mr. Speaker, or any of his supporters, I hope they will go back to the drawing board and look at this program in its totality to see what it is going to do to every part of America. It is going to hurt agriculture, it is going to hurt the airline industry, going to hurt the foundry industry and many, many others and cause a lot of unemployment.

Let us get down to the business of doing what has to be done, and that is cutting Government spending. Then after we do all that, if I am wrong, then we will go back and talk about taxes.

But I really believe that the American people want us to take a meat cleaver to spending first before we start taking more money out of their pockets.

With that, Mr. Speaker, I yield to my very good friend and colleague, the gentleman from Florida, who wants to talk about a very important subject to all Americans but particularly to those in southern Florida who are of Cuban-American heritage.

I yield to my colleague.

Mr. DIAZ-BALART. Mr. Speaker, I commend the gentleman for reminding us of the perils of excessive taxation to the American economy and to the world economy, because a healthy American economy is indispensible to a healthy world economy, and of course vice-versa. And we do not achieve economic revitalization by taxing the economy to a point where it stumbles after it has already begun a remarkable comeback and has grown in the last couple of quarters at almost a 5-percent rate, almost an unparalleled rate in the world today.

So I again thank the distinguished gentleman from Indiana [Mr. BURTON] for yielding at this time.

HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. Speaker, at this time, in Geneva, Switzerland, the Human Rights Commission of the United Nations is considering and carefully examining violations of elemental human rights in a number of places on this Earth.

The genocide being perpetrated upon ethnic minorities in Bosnia has been the subject of much discussion and condemnation—and rightfully so. Necessarily so.

The administration is to be commended for its humanitarian effort to bring food to vast areas of Bosnia where people have not had access to sufficient food in months.

In addition, in Geneva, the United States is getting ready to introduce a resolution expressing deep concern for the arbitrary arrests, beatings, imprisonment, harassment, and governmentally organized mob attacks upon the internal opposition to the Castro dictatorship in Cuba.

The resolution notes with particular concern that the Cuban dictatorship increased its repression against human rights monitoring groups in Cuba precisely on U.N. Human Rights Day last December 18.

Terror, Mr. Speaker, that is the essence of the Castro dictatorship: A regime of terrorists and thugs that made it a point to publicly increase the

bloody violence perpetrated upon its unarmed dissidents and opponents in the country precisely on U.N. Human Rights Day.

The U.S. resolution refers to the appointment of the special rapporteur by the U.N. Human Rights Commission last year.

In 1992, March 3, to be exact, the U.N. Human Rights Commission took the great step of appointing that official a Swedish diplomat, to personally investigate the human rights violations in Cuba and report back to the United Nations.

Castro himself declared at that time that he would obey "not so much as one paragraph, nor so much as one sentence, nor so much as one comma of the resolution of the U.N.," and he refused entry into Cuba of the U.N. official.

There again we can discern the essence of the Castro dictatorship: In the flaunting of contempt for international public opinion and the total disrespect for international law and all civilized norms of conduct.

So the United States resolution in Geneva calls upon the Cuban dictatorship to permit the special rapporteur the opportunity to fulfill his mandate by allowing him to enter the country.

The resolution expresses particular concern that the Government of Cuba—which incredibly, Mr. Speaker—is a member of the United Nations Human Rights Commission * * * the resolution expresses particular concern that a member State of the Human Rights Commission of the United Nations can so flagrantly fail to carry out its most basic commitments to the United Nations Charter.

And the United States resolution affirms and extends the mandate of the special rapporteur for 1 year to permit him to further investigate the systematic violations of human rights, including arbitrary detention and torture, by the Cuban dictatorship.

So the U.S. resolution, though a modest statement, is obviously rooted in good faith and support for human dignity. It is as though the judge has already found a lot of evidence against the defendant, and in fact the defendant did not even let the judge in the courtroom, the U.S. resolution asks that the judge be given more time and resources to do a good job.

Mr. Speaker, one of the latest reports received from Cuba relates to the arrest, on February 6 of this year, of Rafael Gutierrez, president of the trade union of Cuban workers.

And also last month, following the formation of the National Commission of Independent Unions (Comision Nacional de Sindicatos Independientes), union materials and publications were seized and the following leaders were detained: Juan Guarino, Javier Troncoso, Jorge Lopez Bonet, Eduardo Ruiz, Roberto Varo, Omar Fernandez, and Lazaro Cor.

The dictatorship's security forces warned these men that they would be "crushed like cockroaches" if they persisted in their union activities.

Mr. Speaker, I want to publicly commend the personal interest taken by President Lane Kirkland of the AFL-CIO in the well-being of these brave Cuban trade unionists who, at this moment, are bearing the full force of the ruthlessness of the Castro dictorship.

In a letter to the Cuban dictator dated February 17, Mr. Kirkland wrote:

On behalf of the AFL-CIO, we request the immediate release of Rafael Gutierrez, who has proven to be a true labor leader, willing to risk his own life in the defense of workers' rights. His acts of courage are worthy of admiration, not incarceration.

We therefore wish to convey our solidarity and concern for Rafael Gutierrez's well-being and that of all human rights activists presently enduring hardships under your regime. Further, we are issuing a formal protest before the United Nations and its bodies, as well as the democratic labor movement worldwide, since the only 'crime' being committed by these activists is to exercise their right as established in the Universal Declaration of Human Rights.

Well said, Mr. Kirkland. Once again, as in so many prior examples, the American labor movement is standing tall and on the side of an oppressed people, as opposed to simply standing idly by while a tyrant terrorizes an unarmed people.

But the wrath of the Cuban dictatorship's evil is not limited to workers and labor leaders.

Mr. Speaker, I would like to bring up the history of one of my constituents, Mr. Eugenio De Sosa.

Mr. De Sosa, now in his seventies, is today a successful businessman in Miami.

Eugenio De Sosa, as a young man, attended schools in Cuba, the United States, Great Britain, and Switzerland, and studied diplomatic and consular law at the University of Havana. He was a member of the board of directors of the daily newspaper Diario de la Marina, and was successful in business. In December 1959 he was arrested for conspiring to depose the Castro regime and was sentenced to 20 years in jail. Over the following years, he was confined to several prisons, including the Isle of Pines and La Cabana. He was one of the plantados prisoners who refused to participate in so-called reeducation programs or wear the uniform of common prisoners.

In 1977, after 17 years in prison, Mr. De Sosa was taken from Combinado del Este Prison to state security headquarters at Villa Marista to be interrogated on information he allegedly passed to counterrevolutionary exiles in 1963, 14 years earlier. He was stripped and placed in solitary confinement in a small, unlit cell. Psychotropic drugs were mixed in with his food; when he discovered a half-dissolved tablet in his food, he stopped eating.

One day, he was interrogated by a state security officer, who told him that one of his daughters, whom he had not seen in over 15 years, and his granddaughters were flying in from Texas to visit him. The officer told him that the visit was a gesture of mercy of the Castro government before his execution.

A few days later, Mr. De Sosa was taken to the barber and given clean clothes. When he entered the room, however, he found not his family but the same state security officer, who told him that there had been a terrible accident involving the plane, and that his daughter and granddaughters were dead. Mr. De Sosa later discovered that both the visit and the death of his family were a hoax. Enraged, he struck the state security officer. As Mr. De Sosa later put it, "When I was told of the 'tragedy,' I believed it. I wanted to die." The guards beat him savagely, telling him he would be shot the next day at La Cabana Prison.

That night, however, he instead was taken from Villa Marista and driven through Havana. He was forced to lie down on the floor of the car. When he was removed from the car, he discovered that he had been transferred to the Havana psychiatric hospital, known as Mazorra. Mr. De Sosa later described Mazorra as a "snakepit writhing with the violent and insane."

There were about 80 men in this ward, all violently disturbed. The smell of urine and excrement was sickening. There would be brawls among the patients every so often and shattered, bloody bodies had to be carted out. During my stay there, five patients were killed in brawls.

One day, several young boys, the oldest of whom probably was no more than 16, were brought into the ward:

The boys had been caught writing anti-government graffiti on some building walls, and a "judge of the people" declared that to do such a thing they must be insane and in need of psychiatric treatment. Before the day was over, all the boys were systematically raped by more than 30 patients in the ward. To this day I can hear their cries for help and see their bloody bodies as I stood by in rage, unable to help. Not a single staff member intervened.

During his time in Mazorra, Mr. De Sosa was subjected to 14 sessions of electroconvulsive therapy. As he later described, most electroshocks were applied with no regard for the health or safety of the patient:

My first encounter with group electroshock treatments occurred one night when I saw a team of four men, directed by a man named Mederos who was dressed as an orderly, enter the ward. Six patients were grabbed and rubber pieces stuffed into their mouths. They were thrown to the floor in a row, side by side. Right there, on the floor, the electrodes were applied to both sides of their heads and the shocks were applied. Six bodies started to contort one by one the shocks were applied to the temples of the patients, but to me they applied most of the shocks to the testicles instead.

He later related that electroshocks "felt like thunder, an explosion."

