

## HOUSE OF REPRESENTATIVES—Tuesday, May 4, 1993

The House met at 12 noon.

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

We admit, gracious God, that our spirit of thankfulness and praise often comes slowly, and we are so busy with all that must be accomplished. We confess that we turn to spiritual matters when we face the difficulties and uncertainties of life and then we apply to faith for solace and comfort. Teach us, O loving God, to live lives of gratitude and thanksgiving and praise in all the days of our lives and thus nurture our faith day by day. So we begin this day with thanksgiving for all the wonderful blessings we have been given—for faith and hope and love and for friends and family and colleagues and for Your good spirit that is ever with us. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. KIM led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

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

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

The message also announced that, pursuant to Public Law 102-581, as amended by Public Law 103-13, the Chair, on behalf of the Republican leader, announces the appointment of Mr. DANFORTH and Mr. GORTON as non-voting members and Russell W. Meyer, Jr., of Kansas and Abraham D. Sofaer of Washington, DC, as voting members to the National Commission To Ensure a Strong and Competitive Airline Industry.

### APPOINTMENT AS MEMBERS OF THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a) of Public Law 94-118, the Chair appoints to the Japan-United States Friendship Commission the following Members of the House: Mr. WISE of West Virginia; and Mr. PETRI of Wisconsin.

### FOCUS ON THE BTU

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

Mr. MICHEL. Mr. Speaker, while the headlines of the last several weeks have focused on health care because it touches all of us in some way or another, they have ignored another issue that will also have an impact on every single American citizen. This issue is the President's plan to levy a Btu tax.

Not too many people know what this acronym means. It sounds harmless enough. But I am reminded of a meeting a couple of weeks ago with an elderly woman, and she asked, "What is this Btu thing?" I said, "Well, that stands for British thermal unit." She said, "I always thought those British ought to be taxed more than they are."

It sounds, as I said, harmless enough. But let me tell you what it really stands for: big trouble for you. I like to call it the middle-class energy tax that will both kill jobs and hurt consumers.

The National Association of Manufacturers has estimated that this proposal will directly result in the loss of over 600,000 jobs. I thought all of the stimulus talk was on how do we create jobs.

According to J.D. Foster of the Tax Foundation, the Btu tax would cost the typical American family \$471 per year.

When President Clinton called for shared sacrifice, I did not think he meant shared economic suicide. But with this so-called Btu tax, I am starting to wonder.

### THE DEMOCRATS WILL LEAD THE WAY

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

Mr. BARLOW. Mr. Speaker, for an unfortunate number of years now, we have heard a chorus from the Republicans which we should have turned away from sooner: Keep spending in

deficit and times would get better; keep letting the S&L's run wild, free of regulators, ripping off the taxpayers with their thievery; let the junk-bond raiders have their whim with American commerce, throwing hundreds of thousands of people out of jobs. And with this all would get better, so said the Republicans.

Well, it has not gotten better. It has gotten worse. The American people are tired of hearing this Republican litany. We are up to our eyeballs in debt. We have got to get medical costs under control.

The Democrats have been selected to lead the way, and we are going to do it.

### CLINTON'S BEST SELLER

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

Mr. LINDER. Mr. Speaker, the headline of the Washington Post reads, "Clinton's Instant Best Seller: The Tax Bill Text." I guess this tome will be placed in the horror section of the bookstore.

Yes, the Clinton tax plan is a hot time inside the beltway today, but it is the American people who should really be concerned.

Most troubling is this provision which was highlighted by the Post, "Created broad-based tax on energy that the administration says would be borne entirely by consumers."

In case you are wondering, consumers actually include everybody. That means this tax on energy will hit everybody, and it has been estimated, as you have heard, to cost the average family up to \$500 a year, and this is just one provision of the Clinton tax plan.

I am almost afraid to read the rest. This plan may be a best seller, but I suspect that the reviewers will give it two thumbs down.

### JOBS BILL

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

Mr. CLYBURN. Mr. Speaker, I am proud to represent 16 of the 46 counties in my State of South Carolina.

Conversely, I am saddened that four of the seven counties with the worst unemployment rate in my State are in my district.

In Marion County alone, the unemployment rate for the month of March

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

was 11.4 percent—the second highest ranking in the State.

Declining profits in the textile and apparel industries, military cutbacks, and seasonal layoffs have contributed to the rise of unemployment in Marion County and throughout South Carolina.

Mr. Speaker, the people of Marion County deserve better.

They deserve job training programs for dislocated workers.

They deserve apprenticeships that will prepare them for the jobs of tomorrow.

But they deserve some immediate action as well.

Mr. Speaker, we should take immediate action to provide much needed stimuli and employment opportunities to those we have sworn to serve.

The people of this Nation need a jobs bill and they need it now.

#### TO BTU OR NOT TO BTU

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

Mr. BALLENGER. Mr. Speaker, to Btu or not to Btu. That is the question; whether tis nobler in the wallet to suffer the slings and arrows of outrageous tax proposals or to take arms against a sea of troubles, and by opposing to end them?

To heat, to drive; to eat no more, without pernicious penalty, aye, there's the rub. For in that Btu tax, the ability to sleep with the heat in winter, or with the air-conditioning in the summer, will cost an outrageous fortune.

The oppressor is wrong; the proud people must stand in opposition.

To Btu or not to Btu; that indeed is the question; for my worth, I will oppose them; and work to save the American people from that sea of tax troubles.

#### THE NSC STAFF SHOULD LEARN TO READ THE LAW

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

Mr. KOPETSKI. Mr. Speaker, I fear for the safety of the world.

Last year I was a principal House sponsor of a law passed by Congress and signed into law by President George Bush in October to end all underground nuclear weapons testing. The law required the President to send Congress this spring a plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

During his campaign, President Clinton called for a test ban in support of this law. In recent days, something has gone haywire. The greedy, life-threat-

ening, narrowminded weapons laboratories in this country along with their sponsors in the Departments of Energy and Defense recommended to the President that the United States continue to test nuclear bombs indefinitely, although they are willing to hold the test yields below 1 kiloton.

□ 1210

This recommendation would completely ignore the law which halts testing in 1996. It says if the new NSC staff member learned the first lesson of the Iran/Contra scandal: Read the law. President Clinton should reject the recommendation. He should tell his national security staff to pay attention to his campaign promises, the danger of proliferation, and the law of the land.

#### THE INSIDIOUS ENERGY TAX

(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, President Clinton has long since abandoned his fall campaign promise of middle-class tax relief and, in fact, he has now embraced a baker's dozen of new taxes that will hurt both middle-class families and dampen the economy.

In 1990 alone, almost 3 million Alabamians used 2.6 billion gallons of gasoline. If President Clinton's Btu tax had been in place then, it would have cost Alabama taxpayers an additional \$234 million, \$234 million they did not have and could not have afforded.

President Clinton's Btu tax is so frightening because it is cleverly hidden from American consumers. But I say: "Americans, don't be fooled. If you drive a car, heat your home, cool your office, cook in your kitchen, light your front porch, use aluminum, drink out of a glass, it will affect you." The average American family, middle-class American family, will be paying \$500 more per year. Mr. Speaker, the American people cannot afford the Btu tax.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will inform our guests in the gallery that we love to have them here, but they may not participate in the debate nor applaud.

#### EUROPEANS SHOULD HELP PROTECT THEIR OWN CONTINENT

(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, reports say that unless the Serbian Government accepts the peace treaty, foreign leaders want Uncle Sam to attack.

What is going on here, Mr. Speaker? Uncle Sam has fought Europe's wars for the last 50 years. It is time for Europe to play and pay their fair share and to help protect their own continent.

I personally will oppose any plan that has Uncle Sam carrying the majority of the load. This business of foreign countries in trouble dialing 911 and Uncle Sam sending our kids over to die, and a ton of taxpayer dollars, is absolutely, in my opinion, un-American.

Mr. Speaker, the days of John Wayne are over; it is time for the French, the Italians, the Germans, the Russians, and everybody to get involved to help to save Europe, not the taxpayers and the children of the United States of America.

#### AN ODE TO PRESIDENT CLINTON'S FIRST 100 DAYS

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

Mr. DOOLITTLE. Mr. Speaker, now that President Clinton has completed his first 100 days in office, I have completed this poem in his honor, which I have entitled "An Ode to President Clinton's First 100 Days:"

He swore his first 100 days would earn him everlasting praise.

He promised the economy would be transformed and so would we!

He bit his lower lip and vowed

His 100 days would make us proud!

But now, far as the eye can see,

The scene is littered with debris

Of pledges he did not fulfill—

And bills that failed upon the Hill.

He promised action, jobs and power—

But he's given us the Amateur Hour!

#### REFORMING FEDERAL SENTENCING GUIDELINES

(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, a decade ago, in order to overcome disparities in criminal sentences, people in one part of the country were treated more lightly for certain types of felonious activity than people in other parts of the country, Congress and the Federal judiciary, working together, came up with mandatory minimum sentencing as well as sentencing guidelines to, again, eliminate the disparities in sentencing for serious crimes.

As we now know, there are many Federal judges who want, and yesterday the Attorney General of the United States has ordered, a review of the way these mandatory minimum sentences, particularly in drug-related crimes, are imposed, and also to examine the sentencing guidelines to see if they are still valid.

Certainly, I think all of us support only putting behind bars the serious offenders, and we certainly do not want to have minor actors in these dramas put away for long periods of time.

But, Mr. Speaker, whatever is done, we have to again be sure we do not go back to the old days when there were these very serious sentencing disparities. It is only fair to treat offenders consistently, and that is what the sentencing guidelines ought to do.

#### THE TEXAS ADVANTAGE

(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, while it is too early to tell who will win the Texas Senate runoff race between Kay Bailey Hutchinson and BOB KRUEGER, it sure is not too early to tell who lost the election Saturday: President Bill Clinton. Even though he was not on the ballot, he was on every Texan's mind just as assuredly as he intends to be in every Texan's wallet and pocketbook.

Appointed Senator BOB KRUEGER, soon to be disappointed Senator KRUEGER, while carrying only 20 percent of the vote for the Democrats also had to carry Bill Clinton and his big government and big spending ways. Evidently it was too heavy a burden for the Democrats to carry or for Texans to swallow, because the Republicans took 57 percent of the vote and the Perot candidate took 8 percent. It is to KRUEGER's political credit, if not his political honesty, that he tried to run away from Bill Clinton, but he couldn't run far enough or fast enough.

The Texas results add up easily. Bill Clinton is not very popular in Texas because twisting words and breaking promises are not very popular in Texas; because bigger Government, bigger spending, and bigger taxes are not very popular in Texas. Despite what Mr. Clinton says, Texans judged him on what he does. My hunch is that the rest of the country is not any different, it is just that Texas had an advantage: we got to vote early.

#### OFFENSIVE MILITARY ACTION REQUIRES PREVIOUS APPROVAL BY THE CONGRESS

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

Mr. DURBIN. Mr. Speaker, I applaud President Clinton's efforts to end the carnage in Yugoslavia. His efforts to work with the United Nations to bring a peaceful end to the slaughter in Bosnia is in the best tradition of our Nation. But if our response to Bosnia requires the commitment of American military forces, our Constitution re-

quires the approval of Congress. This requirement by our Founding Fathers was put in place so that the American people, through their elected Representatives in Congress, would make the decision as to whether or not we would engage in military action endangering the lives of American military personnel.

Mr. Speaker, last week, I circulated a letter in this Chamber asking President Clinton to be mindful of the fact that the Constitution requires the explicit approval of Congress before American military forces are committed to an offensive military action. Ninety-one Members of Congress, Democrats and Republicans alike, liberal and conservative, signed this letter. It is in the best tradition of the United States.

Mr. Speaker, it is consistent with the provisions in the Constitution. We have said that we will work with the President, but Congress and Congress alone has the authority to commit American troops to offensive military action.

#### WE NEED AN OMNIBUS CRIME BILL TO CURTAIL THE VIOLENCE IN THE UNITED STATES

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

Mr. RAMSTAD. Mr. Speaker, this past Saturday night, while riding in squad car 404 of the Minneapolis Police Department, I watched a young man die on the streets of north Minneapolis. Ironically, I was riding in squad car 404 with a good cop friend of mine who lost his former wife and the mother of his three children 1 week previously to another murderer.

In the last 100 days, several thousand other people have been murdered in this country, 28,800 women have been raped, and 1 million children have been abused.

No other civilized society tolerates this level of violence. That is why we need to pass an omnibus crime bill now, one that includes President Clinton's promise of the death penalty for cop killers, drug dealing murderers and other violent criminals.

The President said, he promised in his St. Louis debate on October 11, "The crime bill will be one of my highest priorities next January if I become President." But there is absolutely no indication, Mr. Speaker, from the White House that a crime bill is even on the President's agenda.

If the President gave this promise the same priority as putting homosexuals in the military, we would now be holding hearings on the crime bill just like we are holding hearings on gays in the military.

Mr. Speaker, it is time to put politics aside and pass an omnibus crime bill with some real teeth in it.

□ 1220

#### UNITED STATES INTERVENTION IN THE BOSNIA CONFLICT

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

Mr. BISHOP. Mr. Speaker, the President has reiterated his commitment of our Armed Forces to a peace-keeping mission in battle-torn Bosnia and Herzegovina, where the death toll is rising steadily. I urge the administration to do whatever is necessary to reach an accord between the rival Serb, Croat, and Moslem factions and to stop the so-called effort of ethnic cleansing by Serb forces.

We must use caution as we negotiate and try to decide which path to traverse in dealing with the volatile situation in Bosnia, and not ignore our history in every step taken.

We must halt the brutal slaughtering of innocent civilians and strive to bring calm to the strife-filled area, for it not only is a threat to our national security, Mr. Speaker, but it also hampers our efforts to establish global peace and equality worldwide.

#### USE OF FORCE IN THE FORMER YUGOSLAVIA

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

Mr. MANZULLO. Mr. Speaker, it is with the utmost of respect that I raise serious concerns with the recent report that NATO plans to dispatch at least 17,000 United States ground troops to help enforce a tenuous peace agreement among rival ethnic factions in Bosnia.

There are still many unanswered questions in my mind. What will we do if the pseudo-Bosnian Serb Parliament rejects this peace treaty? If adopted, what will be the mission of our Armed Forces? How will we distinguish friend from foe? Will rival ethnic factions be able to control their own forces? Will this operation succeed?

In my view, our ground troops will simply be sniper bait for warring factions that have fought each other for centuries. The interjection of foreign troops may widen the conflict when the warring factions decide that one of the 10 cantons in Bosnia is not big enough for them.

Mr. Speaker, I see us becoming mired in a conflict similar to Northern Ireland, multiplied by three. Let us not put our brave uniformed men and women in harm's way to defend a policy that has not been fully thought out.

### CELEBRATING THE LIFE OF CESAR CHAVEZ, UNITED FARM WORKERS OF AMERICA

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

Mr. TUCKER. Mr. Speaker, I rise today to honor the life of a great American, Mr. Cesar Estrada Chavez, who was described by the late Robert F. Kennedy in 1968 as "One of the Heroic Figures of Our Time."

Mr. Chavez, a migrant farmworker who emerged from poverty in the agricultural valley of Arizona went on to organize the United Farm Workers of America.

Using the nonviolent tactics of Ghandi with the organizational skills of his late mentor, Saul Alinsky, Mr. Chavez was able, almost singlehandedly, to organize one of the most successful agricultural boycotts in U.S. history. In 1965, when the average wage of a farmworker was \$1.50 an hour with no fringe benefits, no seniority, and no standing to challenge abuses by employers, Mr. Chavez became to migrant farmworkers, Latinos in particular, and African-Americans and civil rights advocates in general, a hero.

Mr. Speaker, it is with a great sense of honor that I offer these few words to celebrate the life of this great American hero.

### SECRET POLICYMAKING AT CLINTON WHITE HOUSE

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

Mr. CLINGER. Mr. Speaker, on Friday of last week, the Clinton administration Justice Department went before the U.S. Court of Appeals and asserted that the Federal Advisory Committee Act is an unconstitutional infringement upon the powers of the President, in arguing that the First Lady's health care task force be allowed to continue operating in secret.

U.S. Appeals Court Judge Laurence Silberman called this pronouncement by President Clinton a stunning expansion of an unparalleled crusade to overturn Government sunshine laws that every President since Richard Nixon has willingly applied.

President Clinton was elected by calling for the opening of Government policymaking to average Americans. Vice President ALBERT GORE went the furthest when he stated:

No longer will decisions that should be made in public be made in private. In this Administration, everyone will play by the rules and public decisions will be public information.

Unfortunately, Mr. Speaker, the Vice President's rhetoric does not match this administration's actions. When given the option, President Clinton has chosen secrecy over sunshine.

Mr. Speaker, the President should bring his Government into the sunshine where it belongs. He should listen to his own Vice President and begin playing by the rules.