After 5 months, Mr. De Sosa was returned to Combinado Del Este, where he remained until his release on November 15, 1979. He arrived in the United States on January 18, 1980. He now is a hard-working and successful independent associate with an engineering firm in Miami, FL.

My friend and constituent, Eugenio De Sosa, Mr. Speaker, is not untypical of tens of thousands of former political prisoners of Castro's Cuba.

They are a source of admiration for us all, as are the thousands of victims of Castros firing squads or the incalculable number of human beings who have been lost at sea attempting to escape the nightmare of Communist Cuba.

And even though the special rapporteur appointed by the United Nations has not been allowed into Cuba by Castro, Mr. Speaker, he has managed to gather very accurate evidence of other extraordinary violations of human rights by the dictatorship.

In a number of very specific categories—trial and sentencing; threats and intimidation; temporary detentions; loss of jobs for political activity; conditions in the prisons; and the right to leave the country, the United Nations official special rapporteur's report is specific concerning many unconscionable actions which have not been able to be hidden from the international community's knowledge in recent months.

For example, the special rapporteur lists a substantial number of prisoners who are serving sentences for political offenses and are constantly denied medical care for diabetes, tuberculosis, duodenal ulcers, et cetera.

In several known cases, lack of medical care has led to death.

For example, Rodolfo Gomez Ramos, 42 years old, died in prison in Havana, at the Micro 4 de Alamar Prison, in March 1992, after being denied medical care while serving a sentence for attempting to leave the country illegally.

Yes, Mr. Speaker, in Cuba it is a crime to attempt to leave the country without permission, despite the fact that Cuba is a signatory state to the Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights, which protects the right to leave one's own country, and despite article 13, paragraph 2 of the Universal Declaration of Human Rights, to which Cuba is also a signatory, which provides that, "Everyone, has the right to leave any country, including his own, and to return to his country."

Well, in view of Mr. Gomez Ramos' serious medical condition, caused by an ulcer, he repeatedly asked to be moved to a hospital. His requests went unheeded. Instead, arrangements were made to transfer him to a stricter prison in the province of Matanzas. While he was being moved, he died.

On February 1, 1992, Francisco Diaz Mesa, 24 years old, also died in prison. He was denied medical treatment after contracting pneumonia. Shortly before he died, he tried to get the attention of the guards. They gave him a severe beating, and he died shortly afterwards without receiving medical attention.

Bienvenido Martinez Bustamante. He was severely beaten on June 8, 1992, for criticizing the government. He had bruises all over his body, his face was disfigured and he had lost consciousness. Nevertheless, he received no medical attention whatsoever.

Ibelise Camejo Moleiro was brutally beaten on May 4, 1992, at Guanajay Prison because he had written a letter to the authorities complaining about being in solitary confinement, having no water for personal hygiene and being denied correspondence.

Mr. Speaker, I could go on and on.

This is the reality facing the Cuban people today.

This is the reality that is being discussed today in the United Nations Human Rights Commission in Geneva.

As the head of the U.S. delegation to the United Nations Commission on Human Rights said earlier today in Geneva:

> The price for advocating peaceful political change in Cuba is imprisonment. The price for forming a human rights group in Cuba is a government-organized mob surrounding your home, breaking down your door, and beating you senseless. The existence of Cuba's omnipresent security apparatus underlies the fear the Cuban Government has of permitting free and fair elections, the right of assembly, or even the visit of the U.N. envoy.

Thugs, gangsters, and terrorists hold total power over a people only 90 miles from our shores.

And the only sanction existing in the entire world against those thugs and their brutal acts of repression is our American policy of not trading with those thugs and terrorists. And as of a few months ago, upon passage of Congressman TORRICELLI's Cuban Democracy Act, our companies' subsidiaries abroad cannot profit from trade with those henchmen either.

As Congressman TORRICELLI has eloquently stated, Mr. Speaker, U.S. policy toward the Castro dictatorship is bipartisan and crystal clear.

We will not trade with Cuba while the regime remains in power that utilizes every dollar it can get a hold of to oppress its people even further.

The United Nations has confirmed the nature of the Castro dictatorship in this report by the Swedish diplomat, Ambassador Groth.

What further proof do they need to impose sanctions, international sanctions, on the Cuban tyranny than their own proof, the proof in this U.N. document?

And yet, all too often we hear criticism of our policy of not trading with Castro, which is the only sanction in the world against the grave human rights violations that the United Nations admits Castro is committing.

Some insist upon maintaining that our policy of not trading with Castro has destroyed Cuba's economy, while nothing can be further from the truth.

During the decades of mind-boggling subsidies of the Cuban economy by the Soviet Union, the economy of the island was also in shambles, and the Cuban people faced hardship and rationing of the most elemental needs of daily life.

And today, still today, while Castro and his apologists throughout the world rant and rave about our unilateral embargo, Castro has just found the money to buy 2 billion dollars' worth of Russian weapons, including two new submarines, Mr. Speaker, and he has spent another billion dollars forcing the Cuban people to build tunnels throughout the island to prepare for a U.S. invasion.

A demented, violent personality who should be straitjacketed and locked up in an asylum is instead the totalitarian ruler of a country of 11 million people 90 miles from our shores.

That, Mr. Speaker, is shameful.

And those who still argue against our policy of not trading with Castro can no longer hide their true intentions.

Mr. Speaker, article 39 of chapter 7 of the U.N. Charter provides that the U.N. Security council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken * * * to maintain or restore international peace and security." Those sanctions can involve an international embargo, withdrawal of Ambassadors from a country, even military action.

In the past, the United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under article 39, and has imposed sanctions due to such violations of human rights in the cases of the former Rhodesia, South Africa, Iraq, and the former Yugoslavia.

Some weeks ago I received a letter from the distinguished chairman of the Committee on Governmental Operations addressed to President Clinton, requesting that the United States seek U.N. Security Council sanctions against the Haitian dictatorship.

I signed that letter to the President and wrote to the gentleman from Michigan that:

> I will soon be introducing a resolution requesting that the United States propose and seek, in the United Nations, an international embargo against the Cuban dictatorship along the lines sought in the letter to President Clinton with regard to Haiti.
>
> Just as we must act promptly and with energy to restore freedom to the people of Haiti, we must act decisively to help free the Cuban people. There can be no double standard with regard to democracy and human rights in our hemisphere.

I respectfully request that you and all Members of Congress join me in cosponsoring my resolution, demonstrating solidarity with a people who have suffered at the hands of a brutal dictatorship for 34 years. The Cuban people deserve to be assisted in a decisive manner to bring their totalitarian nightmare to an end. Your cosponsorship of the resolution seeking to accelerate their liberation would demonstrate your rejection of double standards and your sincere commitment to freedom throughout our hemisphere.

Mr. Speaker, it is time for the double standards to end.

I seek and will continue to seek the help of all my colleagues to ask the world community to join us in accelerating the liberation of the Cuban people, a people who have suffered far too much, for far too long.

A people who will soon thank us, Mr. Speaker, when their nightmare of oppression and terror is over, for the solidarity of the United States of America, liberator of an entire continent not once but twice this century.

I have seen the seemingly endless seas of awesome white crosses and Stars of David in the hallowed resting grounds of our brave servicemen in Europe.

And I know of the greatness, of the valor, and the character of the people of this land—repository of human dignity and solidarity.

□ 1640

Mr. BURTON of Indiana. Mr. Speaker, let me just say that I have not until this time tonight heard my good friend and new colleague, the gentleman from Florida [Mr. DIAZ-BALART] speak, and I am very impressed. The gentleman makes a case for the Cuban people in a very clear and salient way. He has made very salient points, and I appreciate it.

Mr. Speaker, I have worked with the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the Cuban-American Foundation down in Florida a long time trying to keep the heat on Fidel Castro because he is such a tyrant. He is the last Stalinistic leader in the world and uses Stalin's tactics to try to keep people oppressed.

My good friend, Armando Valladares, who wrote the book "Against All Hope," spent 25 years in a Cuban prison. He illuminates the issue very clearly, much like the gentleman did tonight, in his book, and I wish everyone in America would read it. I read it while on the plane, his talking about the torture, pain, and suffering taking place in the prisons in Cuba.

Mr. Speaker, can you imagine spending 25 years in a prison like the gentleman just talked about? Yet Armando spent some 25 years there, and I think only his Christian beliefs and principles kept him sane and kept him going. I know they are thinking about making a movie about that, and I hope they make that movie and everyone in the world gets a chance to see it and to read his book, because it really points out very vividly how bad Castro is.

□ 1650

And for the world to even think about taking the heat off this guy would be a tragic mistake. We need to keep every amount of pressure we possibly can on him until there is freedom and democracy in Cuba. And hopefully, one day all three of us will be able to walk on the beaches of Havana and maybe have a Coke together or a margarita, maybe, and talk about the old days when this tyrant was in power.

I know one thing for sure, if the people of Cuba are free and the chains of communism are removed from them, with their industry and their insight into how to get an economy moving, I think that would be one of the bright spots in the Caribbean. I think we would have such tremendous industrial production and economic growth, it would not be funny. So I am with you.

I am going to stick with you and the Cuban-American Foundation and ILEANA until we get freedom down there.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Indiana for those kind words and most of all for his support and his assistance and his help and his solidarity on this issue.