### CRITICAL SITUATION IN ARMENIA

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

Mr. BILBRAY. Mr. Speaker, about a month ago, a group of us went to Armenia. At that time we observed the plight of the Armenian people who were suffering through the blockade that has been put around that country, with 80 percent unemployment because the people of Armenia cannot work because electrical and gas supplies have been cut off from Azerbaijan and also the fact that food supplies are at a critical state.

We visited refugee camps in Armenia for Armenians who had fled from Azerbaijan where the minimal amount of food they had was not enough to keep people alive and they had to scavenge around the country trying to get additional supplies.

But in addition, Turkey has cut off those Red Cross parcels that were being shipped in on a daily basis into Armenia by the International Red Cross.

I call upon the Turkish Government to lift the blockade and the Azerbaijani Government to lift the blockade and allow medicines and food and electricity and natural gas to flow into that country.

I also call upon the Armenians and Azerbaijanis in the Minsk round to look forward to getting peace in this area; but it is critical at this time that the American Government and all governments of the world urge the end of this blockade of food and medicines to a people who are in a critical situation.

### ADMINISTRATION LACKS GAME PLAN ON BOSNIAN INTERVENTION

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

Mr. ZELIFF. Mr. Speaker, no firefighter I know of would rush blindly into a burning building without some idea of the extent of the fire, who is trapped inside, and what the possible escape routes are.

I am concerned that the administration is rushing blindly into the burning war in Bosnia—without so much as a game plan or strategy.

Make no mistake, the horrors of this war and the atrocities against defenseless civilians demand world condemnation—and world action.

But before we commit American men and women to combat, we should clearly express our national interests and strategy of intervention.

Before we send our soldiers into battle, we should have a thorough understanding of how we will get in, what we plan to accomplish while we are there, what our time table is, and how we will get out.

On the subject of our Armed Forces, all we have been hearing lately from the administration is \$127 billion of budget cuts, COLA reductions, and gays in the military, and the story goes on and on.

Mr. Speaker, the administration now must focus its attention on the most important issue confronting the military—developing a strategy and a direction for protecting our national interests and finding a way to fund it.

The administration should consult with the congressional leadership and present a workable plan to Congress for dealing with the crisis in Bosnia before taking any action.

### THE NEED FOR ECONOMIC STIMULUS AND JOBS IS REAL

(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, last week, the Commerce Department released figures showing that the economy had slowed to a 1.8-percent annual growth rate in the first quarter of 1993.

The U.S. trade deficit increased in the first quarter.

Consumer spending declined in March for the third consecutive month.

Unemployment nationally continues to hover around 7 percent.

All these figures show that the need for economic stimulus and jobs is real.

We really could have used the President's stimulus package that the Senate killed.

In my district, the bad economic numbers come as no surprise. In parts of my district, the official unemployment rate is over 12 percent, but the real unemployment rate is closer to 25 percent.

My constituents want jobs and a real economic recovery.

The President's economic stimulus package would have helped to put people back to work and get the economy going again. It would have created over 200,000 full-time jobs in this year alone. It would have created 675,000 new summer jobs for disadvantaged youth to help get troubled kids off the street and help them become productive members of society.

The Clinton administration has indicated that they will try again for some sort of jobs bill. They are not sure how, or what specific programs they will try to fund, but there will be an attempt to create jobs.

Secretary of Labor Robert Reich has assured me that the Clinton administration would definitely try to get the new summer jobs money through Congress again.

That is a good first step, and good news to my constituents.

□ 1230

#### CALVERT AMENDMENT TO COMPETITIVENESS BILL

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

Mr. CALVERT. Mr. Speaker, later this week, the House will consider H.R. 820—the national competitiveness bill.

While I agree that our Government can play a vital role in helping our industries become more competitive in the global marketplace, I disagree with some provisions of this legislation.

One provision which I believe is particularly misguided is the loan and equity financing provision, a provision which is modeled after the Small Business Investment Corporation of the Small Business Administration.

Along with Congressman ROYCE, I will offer an amendment to delete this provision, for three reasons: First, it is redundant, second, the administration does not want it, and, third, the Commerce Department has an atrocious record in loan programs—having collected less than half of the \$1.2 billion it has loaned out to businesses.

I do not think the taxpayers can, nor should, support a program of this type.

#### OUR TEPID ECONOMIC RECOVERY NEEDS HELP NOW

(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, it is time we take another crack at assisting our economy.

This year, Mr. Speaker, our efforts to address this issue have generated plenty of political combat, but no meaningful action. Last week new economic indicators provided compelling evidence that we need to try again. The first quarter's economic recovery was a pathetic 1.8 percent. In March, nine economic indicators actually declined. In my State, Mr. Speaker, the unemployment rate rose in March and now stands at a higher level than it did 1 year ago.

Behind these numbers are millions of individual tragedies. Many women are unable to provide for their families and are losing confidence and, ultimately, hope, as weeks of unemployment stretch to months and then years.

On this issue, Mr. Speaker, let us at last put aside beltway political games and posturing.

The numbers received last week make it very clear. This economy needs help, and it needs help now. We must assist this tepid economic recovery with a program that will put people back to work.

#### LOOK AT FACTS BEFORE CHANGING POLICY ON HOMOSEXUALS IN THE MILITARY

(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, this morning the House Armed Services Committee began a series of hearings on the President's recommendation to repeal the existing ban on homosexuals serving in the military.

I hope the hearings on this issue will address some of the points brought to light during the Republican research committee's hearings on this matter over the last several months. As chairman of three such hearings, I heard important testimony which often contradicted much of the conventional wisdom surrounding this issue.

First of all, we have been led to believe that the military's exclusion of homosexuals violates established legal definitions of civil rights. However, a virtually unanimous body of law affirms the special status of the military and the constitutionality of its position on homosexuality. This is because military service is a privilege, not a right and the armed services must protect their right to determine fitness for service based on their expertise.

Second, we have been led to believe that homosexuals have constitutionally protected minority rights that must be protected by repealing the ban. Again, the courts have rejected a fundamental right to homosexual conduct, and there is no legal basis for claims that the ban must be repealed on the grounds of equal rights.

What the three hearings I chaired did show was that the majority of military experts believe lifting the ban would cause intractable problems for the armed services and reduce military morale and readiness.

I hope Chairman DELLUMS' hearings explore these important issues, keeping in mind the true role of our Armed Forces, is protecting all men and women in our Nation.

#### MFN FOR CHINA SHOULD DEPEND ON THEIR PROGRESS IN THE REALM OF HUMAN RIGHTS

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

Mr. SMITH of New Jersey. Mr. Speaker, today the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Virginia [Mr. WOLF], the gentleman from New York [Mr. LAFALCE], and I are introducing legislation to condition most-favored nation [MFN] trade status for China on the attainment of the significance of progress in the realm of human rights, adherence to bilateral trade agreements, and observance of nuclear non-proliferation principles.

The bill we are introducing today is virtually identical to the MFN legislation which was overwhelmingly passed by the House in July 1991, 313 to 112. Our former colleague, Jim Moody, was the author of specific language in that bill which conditioned MFN on the attainment of an end to the practice, of course, of abortion and involuntary sterilization. Regrettably this key provision in the bill was dropped in a House-Senate conference committee before we took up the bill again.

In my view that was a big mistake. Human rights, Mr. Speaker, are indivisible. Protecting women and babies from the crime of forced abortion should not be the orphan human right, the human right abuse that we conveniently overlook or downplay because it is not politically correct. In conscience we cannot ignore this gross abuse or pretend that it does not exist.

The New York Times a week ago Sunday published a page 1 exposé of China's brutal oppression of its women and children as part of its program. My legislation, the legislation we are introducing today, would make coercive abortion and involuntary sterilization a part of the human rights umbrella that we look at in determining whether or not we confer MFN to the People's Republic of China.

#### PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH ACT OF 1993

(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 few minutes ago our freshman colleague from Pennsylvania pointed to the fact that we have seen a dramatic decrease in the index of leading economic indicators, reduction in consumer spending and an unemployment problem that is still hovering around 7 percent. He is right on target in saying that we should have a stimulus package.

Many people on the other side like to throw stones at the Republicans because we blocked the pork barrel package that President Clinton submitted. Frankly, we, as Republicans, have offered a positive alternative. I have introduced H.R. 1885 designed to reduce a capital gains tax rate from 28 to 15 percent, offers a 2-percent solution, basically a freeze on Federal spending, a moratorium on new regulations to be imposed on the business sector and an expansion of individual retirement accounts.

Mr. Speaker, this is the kind of stimulus we need. That is why I call it the Private Sector Job Creation and Economic Growth Act of 1993. I urge my colleagues to cosponsor H.R. 1885 so that we can, in fact, get this economy moving.

**BTU: THE KING KONG OF TAXES**

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

Mr. BAKER of California. Mr. Speaker, as the old song has it, "Fish gotta swim, birds gotta fly," and the Democrats apparently gotta tax us until we all die.

The Democrats under President Clinton have now come up with their monster tax, a King Kong of taxes, something called the Btu tax. Btu stands for "British thermal units," but Btu in plain old American English is the big Clinton tax on practically everything American.

I ask my colleagues, "Do your elderly parents heat their home in the winter?" Of course they do. Clinton's tax would raise their monthly bill.

I ask my colleagues, "Do you buy clothes that are made by processes that use energy?" I am sure my colleagues do. Clinton's tax would be included in the price of every garment that we and our children wear.

Further, Mr. Speaker, I ask, "Do you drive a car? Take a bus to work? Are you a farmer? Are you a consumer? Do you deliver by UPS?"

Mr. Speaker, the Clinton tax would be there every day, everywhere, with its hands in our wallets permanently.

Get ready for the Btu, the King Kong of taxes, as it stomps the life out of our recovering economy. I say to the taxpayers, "Let your Representatives know that you want more savings and investment, not a devastating tax increase."

**CLINTON'S NATIONAL SERVICE PROGRAM**

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

Mr. LAZIO. Mr. Speaker, yesterday I commented on the President's proposal to restructure the existing student loan program. Today, I want to focus on the other half of Mr. Clinton's initiative—a major, new program of national service.

I find the concept of national service appealing. It is consistent with the strong American tradition of helping each other. But despite its attractiveness, some important questions arise.

The key question arises in the context of existing student aid programs. At a time when student aid programs are underfunded, it is fair to ask if a large, new national service program linked to the GSL Program makes sense.

As is typical with new initiatives, the budget numbers keep changing. The President put a 5-year, \$7.4 billion plug for this program in his original budget, an amount that, quite frankly,

is politically infeasible, even for this institution. But as submitted, it appears that the program has been scaled back substantially. This is encouraging. It puts this worthwhile idea in the realm of the fiscally feasible.

Nevertheless, the cost of this particular proposal is crucial because the beneficiaries of the proposed program—young Americans—are also the people most directly hurt by deficit spending. We are incurring bills that they must pay.

National service has an undeniable popular appeal, but we need to pause and look beyond the instant gratification.

□ 1240

**TAX FREEDOM DAY 1993**

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

Mr. GOSS. Mr. Speaker, for millions of Americans yesterday was the first day this year that Uncle Sam did not take their paychecks. Yesterday was National Tax Freedom Day, the symbolic day on which average Americans have earned enough in 1993 to pay off their tax obligations to local, State, and Federal Governments. It is the day that Americans begin to keep for themselves and their families what they earn.

This year it took 123 days to reach that milestone, 5 days longer than it took just 9 years ago. Let us think back to just how long ago January 1 was this year. We have had a Super Bowl, inauguration, tragedy in Bosnia, the bombing of the World Trade Center, the storm of the century, and many other events we all know about. All this time American workers have been working exclusively to pay their governments.

American workers already dedicate over a third of the year just to pay the taxman, and now they are going to be asked to work more and longer to pay more taxes. Should President Clinton's \$350 billion tax increase pass, Tax Freedom Day will fall even later. Enough is enough. We should cut spending now.

**A NEED TO CLARIFY THE OBJECTIVE OF MILITARY ACTION IN BOSNIA**

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

Mr. GILLMOR. Mr. Speaker, President Clinton has approved using United States military forces in Bosnia, but one very important thing is lacking so far, and that is a statement by the President of what the objective of this force is.

Without that clear objective, we face the prospect of risking American lives with no long-term benefit.

Is the objective to force Serbs to withdraw from land they invaded and conquered? Is it to just enforce the Vance Owens Peace Plan which rewards the aggressors by letting them keep what they conquered? Is it to bomb a few artillery pieces in the hope that will change something? Is there any clear objective?

We have a President, who pulled every string conceivable to personally avoid wearing the uniform, now proposing to send young American men and women to risk their lives. He owes it to them and the American people to clearly state what objective is to be achieved, at what cost, and when United States forces will be permanently out of Bosnia.

**MOVING EXPENSES FOR BUREAUCRATS**

(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, almost every day we hear of ways in which the Federal Government is just out of control. Frequently these reports concern Federal judges or Federal employees who have incurred lavish expenses of one sort or another because there is no incentive to hold costs down.

Last week a column in the Washington Post reported that the Federal Reserve Board has spent more than \$2 million to move just 17 officials. These Government officials averaged \$118,000 per move. One new vice president received more than \$181,000 to move from North Carolina to Cleveland, including \$4,950 for house-hunting expenses.

One employee received \$121,000 just to move from San Francisco to Los Angeles. Another received \$227,000 to move from Kansas City to Los Angeles.

Our protected, unaccountable Federal bureaucracy is taking far too much money from the individuals and families of America. Instead of looking for ways to raise taxes so this lavish spending can continue, this Congress should be leading a tax revolt and returning at least a little money to the people instead of giving more to the bureaucrats.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (Mr. MAZZOLI). 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.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 995) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 995

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 "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.  
"4301. Purposes; sense of Congress.

"4302. Relation to other law and plans or agreements.

"4303. Definitions.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.

"4312. Reemployment rights of persons who serve in the uniformed services.

"4313. Reemployment positions.

"4314. Reemployment by the Federal Government.

"4315. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

"4316. Employee pension benefit plans.

"4317. Character of service.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATIONS

"4321. Assistance in obtaining employment or reemployment.

"4322. Enforcement of employment or reemployment rights.

"4323. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"4331. Regulations.

"4332. Reports.

"4333. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§ 4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—  
"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such per-

sons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§ 4302. Relation to other law and plans or agreements

"(a) Nothing in this chapter shall supersede, nullify, or diminish any Federal or State law (including any local law or ordinance) or any contract, practice, policy, agreement, plan, or other matter provided by an employer which establishes rights or benefits which are greater than or in addition to those provided in this chapter.

"(b) This chapter supersedes State laws (including any local law or ordinance), employer practices, policies, agreements, and plans, and other matters that reduce, limit, or eliminate in any manner rights or benefits provided by this chapter, including the establishment of additional prerequisites to the exercise of such rights.

"§ 4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any aspect of the employment relationship, other than wages or salary for work performed, provided by contract or employer practice or custom, that offers advantage, profit, privilege, gain, status, account, or interest and includes, but is not limited to, pension plans and payments, insurance coverage and awards, employee stock ownership plans, bonuses, severance pay, supplemental unemployment benefits, vacations, and selection of work hours or locations of employment.

"(3) The term 'employee' means any person employed by an employer.

"(4) (A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4316.

"(5) The term 'Federal Government' includes the executive branch, the judicial branch, and the legislative branch, with the executive branch including—

"(A) any department, administration, agency, commission, board, or independent establish-

ment in, or other part of, the executive branch (including any executive agency as defined in section 105 of title 5);

"(B) the United States Postal Service and the Postal Rate Commission;

"(C) any nonappropriated fund activity of the United States; and

"(D) any corporation wholly owned by the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(8) The term 'other than a temporary position' means a position of employment as to which there is a reasonable expectation that it will continue indefinitely.

"(9) The term 'qualified' means having the ability to perform the essential tasks of an employment position.

"(10) The term 'reasonable efforts' means actions, including training provided by an employer, that do not create an undue hardship on the employer.

"(11) Notwithstanding section 101, the term 'Secretary' means the Secretary of Labor or any person designated by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) (A) The term 'undue hardship' means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

"(B) In determining whether an action would impose an undue hardship on an employer, factors to be considered include—

"(i) the nature and cost of the action needed under this chapter;

"(ii) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(iii) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(iv) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

**"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS**

**"§4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited**

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

**"§4312. Reemployment rights of persons who serve in the uniformed services**

"(a) Subject to subsections (b), (c), and (d) and to section 4317, any person who is absent from a position of employment (other than a temporary position) by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c), the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) except as provided in subsection (f), the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply if such person's cumulative period of service in the uni-

formed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under section 4313 (a)(3), (a)(4), or (b)(2)(B), such employment would impose an undue hardship on the operation of the employer.