What the gentleman says is true. Cuba will be free, and the reason that it has not been free earlier is because the only country in the world that has done anything to express solidarity with the Cuban people is the United States. Yet we hear criticism of our policies, as though we were the bad guys, when the only country that has maintained a policy of not trading with the thugs that are exploiting and oppressing the Cuban people, the only Government that has done that, the only people that have done that, because of the traditional historic links of friendship that the American people have had with Cuba, is the United States.

But what we have got to do, and this is why I thank the gentleman from Indiana [Mr. BURTON] for cosponsoring my resolution, just like the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI], and so many others, is that we have got to go to the world and say, no more double standards. If other illegitimate regimes have been declared illegitimate by the world community, like in the case of South Africa and world pressure has been put to bear on regimes like that and has brought apartheid to its knees in South Africa and other instances, no more double standards.

It has been 34 years. Too much suffering, too long. We will not accept double standards, and we have to insist that the world, especially our allies, join us in imposing a true embargo, a worldwide embargo to once and for all help those people free themselves of the totalitarian nightmare.

Mr. BURTON of Indiana. Before I yield to the gentlewoman from Florida, let me just say that communism failed in the Soviet Union. It collapsed of its own weight because they were trying to keep their people under wraps. They were trying to build a huge military machine, all of the things that Castro is doing, and he cannot long endure. It is only a matter of time until he falls. We are all awaiting that day.

Mr. Speaker, I yield to my dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding to me. I would like to thank him for all of the tireless effort that he has given to the cause of a free Cuba. One of the first Members who called me, after I won my election 3 years ago, was the gentleman from Indiana. We spoke for a great length of time about the need that we have here in the U.S. Congress to further enlighten the international community about the human rights violations and the great role that each and every one of us can have in bringing about the liberation of the Cuban people.

I am very proud to join with him in this special order tonight to further that cause along. I agree with the gentleman's remarks about our wonderful new colleague, the gentleman from Florida [Mr. DIAZ-BALART], who has been such a sterling addition to this body, because the gentleman from Florida [Mr. DIAZ-BALART] brings with him a great love of his native Cuba and a great understanding of the democratic process. And with his intelligence, with his sharpness and his clear focus on the task at hand, I believe that that day will come even sooner for us. So I thank the gentleman for always helping and doing everything that he can to further enlighten us on the true path to liberate our native homeland, because certainly the Cuban people have been yearning for freedom for over 30 years due to the oppressive dictatorship of Fidel Castro. And their cries have grown louder day by day.

More and more of my Cuban brothers and sisters in my native island of Cuba have decided to jump into the Atlantic Ocean, risking their lives and in many cases their children's lives in makeshift rafts. They hope to reach the United States of America seeking the freedom, justice, and liberty that they never enjoyed in Communist Cuba.

Just last night, in our local newscast in Miami, FL, we saw a very sadly symbolic image of a makeshift raft, which held five refugees from Cuba. Unfortunately, by the time that raft

reached the shores of freedom in the United States, only one person had survived. When they asked the families of that young man, they said that, yes, they were very glad that he was here but they cried for the others and the countless others who have not come and who died in this journey of mercy, in this journey of freedom. How many countless others, nameless, faceless, have been punished by those cruel seas? But there are growing voices in the international community that are renouncing the human rights violations in Communist Cuba. And certainly, in these past few years, especially Cuba's small community of human rights activists and political dissenters have been subjected to even more cruel and more regular crackdowns and hundreds of others have been jailed or placed under house arrest.

Many others have been assaulted in the streets and in their homes by plainclothes police and the rapid action brigades, which are nothing more than mobs organized by the state security committees for the defense of the revolution.

Since 1990, the International Committee of the Red Cross has been denied access to the prisoners in Cuba. Their testimonies from Cuban rights activists, who have stated that there are more than 100 prisons and prison camps and between 200, 300, who knows how many hundreds of political prisoners exist in Cuba today. Many are examples of human rights violations that have been recently reported in the mass media and continue to be reported day by day.

In Castro's Cuba, a different political ideology from the one-party Communist doctrine is outlawed. That, in and of itself, is a crime against the state. Many are in prisons because they have tried to hold illegal meetings, which are all meetings. Many are accused of defaming state institutions, which means that they are prodemocracy. And these tragic trumped-up charges are monthly, daily occurrences.

In November 1992, domestic rights groups stated there were more than 300 human rights activists in prisons in Cuba. In 1991, and again in 1992, the United Nations voted to assign a special representative on human rights in Cuba, but the Cuban Government has repeatedly refused to cooperate.

As my colleague, the gentleman from Florida [Mr. DIAZ-BALART] has pointed out in his remarks, Castro has said that he will not honor even one comma of any of these resolutions against him. But let us all work hard here in the U.S. Congress in a bipartisan manner, liberals and conservatives alike, to do all that we can to bring freedom and justice and liberty to my native homeland.

Let this be the year that democracy will flourish once again in Cuba.

There are many groups that are helping to bring about this proud day. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out, the AFL–CIO has a very active free Cuba committee, and those individuals, including many from my own congressional district such as Pepe Collado, Jack Otero, Marty Urra, and Mike Ruano and many others have worked tirelessly to bring world attention to the plight of Cuban workers who are continually harassed because of their subversive, that is prodemocracy, views.

I am confident that if we all continue to focus world attention on this human tragedy that the Cuban people have to live through every day, change will came about. It is up to each and every one of us to make a difference in the lives of thousands of enslaved Cubans.

Let us not be fooled by shams that Castro always puts out to the world.

For example, just a few days ago he had a sham of an election which supposedly took place, but there was only one slate of candidates, all of them Castro's Communist lackeys, all of them his thugs. There was no real election.

Let the world not be fooled. But Castro was not able to fool anyone. He did not get the boost that he so much needed from the international community after this sham of the elections.

□ 1700

Ojala que sea (I hope that it will be).

Mr. BURTON of Indiana. All I can say to both of my colleagues from Florida is "Viva free Cuba."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 20, FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–24) on the resolution (H. Res. 106) providing for the consideration of the bill (H.R. 20) to amend title V, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LESSONS FROM THE WORLD TRADE CENTER DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON. Mr. Speaker, I am pleased to have this opportunity to address this body and the American people through this body on the concerns that I have relative to my experience yesterday in spending the bulk of the day in New York City at the World Trade Center. I went up to New York City with Frank McGarry who is the State fire administrator for the State fire marshal for New York State, and in cooperation with Frank was able to secure meetings with the commissioner of the New York Fire Department, Carlos Rivera, the fire chief of New York City's Fire Department, Tony Fusco, the chief of fire for the city and the highrise expert for the city of New York, and the commanding fire officer for all of Staten Island, Chief Gene Dockter, the fire prevention chief of the New York City Police Department, John Hodgens, the Manhattan chief and the commanding officer, Ken Cerrera, the operations officer for the Port Authority and the owners of the World Trade Center, Fred Stinner, and the onsite agent in charge of ATF working for Charlie Thompson, Malcolm Brady.

The purpose of my visit was in my role as the founder and the ongoing cochairman of the congressional fire and emergency services caucus to continue to allow this body and the 427 members of our caucus to better understand the issue of the disasters and emergency responses in this country, and to come back and perhaps make some recommendations as to how we could improve our ability to respond to situations not just like the one in New York that occurred this past weekend, but also other disasters that have occurred in California with the Loma Pietra earthquake, in Florida with Hurricane Andrew, in Sioux City, IA, responding to the crash of a DC–10, in Long Island, NY, in responding to the crash of the Avianca plane, in Yellowstone in the Western States in response to the wildlands fires there, and all of the other disasters that this country has had and will continue to have. We all know that we have an ongoing need to look at the issue of emergency response and preparedness, and I think there are many lessons that we can learn from the experiences there, and that is exactly what happened yesterday. In the meetings that I held with the officers of the New York Department and with the command personnel, there are experiences that I would like to outline here today.

Mr. Speaker, as we heard from the agents at the Alcohol, Tobacco and Firearms onsite location right outside the World Trade Center was the description of this explosion as being the largest of its kind in the history of America in terms of damage and impact. Let me first of all extend my heartfelt sympathy to all of the agents in ATF and the families of those individuals who were killed in the line of duty down in Waco, TX. We heard this description of the explosion as being the largest of its kind in the history of America in terms of damage and im-

pact, and yet I would say that because it happened in America, and in a complex that during the day houses almost 100,000 people, the loss of life was kept to a minimum, and it was kept to a minimum because of our building code standards, because of our construction design features, and because of the security control measures that were in fact in place at the World Trade Center.

I want to also add my praise to the New York City Fire Department and emergency medical services as well as the New York City Police because they did a fantastic job in responding to and controlling what could have become an absolutely overwhelming disaster. Keeping the loss of life down to, at this point in time, five individuals is nothing short of a miracle, and that was certainly because of the skill, and the training, and coordination of all of the emergency responders as well as the cooperation of the Port Authority and the personnel involved with Port Authority security and control of the operation of the World Trade Center itself.