"(2) In any administrative or judicial proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances; or

"(B) any accommodation, training, or effort referred to in section 4313 (a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the operation of the business of the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service or as soon as possible after such 14-day period if submitting such application within such period is impossible or unreasonable through no fault of the person.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service or as soon as possible after such 90-day period if submitting such application within such period is impossible or unreasonable through no fault of the person.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury submit an application for reemployment with such employer. Such period of recovery may not exceed two years, except as provided in subparagraph (B).

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the time limit specified in subparagraph (A) impossible or unreasonable.

"(f) A person who fails to report for employment or reemployment within the time limits specified in subsection (e) does not automatically forfeit such person's right under subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(g)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4317.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3) The failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(4) It shall be unlawful for an employer to delay or attempt to defeat a reemployment obli-

gation by demanding documentation that does not then exist or is not then readily available.

"(h) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(i) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service or the nature of such training or service (including voluntary service) in the uniformed services shall not be a basis for denying protection of such training or service if the service does not exceed the limitations set forth in subsection (c), and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

#### "§4313. Reemployment positions

"(a) Subject to subsection (b) in the case of any employee and subject to section 4314 in the case of reemployment by the Federal Government, a person entitled to reemployment under section 4312 upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following priorities:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 91 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 90 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

"(3) In the case of a person who has a disability incurred in, or aggravated by, a period of service in the uniformed services, and if, after reasonable efforts by the employer to accommodate the disability, such person is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in

terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who is not qualified to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service or in the position of employment in which such person was employed on the date of the commencement of the service in the uniformed services for any reason other than disability incurred in, or aggravated by, a period of service in the uniformed services and who cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to reemployment as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, a period of service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

#### "§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312, such person shall be reemployed in a position of employment as described in section 4313.

"(b) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, an agency in the executive branch, and the Director of the Office of Personnel Management determines that—

"(1) such employer no longer exists and its functions have not been transferred to another part of the executive branch; or

"(2) it is impossible or unreasonable for such employer to reemploy such person,

the Director shall identify an alternative position of like seniority, status, and pay for which such person is qualified in another part of the executive branch, and the Director shall cause employment in such position to be offered to such person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered service in the uniformed services, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that—

"(1) it is impossible or unreasonable for such employer to reemploy such person; and

"(2) such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(c) of title 5,

such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch on the same basis as described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, and such person is otherwise eligible to acquire a status for transfer to a position in the competitive service in accordance with section 3304(d) of title 5, such person shall, upon application to the Director of the Office of Personnel Management, be considered for and offered employment in an alternative position in the executive branch of the Federal Government on the same basis as described in subsection (b).

#### "§4315. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b) A person who performs service in the uniformed services is considered to be on furlough or leave of absence while in the uniformed services and is also entitled to such other rights and benefits, not determined by seniority, relating to other employees on furlough or leave of absence which were in effect by contract, practice, policy, agreement, or plan at the commencement of such period of service or were established while such person is performing such service. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to the preceding sentence to the extent other employees on furlough or leave of absence are so required.

"(c)(1) Notwithstanding subsection (b), a person who performs service in the uniformed services shall, at such person's request, continue to be covered by any insurance provided by such employer for up to 18 months. Such person may be required to pay the entire cost of any benefit continued pursuant to the preceding sentence, except that in the case of persons ordered to training or service for fewer than 31 days, such person may be required to pay only the employee share, if any, of the cost of such benefit.

"(2) In the case of employer-sponsored health benefits, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in these benefits, either under paragraph (1) or upon reinstatement, or in connection with a health or physical condition of any other person who is covered by the benefit by reason of the coverage of such person, if—

"(A) the condition arose before or during that person's period of training or service in the uniformed services;

"(B) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the benefits; and

"(C) the condition of such person has not been determined by the Secretary of Veterans Affairs to be service-connected.

"(d) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) if such person's period of service was 181 days or more, within one year;

"(2) if such person's period of service was 31 days or more but less than 181 days, within six months; or

"(3) if such person's period of service was less than 31 days, within a period of time that is equal to the period of service concerned.

"(e) Any person who is absent from or leaves a position (other than a temporary position) in the employ of any employer for voluntary or involuntary service in the uniformed services may utilize, with respect to the employer and during any period of such service, accrued or other leave which the person could have utilized if the person had remained in such position.

**"§4316. Employee pension benefit plans**

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. The first sentence of this subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) A person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purposes of determining the non-forfeiture of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1)(A) An employer reemploying a person under this chapter shall be liable to an employee pension benefit plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multi-employer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan shall provide.

"(B) An employee entitled to pension benefits under this chapter, with respect to a period of service described in subsection (a)(2)(B)—

"(i) shall have earnings credited with respect to an employer contribution in the same manner and to the same extent as earnings are credited to other employees during the period of service, subject to paragraph (3), irrespective of when the contribution is made;

"(ii) shall have allocated the amount of—

"(I) any employer contribution that was voluntary; and

"(II) any employer contribution the total amount of which was determined without reference to the number of, or compensation of, plan participants before being allocated to the accounts of participants; and

"(iii) may have allocated the amount of any forfeiture,

in the same manner and to the same extent the allocation occurs for other employees during the period of service.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree.

"(3) For purposes of computing an employer's liability under paragraph (1)(A) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide information, in writing, of such reemployment to the administrator of such plan.

**"§4317. Character of service**

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

**"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATIONS**

**"§4321. Assistance in obtaining employment or reemployment**

"The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

**"§4322. Enforcement of employment or reemployment rights**

"(a)(1) A person who claims that—

"(A) such person is entitled under this chapter to employment or reemployment rights or

benefits with respect to employment by an employer; and

"(B)(i) such employer has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter; or

"(ii) in the case that the employer is the Federal Government, such employer or the Office of Personnel Management has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter,

may file a complaint with the Secretary in accordance with subsection (b), and the Secretary shall investigate such complaint.

"(2) In the case that the employer is the Federal Government, subsection (a) of section 4323 shall be applicable to such investigation but not subsections (b) and (c) of such section.

"(3) This subsection does not apply to any action relating to benefits to be provided by the Thrift Savings Plan.

"(b)(1) A person described in subsection (a) may file a complaint in accordance with paragraph (2) and apply to the Secretary for assistance in asserting that complaint.

"(2) Such complaint shall be in writing, be in such form as the Secretary may prescribe, include the name and address of the employer against whom the complaint is filed, and contain a summary of the allegations that form the basis for the complaint.

"(3) Before the receipt of a written complaint, the Secretary shall, upon request, provide technical assistance to the potential claimant and, if the Secretary determines it appropriate, to such claimant's employer.

"(c)(1)(A) Except as provided in paragraph (2), if the Secretary, after investigation, is reasonably satisfied that the employer has failed to comply with the provisions of this chapter, if efforts to obtain voluntary compliance are not successful, and if the claimant requests in writing that the claim be referred for litigation, the Secretary shall refer the case to the Attorney General. If the Attorney General is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Attorney General shall appear and act as attorney for the claimant in the filing of a complaint and other appropriate motions and pleadings and the prosecution thereof in the district courts of the United States and on appeal.

"(B) If the Attorney General declines to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Attorney General for representation under this section, such person may be represented before the district court or on appeal by counsel of the person's choice.

"(2)(A) In the case where the employer is the Federal Government, if the Secretary, after investigation, is reasonably satisfied that the employer has failed to comply with the provisions of this chapter, if efforts to obtain voluntary compliance are not successful, and if the claimant requests in writing that the claim be referred for litigation, the case shall be referred to the Office of the Special Counsel, litigation shall be before the Merit Systems Protection Board, and if the Special Counsel is reasonably satisfied that the person requesting representation is entitled to the rights or benefits sought, the Special Counsel shall appear and act as attorney for the claimant in filing an appeal to the Merit Systems Protection Board and in pursuing that appeal.

"(B) If the Special Counsel declines to represent a person after receiving a referral from the Secretary or if a person chooses not to apply to the Secretary for assistance or to utilize the Special Counsel for representation under this section, such person may be represented before the Merit Systems Protection Board or on appeal by counsel of the person's choice.

"(d)(1) This subsection applies only with respect to a State or private employer.

"(2)(A) The district courts of the United States may require the State or private employer, as the case may be—

"(i) to comply with the provisions of this chapter;

"(ii) to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to pay, in addition to the compensation paid under clause (ii), the person an amount equal to such compensation as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation and payment under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the other rights and benefits provided in this chapter.

"(3)(A) No fees or court costs shall be charged or taxed against any person claiming rights or benefits under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person described in paragraph (2) who obtained private counsel for such action or proceeding, the court, in its discretion, may award any such person who prevails in such action or proceeding a reasonable attorney's fee, expert witness fees, and other litigation expenses.

"(4) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(5) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, not by an employer, prospective employer, or other entity with obligations under this chapter.

"(6) In any action under this chapter, only the employer shall be deemed a necessary party respondent.

"(7) No State statute of limitations shall apply to any proceedings under this chapter.

"(8) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e)(1) This subsection applies only with respect to the Federal Government as employer.

"(2)(A) If the Merit Systems Protection Board concludes that the Federal Government, as employer, has failed to comply with the provisions of this chapter or that the Director of the Office of Personnel Management has not met an obligation set forth in section 4314, the Board shall enter an order specifically requiring the employing agency or the Director to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by reason of the employing agency's or the Director's unlawful action.

"(B) Any such compensation shall be in addition to and shall not be deemed to diminish any of the other rights or benefits provided for by this chapter.

"(3)(A) A claimant under this chapter may petition the United States Court of Appeals for the Federal Circuit to review a decision of the Merit Systems Protection Board denying such claimant the relief sought, in whole or in part, subject to the conditions and in accordance with the procedures set forth in section 7703 of title 5.

"(B) The Secretary and the Special Counsel shall not represent persons with respect to review of decisions of the Merit Systems Protection Board under this chapter in the United States Court of Appeals for the Federal Circuit or the Supreme Court.

"(C) If a person seeks such judicial review, or in any case in which a person is involved in the

Board's decision is being appealed by another party, such person may be represented by counsel of the person's choice.

#### "§4323. Conduct of investigation; subpoenas

"(a) In carrying out investigations under this chapter, the Secretary's duly authorized representatives shall at all reasonable times have access to, for the purpose of examination, and the right to copy and receive, any documents of any person or employer.

"(b) Except as provided in section 4322(a)(2), in carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the Secretary's subpoena.

"(c) Except as provided in section 4322(a)(2), upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter, and the district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

#### "SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

##### "§4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to States, local governments, and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to the Federal Government as employer. Such regulations shall be consistent with the regulations pertaining to the States and private employers, except that employees of the Federal Government may be given greater or additional rights. Nothing in this subsection constitutes authority for the Director to prescribe any matter for which any regulation may be prescribed under paragraph (2).

"(2) Regulations may be prescribed—

"(A) by the Merit Systems Protection Board to carry out its responsibilities under this chapter; and

"(B) by the Office of Special Counsel to carry out its responsibilities under this chapter.

##### "§4332. Reports

"The Secretary shall, after consultation with the Attorney General and the Special Counsel referred to in section 4322(b)(2) and no later than February 1, 1995, and each February 1 thereafter, transmit to the Congress, a report containing the following matters for the fiscal year ending before such February 1:

"(1) The number of cases reviewed by the Department of Labor under this chapter during the fiscal year for which the report is made.

"(2) The number of cases referred to the Attorney General or the Special Counsel pursuant to section 4322(c)(1) or 4322(c)(2), respectively, during such fiscal year.

"(3) The number of pleadings filed by the Attorney General pursuant to section 4322(c)(1) during such fiscal year.

"(4) The nature and status of each case reported on pursuant to paragraph (1), (2), or (3).

"(5) An indication of whether there are any apparent patterns of violation of the provisions

of this chapter, together with an explanation thereof.

"(6) Recommendations for administrative or legislative action that the Secretary, the Attorney General, or the Special Counsel considers necessary for the effective implementation of this chapter, including any action that could be taken to encourage mediation, before claims are filed under this chapter, between employers and persons seeking employment or reemployment.

##### "§ 4333. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter."

##### (b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 38.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

##### "43. Employment and reemployment rights of members of the uniformed services ..... 4301".

(2) AMENDMENT TO TITLE 5.—(A) Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(B) Subchapter II of chapter 35 of such title is repealed.

(C) The table of sections for chapter 35 of such title is amended by striking out the heading relating to subchapter II of such chapter and the item relating to section 3551 of such chapter.

(3) AMENDMENT TO TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

(c) AMENDMENTS TO TITLE 28.—Section 631 of title 28, United States Code, is amended—

(1) by striking out subsection (j);

(2) by redesignating subsections (k) and (l) as subsections (f) and (k), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking out "under the terms of" and all that follows through "section," the first place it appears and inserting in lieu thereof "under chapter 43 of title 38,".

##### SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to benefits under chapter 43 of this title."

##### SEC. 4. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

##### "§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(A) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(B) the period of time over which the employee wishes to make contributions under this subsection.

The employing agency may place a maximum limit on the period of time referred to in subparagraph (B), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f)(1) The employing agency shall be required to pay lost earnings on contributions made pursuant to subsections (c) and (d). Such earnings shall be calculated retroactively to the date the contribution would have been made had the employee not separated or entered leave without pay status to perform military service.

"(2) Procedures for calculating and crediting the earnings payable pursuant to paragraph (1) shall be prescribed by the Executive Director.

"(g) Amounts paid under subsection (c), (d), or (f) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(h)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(i) The Executive Director shall prescribe regulations to carry out this section."

(2) The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service."

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this subsection as if it had never occurred."

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred."

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A)."

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(1) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be consid-

ered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded."

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code, occurs on or after August 2, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is reemployed or restored (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) Deem section 8432b(b)(2)(A) of such title to be amended by striking "ending on the day before the date of restoration or reemployment (as applicable)" and inserting "ending on the date determined under section 4(f)(1) of the Uniformed Services Employment and Reemployment Rights Act of 1993".

#### SEC. 5. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102-16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

#### SEC. 6. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an em-

ployee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) **DISCRIMINATION.**—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) **INSURANCE.**—(1) Except as provided in paragraph (2), the provisions of section 4315(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4315. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment.

(d) **DISABILITY.**—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is hereby repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) **REPORTS.**—The reports made by the Secretary of Labor pursuant to section 4332 of title 38, United States Code, as provided in the amendments made by this Act, shall be made with respect to cases pertaining to chapter 43 of such title without regard to whether a case originated under such chapter before, on, or after the date of enactment of this Act.

(f) **PREVIOUS ACTIONS.**—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that were begun before the end of the 60-day period referred to in subsection (a).

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

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

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

#### GENERAL LEAVE

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

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 995, as amended. This measure, cited as the Uniform Services Employment and Reemployment Rights Act of 1993, would amend chapter 43, title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services.

For 53 years protection has been provided to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by preserving the former service member's right to return to his or her preservice employment. This protection includes those who serve on active duty and members of the Selected Reserve.

Although the law, as contained in chapter 43, has effectively served the interests of veterans, members of the Reserve components, the Armed Forces, and employers, the current statute is complex and difficult to understand. The activation of thousands of members of the Selected Reserve during the Persian Gulf war illustrated the need to clarify and simplify the veterans' reemployment rights statute. Credit should go to TIM PENNY of Minnesota who, as chairman of the Subcommittee on Education, Training and Employment during the 102d Congress, saw the need to revise chapter 43 and undertook this difficult task. He and CHRIS SMITH of New Jersey, then ranking minority member of the Subcommittee, worked hard on this effort. During the 102d Congress, the House twice passed H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991. Unfortunately, the other body did not act on this measure until the end of the Congress, and not enough time remained to resolve the few, but important, differences between the House and Senate versions of the chapter 43 rewrite.

H.R. 995, as amended, is substantially the same as H.R. 1578, as approved by the House on October 6, 1992. Because the committee report accompanying this bill is very detailed, I will only briefly describe H.R. 995. The major provisions of the Committee bill would:

First, continue to prohibit discrimination against an employee or applicant for employment because of past, current, or future military obligations;

Second, provide that reemployment rights protection shall apply to the individual if such person's period of service, with respect to the employment relationship for which a person seeks reemployment does not, with certain exceptions, exceed 5 years;

Third, require an individual to return to work or apply for reemployment within certain time limits based on the length of time in the uniformed services;

Fourth, reaffirm that the timing and duration of a person's training or service shall generally not be a basis for denying employment or reemployment protection;

Fifth, reaffirm that a protected individual is generally entitled to reemployment in the same position which the person would have attained if he or she had been continuously employed;

Sixth, reaffirm that a person reemployed under chapter 43 is entitled to the seniority that the individual would have attained if the person had remained continuously employed;

Seventh, provide that a protected person would, at the person's request, continue to be covered by employer-provided insurance for up to 31 days at the employer's expense and up to 18 months at the person's expense, unless the employer chooses to fund the entire cost;

Eighth, provide that, in the cost of employer-sponsored health benefits, no exclusion from coverage or waiting period can be imposed for a non-service-connected physical condition of covered persons which developed before or during military service;

Ninth, require an individual, except when it is impossible or unreasonable, to give verbal or written advance notice to an employer regarding an anticipated absence due to military service;

Tenth, require the Secretary of Labor, through the Veterans' Employment and Training Service, to provide assistance in obtaining employment or reemployment to any person entitled to rights or benefits under chapter 43; and

Eleventh, require that Federal employees be provided representation by the Office of Special Counsel before the Merit Systems Protection Board when necessary to enforce reemployment rights with the Federal Government.