While we praise the New York City Fire Department for its success, there were problems, and those problems were some of the focus that we hit upon yesterday with the officials of the New York City Department and Carlos Rivera.

The fire itself was not a problem in the World Trade Center. As a matter of fact, the fire chief and command officers on the scene told us that in fact it was a oneline fire, they were able to extinguish and control the fire with only one hose line, and the massive amount of equipment and apparatus and personnel were not called there to fight the fire, but rather to deal with the aftermath of the explosion. The fire itself was basically contained and confined to the vehicles that were in the actual garage, the tires, the gasoline tanks, and the automobiles. The fire did not in fact extend into the hotel, nor into the World Trade Center.

However, what was a major problem was the communications system, and in fact, either ironically or deliberately, and I think we will find this out after the ATF and the FBI fully investigate this explosion and this incident, evidently the vehicle or the actual source of the explosion was strategically right next to the heart and soul of this huge World Trade Center complex located at the B–2 level, several floors below ground, below grade. The force of the explosion knocked out the entire command and control center for all of the buildings in the World Trade Center complex, not just World Trade Center I and II, but also the other mid- and low-level buildings that housed the Customs Service and some of the other operations that are in World Trade Center buildings. All of the entire operation in terms of electric, water supply, control of the elevators, fire alarm systems, detectors, sprinklers, as well as the heating, ventilating, and air-conditioning system were all immediately shut down by the force of this explosion.

Now that does not sound like much, but when you are talking about a complex that had up to 100,000 people in it, and the fact that you immediately cut off the power for 260 separate elevators with no idea where in fact these elevators were located in a 100-story series of 2 complexes, it begins to bring to mind the size of the problem that the New York City emergency responders had when they arrived on the scene of the World Trade Center complex. And added to this frustration of all of the electricity being out was the total lack of a viable communications system within the complex. The fire department was not able to communicate with any of the floors because not only was there no power, but in addition there was no portable type of communications system that could be put into place immediately.

□ 1710

While there were literally thousands of people on these upper floors of this complex, there was no way to get to them to reassure them that, in fact, things were OK. As a matter of fact, one of the second problems that came about because of this disaster was with all the communications being knocked out, the people on the upper floors, the inhabitants of the complex, really were not sure whether or not they were safe.

And because the bulk of the TV stations in New York City have their transmitting antenna towers on top of the World Trade Center, all but one of these TV stations was, in fact, knocked out of service. What occurred during the early hours of this disaster was one of the local TV stations in New York City transmitting information to inhabitants of the World Trade Center, those trapped on the upper floors, telling them to knock out windows, which was very, very much against what the recommendation was of the New York City Fire Department and which, in fact, caused serious problems for those people on the ground as the panes of glass, up to ½-inch thick, fell out and onto the street below and, in fact, cut people and caused severe lacerations.

There have been articles in the media, one of which I would like to insert in the RECORD, that outline what is, in fact, in my opinion, irresponsible reporting on the part of a television station during the height of a emergency in terms of giving out the wrong information, and that was a problem in this case.

Commissioner Rivera spoke of that problem publicly, and I would hope that that is something that we would look at in any highrise building disaster of this type in the future in terms of making recommendations for operational efficiency in the future.

A third problem, and perhaps one that was most pronounced through the local TV stations, was that of the inability to control the smoke. I mentioned that the fire was, in fact, not the problem, that it was contained and controlled fairly quickly. But because the elevator shafts in the World Trade Center traverse through the entire complex 100 stories high and because the 3 stair towers are directly adjacent to those elevator shafts, the explosion blew out holes into the lobby of the World Trade Center I and allowed the smoke and the heat to actually be siphoned up through the elevator shafts and their stair towers very quickly acting almost as a chimney flue. This caused severe problems for those people who were trying to exit World Trade Center I, and, in fact, as many of us saw on the nightly news that evening, there were scores of people coming out of the lobby area of the World Trade Center with soot on their faces and in a state of hysteria because they had to come down through these stair towers and, in fact, were greeted with this heavy smoke and this hot gas caused by this explosion in the parking level below the Vista Hotel and below the World Trade Center complex. Smoke control is an absolutely overwhelming problem in any highrise complex, and there are lessons to be learned in this situation in terms of future highrise incidents.

Most highrise buildings are required by code today in most of our cities to have positive pressure so that the stair towers themselves are pressurized to keep smoke and heat out of that area where the inhabitants are expected to be able to exit the building. I do not necessarily think that would have helped in this case even if it had been in place, because the explosion caused the walls of the stair tower below grade to be breached, and even if there had been positive pressure there, I do not think the smoke would have, in fact, been kept out of those stair towers. However, that is a concern that has to be addressed in all highrise disasters.

A fourth problem is the fact that, and we have alluded to this many times in this body, that all governmental buildings in this country are exempted from local building codes. As you all know, we exempt governmental installations from OSHA regulations and, in fact, building codes in local cities are not enforceable with governmental buildings, because we have exempted them from those provisions. In my opinion, this is wrong. It is an issue that we have to look at in this Congress.

If a city fire department official and a building code inspector decide they want to have a certain set of regulations in place to control the construction and the fire protection and life

safety requirements of a complex, then it is my opinion that all buildings within that jurisdiction should be made to comply with the same standards. I think it is a crazy situation when we have a dual standard. In effect, what we say is that the lives in a public building are perhaps not going to be covered with the same standards that those lives are covered in a private building. That is an egregious wrong that we have to deal with at this level of government and something that I hope we can address in this session of Congress.

The last problem that occurred in the New York City World Trade Center disaster, as told to me by the New York City fire officials, was that of a lack of a strategic and coordinated command center. I find it hard to believe that New York City, which in this case actually struck a full 5 alarms, and to give you some idea of the numbers that would be involved in a 5-alarm situation of this type, we are talking about 63 engines, 48 ladder trucks, 5 rescue vehicles, and almost 1,000 firefighters from all over the city. Despite that huge contingent of emergency response people along with hundreds of rescue personnel, emergency medical personnel, there was, in fact, no mobile command center to coordinate the communication among all of these agencies. That is absolutely an issue that needs to be addressed, and it is an issue that caused problems for the emergency response effort and the coordination of that effort in this particular situation.

Those are some issues that were addressed to me by the leaders, and I have made some proposals that I would like to outline to the House this evening and would ask my colleagues to consider supporting me both legislatively and administratively on the requests that I have put forward.

First of all, let me get back to the whole issue of disasters in America. This Congress and this particular body and the other body have been very critical in the way the Federal Emergency Management Agency oversees disasters in America. There was a great deal of criticism following Hurricane Hugo; there was criticism following the Loma Prieta earthquake and following Hurricane Andrew, saying that FEMA just did not have its act together, that it was more of a fallout-shelter agency designed for civil defense response and not for emergency response in terms of natural and manmade disasters. Part of that criticism, I have said publicly, is justified.

FEMA needs to be reorganized, but part of the problem also lies in the fact that we in the Congress have put 20 separate committees in oversight responsibility with FEMA. So FEMA is pulled in 20 different directions by the committees and subcommittees of this institution and the other body, attempting to provide direction and leadership in terms of how to respond and plan for disasters in America. We need to step back and, instead of criticizing FEMA and saying that perhaps the military should be brought in earlier, regardless of what the disaster is in this country, this country needs to sit back, bring in the experts who respond to disasters like the World Trade Center, like the hurricanes, the tornadoes, the large fires and conflagrations, we need to bring them in, get testimony from them, and then come out with a report to the administration and the Congress as to how we can streamline emergency planning preparation and response in this country. That is absolutely the first step and the most vital step we should be taking on behalf of the American people.

Now, how do we accomplish that? Well, we could try it legislatively. In fact, in the last session of Congress, my colleague, the gentleman from New Jersey [Mr. ANDREWS], and I introduced legislation to create a Select Committee on Disaster Preparedness and Response, but with our efforts in this body to cut back on overhead and administrative expense, which I happen to support, the idea of another select committee, even one that has sunset provisions, is not going to go anywhere.

So what we have done now, instead of requesting a select committee to look at these issues, is we have written to President Clinton and asked the President to designate a Presidential task force that, in fact, within 1 year would look at and then make recommendations on how we can better respond to disasters, preplanning and response, all across this country; perhaps tell us whether or not FEMA should be kept in its current state, should be reorganized, placed in some different Federal department or agency, or perhaps give more of the responsibility to the military. But there has to be a clear pattern, a logical pattern set up to allow this process to move forward.

Most importantly, the emergency response community needs to be a part of that process. Coming up with a new, revised emergency planning and response effort in this country is no good if we do not involve the International Association of Firefighters who represent the paid firefighters in our cities, the National Volunteer Fire Council that represents 85 percent of the 1.5 million men and women who service our 50 States, the International Association of Fire Service Instructors that trains these people, the National Fire Protection Association, the Ambulance Association, and all of those organizations, the Chiefs' Association, and all of those other organizations that are involved in life safety in this country.

Mr. Speaker, in fact, there are almost 60 national associations who, day in and day out, are involved in planning for disasters that occur every day in this country. From the single-family-house fire to the World Trade Center explosion, these emergency responders have as the basis of their mission the need to plan and prepare for what they know will eventually happen and that is a disaster.

□ 1720

We have not been as supportive as we should be at the Federal and State levels and the local level of government. What I am proposing is that President Clinton should really set the tone here in this country and convene a bipartisan multifaceted task force that will look at this issue once and for all, bringing in all of the insight of these various parties so that we can finally deal with the correct way to plan for and respond to natural and manmade disasters all across the country.

I would hope that my colleagues would support me in this request of the new administration. I am pleased that Vice President AL GORE for the last 3 years has been one of my cochairs of the fire and emergency services caucus. So I know the Vice President's ear is with us on this issue.

My reports coming in from Arkansas, from the emergency response community, is that President Clinton likewise wants to be responsive to the needs of the emergency responders in this country, the people that I call our domestic defenders.

We owe that type of support and response to these people.

I would ask, through your office, Mr. Speaker, and through this body that we plead with the President to convene this panel sometime during this session of Congress.

A second recommendation that I bring back to my colleagues deals specifically with New York and with the high-rise problem.

Some would think that perhaps New York is the only city in America where we have a high-rise exposure, whether there in fact is the potential for the kind of thing that we saw at the World Trade Center or other major losses of life from a high-rise incident. But in fact if we look at the record, that is not the case. As a matter of fact, just in the last several weeks we had a loss of life of an individual in another high-rise fire, I believe it was in White Plains, NY. A year or so ago we lost three firefighters in a high-rise fire in Philadelphia. We have had similar instances of loss of life in Los Angeles. We had the terrible fire in Las Vegas, where there was a multiple loss of life of ordinary citizens because of a high-rise disaster.

We know these situations will occur again. Yet, what I found in talking to the experts on high-rise buildings in New York, and most specifically here I am talking about Chief Gene Dockter, perhaps New York's greatest expert on high-rise buildings, we really need to

sit back and establish a coordinated plan looking at the lessons that can be learned from the World Trade Center, that we can take across the country and provide to every city in America with high-rise buildings, so that we do not have the loss of life in future instances that we know are going to occur.

As a matter of fact, Gene Dockter was one of the individuals who gave me some of the ideas regarding the need of a state-of-the-art communication in high-rise buildings, using a coaxial cable system, a technology that could be installed for a cost of between $8,000 and $10,000 per high-rise building in every building in America that would give the emergency response personnel instant access to every floor of the high-rise building regardless of what happened at the command center.

That communication system could be activated immediately.

That is something that we need to be talking about to every city that has this kind of exposure.

So, what I am proposing today and what I am asking my colleagues, especially from New York and across the country, to join me on is a request to the Federal Emergency Management Agency, the U.S. Fire Administration, to fund a grant through the U.S. Fire Administration and FEMA, using discretionary grants to the New York City Fire Department and the State fire marshal's office, headed up by Frank McGarry, that would allow New York, under the leadership of Chief Gene Dockter, to come up with a national high-rise response model, a model in terms of the problems of command and control, communication, smoke control, dealing with the media, dealing with the situation where command centers are knocked out, so that this model, in the form of a manual, could be provided to every city in the country with high-rise buildings.

I do not expect the cost of this to be excessive. I think it is within the current budgetary limitations of FEMA, and I would hope my colleagues would join me in this effort so that perhaps we could use New York as the example of how we could in fact deal with some of the concerns raised by the New York fire officials as a result of the World Trade Center explosion and disaster this past weekend.

This recommendation needs to be looked at immediately. I will be circulating a Dear Colleague letter to Members of the House, asking them to sign on, and will be in touch with FEMA this week, as early as tomorrow, discussing the details with them as to how we could put this kind of initiative through. I think it is very important that we send a signal now that the focus of the American people is centered on the World Trade Center, that we want to provide the ultimate safety factor for them, whether they work or visit a high-rise building in America.

New York City alone has 800 high-rise buildings, where hundreds of thousands and millions of people everyday work, earn their living, visit various operations.

We need to make sure that these people are properly protected.

So I would bring this suggestion to my colleagues and ask them to support me in this effort. Mr. Speaker, it was very inspirational to me to see the New York City emergency response people at their finest over this past weekend. we sometimes in this country take for granted those men and women who, day in and day out, deal with the terrible tragedies that we have. We take for granted the life-threatening situations that they expose themselves to. We only pay attention for 1 or 2 days following a disaster, when it make the nightly news or when "Nightline" focuses on it. And we then lose interest until the next disaster occurs.

What we are trying to do, through our caucus, is to make this an ongoing, everyday issue, to let these men and women know that we are going to give them the best equipment, the best technology and the best support that they need to respond to life safety concerns that we all have in our cities, our towns across America.

It is the least we can do for them. After all, many of these people in our suburban and rural areas are volunteers, they are not paid for their services, while in most of our cities they are in fact paid people who perform these services. but we need to make sure that we give them the tools. If we were to compare the support that we give to our military, to the support we give to our domestic defenders, there really is no comparison. Our military were so successful in Desert Storm and Somalia because we gave the best training, the best equipment, the best state-of-the-art technology that money can buy.

I support that effort as a member of the Committee on Armed Services. I am also saying that we owe that same level of responsibility to the 1.5 million men and women who serve us domestically, for all the disasters we have in this country.

In the past we have not been supportive of their effort at all levels of government as aggressively as we should be.

We need to look at ways to give them better access to public buildings, make our buildings comply with standard regulations; we ought to give them better protection systems in the form of sprinklers as we did in the last two sessions by passing sprinkler bills; we need to give them better support for arson investigation to reduce the threat that arson poses all across the country.

We have to give them the tools and the resources to protect the lives and property of the American people. It is absolutely outrageous that America, with its record of industrialization, has the worst loss-of-life record of any country in the world: 6,000 people each year die in fires and disasters. On an average, 120 emergency respondents are also killed in the line of duty.

The two suggestions that I have brought to this body tonight and will be taking to my colleagues this week in the House and in the other body also this week are that we need to get this administration, the President, to focus on this issue, not just now while it is in the news, but so that a year from now we are ready to put into place a new emergency response network, a follow-on to FEMA, perhaps a revision of FEMA, perhaps a new agency. I do not know what that final agency structure will look like.

I do know that there are glaring problems that we have to address. We have to address them in a logical manner.

I would also say in that process again that we in the Congress have to remove the excessive committee oversight of the new emergency response agency, whatever it might be. It is just unwieldy to have 20 separate committees of this body and the other body oversee disaster preparedness and response in America. That is one of the reasons why FEMA has a clear lack of direction, because it is being pulled in all different directions.

Added to that the special one-shot study of high-rise buildings and the specific problems they pose and how we can deal with those problems I think will allow us to deal with the disasters that we know are going to occur in this country.

So I am here to ask my colleagues to support these measures. Once again, I pay my respects, I know on behalf of all my colleagues, to all those brave New York men and women who have done such a great job and who are on the scene tonight searching through the rubble trying to find the cause and the origin of this just unbelievable disaster in the heart of our largest city.

□ 1730

Mr. Speaker, at this point I include for the RECORD the article that I referred to:

[From Newsday, Mar. 1, 1993]

'IRRESPONSIBLE' WORDS—REPORTER, UNION CHIEF HIT

(By William Murphy)

A local television station and a fire union official made "irresponsible" comments about fire safety during the World Trade Center tragedy, Fire Commissioner Carlos Rivera has charged.

Rivera directed his criticism at WCBS-TV, its reporter Marcia Kramer and Richard Brower, president of the Uniformed Fire Officers Association.

Brower appeared on station broadcasts several times Friday after the Trade Center explosion. He said the Fire Department might not be able to respond to every fire that day

because 40 percent of its equipment citywide had been sent to the scene of the disaster.

He also said the Fire Department was not responding to some street alarm boxes and urged people to call 911 or their borough fire dispatchers in an emergency.

Kramer said on the 11 p.m. news broadcast Friday that "it's probably better to call 911 or your local borough fire dispatcher to report fires tonight."

The broadcast then cut to a live/remote interview between Kramer in the studio and Rivera at the Trade Center.

"What I'm really here for is to really refute the statements you have made this afternoon," Rivera said. "I thought that those statements were irresponsible. They certainly were incorrect in respect to the fire coverage.

"At all times we had at least 50 percent availability," of firefighting equipment, Rivera said. "So I don't understand what people are saying, yourself and so-called union officials . . ."

Kramer then interrupted to say she was just trying to tell the public the best way to get in touch with the Fire Department in case of an emergency.

"It sounded to me like it was like scare tactics. It was just an alarmist viewpoint and . . . a disservice to the people of the City of New York," Rivera replied. He reiterated his criticism Saturday in an interview with New York Newsday.

A spokesman for WCBS said yesterday that the station stood by its report and noted that Kramer and other WCBS reporters had praised firefighters for the job they had done during the disaster.

"We thought it was fair reporting and we gave him [Rivera] an opportunity to comment," said Martin Blair, station spokesman.

Brower said he only wanted to point out that "no city could handle this kind of response and still have enough equipment to cover the city."