I want to emphasize that H.R. 995 is a bill which effectively balances the needs of our Armed Forces, members of the uniformed services, veterans, and employers. Since implementation of reemployment rights protection for service members over five decades ago, the employer community in the United States has understood that, although the responsibilities required of them may occasionally be burdensome, reemployment protection for those who defend the freedoms and liberties enjoyed by all citizens of the United

States is integral to a strong national defense. The committee notes that employer support for those who served during the Persian Gulf war was impressive. Not only did the employer community willingly and in good faith meet their commitments under chapter 43, in countless instances employers went far beyond the requirements of the law and demonstrated their strong support for the men and women who served during Desert Shield/Desert Storm by providing additional benefits such as continued salaries. In this regard, I want to thank the National Federation of Independent Businesses [NFIB] for working with us on this bill. Their comments were constructive and valuable, and we appreciate their support for this legislation.

I want to take this opportunity to again thank the members of the executive branch task force on veterans' reemployment for their continued willingness to assist us in fine tuning H.R. 995. Additionally, very special thanks should be extended to Mr. William Berger, deputy regional solicitor, Department of Labor, Atlanta, GA. Bill is the foremost legal expert on veteran's reemployment rights in the country, and, for over 2 years, he has generously spent countless hours assisting and advising as we developed the committee's reemployment rights bills. Veterans' reemployment rights is a very technical area of law, and Bill's familiarity with both the case law and the practical aspects of enforcing the law have provided the committee with the type of insight necessary to accomplish the committee's goal of clarifying, simplifying, and strengthening the law.

I want to thank my good friend, BOB STUMP, ranking minority member of the committee, for his assistance and support in developing H.R. 995, as amended. Additionally, thanks should again be extended to TIM PENNY and CHRIS SMITH for their hard work on this issue during the 102d Congress.

Finally, my sincere thanks go to the chairman of the Post Office and Civil Service Committee, BILL CLAY, and the ranking minority member, JOHN MYERS, for their help and cooperation. H.R. 995 includes provisions establishing and clarifying rights and benefits for Federal employees who return to civilian employment upon completion of a period of military service. These provisions were developed in cooperation with the Committee on Post Office and Civil Service which generally has jurisdiction over Federal employees. H.R. 995 was jointly referred, and I am grateful to Chairman CLAY and Mr. MYERS for agreeing to the expeditious consideration of the bill on the floor today.

H.R. 995, as amended, is a good bill, and I urge my colleagues to support it.

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Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr.

PENNY], a member of the Committee on Veterans' Affairs.

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

Mr. Speaker, I rise in strong support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993. This legislation is similar to bills passed twice by the House in the 102d Congress, especially to H.R. 1578 which I sponsored. The legislation represents a number of years of arduous and painstaking examination of veterans' reemployment law which is now over 50 years old and in need of clarification and simplification.

The bill before us today makes certain that service members and employers alike clearly understand what is expected when the service member is called to active military service. As we continue to rely more heavily on our Reserve Force, this mutual understanding is critical. I believe it is a tribute to employers and those who served during the Gulf war that the original legislation worked as well as it did and with few complaints. However, it is important to undergird the original language with a restatement of congressional intent that a person may fulfill military commitments without fear of discrimination or retaliation in their normal employment.

It is also important for the law to reflect changes in service requirements and employee benefits, such as health insurance and pension plans, that are operative today. This bill, just as the original law, covers all types of civilian employment from small businesses to the Federal Government and backs that coverage with enforcement mechanisms through the Departments of Labor and Justice.

I urge my colleagues to support this bill and would add my hopes that our Senate colleagues will also act expeditiously to enact this much-needed legislation.

Mr. Speaker, I compliment the gentleman from New Jersey [Mr. SMITH] for his work with me on this issue in the last session, and I want to extend my appreciation to all of my colleagues on the Committee on Veterans' Affairs, but particularly the gentleman from Arizona [Mr. STUMP], the ranking minority member, and our chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for their leadership.

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

Mr. Speaker, I rise in strong support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993.

Chairman MONTGOMERY, who has become chairman of the Subcommittee on Education, Training, and Employment, has been most persistent in keeping up the momentum on this legislation to update and improve the employment rights of all of the Federal

uniformed services. I commend him for his hard work, as well as TIM PENNY, the former subcommittee chairman, and CHRIS SMITH, the former subcommittee ranking minority member. Mr. PENNY and Mr. SMITH have other leadership positions this session, but their efforts were invaluable in developing and passing the legislation last year. With an early start again this session, hopefully there will be enough time to reach agreement with the Senate.

The chairman has summarized the bill's major provisions. It would effectively clarify and strengthen existing laws, on veterans' reemployment rights. It would cover the active duty forces, reserves and National Guard alike.

The Nation owes its military personnel the protections and peace of mind afforded for their civilian jobs by H.R. 995. Not too long ago our men and women in uniform answered the call for the Persian Gulf, then it was Somalia and now in this uneasy world they could be called upon again for Bosnia. They should not have to worry whether they will have a job waiting at home when they are halfway around the world carrying out the President's orders.

Mr. Speaker, the bill's pension provision were the ones over which the largest differences existed last session with the Senate. They have great significance to employers generally and can be critical to small businesses because of cost factors. Obviously, if anything is going to go to the President for signature this session, the differences must be overcome. I am confident we can reach agreement in a way which recognizes the realities of employer costs in a changing business environment, yet maintains the strong public policy underlying veterans' reemployment rights.

I urge my colleagues to continue their support for veterans' reemployment rights and vote for H.R. 995.

Mr. Speaker, the subcommittee has an outstanding freshman Member from the State of Arkansas [Mr. HUTCHINSON] as its ranking minority member this year. It is an unusual expression of confidence to elevate a freshman member to such a position, but the gentleman inspires that kind of confidence.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the distinguished ranking minority member for yielding time to me.

Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993.

I would commend CHRIS SMITH and TIM PENNY for their outstanding work on this bill.

I would also like to commend both Chairman MONTGOMERY and the rank-

ing minority member on the committee, BOB STUMP, for their leadership on this matter and for their expeditious action in bringing this matter to the floor.

The return of our service men and women from the conflict in the Persian Gulf highlighted our obligation to both clarify and reinforce the reemployment rights of U.S. veterans. When, and if, our Nation calls upon its service men and women to protect United States interests, in Bosnia or elsewhere, they should not have to worry about their jobs and careers back home.

This bill clarifies the rights and obligations of both the employer and employee regarding the veterans' absences for military service and his or her return to work. It establishes that upon returning, a veteran's application for employment be submitted within a certain time limit based on the length of time the individual was in the uniformed services.

If the veteran complies with these requirements they will not have to worry about having a job upon returning. They will not have to worry about losing ground with regard to any promotions which might have been forthcoming. I could go on and on with similar examples.

This bill will help our forces to concentrate totally on the purpose of their mission. If we are asking our service men and women to risk their lives for our country, we must ensure that their employment rights are easily understood and consistently observed.

Mr. Speaker, I strongly urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. CLYBURN], an outstanding new member of the subcommittee who has dealt with situations like this with the State of South Carolina.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding the time, and I applaud his efforts on behalf of America's veterans.

Mr. Speaker, I am proud to support H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993. This legislation will bring about fairness and equity to those Americans who leave their employment to serve in our Nation's Armed Forces, and some much-needed clarifications to the current laws.

Recent occurrences have demonstrated the need to protect the many service men and women who left secure, well-paying jobs with seniority, to serve in the Armed Forces. During Operations Desert Shield and Desert Storm more than 200,000 members of the National Guard and Reserve answered the call to duty.

The National Guard and Reserve have become integral parts of our military strength, and this legislation will ensure that these components remain

an appealing choice for qualified and dedicated individuals.

It is only fair that we provide employment protection to those individuals who have volunteered to serve their country, and often put themselves in harm's way. This service should not be rendered at the expense of losing a job, or being subject to reprisals or discrimination, or losing seniority and other benefits.

In light of the increased downsizing of our active military forces, it is likely that our military will depend even more on the National Guard and Reserve components of the total force.

Mr. Speaker, the National Guard and Reserve components of the U.S. Armed Forces are vital to our overall military strength, and these individuals must be afforded the same job protections as others who are called to active duty.

I am pleased to offer strong support for this important legislation.

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

Mr. GILMAN. Mr. Speaker, I am honored to rise in support of H.R. 995, the Veterans' Employment and Reemployment Rights Act of 1993 and I commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the distinguished ranking member, the gentleman from Arizona [Mr. STUMP] for introducing this comprehensive veterans legislation.

Mr. Speaker, H.R. 995 is an invaluable piece of legislation that will ensure our Nation's veterans with comparable reemployment opportunities when they return from military service. This measure will send our veterans an important message. By extending a guarantee of reemployment, as well as entitlement to benefits such as insurance coverage, health care, and pension rights, our Nation's veterans will be provided with the opportunities that they have justly earned. The military service that our veterans provide is invaluable to the security of our Nation. Accordingly, I urge my colleagues to support our Nation's veterans by supporting this legislation.

By reaffirming the rights of our military service men and women, H.R. 995 will prohibit discrimination against employees based on past, present, or future military obligations. This legislation provides that an individual is entitled to the benefits and/or training that he or she would have received had he or she been continuously employed. This measure also proposes substantial reforms. And, in an effort to ensure that employers comply with this program, employers who are found to be in violation will be substantially fined and punished.

Mr. Speaker, I would like to praise the Veterans' Affairs Committee for their leadership and dedication that has been shown during the 103d Con-

gress, in addressing the needs of our Nation's veterans. On April 27, 1993, the Members of the House of Representatives approved H.R. 1032, a measure which will establish an Office of Employment Discrimination Complaints resolution to resolve complaints of unlawful employment discrimination within the Department of Veterans Affairs. Both of these legislative initiatives demonstrate the true commitment that the United States places in fulfilling the needs of our Nation's veterans.

Mr. Speaker, the Veterans' Employment and Reemployment Rights Act is similar to legislation that, along with a majority of my colleagues from the 102d Congress, I was proud to support. I urge my colleagues to continue to advance the needs of our Nation's veterans. By passing this legislation, we will demonstrate that, as a nation, we care. The invaluable military service that our service men and women provide warrants our full support when they return from active duty.

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Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN], who is not on our committee, but he is always here testifying for these veterans bills, and the gentleman from Arkansas [Mr. HUTCHINSON], a new member on the subcommittee that I chair. We are proud to have him.

We also have a great new member on the committee, the gentleman from Georgia [Mr. BISHOP]. We have been to his district, talking to veterans down in Georgia. He comes to all the meetings.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. MONTGOMERY], my chairman, for yielding time to me.

It gives me an opportunity to rise in support of the Uniformed Services and Reemployment Act of 1993, H.R. 995.

This resolution would prohibit discrimination against employees or applicants for employment because of past, present or future military obligation.

When our forces were called to the Persian Gulf war, some 200,000 Americans in the Reserves and the National Guard, some of whom were involuntarily required to be away from homes and families and jobs for an extended period of time, but when they returned, many of them found reprisals and were out of jobs and were discriminated against and had lost their favored positions in the jobs, only because they were involuntarily called to service for their country.

They did us proud in the Persian Gulf, Mr. Speaker. And I think that the Uniformed Services Employment and Reemployment Rights Act of 1993 is a

piece of legislation whose time has come. We need to reaffirm the protections that those people are due, and I would like to applaud the chairman and members of this committee on both sides of the aisle for the hard work that they put into this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise in support of H.R. 995. One of the sad pictures of the recent ordeal in the Persian Gulf was seeing many of our veterans come back, not being able to go back to work, many of them having lost their jobs and lost employment opportunities.

I think that was really one of the down sides of that great experience that we had as a nation. But it is sad enough that we ignored our Vietnam veterans.

Let us be truthful. I think it is fitting, Mr. Speaker, that the gentleman from Mississippi, Chairman MONTGOMERY has put together and brought out a bill like that that will put to rest those types of problems that have plagued us from the past and could carry on into the future.

I want to commend the gentleman from Minnesota [Mr. PENNY] and the minority leader and staff for their support of this legislation. I also commend the chairman.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for what he has said. We think we have a great bill here, and it would eliminate the problems we have had in the Vietnam war as well as the Persian Gulf war as far as employee-employer. I would urge Members to support the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services Employment and Reemployment Rights Act of 1993 which ensures that men and women who have risked their lives for their fellow Americans are able to return to their civilian jobs without delay and without penalty. I want to commend Chairman MONTGOMERY for introducing this measure and bringing it to the floor.

Since 1940, veterans, reservists, and members of the National Guard have enjoyed varying degrees of protection that assured their return to civilian employment following military duty. During those 50 years, the law has become increasingly complex and confusing. After the 1991 Persian Gulf war, many employers and veterans were unsure of their obligations and rights under the veterans' reemployment rights law.

H.R. 995 will provide both returning veterans and their employers with a clear explanation of their respective rights and responsibilities. In addition, H.R. 995 will improve and strengthen existing law, particularly enforcement provisions, to help protect veterans' employment and reemployment rights.

I urge my colleagues to support this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, H.R. 995, as reported by the Committee on Veter-

ans' Affairs, contains provisions which would amend the Internal Revenue Code with respect to qualification of pension plans. In order not to delay the floor consideration of this important measure for our Nation's veterans, the Committee on Ways and Means did not request a referral of this legislation. However, I wish to clearly state that any amendments to the Internal Revenue Code included in this legislation are within the exclusive jurisdiction of the Committee on Ways and Means.

In general, the Committee on Ways and Means supports the Committee on Veterans' Affairs in its goal to clarify the rights to employees who are called away to military service, as well as the responsibilities of employers to such employees when they return to their jobs. Last year, the Committee on Ways and Means worked with the Committee on Veterans' Affairs to facilitate the receipt of additional pension benefits by reemployed veterans without jeopardizing the tax qualification of pension plans. In fact, H.R. 11, the Revenue Act of 1992, contained a number of technical corrections to H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, to accomplish this. The effective date of the technical corrections contained in H.R. 11 was tied to final passage of H.R. 1578. H.R. 1578 died in the Senate on the last day of the 102d Congress and H.R. 11 was vetoed by former President Bush. Early this Congress I reintroduced these technical corrections as part of H.R. 17, the Technical Corrections Act of 1993, in exactly the same form as included in H.R. 11.

H.R. 995, as reported, contains additional tax provisions to those included in H.R. 1578 last year and accommodated by the technical corrections contained in H.R. 17. These additional provisions will directly impact the qualification of pension plans. Because the current technical corrections approved by the Committee on Ways and Means are in conflict with these additional provisions, it is my intention to withdraw those technical corrections at this time.

Mr. Speaker, in light of these recent developments and the continued concern of the Committee on Ways and Means regarding the amendments to the Internal Revenue Code included in H.R. 995, the Committee on Ways and Means respectfully requests to retain the right to be named conferees on this bill and to be consulted in any effort to make conforming amendments to the Internal Revenue Code as will be required upon passage of H.R. 995.

Mr. CLEMENT. Mr. Speaker, I rise today in full support of the Uniformed Services Employment and Reemployment Rights Act of 1993.

Mr. Speaker, this bill introduces stability into the current uncertainty among the members of the military and gives them peace of mind.

The Persian Gulf war gave us our first true test of the All-Volunteer Force and our reliance on the Guard and Reserve Forces. And as the shape of our defense forces continues to change in response to new global and strategic challenges, the National Guard and Reserve components of the military will play an increasingly critical role.

If the men and women of the Guard and Reserve are not protected from discrimination or reprisal on the job as a result of their service, it will be increasingly difficult to recruit

Americans to serve. This would seriously jeopardize the All-Volunteer Force concept.

Many of my fellow Guard members served proudly in the Gulf War. Upon their return, some of these individuals experienced additional hardships and inconveniences in the workplace as a direct result of their deployment overseas. These experiences have caused a great deal of skepticism among the troops and a reluctance on the part of others to join the Guard and Reserves.

Willing Americans must have the freedom to serve. This legislation gives the men and women in uniform that freedom, coupled with the certainty that Guard or Reserve service will not be a detriment. Service should be a badge of honor, worthy of respect from employers and fellow employees alike. H.R. 995 is vital to the future of an All-Volunteer Force and I urge its adoption.

Mr. KENNEDY. Mr. Speaker, I rise in support of H.R. 995, the Uniformed Services and Employment and Reemployment Rights Act of 1993. Our Nation's veterans deserve the promise of employment upon completing service to our country and of job security while on military status. H.R. 995 provides important protective measures to veterans with respect to employment and reemployment upon returning from military service.

The Persian Gulf war enlisted the brave services of more reservists than have been called upon in recent history. A national defense increasingly reliant upon reservists highlights the need for an understandable framework concerning employment rights both to our military personnel and their employers. Reservists must feel confident in their job security while serving our country. This bill provides provisions which significantly clarify and strengthen current law.

The bill institutes a ban on employment discrimination because of past, current, or future military service. In addition, it sets in place antiretaliation provisions which seek to protect individuals exercising their rights under this legislation. Veterans' rights under this legislation. Veterans' rights in the workplace would be guaranteed through enforcement by the Departments of Labor and Justice.

In general, the bill expands upon current reemployment rights of our Nation's veterans. Reemployment rights would extend for 5 years with all categories of service counted toward this limit. Current law provides a 4-year limitation on employment rights with only active duty service attributed to this goal.

Mr. Speaker, we must renew our national commitment to the men and women who have served our country so well by supporting their workplace rights throughout all dimensions of military service—from active duty to reservist status. I urge my colleagues to support this legislation.

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

Mr. STUMP. Mr. Speaker, I would like to commend the gentleman from Mississippi [Mr. MONTGOMERY] for all his hard work.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the mo-

tion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 995, as amended.

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

A motion to reconsider was laid on the table.

**INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1993**

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 578) to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 578

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 "Investment Adviser Regulatory Enhancement and Disclosure Act of 1993".

**SEC. 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION.**

(a) **AMENDMENT.**—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 203 the following new section:

**"FEES FOR REGISTRANTS AND APPLICANTS**

"SEC. 203A. (a) **IN GENERAL.**—The Commission is authorized, in accordance with this section, to collect fees to recover the costs of registration, supervision, and regulation of investment advisers and their activities. Such fees shall be collected, and shall be available, only to the extent provided in advance in appropriations Acts. No appropriation Act may authorize fees to be collected under this section during any fiscal year unless the amount appropriated by such Act for such costs for such fiscal year equals or exceeds the aggregate amount that may reasonably be expected to be collected by such fees. Such fees shall be deposited as an offsetting collection to the Commission's appropriation and may remain available for such purposes for the succeeding fiscal year. The costs covered by such fees shall be limited to the costs of Commission expenses for registration, examinations, and surveys of persons registered or required to register under this Act.

"(b) **TIME FOR PAYMENT.**—

"(1) **NEW REGISTRANTS.**—At the time of filing an application for registration under this title, the applicant shall pay to the Commission the fee specified in subsection (c). No part of such fee shall be refunded to the applicant. The filing of an application for registration under this title shall not be deemed to have occurred unless the application is accompanied by the fee required under this section.

"(2) **ONGOING REGISTRANTS.**—Each investment adviser whose registration is effective on the last day of its fiscal year shall pay to the Commission the fee specified in subsection (c). Such payment shall be made not later than 90 days after the end of its fiscal year, or at such other time as the Commission, by rule, shall determine, unless its registration has been withdrawn, canceled, or revoked prior to that date. No part of such fee shall be refunded to the investment adviser.

"(c) **COST-BASED SCHEDULE OF FEES.**—For any fiscal year for which fees are authorized to be collected by an appropriation Act, the amount of fees due from investment advisers in accordance with paragraphs (1) and (2) of subsection (b) shall be determined according to the following schedule:

Assets under management	Fee due:
Less than \$10,000,000	\$300
\$10,000,000 or more, but less than \$25,000,000	\$500
\$25,000,000 or more, but less than \$50,000,000	\$1,000
\$50,000,000 or more, but less than \$100,000,000	\$2,500
\$100,000,000 or more, but less than \$250,000,000	\$4,000
\$250,000,000 or more, but less than \$500,000,000	\$5,000
\$500,000,000 or more	\$7,000.

"(d) **SUSPENSION FOR FAILURE TO PAY.**—The Commission, by order, may suspend the registration of any investment adviser if it finds, after notice, that such investment adviser has failed to pay when due any fee required by this section. The Commission shall reinstate such registration upon payment of the fee (and any penalty due), if such suspension was based solely on the failure to pay the fee.

"(e) **RULEMAKING.**—The Commission may adopt such rules as are necessary to carry out this section.

"(f) **DEFINITION OF ASSETS UNDER MANAGEMENT.**—As used in this section, the term 'assets under management' means the client assets with respect to which an investment adviser provides continuous and regular supervisory or management services."

(b) **EFFECTIVE DATE.**—This section shall become effective upon the adoption by the Commission of implementing rules, under section 203A(f) of the Investment Advisers Act of 1940, as added by subsection (a).

**SEC. 3. EXAMINATIONS AND SURVEYS.**

The Investment Advisers Act of 1940 is amended by inserting after section 222 (15 U.S.C. 80b-22) the following new section:

**"EXAMINATIONS AND SURVEYS**

"SEC. 223. (a) **PERIODIC EXAMINATIONS.**—The Commission shall establish and periodically revise a schedule for the regular examination of investment advisers. Such schedule shall provide for more frequent examinations of certain investment advisers based on factors that the Commission determines increase the need for examination of those investment advisers, which shall include (at a minimum) each of the following:

- "(1) the frequency of customer complaints;
- "(2) the risks associated with newly registered investment advisers;
- "(3) custody of funds and the authority to exercise investment discretion;
- "(4) the existence of deficiencies detected during an examination under this title that may continue to present high risks to clients; and
- "(5) the receipt of commissions for the sale of investments recommended to clients.

"(b) **SURVEYS OF UNREGISTERED PERSONS.**—The Commission shall, within 3 years after the date of enactment of this section and periodically thereafter, provide for the conduct of a survey to determine the extent of, and reasons for, the failure of persons to register as required by this Act. The Commission shall, on the basis of such survey results, establish objectives for the reduction or elimination of such failures and shall include in annual reports to Congress (under section 23(b) of the Securities Exchange Act of 1934) submitted after completion of the first survey, a statement of such objectives, an evaluation of the success in attaining those ob-

jectives during the preceding year, and such recommendations as the Commission considers appropriate to assist in the attainment of those objectives. If the survey identifies any pattern of noncompliance with the registration requirements of the title and the rules thereunder, the Commission's objectives shall include such rule-making proceedings as may be required to correct such noncompliance.

"(c) **PROVISIONS NOT LIMITATION.**—The provisions of this section shall not be construed to limit the authority of the Commission to prescribe rules under this Act or to conduct an examination or investigation at any time or to institute proceedings under this title or any other title."

**SEC. 4. DESIGNATION OF SELF-REGULATORY ORGANIZATIONS.**

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 223 (as added by section 3 of this Act) the following new section:

**"DESIGNATION OF SELF-REGULATORY ORGANIZATIONS**

"SEC. 224. (a) **DESIGNATION TO CONDUCT EXAMINATIONS.**—The Commission, by rule, consistent with the public interest, the protection of investors, and the purposes of this title, may designate one or more self-regulatory organizations registered with the Commission under section 6 or 15A of the Securities Exchange Act of 1934, to conduct periodic examinations of its members, and affiliates of members, that are registered or required to register under this title, to determine compliance with applicable provisions of this title and the rules and regulations thereunder. Such rule shall specify the minimum scope and frequency for such examinations and shall, to the extent consistent with the protection of investors, be designed to avoid unnecessary regulatory duplication or undue regulatory burdens. Such self-regulatory organization may discipline such members and affiliates of members for violations of the applicable provisions of this title and the rules and regulations thereunder pursuant to the standards and procedures set forth in sections 6, 15A, and 19 of the Securities Exchange Act of 1934. The money penalties imposed by a self-regulatory organization for violations of this title shall not exceed those contained in section 203(i).

"(b) **LIMITATIONS.**—

"(1) **PRIMARY BUSINESS LIMITATION.**—The Commission shall not exercise the designation authority contained in subsection (a) for members or affiliates of members if the primary business of the member and its affiliates is investment advisory activities.

"(2) **LIMITATION WITH RESPECT TO AFFILIATES OF MEMBERS.**—The Commission shall not exercise the authority contained in subsection (a) for an affiliate of a member if—

- "(A) the primary business of the affiliate is investment advisory activities;
- "(B) the affiliate is an affiliate of the member solely as a result of the adviser's (or an associated person of the adviser's) registration with the member as a registered representative; and
- "(C) the affiliate is a registered representative of the member solely to enable the adviser to execute transactions that are incidental to the investment adviser's primary business;

unless the Commission determines, in accordance with such other criteria as the Commission establishes by rule, that such exercise of designation authority is consistent with the public interest, the protection of investors, the purposes of this title, and the objectives of the Commission's investment adviser examination program.

"(3) **LIMITATION WITH RESPECT TO SAVINGS ASSOCIATION AFFILIATES OF MEMBERS.**—The Commission shall not exercise the authority contained in subsection (a) for an affiliate of a

member if the affiliate is a savings association, as such term is defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)).

"(4) DEFINITIONAL RULES.—For purposes of this subsection, the Commission may, by rule, establish criteria for defining the terms 'primary business' and 'incidental to the investment adviser's primary business'.

"(c) AUTHORITY TO IMPOSE FEES.—

"(1) IN GENERAL.—Any self-regulatory organization designated by the Commission to perform the examinations specified in subsection (a) shall have the authority to collect fees in accordance with this subsection.

"(2) LIMITATION.—The total fee paid by a registered investment adviser under this subsection shall not exceed an amount determined in accordance with rules prescribed by the Commission. Such rules shall require that the fees collected by a self-regulatory organization under this subsection—

"(A) cover only the costs of the self-regulatory organization's expenses for examinations conducted pursuant to subsection (a);

"(B) as to any investment adviser, bear a reasonable relationship to the costs of conducting an examination of that adviser pursuant to subsection (a); and

"(C) not exceed such portion of the fee authorized under section 203A as the Commission determines is allocable to the Commission's expenses for conducting such an examination.

"(3) REDUCTION OF SECTION 203A FEES.—The amount of any fee that a registered investment adviser is required to pay under section 203A with respect to any fiscal year shall be reduced by the amount paid to a self-regulatory organization in accordance with this subsection with respect to such fiscal year.

"(d) EFFECTIVE DATE OF RULE.—A rule prescribed by the Commission under this section shall not be effective until 90 days after the date on which the Commission submits to each House of Congress a report—

"(1) containing the text of the proposed rule and the reasons therefor;

"(2) describing the procedures to be used to coordinate the collection of fees by the Commission under section 203A and by a self-regulatory organization under the rule; and

"(3) containing such other information as may be necessary to describe the implementation and enforcement of the rule.

"(e) DEFINITION.—For purposes of this section, the term 'affiliate' shall mean any person directly or indirectly controlling, controlled by, or under common control with a member."

#### SEC. 5. SUITABILITY AND OTHER ADVISER OBLIGATIONS.

(a) AMENDMENT.—Section 206 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-6) is amended to read as follows:

##### "PROHIBITED TRANSACTIONS BY INVESTMENT ADVISERS

"SEC. 206. (a) PROHIBITED CONDUCT.—It shall be unlawful for any investment adviser or any person associated with an investment adviser, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

"(1) to employ any device, scheme, or artifice to defraud any client or prospective client;

"(2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client;

"(3) acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which

he is acting and obtaining the consent of the client to such transaction;

"(4) to engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative;

"(5) to provide investment advice to any client, other than in connection with impersonal advisory services, unless the adviser—

"(A) prior to providing any investment advice, and as appropriate thereafter, makes a reasonable inquiry into the client's financial situation, investment experience, and investment objectives;

"(B) reasonably determines that the investment advice is suitable for the client; and

"(C) maintains reasonable records, in accordance with such rules as the Commission shall prescribe, of the information obtained from the inquiries the adviser made in complying with this paragraph; or

"(6) to guarantee a client that a specific result will be achieved as a result of the advisory services provided by the investment adviser.

"(b) EXEMPTIONS AND SPECIAL RULES.—

"(1) EXEMPTION.—The prohibitions of subsection (a)(3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

"(2) AUTHORITY TO DEFINE AND PRESCRIBE.—The Commission shall, for the purposes of subsection (a)(4), by rules define, and prescribe means reasonably designed to prevent, such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative.

"(3) DEFINITION OF IMPERSONAL ADVISORY SERVICES.—As used in subsection (a)(5), the term 'impersonal advisory services' means any investment advisory services provided—

"(A) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts;

"(B) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or

"(C) by any combination of the foregoing services."

(b) RULEMAKING REQUIRED.—The Commission shall prescribe rules for purposes of paragraph (5)(C) of section 206(a) of the Investment Advisers Act of 1940 (as added by subsection (a) of this section) within one year after the date of enactment of this Act.

#### SEC. 6. ADDITIONAL DISCLOSURE OBLIGATIONS OF INVESTMENT ADVISERS.

(a) ADDITIONAL OBLIGATIONS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by striking the heading of such section and inserting the following:

##### "PERIODIC REPORTS AND OTHER DISCLOSURE REQUIREMENTS";

(2) by inserting "(a) PERIODIC AND OTHER REPORTS.—" after "SEC. 204."; and

(3) by adding at the end the following new subsections:

"(b) BROCHURE REQUIRED.—

"(1) IN GENERAL.—Each person registered under section 203 of this title shall disseminate to each client or prospective client a document disclosing material facts concerning matters listed in paragraphs (2) and (3) and such other matters as the Commission shall prescribe. In order to provide for timely and effective disclosure of such facts and matters to clients, the Commission shall by rule prescribe the format of the document and the timing of its dissemination.

"(2) CONTENTS OF BROCHURE.—The document required by paragraph (1) shall include information concerning—

"(A) the education and business background of such person and of any associated person

providing significant investment advisory services to the client,

"(B) compensation arrangements between the client and the investment adviser,

"(C) the nature of services offered,

"(D) business practices,

"(E) methods for obtaining information on the disciplinary history and registration of the investment adviser and persons associated with the investment adviser, and

"(F) conflicts of interest which could reasonably be expected to impair the rendering of disinterested advice.

"(3) PROMINENT DISCLOSURES.—Such document shall also prominently disclose—

"(A) that—

"(i) the registered person receives or may receive, directly or indirectly, sales commissions or other fees in connection with a purchase or sale effected on behalf of a client; or

"(ii) the registered person will not receive, directly or indirectly, any sales commission or other fees in connection with such purchase or sale, but the client may be charged a sales commission or other fee by another person in connection with such purchase or sale; and

"(B) that remedies may be available to the client with respect to disputes arising out of the advisory relationship.

"(4) DEFINITION.—The Commission shall define 'associated person providing significant investment advisory services to the client' by rule for purposes of this subsection.

"(c) TRANSACTION REPORTS.—

"(1) INITIAL DISCLOSURE.—Before a purchase or sale is effected on behalf of any client, each registered investment adviser shall, in accordance with rules prescribed by the Commission, disclose to the client the total amount of commissions, fees, or other charges that may reasonably be expected to be charged in connection with the transaction (or, in the case of payments from third parties, that a payment will be received) and that the adviser or a related person will receive a portion of the commission, fee, charge, or payment. Such initial disclosure shall be in writing if the purchase or sale was recommended in writing.

"(2) CONFIRMATION.—After a purchase or sale is effected, each registered investment adviser shall transmit to each client a written statement that discloses the amount of commissions, fees, or other charges charged in connection with the transaction (or, in the case of payments from third parties, that a payment has been or will be received). Such written statement shall be in such form and contain such information, and be provided in accordance with such rules, as the Commission shall prescribe. Such rules shall, to the extent consistent with the protection of investors, permit delivery of a confirmation statement of a broker or a dealer that includes information that meets the requirements of this subsection (and the rules adopted thereunder) in order to satisfy such requirements.

"(3) WAIVER.—The Commission may, by rule, permit an investment adviser to omit disclosure required by this subsection with the knowing written consent of the client.

"(4) EXCEPTIONS.—This subsection shall not apply—

"(A) with respect to any purchase or sale for which the investment adviser, and any person associated or under common control with the investment adviser, will not receive any portion of the amount charged or deducted in connection with the purchase or sale, and will not receive any payment from a third party required to be disclosed under paragraph (1);

"(B) with respect to accounts for which the person is authorized to exercise investment discretion; or

"(C) with respect to any account for which the person is not acting as an investment adviser.

"(5) **SPECIAL RULE.**—The provisions of this subsection shall also apply to any person associated with an investment adviser effecting transactions for advisory clients through a broker or dealer with which the person is associated.