But a department spokesman, Harry Ryttenberg, said yesterday that the department called in firefighters on overtime, activated reserve equipment and responded to every alarm at the height of the Trade Center effort.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. MCDADE (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

Mr. EVANS (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. CALLAHAN (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, today.

Mr. DIAZ-BALART, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes each day on March 30 and 31 and April 1, 14, 20, 21, and 22.

Mr. SOLOMON, for 60 minutes, on March 3.

The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today and on March 3 and 4.

Mr. GLICKMAN, for 5 minutes, on March 3.

Mrs. COLLINS of Illinois, for 5 minutes, each day, on March 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 5 minutes each day, on March 9, 16, 23, and 30.

Mr. UNDERWOOD, for 5 minutes on March 5.

Mr. BONIOR, for 60 minutes each day on March 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31, and April 1, 14, 15, 20, 21, 22, 27, 28, and 29.

Mr. CONYERS, for 60 minutes, today.

Mr. POSHARD, for 60 minutes each day, on March 2, 3, and 4.

Mr. SKELTON, for 60 minutes, on March 11.

Mr. OWENS, for 60 minutes each day, on March 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 23, 24, 25, 26, 29, 30, and 31.

Mr. LIPINSKI, for 60 minutes each day, on March 4, 11, 18, and 25.

The following Members (at the request of Mr. BURTON) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes, on March 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous material:)

Mr. OXLEY.
Mr. GILMAN.
Mr. SOLOMON, in two instances.
Mr. HYDE.
Mr. COX.
Mr. ROTH.

The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. MILLER of California.
Ms. HARMAN.
Mr. MINETA.
Mr. CLAY.
Mr. VENTO.
Mr. NEAL of Massachusetts in two instances.
Mr. MONTGOMERY.
Mr. STARK in two instances.
Mr. BRYANT.
Mr. WILLIAMS.
Mr. WISE.

ADJOURNMENT

Mr. WELDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 3, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

816. A letter from the Secretary, Housing and Urban Development, transmitting the Department's seismic safety property standards report, pursuant to Public Law 101-625, section 947(d) (1), (2) (104 Stat. 4417); to the Committee on Banking, Finance and Urban Affairs.

817. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's report on comparability of pay and benefits, pursuant to Public Law 101-73, section 1206, (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

818. A letter from the President, Thrift Depositor Protection Oversight Board, transmitting the Board's report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act, as amended; to the Committee on Banking, Finance and Urban Affairs.

819. A letter from the Acting Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

820. A letter from the Acting Director of Public Affairs and Press Secretary, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

821. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

822. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

823. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

824. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

825. A communication from the President of the United States, transmitting his designation as emergency requirements the extension of emergency unemployment compensation to October 2, 1993, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Government Operations.

826. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a re-

port of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

827. A letter from the Acting Director, United States Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

828. A letter from the Secretary, Department of the Interior, transmitting the 22d annual report of the actual operation during water year 1992 for the reservoirs along the Colorado River; projected plan of operation for water year 1993, pursuant to 43 U.S.C. 1552(b); to the Committee on Natural Resources.

829. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the Commission's report on issues affecting health care delivery in the United States, pursuant to Public Law 101-508, section 4002(g)(1)(B) (104 Stat. 1388-36); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H.R. 490. A bill to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center (Rept. 103-23). Referred jointly, to the Committees on the District of Columbia, Government Operations, and Public Works and Transportation.

Mr. DERRICK: Committee on Rules. House Resolution 106. Resolution providing for the consideration of the bill (H.R. 20) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes (Rept. 103-24). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS (for himself and Mr. SHAYS):

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BRYANT (for himself and Mr. PORTER, Mr. OLVER, Mr. PETE GEREN, Mr. TORRES, Mr. RAVENEL, Mr. BLACKWELL, Mr. PAYNE of New Jersey, Mr. NADLER, Mr. COLEMAN, Mr. CONYERS, Mr. HAMBURG, Mr. CARDIN, Mr. MACHTLEY, Mr. STARK, Mr. POSHARD, Mr. BERMAN, Mr. FILNER, Mr. DELLUMS, Mr. MORAN, Mr. WALSH, Ms. NORTON, Mr. BEILENSON, Mr. WAXMAN, Mrs. KENNELLY, Mr. HENRY, Mr. ANDREWS of Texas, Mr. FROST, and Ms. MALONEY):

H.R. 1164. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; jointly, to the Committees on Natural Resources, Agriculture, Merchant Marine and Fisheries, and Armed Services.

By Mr. COYNE:

H.R. 1165. A bill to provide that the 10-percent additional tax on early distributions from qualified retirement plans shall not apply to distribution from certain plans; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 1166. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle-income taxpayers by increasing the personal exemption amount and to provide additional revenues by increasing the taxes paid by high-income individuals and corporations; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 1167. A bill to amend the Higher Education Act of 1965 to prevent an institution from participating in the Pell Grant Program if the institution is ineligible for participation in the Federal Stafford Loan Program because of high default rates; to the Committee on Education and Labor.

H.R. 1168. A bill to amend the Higher Education Act of 1965 to prevent the awarding of Pell Grants to prisoners; to the Committee on Education and Labor.

By Mr. GOSS:

H.R. 1169. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to prevent Members from using the franking privilege to send congressional newsletters; to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOLBE:

H.R. 1170. A bill to extend until June 1, 1996, the authority of the President to enter into certain trade agreements and to apply congressional "fast track" procedures to bills implementing such agreements; jointly, to the Committees on Ways and Means and Rules.

By Mr. LIPINSKI (for himself, Mr. BURTON of Indiana, and Mr. TOWNS):

H.R. 1171. A bill to allow holders of unclaimed Postal Savings System certificates of deposit to file claims for such certificates; to the Committee on Post Office and Civil Service.

By Mr. MCDERMOTT (for himself, Mr. MATSUI, Mr. MINETA, Mrs. MINK, Mr. WASHINGTON, Mr. CLAY, Mr. BERMAN, Mr. EDWARDS of California, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. PELOSI, Ms. NORTON, Mr. STARK, Mr. COLEMAN, Mr. DELLUMS, Mr. FROST, Mr. HOAGLAND, Mr. MORAN, Mr. FAZIO, Mr. MCCLOSKEY, Mr. SKAGGS, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. SANDERS, Mr. PENNY, Mr. PRICE of North Carolina, Mr. ANDREWS of Maine, Mr. KOPETSKI, Mr. WALSH, Mr. RANGEL, Mr. WATT, Mr. DICKS, Mr. HAMBURG, Ms. WOOLSEY, Mr. BRYANT, Ms. WATERS, Mr. KREIDLER, Mr. LEHMAN, Mr. SWIFT, Mr. SCHUMER, Mr. BLACKWELL, Mrs. MORELLA, Mr. DE LUGO, Mr. FILNER, Mr. BONIOR, Mr. DEFAZIO, Mr. STOKES, Mr. HINCHEY, Mr. NEAL of Massachusetts, Ms. SLAUGHTER, Mrs. MALONEY, Mrs. COLLINS of Illinois, Mrs. UNSOELD, Mr. TOWNS, Mr. YATES, Ms. ROYBAL-ALLARD, Mrs. MEEK, Mr. JOHNSTON of Florida, Miss COLLINS of Michigan, Mr. ACKERMAN, Mr. REYNOLDS, Mr. BECERRA, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. KLEIN, Mr. WYDEN, Mr. FOGLIETTA, Mr. WYNN, Mr. NADLER, Ms. E.B. JOHNSON, and Mr. DIXON):

H.R. 1172. A bill to amend the Civil Rights Act of 1991 with respect to the application of such act; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MILLER of California (for himself, Mr. FORD of Michigan, Mr. BERMAN, and Mr. COLEMAN):

H.R. 1173. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to make such act applicable to all agricultural workers and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 1174. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.R. 1175. A bill to amend the Public Health Service Act to establish authorities and protections regarding the transplantation of human fetal tissue; to the Committee on Energy and Commerce.

By Mr. POMEROY:

H.R. 1176. A bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oregon:

H.R. 1177. A bill to authorize the Secretary of the Interior to charge entrance or admission fees at the National Historic Oregon Trail Interpretive Center at Flagstaff Hill in Baker City, OR; to the Committee on Natural Resources.

By Mr. STENHOLM (for himself, Mr. ALLARD, Mr. ANDREWS of Maine, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BEREUTER, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BREWSTER, Mr. BROWDER, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CAMP, Mr. CHAPMAN, Mr. COLEMAN, Mr. COMBEST, Mr. CONDIT, Mr. COSTELLO, Mr. CRAMER, Mr. DOOLEY, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. EWING, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GIBBONS, Mr. GLICKMAN, Mr. GOODLING, Mr. GORDON, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS, Mr. HEFNER, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. KOLBE, Mr. KOPETSKI, Mr. KYL, Mr. LANCASTER, Mr. LEHMAN, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Ms. LONG, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PENNY, Mr. PICKETT, Mr. POMEROY, Mr. ROTH, Mr. ROWLAND, Mr. ROYCE, Mr. SARPALIUS, Mr. SEN-

SENBRENNER, Mr. SHAW, Mr. SHAYS, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. SNOWE, Mr. STUMP, Mr. SWIFT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALSH, Mr. WILSON, Mr. WYNN, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 1178. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow licensed veterinarians to order the extra-label use of drugs in animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT:

H.R. 1179. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1994; to the Committee on House Administration.