"(d) **PERIODIC REPORTS.**—

"(1) **IN GENERAL.**—Each registered investment adviser shall provide to each client a periodic written statement in such form and containing such information as the Commission shall prescribe by rule consistent with the public interest, the protection of investors, and the purposes of this title. Such rule shall require the disclosure of—

"(A) commissions, fees, or other charges paid by the client during the period for services provided by the investment adviser and any person associated or under common control with the investment adviser;

"(B) compensation directly or indirectly received during the period by the investment adviser, or any person associated or under common control with the investment adviser, from any third party with respect to any recommended transaction;

"(C) in the case of a client account for which the investment adviser provides investment supervisory services, securities positions held in the account at the beginning and at the end of the period; and

"(D) such other matters as the Commission shall prescribe.

"(2) **COMMISSION RULES.**—The rule prescribed by the Commission pursuant to paragraph (1) shall require that the format and timing of delivery be designed to present the required information in a manner that readily permits clients to compare the costs charged by the investment adviser with the costs charged by other advisers. In adopting such rule, the Commission shall require an investment adviser whose clients purchase or sell investment products through persons other than such adviser, or persons associated or under common control with such adviser, to disclose to its clients that such information concerning costs charged does not include commissions or other fees paid in connection with such purchases or sales. Such rule shall, to the extent consistent with the protection of investors, permit delivery of a report of a broker or dealer that includes information that meets the requirements of this subsection (and the rules adopted thereunder) in order to satisfy such requirements.

"(3) **WAIVER.**—The Commission may, by rule, permit an investment adviser to provide the statement required by paragraph (1) no more frequently than annually if the client knowingly waives, in writing, the right to obtain such statement more frequently than annually.

"(4) **EXCEPTION.**—This subsection shall not apply with respect to any account for which the person is not acting as an investment adviser.

"(e) **FACILITIES FOR FILING RECORDS AND REPORTS; ACCESS TO DISCIPLINARY AND OTHER INFORMATION.**—

"(1) **FILING DEPOSITORIES.**—The Commission, by rule, may require any investment adviser—

"(A) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

"(B) to pay the reasonable costs associated with (i) such filing, and (ii) the maintenance of the toll-free telephone listing required by paragraph (2).

"(2) **LISTING FOR TOLL-FREE INQUIRIES.**—The Commission shall require the entity designated by the Commission to receive fees, applications, reports, or notices pursuant to paragraph (1) to—

"(A) establish and maintain a toll-free telephone listing to receive inquiries regarding the

disciplinary and other information involving investment advisers and persons associated with investment advisers; and

"(B) respond promptly to such inquiries in writing.

Such designated entity may charge persons, other than individual investors, reasonable fees for the cost of providing written responses to inquiries. Such designated entity shall not have any liability to any person for any actions taken or omitted in good faith under this paragraph."

(b) **RULEMAKING REQUIRED.**—The Commission shall prescribe rules for purposes of subsections (b), (c), and (d) of section 204 of the Investment Advisers Act of 1940 (as added by subsection (a) of this section) within one year after the date of enactment of this Act.

**SEC. 7. BOND REQUIREMENT.**

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-8) is amended by adding at the end the following:

"(e) **BOND REQUIREMENT.**—

"(1) **IN GENERAL.**—The Commission, by rules for the protection of investors, shall require any investment adviser registered under section 203 who—

"(A) is authorized to exercise investment discretion, as defined in section 3(a)(35) of the Securities Exchange Act of 1934, with respect to an account,

"(B) has access to the securities or funds of a client, or

"(C) is an investment adviser of an investment company, as defined in section 2(a)(20) of the Investment Company Act of 1940,

to obtain a bond from a reputable fidelity insurance company against larceny and embezzlement in such reasonable amounts and covering such officers, partners, directors, and employees of the investment adviser as the Commission may prescribe.

"(2) **CONSIDERATIONS IN RULEMAKING.**—In implementing paragraph (1), the Commission shall consider—

"(A) the degree of risk to client assets that is involved;

"(B) the cost and availability of fidelity bonds;

"(C) existing fidelity bonding requirements; and

"(D) any alternative means to protect client assets.

"(3) **EXEMPTION AUTHORITY.**—The Commission by rule may exempt any person or class of persons, under such terms and conditions and for such periods as the Commission shall provide in such rule, from the requirements of this subsection and the rules thereunder."

**SEC. 8. DISQUALIFYING CONDUCT.**

(a) **AMENDMENT.**—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for one or more years and that is not described in paragraph (2) of this subsection or of a substantially equivalent crime by a foreign court of competent jurisdiction."

(b) **CONFORMING AMENDMENTS.**—Section 203 of such Act is further amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking "this paragraph (5)" and inserting "this paragraph (6)";

(2) in subsection (f)—

(A) by striking "paragraph (1), (4), (5), or (7)" and inserting "paragraph (1), (5), (6), or (8)"; and

(B) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(3) in subsection (i)(1)(D), by striking "section 203(e)(5) of this title" and inserting "subsection (e)(6) of this section".

**SEC. 9. CONFIDENTIALITY.**

Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-8), as amended by section 7, is further amended by adding at the end the following new subsection:

"(f) **DISCLOSURE OF CLIENT INFORMATION PROHIBITED.**—

"(1) **ADVISER DISCLOSURE.**—It shall be unlawful for any investment adviser to disclose any personally identifiable financial information with respect to any client unless required by law to do so, or unless—

"(A) the client has been adequately informed of the proposed information disclosure, in accordance with rules prescribed by the Commission, and (i) has been afforded the opportunity, in accordance with such rules, to object to the disclosure, and (ii) has not objected or has affirmatively consented;

"(B) the information disclosed is necessary and appropriate in order to establish an advisory or brokerage account or to effect or attempt to effect a transaction for the client;

"(C) the information (i) is requested by representatives of the Commission, a State agency whose primary assignment is the regulation of the securities business, or a self-regulatory organization, or (ii) is requested by subpoena; or

"(D) the information is requested by the client's auditors or accountants.

"(2) **SECONDARY DISCLOSURE.**—It is unlawful for any person to whom information is disclosed for the purpose described in paragraph (1)(B) to use such information for any purpose other than the effectuation of the client's transaction."

**SEC. 10. CUSTODIANSHIP.**

(a) **FINDINGS.**—The Congress finds that—

(1) most clients of investment advisers who give their advisers discretionary authority over their securities and funds provide for the safekeeping of their securities and funds with a custodian;

(2) it is a customary business practice for custodians to provide reports of the transactions in client accounts directly to clients;

(3) such direct reporting provides an important safeguard against improper use of client assets; and

(4) permitting advisers to serve as the sole recipient of custodial account communications has allowed, and may continue to allow, unscrupulous persons to misuse client assets, causing substantial losses for those clients.

(b) **REPORT.**—The Commission, within 18 months of enactment of this Act, after consultation with the appropriate Federal banking agencies (as such term is defined in section 3(a) of the Federal Deposit Insurance Act), shall submit a report to Congress—

(1) analyzing the risks to investors when an investment adviser is made the sole recipient of communications from the custodian or when an investment adviser or affiliate thereof serves as the custodian; and

(2) making any recommendations the Commission believes are necessary to eliminate or reduce these risks.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] 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, I rise today in support of H.R. 578, the Investment Advisers Regulatory Enhancement and Disclosure Act. This bill, sponsored by Congressman BOUCHER, myself, Chairman DINGELL, and others, is the culmination of a lengthy effort to bring appropriate regulation to the world of financial planning. I would like to commend the gentleman from Virginia, in particular, for his hard work and persistence in pursuing this very important investor protection issue.

Investment advisers and financial planners are perhaps the least regulated of all the members of the securities industry. The industry has grown explosively in the recent past, in part in response to demand by consumers who find the investment world scary, complex, and often overwhelming. As bank CD rates have deflated, so more and more consumers are moving into the securities markets, and in doing so are soliciting the advice of financial professionals. Unfortunately, those who are forced to depend on the kindness of strangers for investment advice are not always protected from those that mean them harm. As we have seen time and again in other areas, the law and regulation have not kept up with market developments. The Securities and Exchange Commission, charged with regulating the investment adviser industry, is egregiously underfunded in this area, and the number of inspectors, 48, available to keep tabs on an industry rife with the opportunity, if not in all cases the reality, of abuse, is laughable.

Today, there are about 18,400 investment advisers providing what their clients hope is well-informed and objective advice about how to invest their hard-earned money. Over the 11 years between 1981 and 1992, the number of planners and advisers registered with the SEC skyrocketed by over 260 percent. Assets managed by advisers rose from \$450 billion to \$9.8 trillion, an increase of more than 2,000 percent. This amount represents almost four times the amount deposited in U.S. commercial banks. Given the explosive growth of this industry, something has had to give, and that something has been regulatory oversight and investor protection.

Clearly, increasing inspections of advisers from once every 30 years to once every 5 years helps, and our bill would accomplish that goal. But increased regulatory scrutiny alone cannot solve the problems endemic to this industry. In my subcommittee's hearings on this issue, we have heard from numerous small investors from all parts of the country who sought the advice of investment advisers in an effort to obtain educated, disinterested and comprehensive advice about how to invest their savings. But instead of an objec-

tive assessment of their financial needs and a program designed to meet them, they received self-interested plans that form a veritable roadmap of the highest commissions in the securities business. Better SEC oversight alone cannot stem such abuses. Investors must be equipped with the facts they need to make informed decisions and to arm themselves against predatory practices. Our bill would do just that.

While unsophisticated investors are the easiest targets for unscrupulous financial planners, even relatively sophisticated investors can be taken in by investment advisers who, like modern-day Pied Pipers, play the sweet tune of high returns and low risk. Steven Wymer, president of Institutional Treasury Management, and the perpetrator of one of the most egregious investment adviser frauds in history, was just such a Pied Piper, harming various cities, towns, and governmental entities to the tune of hundreds of millions of dollars. Mr. Wymer is now under indictment and has pled guilty to nine felony counts. He is due to be sentenced tomorrow afternoon, and faces a substantial prison term, but he will never be able to repay the millions of dollars he stole from the people of California, Colorado, and Iowa, many of whose towns are suffering budget emergencies, service cuts, and spending freezes as a result of his actions.

Some might say that in the face of a well-planned and well-executed fraud like Mr. Wymer's, we should just throw up our hands and acknowledge that we can't prevent all crimes. But I take from Mr. Wymer's sordid tale a different lesson. That lesson is that while it is never possible to plug every hole, we have an obligation to do far more than blindly throw money at the problem. The House bill does more:

It bolsters SEC regulation of investment advisers through higher fees dedicated to SEC inspections, risk-targeted examinations, and authority for the SEC to delegate to an SRO certain inspection responsibilities;

It requires investment advisers to recommend only suitable investments to their clients;

It provides for better disclosure of conflicts of interest and other relevant information through a three-tiered disclosure system including a brochure and transaction and periodic reporting;

It requires investment advisers with discretion over or custody of client assets to obtain a fidelity bond;

It safeguards the confidentiality of personally identifiable financial information;

It provides for a toll-free number for investors to call regarding their adviser's disciplinary history; and

It addresses the problem highlighted by the Wymer case where custodians failed to provide account information to their custodial clients, thereby fa-

cilitating a dishonest adviser's ability to conceal fraud.

These provisions are critical for the millions of Americans who each year entrust their future and that of their families to investment advisers and financial planners. I urge you to vote for this important legislation.

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Mr. Speaker, this is a solid piece of legislation, and it is one that many people deserve praise for: Consuela Washington, who was counsel for the full Committee on Energy and Commerce; to Merrill Spiegel, working for the gentleman from Virginia [Mr. BOUCHER]; to Steve Blumenthal and Peter Rich, who work with the minority, ensuring that the gentleman from Texas [Mr. FIELDS], the ranking minority member, and the gentleman from California [Mr. MOORHEAD], the ranking minority member on the full committee, were included from step one all the way through the transaction, and on my own staff, to Dolores Daly and to David Moulton and to Jeff Duncan and especially to Elise Hoffmann, who has worked on this legislation tirelessly for 3 years in bringing it to this point.

I want to close by congratulating and thanking the ranking minority member of the subcommittee, the gentleman from Texas [Mr. FIELDS] for making it possible for us to put together legislation in this fashion. It is a tribute to him that we are able to bring legislation out on the floor that has this kind of bipartisan cooperation.

It is our goal to ensure that that be the way in which all legislation be dealt with between the majority and minority.

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

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

Mr. Speaker, I rise in support of H.R. 578.

As the population of the United States grows older and the need for financing a child's education or providing security in retirement grows more important, financial planning services are sought by more Americans.

Most financial advisers are honest, conscientious people who do a great job for their clients. Unfortunately, we must be sure that we are being protected from the small percentage of frauds and crooks who would take advantage of their clients. H.R. 578 will go a long way toward improving the protection of investors who use the services of investment advisers.

Unfortunately, enactment of this legislation will come too late for some. In hearings before the Energy and Commerce Committee, we listened to painful testimony that large and small California and Iowa cities, counties, and school districts have been defrauded of hundreds of millions of dol-

lars. The losses they suffered occurred because they invested with a 43-year-old investment adviser named Steven Wymer. Mr. Wymer has now plead guilty to stealing \$174 million from his clients.

State and local government entities have become big investors. Years ago, idle funds gathered dust, not interest, for the relatively brief period between the time property and other taxes were collected and the revenue was used to pay the bills. Local banks that held the money enjoyed reinvestment revenues, and advocates of good government reasoned correctly that the taxpayers deserved at least a share of that revenue. New laws let government entities shop anywhere for the best deal. This is fertile ground for a fraud like Steven Wymer.

The millions of dollars that were lost to Wymer's fraud came out of the pockets of Iowa farmers struggling to make a living. It came from the profits of small shopkeepers and from the checking accounts of young California families with modest homes. It was money gathered from thousands and thousands of Californians and Iowans, funneled into local treasuries, to a state-wide trust, and finally to the personal account of a wheeler dealer. Mr. Wymer's conversion of funds entrusted to him imperils the financial security of the retirement of thousands of dedicated civil and public servants. No one can be proud of the Wymer story.

Unfortunately, investment adviser regulation has not been accorded the high priority it deserves at the Securities and Exchange Commission. Despite the enormous growth of the financial planning industry over the last decade, and the proliferation of new and complex investments, somehow SEC budget dollars and staff allocations have been directed toward programs that seem more important at that moment. That situation may be understandable, but events have underscored the need to bring it to an end.

The SEC is without a program of regular adviser examinations. At our hearings, we learned the Commission actually moved some staff out of the adviser examination program to perform other duties. The agency seems to be without the will to transfer people and funds from other departments and to devote them to investment adviser examinations. Congress cannot micromanage the agency, and indeed, it would not make sense to create manpower and resource shortages in other divisions of the Commission just to staff the adviser examination program. It is bad public policy to force the agency to rob Peter to pay Paul. The only logical answer is to provide additional funding and mandate an adequate examination program. H.R. 578 provides such new funds for the Commission. It also contains a mechanism by which the SEC can call upon the re-

sources of the industry itself, and provide for examination of those investment advisers who are affiliated with brokerdealers. This is consistent with the congressionally approved program of securities industry self regulation and I wholeheartedly support it.

Perhaps the issue that has most focused people on the need for this legislation, however, is the need to build a federal system of regulation for financial planners. Financial planning regulation is the weak underbelly of the financial services community. Frequently the least trained, and certainly the least overseen, financial planner incompetence and breach of duty is collectively a much greater threat to the financial security of investors than a single fraud like Steven Wymer ever could be. The inadequacy of financial planning regulation is a national problem, and it is time that we recognized that it is a congressional concern.

Many of the State legislatures have addressed the issue of who is a financial planner and what is the appropriate regulation of the industry. Most are satisfied their investment adviser acts provide an adequate regulatory framework. But not even the largest States have the budget and manpower resources to enforce a comprehensive scheme of regulation of the large number of independent financial planners. The issue that concerns us as the national legislature, of course, is whether the problem has grown so large that it exceeds the resources of the States to control it. I believe it has. Certainly, State regulation did not deter Mr. Wymer.

I will not minimize my concerns. I am horrified at the abuses that are reported in the studies of the numerous examples of fraud, breach of fiduciary duty, and even outright stealing and embezzlement by people calling themselves financial planners.

We must be careful, however, not to increase the costs of doing business in this country by adding another layer of regulation on top of legitimate professions and industries. Because we are sensitive to the burden compliance with additional regulation places on small businesses and individual practitioners, the most potentially burdensome disclosure requirements have been drafted in a way to minimize the impact on small businesses. We must always be aware of the costs imposed by the additional disclosure and other regulatory requirements contained within this legislation. Investment adviser legislation in the other body differs significantly from the House approach, particularly in the area of requiring additional disclosures, and much remains to be done before a bill can be placed before the President for his signature.

H.R. 578 represents the most significant revision of the Investment Advisers Act in almost 20 years. When

passed, it will join other legislation reported by this committee and enacted into law modifying the Securities Act of 1933, and the Securities Exchange Act of 1934, to reform the markets and curb insider trading, provide new SEC additional enforcement remedies, and eliminate the abuses of the penny stock market. Enactment of this legislation brings to a conclusion a bipartisan effort that began 4 years ago with the introduction of a bill by my good friend from Virginia, Congressman BOUCHER. I want to commend him on this fine legislation, and for his persistent and tenacious effort to secure its adoption. I also want to commend Chairman DINGELL and MARKEY for their efforts. Finally I make special note of the significant contributions to the deliberations of the committee by Congressman MICHAEL OXLEY. In addition to his own work as the ranking Republican on the Subcommittee on Transportation and Hazardous Waste, Congressman OXLEY has been an enormous help to the energy and commerce minority and its full and subcommittee ranking members in leading the effort of the Telecommunications and Finance Subcommittee on this legislation.

In addition, I would like to commend JACK FIELDS, the ranking Republican on the Subcommittee on Telecommunications and Finance and all the members of that panel for their hard work in crafting this legislation.

□ 1320

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 Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise today in strong support of H.R. 578, legislation that will provide for more thorough oversight of investment advisers by the Securities and Exchange Commission. Too often during the past several years members of the Energy and Commerce Committee have heard testimony highlighting fraud and manipulation in our financial markets. Whether it is manipulation in the Government securities markets, insider trading, or multimillion dollar pyramid schemes, our Nation's investors have time and again been subjected to the backlash of greedy schemes run by greedy people.

As a credit to the committee, led by Chairman DINGELL, subcommittee Chairman MARKEY and others, including the original sponsor of today's bill, RICK BOUCHER, we in Congress have been able to consistently, and aggressively, address fraud in the markets, in whatever form it may arise. The Investment Advisers Act is simply the latest in a long line of market fraud prevention measures proposed by the committee.

Our hearings on this issue have shown that investment advisers are, perhaps, the least regulated segment of the securities industry. During the past 12 years the number of investment advisers has more than tripled from 5,100 in 1981 to 18,700 in 1992. During the same period, the assets under their management grew from \$450 million to more than \$8 trillion. Unfortunately this explosion was not matched by anywhere near the proper regulatory response. During the last decade, the SEC, the only industry regulator, struggled to increase the number of examiners overseeing investment advisers from 36 to 48.

H.R. 578 is a well-crafted legislative response to the woefully deficient regulatory framework overseeing investment advisers. The bill, which I am glad to cosponsor, sensibly and effectively protects investors from unscrupulous investment advisers by mandating fuller disclosure, tighter registration requirements, more vigorous SEC enforcement and investigation, strong suitability requirements, and oversight of investment advisers by self-regulatory organizations.

Congress needs to quickly pass this bill so we can protect our constituents from those unscrupulous financial finaglers who like to make a fast buck and do not care how they do it.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I would like to express my appreciation to the gentleman from Massachusetts [Mr. MARKEY], the chairman of the Subcommittee on Telecommunications and Finance, for yielding me this time, and also for his very able assistance and that of his staff in helping to develop this measure which has been a high priority of mine for the last several years.

Mr. Speaker, I would also like to express my appreciation to the gentleman from California [Mr. MOORHEAD] and the gentleman from Texas [Mr. FIELDS] for their assistance and cosponsorship of the measure.

Consumers who are entrusting their financial decisionmaking, and often their life savings, to financial planners need greater protection than the current law affords. It is estimated that investors are losing up to \$1 billion annually because of inappropriate conduct on the part of financial planners and investment advisers. These are all avoidable losses.

This money is not lost because of the normal risks that are associated with investing. The losses do not arise from the typical fluctuations of the stock and bond and commodities markets. These losses occurred as a result of malfeasance on the part of financial consultants. Some simply steal the money. Others exhaust their customers' assets through the churning of

accounts, earning for themselves fees from an unjustifiably large number of financial transactions.

Some planners lack any specialized training or education, and through their incompetence, make recommendations that result in investor losses.

A more subtle but pervasive problem is the hidden conflict of interest in which the investment adviser receives a special fee or commission anytime a financial product that he recommends is sold. He does not disclose to his customer the fact that he receives that special fee or commission, and as a consequence, the incentive is very great for the investment adviser to recommend products for which he will receive the largest fee or commission, and oftentimes these are the most risky kinds of investments such as limited-partnership interests, an area in which there has been a great deal of abuse.

The other phenomenon that we have noticed is that advisers who receive special fees or commissions very often recommend the same kind of investment to people with very different financial circumstances. Oftentimes the young couple that is just making its way in life will get exactly the same kind of recommendation from an investment adviser that he makes to the senior couple preparing to enter retirement. Obviously that kind of investment is wrong for one couple or the other, and in many instances is wrong for both. That particular financial planner holds himself out as offering objective advice to his clients, but, in fact, he is nothing more than a salesperson for a particular financial product, and it is his own financial interest that he is seeking to foster instead of that of his client.

There is no entrance examination for this industry. In fact, there is no entry requirement of any kind beyond the payment of a one-time fee of \$150 and the filing of a registration form at the SEC. Anyone can become a registered financial planner or investment adviser.

Compounding that problem is the lack of adequate personnel at the SEC to oversee the industry.

□ 1330

During the past decade the number of registered investment advisers has risen from 5,100 to 18,400, and the assets that they have under management have soared from \$450 billion to more than \$8 trillion. During that same period of one decade, the number of examiners at the SEC devoted to overseeing the industry has risen by only 12, from an inadequate 36 in 1980 to an even more inadequate 48 today.

The typical investment adviser can expect to be examined and have oversight of his activities only once every 30 years.

A reform of the law is obviously needed.

Consumers must have a reliable means of learning more about the financial planner with whom they deal, learning more about the education of that planner, about his business background and his disciplinary history, and learning more about whether the advice they are receiving is really in their interest or is designed to promote the financial interest of the planner himself. The SEC must be provided with adequate resources to oversee the industry.

The legislation we offer today is that comprehensive reform, and it does meet that test. It contains a number of investor protections.

It addresses the problems of the hidden conflict of interest by requiring that all fees or commissions received when a particular financial product is sold be disclosed. It provides that the financial planner must inquire into the financial resources of his client and into the investment objectives of that client and keep a very careful record of those inquiries to make sure that he is giving an eye toward the suitability of particular investments for particular clients.

Any time the financial planner will have custody over his client's funds or investment discretion with regard to those funds, he will be required to obtain a fidelity bond, so that if he through fraud or other means steals the funds, the client will have recourse.

We say that no one who has been convicted of a felony may be a registered investment adviser, and we provide the new resources for the SEC to appropriately oversee this industry. Today there is a one-time registration fee of \$150. Our legislation would impose an annual fee that would be based on the size of the assets that the particular financial planner has under management. And we direct the SEC to use those new resources to hire the inspectors and refocus their efforts on newly registered advisers, the advisers who have custody over client funds or discretion with regard to investing those funds, and advisers with regard to whose conduct complaints are generated.

The original bill that I introduced has been significantly strengthened by the efforts of the gentleman from Massachusetts, Chairman MARKEY, and the subcommittee staff, and the gentleman from Texas [Mr. FIELDS] and the gentleman from California [Mr. MOORHEAD] and the staff on the Republican side.

I particularly want to thank Mr. MARKEY for his recommendation that the SEC maintain a special 800 number which can be called by any person in the United States in order to find out about the disciplinary history of the investment adviser with whom that client is dealing. That is a much-needed

reform, and a number of the other provisions that Mr. MARKEY has recommended and are a part of this measure strengthen it considerably as well.

Given the busy nature of the subcommittee that the gentleman, Mr. MARKEY, chairs and the various items that are presently on its agenda, I particularly want to thank him for his early attention to this measure, for moving it forward quickly through the subcommittee, the full Committee on Energy and Commerce, and for bringing it today to the floor of the House.

Mr. Speaker, it is a comprehensive reform. It will contain the consumer protections that are so badly needed, given the explosive growth of this largely unregulated industry today. I am pleased to urge our colleagues in the House of Representatives to approve the measure.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS], the ranking Republican on the subcommittee.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 578, the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993.

Congress enacted the Investment Advisers Act of 1940 to protect the public from the unscrupulous investment advisers. Over the five decades of its existence the act seemed to work well. The activities of advisers rarely produced headlines announcing scandals as have the actions of penny stock brokers and insider traders. But events of the last few years have shown us that we were lulled into a false sense of security.

While the regulatory framework for advisers is well conceived, the ability of the SEC to enforce the law has been lacking. The SEC has not had sufficient resources to operate an effective inspection program. At the current levels at which Congress funds the agency, and with the staff allocations to the examination function made by the SEC itself, the 17,000 investment advisers registered with the SEC can expect a routine examination approximately once every 30 years.

If that is not troubling enough, the inattention of Congress sent the wrong message to the SEC. As the Telecommunications and Finance Subcommittee held hearings on this bill, it became apparent the SEC had a policy of not applying even those resources it does have to adviser regulation. Employees responsible for adviser exams were actually assigned to other duties. There is even evidence that the lack of funding for routine adviser examinations lead to superficial investigations in those instances when the agency had cause to examine. This was a prescription for disaster and disaster occurred.

Observers of the marketplace were horrified by news reports of an SEC registered investment adviser, named

Steven Wymer, abusing the trust of his investment advisory client. He succeeded in imperiling the financial security and retirement of thousands of employees of States, cities, and municipalities around the country. The SEC actually examined Mr. Wymer for cause on three separate occasions over several years. On two occasions the SEC was incorrectly satisfied that his illegal activities were nothing more than minor administrative violations, to be corrected without enforcement action. When the house of cards was finally brought down, it became clear that Mr. Wymer's fraud had been operating in spite of the SEC cause examinations, and he succeeded in stealing \$174 million of the funds of the employee pension and public project funds entrusted to him.

The increased attention our committee has given the inadequacy of the SEC adviser examination program should, hopefully, underscore for the Commission that Congress is not writing a blank check to the agency. We demand significant improvement in the regulation of financial planners. We must end the anomaly of more and more investors using investment advisers while fewer law enforcement resources are applied to adviser regulation.

In enacting this legislation Congress tells the SEC to do more with its appropriation than increase the number of employees on its payroll. We need better regulation, not just more regulation. The bill expands the antifraud provisions of the Advisers Act to include persons associated with advisory firms. For the first time the SEC will be able to move against employees of advisory firms and financial planners operating through contractual agreements with broker-dealers without having to resort to convoluted legal theories.

New and higher levels of disclosure of conflicts of interest are mandated in the bill. Customers will be assured of having regular reports of trading activity to meet their obligations of overseeing their own accounts. Some concerns have arisen that the periodic reporting requirements of this legislation could be misinterpreted as authorizing duplicative reports and disclosure. This is not our intent. In writing regulations pursuant to this legislation, the SEC should accept existing disclosure whenever adequate.

We must be careful not to increase the costs of the securities industry in particular by burdening it with inappropriate investment adviser regulation. No matter how well meaning our efforts are to secure additional disclosure of potential conflicts of interest arising from compensation agreements and incentives, we must recognize that we are imposing new costs of doing business on legitimate entrepreneurs. The gains from these additional regula-

tions must be commensurate with the additional costs being imposed, as the costs will undoubtedly be passed on to customers.

We have spent many hours polishing and refining the provisions of this legislation as it proceeded through the Telecommunications Subcommittee. Wherever possible we eliminated burdens that will fall more heavily on the shoulders of the small business professions that make up the bulk of the advisory profession. We will continue to fine tune the legislation we enact today when we go to conference to reconcile this bill with that which will be passed by the other body.

Mr. Speaker, I want to compliment Congressman RICK BOUCHER for his efforts over the years on behalf of this bill. I am happy to be an original cosponsor of the legislation and to see it enacted by the House today. I also commend subcommittee chairman, ED MARKEY, as we well as committee chairman, JOHN DINGELL, and ranking Republican, CARLOS MOORHEAD, for their leadership. I also want to thank my friend from Ohio, Congressman MICHAEL OXLEY, for his efforts on behalf of the subcommittee during its consideration of the legislation.

□ 1340

Mr. MARKEY. Mr. Speaker, I yield myself the final 30 seconds just to note that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] is wholeheartedly in support of this and has played an integral role in bringing it to this point.

I want to once again congratulate the gentleman from Virginia [Mr. BOUCHER], the gentleman from Texas [Mr. FIELDS], and the gentleman from Ohio [Mr. OXLEY], and the gentleman from California [Mr. MOORHEAD] and all the rest of the people who made it possible for us to bring this legislation to the floor.

Mr. DINGELL. Mr. Speaker, today the Committee on Energy and Commerce is bringing to the House floor legislation to correct deficiencies in the current framework for overseeing and regulating investment advisers.

Current SEC resources are woefully insufficient to fund an examination and supervisory program adequate to the task of regulating the more than 18,400 advisers currently registered with the SEC, let alone to searching out and taking action against those operating outside the law. Over the past 11 years, the examination cycle for registered investment advisers has slowed from once every 12 years to once approximately every 27 years. Tremendous growth in the adviser industry has been severely undermatched by increases in SEC resources available for regulation of the industry. For example, on average, about 60 percent of the advisers registered for more than 1 year in the SEC's Chicago, Denver, Los Angeles, and New York regions have never been inspected. These regions are responsible for inspecting approximately 59 percent of the total registered investment adviser population.

This is an open invitation to fraud and chicanery against the citizens of this country who increasingly rely on financial planners and investment advisers, as their saving and investing decisions have become more complex and riskier.

Some of the more egregious abuses associated with the investment advisory industry are highlighted by a recent case involving a California investment adviser, Steven Wymer, who managed over \$1 billion for more than 60 State and local government entities. Wymer, through his company, Institutional Treasury Management [ITM], had close to 100 clients, of which 12 were financial institutions and 6 were pools of funds—like the Iowa trust, a pool of numerous local Iowa municipalities—whose participants numbered approximately 250. On December 9, 1991, the SEC filed a complaint seeking a temporary restraining order, preliminary and permanent injunctions and other relief, charging Wymer with fraud in connection with his diversion of clients' funds. On January 2, 1992, Wymer was indicted on 30 counts of securities fraud, mail fraud, money laundering, making false statements to SEC staff and obstruction of justice. On September 29, 1992, the SEC and the U.S. attorney's office, central district of California, jointly announced a global settlement of the civil and criminal actions against Wymer. Wymer pleaded guilty in the criminal action to a nine-count felony information and, in the SEC's civil action, he was ordered to pay approximately \$209 million to his 19 defrauded advisory clients. Wymer, who is currently awaiting criminal sentencing, faces up to maximum of 100 years incarceration, a 5-year period of supervised release, and other monetary penalties. As a result of Wymer's fraud, approximately 19 of his clients lost all or nearly all of their funds under his management, totaling approximately \$174 million.

Wymer preyed upon small towns and municipalities whose funds often were managed by inexperienced treasurers, many of whom worked only part time.

H.R. 578 provides the SEC with additional resources with which to conduct inspections and other regulatory activities with respect to registered investment advisers. H.R. 578 also provides enhanced protection to investors employing the services of investment advisers, including financial planners, by increasing the frequency of SEC examinations of high-risk advisers, by establishing a mechanism for the identification of unregistered advisers, by establishing an express suitability standard, by improving disclosures of conflicts of interest and other pertinent information, by requiring fidelity bonds of certain advisers, by making provision for the establishment of a toll-free telephone listing to receive inquiries regarding disciplinary information concerning investment advisers, and by providing for client financial information to remain confidential unless consent is given for it to be disclosed.

OMB has asked that we confirm that both the collection and expenditure of the fees collected pursuant to authority of H.R. 578 are triggered by appropriations acts, and that no moneys may be collected or expended unless and until appropriated. Separately, with respect to the periodic reports under new section 204(d), we believe that the SEC may re-

quire thereunder the disclosure of certain soft dollar practices in order to alert account owners of the extent to which their accounts are affected by such practices. An investment adviser has a duty to disclose to clients all potential or actual conflicts of interest which might influence him, consciously or unconsciously, to render advice which is not disinterested. See current Advisers Act section 206 and rule 204-3 under the act. It is the growth of soft dollar practices and this potential conflict of interest, when an adviser receives research as a result of allocating brokerage on behalf of client accounts, that gives rise to the need to disclose these arrangements to clients. The committee will shortly be conducting a focused inquiry into questions raised by soft dollar practices and payment for order flow.

It is imperative that this legislation be passed by the Congress and signed by the President before any more massive frauds are perpetrated against our vulnerable constituents. The vast majority of the people in this business are honest men and women. We owe it to them to pass this bill as soon as possible in order to maintain much-needed honesty and integrity in the rendering of investment advice.

I thank my colleagues for their support of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 578, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 578, the bill just passed.

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

There was no objection.