By Mr. WASHINGTON:

H.R. 1180. A bill to amend title II of the Social Security Act to authorize State and local governments to use Social Security account numbers for jury selection purposes; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. SMITH or Oregon, Mrs. SCHROEDER, and Mr. LAROCCO):

H.R. 1181. A bill to increase the Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Natural Resources.

By Mr. WISE (for himself, Mr. BORSKI, Mr. ABERCROMBIE, Mr. BARCIA, Ms. DANNER, Mr. MANN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. HINCHEY, Mrs. BYRNE, Mr. SUNDQUIST, Mrs. MINK, Mr. PETERSON of Minnesota, Mr. BLUTE, Mr. FILNER, Mr. HUGHES, Mr. CLINGER, and Mr. LANCASTER):

H.R. 1182. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between general funds, trust funds, and enterprise funds, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Public Works and Transportation.

By Mr. DOOLITTLE:

H.J. Res. 125. Joint resolution designating May 1993 as "National Community Residential Care Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. NADLER):

H.J. Res. 126. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. KLEIN:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. BURTON of Indiana, Mr. COLLINS of Georgia, Mr. EMERSON, Mr. INGLIS, Mr. LIPINSKI, Mr. MAZZOLI, Mr. PACKARD, Mr. POSHARD, and Mr. WALSH):

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life: to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. STARK, Mr. LAFALCE, Mrs. MINK, Mr. UNDERWOOD, Mr. FILNER, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. GUTIERREZ, and Mr. CLEMENT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that access to basic health care services is a fundamental human right; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FROST:

H. Res. 107. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 108. Resolution requiring Members of the House of Representatives to pay $600 from the official expenses allowance for each instance of extraneous matter printed in that portion of the CONGRESSIONAL RECORD entitled "Extensions of Remarks"; to the Committee on House Administration.

By Mr. KING (for himself and Mr. LEVY):

H. Res. 109. Resolution to establish a Select Committee on POW and MIA Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 1183. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Natural Resources.

By Mr. EDWARDS of Texas:

H.R. 1184. A bill for the relief of Jung Ja Golden; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. KING.

H.R. 104: Mr. SAM JOHNSON.

H.R. 109: Ms. SLAUGHTER, Mr. BLACKWELL, Mr. VALENTINE, Mr. HUGHES, Mrs. BYRNE, and Mr. FROST.

H.R. 146: Mr. LEWIS of Florida and Mr. SENSENBRENNER.

H.R. 159: Mr. LEVY.

H.R. 170: Mr. GINGRICH and Mr. DOOLITTLE.

H.R. 212: Mr. STEARNS.

H.R. 256: Mr. VALENTINE.

H.R. 340: Mr. BROWN of California, Mr. HENRY, Mrs. SCHROEDER, Mrs. MEYERS of Kansas, Mr. SANGMEISTER, Mr. ACKERMAN, Mr. GREENWOOD, Mr. ALLARD, Mr. WALSH, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. ZELIFF, Mr. SKEEN, Mr. WHEAT, Ms. MOLINARI, Mr. KOLBE, and Mr. BARTLETT.

H.R. 348: Mr. DEUTSCH, Mr. YOUNG of Florida, Mr. EVERETT, Mr. LEACH, Mr. NEAL of Massachusetts, Mr. STUDDS, Mr. ROSE, and Mr. KLECZKA.

H.R. 349: Mr. FRANK of Massachusetts.

H.R. 356: Mr. EMERSON and Mr. JEFFERSON.

H.R. 357: Mr. LIGHTFOOT, Mr. MCHUGH, and Mr. EMERSON.

H.R. 388: Mr. LEVY and Mr. KNOLLENBERG.

H.R. 406: Ms. NORTON and Mrs. MEEK.

H.R. 425: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, and Mr. WYNN.

H.R. 426: Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. HANSEN, Mr. KING, Mr. MAZZOLI, Mrs. MORELLA, Mr. OXLEY, and Mr. BATEMAN.

H.R. 427: Mr. ANDREWS of New Jersey, Mr. BILIRAKIS, Ms. ESHOO, Mr. FILNER, Mr. GENE GREEN, Mr. GUTIERREZ, Mr. HASTINGS, Mr. INGLIS, Ms. E.B. JOHNSON, Mrs. LLOYD, Mr. MCCANDLESS, Mrs. MEEK, Ms. MOLINARI, Mr. MOLLOHAN, Mr. PASTOR, Mr. SCOTT, Mr. STUPAK, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, and Mr. WYNN.

H.R. 479: Mr. BLACKWELL, Mr. FRANK of Massachusetts, Mr. DORNAN, Mr. COLEMAN, Mr. SANDERS, and Mr. LANCASTER.

H.R. 490: Ms. DELAURO, Ms. DUNN, Ms. CANTWELL, and Mr. WYNN.

H.R. 493: Mr. CLINGER and Mr. LEVY.

H.R. 509: Mr. FIELDS of Texas and Mr. DREIER.

H.R. 513: Mr. PACKARD, Mr. MILLER of Florida, Mr. SMITH of Texas, Mr. MAZZOLI, Mr. STENHOLM, Mr. BONILLA, Mr. CLINGER, and Mr. LINDER.

H.R. 526: Mr. FILNER and Mr. WYNN.

H.R. 535: Mr. NEAL of Massachusetts, Mr. GINGRICH, Mr. TRAFICANT, Mrs. MEEK, Mrs. FOWLER, Mr. BACCHUS of Florida, Mr. BROWDER, Mr. ROWLAND, Mr. HEFNER, Mr. CRAMER, Mr. VOLKMER, Mrs. THURMAN, Mr. GIBBONS, Mr. MORAN, Mr. MCCURDY, Mr. FROST, Mr. ABERCROMBIE, Mr. YOUNG of Florida, and Mr. GILCHREST.

H.R. 544: Mr. JOHNSTON of Florida, Mr. NADLER, and Mrs. MEEK.

H.R. 546: Mr. INSLEE, Mr. FILNER, Ms. CANTWELL, and Mr. HUTCHINSON.

H.R. 554: Ms. DUNN.

H.R. 558: Mr. LIPINSKI, Mr. KOPETSKI, Mr. TORKILDSEN, Mr. DEUTSCH, Mr. BACCHUS of Florida, Mr. LANCASTER, Mr. KING, Mr. FILNER, Mr. PICKETT, Mr. LEWIS of California, and Mr. PARKER.

H.R. 569: Mr. CLAY and Mr. BLACKWELL.

H.R. 635: Mr. BILIRAKIS.

H.R. 649: Mr. MAZZOLI and Mrs. MALONEY.

H.R. 667: Mr. LIVINGSTON.

H.R. 725: Mr. WALSH.

H.R. 726: Mr. GILMAN.

H.R. 727: Mr. BLACKWELL, Mrs. BYRNE, Mr. GUTIERREZ, Mr. HILLIARD, Mr. KILDEE, Mr. KOPETSKI, Mrs. MALONEY, Mr. MORAN, Ms. NORTON, Ms. PELOSI, Mr. RAHALL, Mr. REED, Mr. WATT, and Ms. WOOLSEY.

H.R. 760: Mr. CLEMENT.

H.R. 762: Mr. KYL and Mr. JEFFERSON.

H.R. 772: Mr. KOPETSKI, Mr. TORKILDSEN, Mr. GUNDERSON, Mr. ZIMMER, Mr. GALLEGLY, Mr. SHAYS, Mr. FAWELL, and Mr. RAHALL.

H.R. 776: Mr. MACHTLEY, Mr. KOLBE, Mr. HAYES of Louisiana, Mr. PACKARD, Mrs. MEEK, and Mr. LEVY.

H.R. 784: Mr. OBERSTAR, Mr. SCHUMER, Mr. FAWELL, Mr. NEAL of North Carolina, and Mr. KOLBE.

H.R. 786: Mr. SCHAEFER.

H.R. 790: Ms. SLAUGHTER and Mr. POSHARD.

H.R. 799: Mr. DICKEY.

H.R. 827: Mr. CRAMER, Mr. REED, Mr. BACCHUS of Florida, Mr. MACHTLEY, Mr. SHAYS, Mr. HINCHEY, Mr. SABO, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. LIGHTFOOT, Mr. BROWN of Ohio, Mr. REYNOLDS, Mr. MCHUGH, Mr. HANCOCK, Mr. SARPALIUS, Mr. PETERSON of Minnesota, Mr. HUGHES, Mr. RAVENEL, and Mr. CLINGER.

H.R. 831: Mr. GILCHREST and Mr. BONILLA.

H.R. 863: Mr. THOMAS of Wyoming, Mr. ARMEY, Mr. PACKARD, Mr. KLUG, Mr. FAWELL, and Mr. INGLIS.

H.R. 875: Mr. BAKER of Louisiana.

H.R. 894: Mr. NEAL of North Carolina.

H.R. 899: Mr. HANCOCK, Mr. CLYBURN, Mr. INGLIS, Mr. HOBSON, Mr. CUNNINGHAM, Mr. OXLEY, Mr. GREENWOOD, Mr. KOLBE, Mr. BOEHNER, Mr. DORNAN, Mr. KLECZKA, Ms. SNOWE, Ms. MOLINARI, Mr. RAMSTAD, Mr. SANTORUM, Mr. ARMEY, Mr. BALLENGER, Mr.

PETE GEREN, Mr. KOPETSKI, Mr. DELAY, Mr. CAMP, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. GINGRICH, Mr. GUNDERSON, Mr. EWING, Mr. RIDGE, Mr. GRAMS, Mr. BAKER of California, Mr. FRANKS of Connecticut, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. ALLARD, Mr. GILCHREST, Mr. ZIMMER, Mr. BLUTE, Mr. BARRETT of Wisconsin, Mr. UPTON, Mr. SAXTON, Mr. BURTON of Indiana, Mrs. MORELLA, Mr. FAWELL, and Mr. BARRETT of Nebraska.

H.R. 901: Mr. GILCHREST, Mr. LIVINGSTON, Mr. FAWELL, Mr. COX, Mr. PACKARD, Mr. DOOLITTLE, Mr. BONILLA, Mr. SMITH of Texas, and Mr. BAKER of California.

H.R. 916: Mrs. COLLINS of Illinois and Mr. SANDERS.

H.R. 924: Mr. BACCHUS of Florida, Mr. FAWELL, Mrs. CLAYTON, Mr. VALENTINE, and Mr. MCMILLAN.

H.R. 929: Mr. BATEMAN, Mr. DOOLITTLE, Mr. FAWELL, Mr. BARTLETT, Mr. EMERSON, and Mr. SAXTON.

H.R. 947: Mr. GENE GREEN and Mr. STUPAK.

H.R. 960: Mr. BARTON of Texas, Mr. WILLIAMS, Ms. DUNN, and Mr. DOOLEY.

H.R. 966: Mr. FORD of Michigan, Mrs. MORELLA, and Mr. BARCIA.

H.R. 983: Mrs. MEEK.

H.R. 999: Mr. YOUNG of Alaska, Mr. POSHARD, Mr. ARCHER, Mr. TORKILDSEN, Mr. LEWIS of Florida, and Mr. BEILENSON.

H.R. 1007: Mr. FROST.

H.R. 1013: Mr. DEFAZIO, Mrs. LLOYD, and Mr. KOLBE.

H.R. 1026: Mr. SHAYS, Mr. STUPAK, Mr. TORKILDSEN, Mr. BAKER of Louisiana, Ms. DANNER, and Mr. MCHALE.

H.R. 1032: Mr. SPENCE.

H.R. 1048: Mr. SCHUMER, Mr. MURPHY, Mr. SMITH of Texas, Mr. BARRETT of Wisconsin, and Mr. REGULA.

H.R. 1051: Mr. WASHINGTON, Mr. TUCKER, and Mr. WHEAT.

H.R. 1067: Mr. MCCANDLESS, Mr. OXLEY, Mr. HYDE, Mr. DOOLITTLE, and Mr. CUNNINGHAM.

H.R. 1078: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1079: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1080: Mrs. MEYERS of Kansas, Mr. FIELDS of Texas, and Mr. CHAPMAN.

H.R. 1081: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1082: Mrs. MEYERS of Kansas, Mr. FIELDS of Texas, and Mr. CHAPMAN.

H.R. 1083: Mrs. MEYERS of Kansas and Mr. FIELDS of Texas.

H.R. 1090: Mr. LEWIS of Georgia and Ms. MCKINNEY.

H.R. 1121: Mr. BUNNING.

H.R. 1151: Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. BYRNE, Mr. TOWNS, and Mr. SCOTT.

H.J. Res. 10: Mr. PRICE of North Carolina, Mr. PACKARD, Mr. STUMP, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. WYDEN, Mr. MATSUI, Ms. DELAURO, Mr. MURTHA, and Mr. PETERSON of Florida.

H.J. Res. 22: Mr. HANCOCK and Mr. ROGERS.

H.J. Res. 67: Mr. CLINGER and Mr. FAWELL.

H.J. Res. 75: Mr. FALEOMAVAEGA, Mr. FROST, Ms. MCKINNEY, Mr. FILNER, Ms. E.B. JOHNSON, Mr. HUGHES, and Mr. MCDERMOTT.

H.J. Res. 78: Mr. ACKERMAN, Mr. BATEMAN, Mr. BREWSTER, Mr. CARDIN, Mr. DE LUGO, Mr. DOOLITTLE, Mr. DUNCAN, Mr. FIELDS of Texas, Mr. FILNER, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GORDON, Mr. HOUGHTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KLECZKA, Mr. LEWIS of Florida, Mr. MCDADE, Mrs. MEEK, Mr. MINETA, Mr. MOAKLEY, Mr. ROMERO-BARCELÓ, AND Mr. STARK.

H.J. Res. 88: Mr. HUGHES, Mr. FROST, Mr. FILNER, and Mrs. MEEK.

H.J. Res. 94: Mr. PASTOR, Mr. HALL of Texas, Ms. NORTON, Mr. ANDREWS of New Jersey, Mr. TOWNS, Mr. FALEOMAVAEGA, Ms. E.B. JOHNSON, Mr. LEHMAN, Mr. KENNEDY, Mrs. MINK, Mr. GEPHARDT, Mr. COYNE, Mr. NEAL of Massachusetts, Mr. HEFNER, Mr. MCDERMOTT, Mr. HYDE, and Mr. MICHEL.

H. Con. Res. 14: Mr. STOKES, Mr. OWENS, Mr. FAZIO, Mr. DELLUMS, Mr. SHAYS, Mr. COX, Mr. BERMAN, Mr. SCHIFF, Mr. BOEHNER, Ms. NORTON, Mr. TORRES, Mr. SLATTERY, Mr. KLUG, Mr. SAWYER, Mr. MCDERMOTT, Mr. WYDEN, Mr. MONTGOMERY, Mr. FRANK of Massachusetts, Mr. PENNY, Mr. KOPETSKI, Mr. WILLIAMS, Mr. OBERSTAR, Mr. HUTTO, Mr. OLVER, Mr. RAHALL, Mr. KOLBE, Mr. MCCLOSKEY, Mr. BUNNING, Mr. HEFNER, Mr. GALLO, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. WISE.

H. Con. Res. 15: Ms. ESHOO, Mr. LEVIN, Mr. PAYNE of New Jersey, Mr. ENGEL, Ms. MCKINNEY, Mr. FLAKE, and Mr. STUPAK.

H. Con. Res. 18: Mr. INHOFE, Mr. HANCOCK, Mr. GLICKMAN, Mr. BLUTE, and Mr. CLINGER.

H. Con. Res. 19: Mr. HANCOCK.

H. Con. Res. 36: Mr. SCHIFF.

H. Con. Res. 38: Mr. BURTON of Indiana, Mr. DORNAN, Mr. ROHRABACHER, Mr. MCCOLLUM, Mr. KING, Mr. KIM, Mr. MCHUGH, Mr. CALVERT, Mr. KNOLLENBERG, Mr. MCKEON, Mr. BONILLA, Mr. POMBO, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. GRAMS, Mr. HUFFINGTON, Mr. MILLER of Florida, Ms. DUNN, Mr. ISTOOK, Mr. EVERETT, Mr. CRAPO, Mr. BARTLETT, Mr. TORKILDSEN, Mrs. FOWLER, Mr. LAZIO, Mr. HOKE, Mr. BACCHUS of Florida, and Mr. BACHUS of Alabama.

H. Con. Res. 54: Mr. HORN, Mr. KING, Mr. TALENT, Mr. HOEKSTRA, Mr. POMBO, Mr. MCKEON, Mr. KINGSTON, Mr. EVERETT, Mr. GINGRICH, Mr. FAWELL, Mr. EWING, Mr. CANADY, Mr. HUTCHINSON, Mr. KIM, Mr. BAKER of California, Mr. UPTON, Mr. DELAY, Mr. COX, Mr. RAMSTAD, and Mr. BLUTE.

H. Res. 40: Mrs. CLAYTON.

H. Res. 41: Mr. SCOTT.

H. Res. 47: Mr. RAMSTAD, Mr. BARTON of Texas, Mr. BOEHNER, Mr. DIAZ-BALART, Mr. SOLOMON, Mr. SMITH of Texas, Mr. STEARNS, Mr. BURTON of Indiana, Mr. SHAYS, Mr. COLLINS of Georgia, Mr. KIM, Mr. HUTCHINSON, Mr. COBLE, Mr. ZIMMER, Mr. BALLENGER, Mr. HANCOCK, Mr. DOOLITTLE, Mr. BUNNING, Mr. BAKER of California, Mr. HOBSON, Mr. EWING, Mr. WALKER, and Ms. MOLINARI.

H. Res. 53: Mr. MOORHEAD and Mr. SMITH of Oregon.

H. Res. 83: Mr. ZIMMER and Mr. DOOLITTLE.