#### TECHNICAL AMENDMENTS TO SECTION 11(a) OF THE SECURITIES EXCHANGE ACT OF 1934

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 616) to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

The Clerk read as follows:

H.R. 616

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

#### SECTION 1. PROHIBITED TRANSACTIONS.

Section 11(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)(1)) is amended—

(1) in subparagraph (E), by striking "(other than an investment company)";

(2) by striking "and" at the end of subparagraph (G);

(3) by redesignating subparagraph (H) as subparagraph (I); and

(4) by inserting after subparagraph (G) the following new subparagraph:

"(H) any transaction for an account with respect to which such member or an associated person thereof exercises investment discretion if such member—

"(i) has obtained, from the person or persons authorized to transact business for the account, express authorization for such member or associated person to effect such transactions prior to engaging in the practice of effecting such transactions;

"(ii) furnishes the person or persons authorized to transact business for the account with a statement at least annually disclosing the aggregate compensation received by the exchange member in effecting such transactions; and

"(iii) complies with any rules the Commission has prescribed with respect to the requirements of clauses (i) and (ii); and"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] 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.

I want to notify other Members that I will consume no more than 2 minutes. I think if the minority will do the same, then we will complete the business on this piece of legislation.

I am pleased to join with Representatives FIELDS and MOORHEAD in bringing H.R. 616 to the House floor today. This noncontroversial legislation eliminates an anachronistic provision in the law which prevents money managers who are members of the New York Stock Exchange or other national securities exchanges from using an affiliated broker to buy or sell stocks for certain accounts over which they exercise investment discretion.

Currently, the managed accounts restrictions in section 11(a) of the Securities Exchange Act of 1934 allow money managers to use affiliated brokers to do everything necessary to effectuate a trade for their managed accounts other than actually executing the buy-and-sell order on the exchange floor. Here, current regulations require money managers to use an independent floor broker to execute trades at the specialist post. H.R. 616, in contrast, would allow money managers to use an affiliated broker to actually execute the buy or sell orders for their managed accounts.

On March 30, the Subcommittee on Telecommunications and Finance

heard testimony from the securities industry indicating that passage of H.R. 616 would reduce unnecessary costs imposed on the industry, enhance the equality of trade execution for managed accounts, and reduce certain administrative and compliance burdens. In the 102d Congress, the subcommittee also received testimony from the SEC in support of identical legislation.

H.R. 616 provides the SEC with authority to assure that appropriate investor protections are afforded against the potential conflicts of interest arising from the combination of money management and brokerage functions. First, the SEC has authority to mandate that prior customer authorization be obtained before a money manager uses an affiliated broker to execute transactions for their managed accounts. Second, authority is granted to require regular disclosure of compensation arrangements with the affiliated broker.

I would also note that while the committee report recognizes that this legislation may result in reduced brokerage costs, we are not requiring that any such savings be allocated in any specific way. Rather, as the committee report explains, we expect that the savings resulting from this amendment to section 11(a) will be one of many factors influencing the negotiation of rates within the context of an intensely competitive brokerage industry.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules submitted a privileged report (Rept. No. 103-78) on the resolution (H. Res. 163) waiving points of order against the conference report to accompany the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 820, NATIONAL COMPETITIVENESS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-79) on the resolution (H. Res. 164) providing for consideration of the bill (H.R. 820) to amend the Stevenson-Wylder Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman MARKEY has done an excellent job in explaining this legislation. There is no controversy on this side of the aisle.

Once again we appreciate the chairman working in a cooperative spirit with the minority.

Mr. Speaker, I rise in support of H.R. 616, a proposal to amend section 11(a) of the Securities and Exchange Act of 1934.

In considering amendments to the securities laws in 1975, Congress was apprehensive about the possibility that broker-dealers might churn managed accounts to generate commissions. It was also concerned that a firm might pressure managers of advised accounts to purchase a particular security to complete a block transaction, or to close an underwriting of a new issue. Finally, there was also concern that brokers might give preference to managed accounts in the execution of their orders. To resolve these problems, section 11(a) was adopted as part of the Securities Act Amendments of 1975.

The prohibition against an exchange member firm effecting orders for managed accounts, over which it has investment discretion, is a holdover from the days of fixed commission rates. The practical effect of section 11(a) is to require institutions to channel their exchange business through unaffiliated broker-dealers. It also forces exchange members to execute trades for their managed accounts through an unrelated firm. In the absence of demonstrated conflicts of interest occurring, the section introduces unnecessary inefficiency in the order execution process.

Since May 1, 1975, the markets have changed dramatically, and experience has shown that the restrictions of section 11(a) are unnecessary. Although this section of the law does not appear to increase investor protection, it does impose unnecessary administrative costs and market inefficiencies on money managers.

I support H.R. 626 and urge its adoption.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume just to say that the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and all the Members on the majority side are in full support of this legislation.

I as well would like to compliment the minority. We worked this bill out over the last 2 years in a way which is acceptable to both sides.

My compliments to the gentleman from Texas and to his staff for their excellent job, as well as my own staff, Jeff Duncan, for his work.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 616.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 616, the bill just passed.

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

There was no objection.

USE OF CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 71) authorizing the use of the Capitol Grounds for the 12th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 71

*Resolved by the House of Representatives (the Senate concurring).*

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the twelfth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 137 law enforcement officers who died in the line of duty during 1992.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police

Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, House Concurrent Resolution 71, the annual Peace Officers' Memorial Service, has special meaning to me. From 1981 to 1985 I served as sheriff of Mahoning County, OH. As a former law enforcement officer and sheriff, I know the enormous sacrifices that have been made throughout this Nation's history by a special group of men and women that defend our communities.

Mr. Speaker, as of last year, seven law enforcement officers in Ohio died in the line of duty, including Millard Williams of the Youngstown Police Department.

So I have experienced also first hand the tragedy of a line-of-duty death.

One of my deputies, Sonny Litch, was shot and killed in an ambush while transporting a prisoner. His name is one of the thousands of names that appear on the wall of the National Law Enforcement Officers Memorial here in Washington.

Mr. Speaker, I would also like to mention one other officer who was killed in the line of duty while I served actively as the Sheriff of Mahoning County.

John Utlak was an officer in the Niles, OH, Police Department in neighboring Trumbull County, OH. John was shot and killed during an undercover drug operation. John's mother, Irene Sudano, is a constituent of mine and a tremendous and beautiful woman who has dedicated her life to assisting other survivors of police officers killed in the line of duty. This year's National Peace Officers' Memorial Service will honor the 137 law enforcement officers who died in the line of duty in 1992, defending our country, our citizens, our cities, our counties and our States. I cannot think of a more appropriate place to honor these fallen heroes than the U.S. Capitol.

□ 1350

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 71, a resolution which will allow the National Peace Officers' Memorial Service to be held on the Capitol Grounds on May 15, 1993.

Mr. Speaker, I join with my distinguished chairman of the subcommittee,

the gentleman from Ohio [Mr. TRAFICANT] in supporting this resolution.

Mr. Speaker, this service is the 12th time this event has been held, and the first time it will be held on the Capitol Grounds. The Capitol Police is the sponsoring agency for the event this year.

Before I came to Congress, Mr. Speaker, I practiced law in my hometown of Knoxville, TN, and served 7½ years as a criminal court judge trying primarily the felonies of more serious criminal cases. In that work I got to know almost all of the local law enforcement people on a very close basis, and many of them are close personal friends of mine. I have known over the years police officers who have been killed in the line of duty, and certainly I do not think we do enough to show our appreciation and respect for the work that is done by the brave men and women who serve in our law enforcement agencies around the country.

A very close friend of mine, Willis McCormick, served for many years as the national chaplain for the Fraternal Order of Police and traveled around the country speaking and holding services for policemen and others who have been killed in the line of duty in serving in our law enforcement agencies.

So, Mr. Speaker, I am pleased to join my colleague, the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT], in support of this resolution, and I urge its adoption.

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

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

Mr. MINETA. Mr. Speaker, I rise in strong support of House Concurrent Resolution 71, to authorize the 12th annual national peace officers' memorial service.

This event will allow thousands of Americans to pay tribute to police officers who have died in the line of duty during the past year.

This year the event is scheduled to take place on May 15, 1993.

I would like to commend the chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Ohio [Mr. TRAFICANT] for introducing this most worthwhile resolution and I urge its adoption.

I would also like to commend the gentleman from Tennessee [Mr. DUNCAN], the ranking Republican of this subcommittee, for helping expedite this matter for House consideration.

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

Mr. Speaker, I, too, want to commend the distinguished ranking minor-

ity member, the gentleman from Tennessee [Mr. DUNCAN], for his leadership on this and many other issues. I think this is a fitting tribute, House Concurrent Resolution 71, and it is fitting for Congress to take this action.

Mr. CLYBURN. Mr. Speaker, I rise in support of House Concurrent Resolution 71, which will allow the use of the Capitol Grounds for the national peace officers' memorial service on May 15.

This 12th annual memorial service honoring our Nation's law enforcement officials who have been killed in the line of duty is an event which serves to remind us of the ultimate sacrifice made too often by the men and women who risk their lives daily to protect each and every one of us here today.

Too often we take them for granted. Let us not forget that each of the 137 slain law enforcement officials we honor today died because they believed in, and were dedicated to their missions, and bravely faced the worst kind of danger.

Mr. Speaker, I would like to submit for the RECORD the names and addresses of the 10 law enforcement officials killed in South Carolina during calendar year 1992.

Hardy Merle Godbold, 2-29-1992, trooper, 1074 Highway Patrol, South Carolina.

John Mark Dial, 4-17-1992, deputy sheriff, 3506 Richland County, South Carolina, S.D.

William Nalley, 6-7-1992, deputy sheriff, 365 Charleston County, South Carolina, P.D.

Hubert Leander Lloyd, 6-7-1992, sergeant, 365 Charleston County, South Carolina, P.D.

Thomas W. Spears, 7-9-1992, corporal, 3866 Florence County, South Carolina, S.O.

Charles Junior Smith, 8-24-1992, chief deputy, 3878 Allendale County, South Carolina, S.D.

James Brent McCants, 10-25-1992, deputy sheriff, 3855 York County, South Carolina, S.D.

Mark Hunter Coates, 11-21-1992, trooper, 1074 Highway Patrol, South Carolina.

Christopher Lee Taylor, 12-7-1992, deputy sheriff, 2917 Anderson County, South Carolina, S.O.

Edward Joseph Alva, 12-24-1992, deputy sheriff, 3506 Richland County, South Carolina, S.D.

All of them were senseless tragedies.

In closing, let me salute the families of these officers: the mothers, the fathers, the wives, and children. Stand tall and keep faith. Be proud of the dedication shown by your lost loved one and know that we in the Congress are proud of them and are humbled by this ceremony which will honor them.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the distinguished chair of the Public Buildings and Grounds Subcommittee. I am proud to join with him as we pass this legislation which will allow Congress to pay its due respect to law enforcement officials who have made the ultimate sacrifice in service to their fellow officers and citizens.

Law enforcement has been accurately described as a thin blue line. In recent years we have been asking law enforcement to do more and more, even as the size of many forces have been cut due to budget problems. Meanwhile, in far too many cases, the thin blue line has been stretched beyond recognition.

Today we are honoring peace officers who were slain in the line of duty. An inscription at

the National Law Enforcement Memorial reads, "it is not how these officers died that made them heroes, it is how they lived." How true that is. These officers carried an honorable sense of duty. Their daily lives were geared toward preserving order in our society.

Far too often law enforcement officials have been killed in the line of duty, in fact 13,256 times through 1992. This year, the Dallas Police Department has the unfortunate distinction of placing four of its officers' name on the memorial where their contributions to our Nation will be forever engraved. I appeal in the strongest terms possible to my fellow members and the citizens of our Nation, let us work together so that these officers will not have died in vain.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 71.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 71, the concurrent resolution just agreed to.

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

There was no objection.

#### USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 82) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 82

*Resolved by the House of Representatives (the Senate concurring).*

#### SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 17, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

#### SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with

the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

#### SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

#### SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, the local soap box derby is a wonderful event that celebrates the family value of parents working with their children on a common goal. I want to commend the distinguished gentleman from Maryland [Mr. HOYER] for his leadership, being the sponsor of this bill.

The Greater Washington Soap Box Derby is for young boys and girls 9 through 16 years of age. The youngsters learn the principles of aerodynamics and mechanics through designing, building, and operating their own racing cars. It is a very popular, well-attended event, and I am pleased to associate myself with the gentleman from Maryland [Mr. HOYER] and this worthwhile family event.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 82, a resolution which will allow the Washington area Soap Box Derby races to be held on the Capitol Grounds on July 17, 1993. This event will take place on Constitution Avenue. The event allows families to participate in a worthwhile endeavor, and allows for a better understanding of aerodynamics, physics, and mechanical engineering.

Mr. Speaker, the sponsor of this resolution, the gentleman from Maryland [Mr. HOYER] is joined by other Washington area Members of Congress, including the gentleman from Virginia, [Mr. WOLF] and the gentlewomen from Maryland, Mrs. MORELLA and Mrs. BENTLEY.

I join my colleagues from both sides of the aisle in support of this resolution.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER], the sponsor of this bill.

Mr. HOYER. Mr. Speaker, I would like to thank the chairman of the House Public Works Committee, Mr. MINETA, the ranking member Mr. SHUSTER and the chairman of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT for their support and expeditious consideration of this bill.

For the past few years, I have sponsored this resolution to authorize the use of Constitution Avenue NE., between Delaware and Third, for the Greater Washington Soap Box Derby Competition. This competition is part of the All-American Soap Box Derby held later this summer in Akron, OH.

The local competition, open to boys and girls ages 9 to 16, offers young people the exciting opportunity to participate in an aged old all-American sport in the heart of the Nation's Capital. Youngsters and their families come from all across the region to take part in an activity that promotes a rewarding sense of achievement, sportsmanship, and camaraderie.

As in previous years, the Architect of the Capitol and the Sergeant at Arms, will negotiate a licensing agreement with the local derby association to assure that there will be complete compliance with rules and regulations governing the uses of Capitol Grounds.

I am pleased to again have the opportunity to make part in this most worthwhile event which provides the participants, tourists, and local residents with a safe and enjoyable day of activities.

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

Mr. Speaker, again I thank the chairman, the gentleman from Ohio [Mr. TRAFICANT], and the staff of the subcommittee for their great help on this effort.

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

Mr. MINETA. Mr. Speaker, I am pleased to join in strong support of House Concurrent Resolution 82, to authorize the use of the Capitol Grounds for the Greater Washington Soap Box Derby Race.

This annual event is instrumental in developing the mechanical skills of this Nation's youth. Boys and girls ranging from 9 to 16 years old participate by first designing and constructing their race cars and then competing in the Soap Box Derby.

In an age of high technology, it is an excellent exercise for our youth to learn firsthand the inner workings and principles of aerodynamics and have fun in so doing.

I thank the gentleman from Maryland, Congressman STENY HOYER, for once again sponsoring this special resolution.

Mr. Speaker, I urge adoption of House Concurrent Resolution 82.

□ 1400

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

Mr. Speaker, I, too, want to commend the ranking member of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], and once again pay special tribute to the subcommittee chairman, the gentleman from Maryland [Mr. HOYER], who has taken his time to look at all facets of life and the young people and the benefits accrued from this resolution. I think this shows all sides of this chairman, and we appreciate his efforts.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 82.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

#### THE 1993 SPECIAL OLYMPICS TORCH RELAY

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 81) authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 81

*Resolved by the House of Representatives (the Senate concurring).*

#### SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 27, 1993, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may designate jointly, the 1993 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

#### SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

#### SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, the Special Olympics Torch Relay has become a cherished event in Washington, DC, each year the Special Olympics is held for handicapped individuals. A torch relay signifies the official start of this wonderful event, which gives handicapped children and adults an opportunity to participate in athletic events. To begin the Olympic games the torch is run from the Capitol grounds to Gallaudet University, which is the site for the Special Olympics.

Mr. Speaker, I urge support of this worthwhile event.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 81, a resolution to allow the running of the Special Olympics Torch through the Capitol grounds on May 27, 1993.

This resolution supports a worthy cause for the District of Columbia's Special Olympics summer games to be held at Gallaudet University. It is an opportunity for mentally handicapped men and women to compete, gain self respect and demonstrate to all their value as great citizens.

Mr. Speaker, I have participated in many Special Olympic events in my own home district in east Tennessee, and I cannot think of a better cause that we in Congress can support. I support this effort and I urge my colleagues to support House Concurrent Resolution 81.

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

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

Mr. MINETA. Mr. Speaker, I rise in support of House Concurrent Resolution 81, to authorize the 1993 torch relay of the Special Olympics to be run through the Capitol grounds on May 27, 1993.

The Special Olympics commences its annual summer games with a torch

lighting ceremony followed by a relay of law enforcement officers throughout the District of Columbia. The U.S. Capitol police will carry the torch for the first leg of the relay. Like Mr. DUNCAN, I have participated in every one of our Special Olympics in San Jose, having served as a Honorary Chair of our county Special Olympics as well as of our State Special Olympic games.

Our committee is proud to lend its support to the Special Olympics each year by approving this type of resolution. I urge its adoption.

Mr. Speaker, again I would like to commend the chairman of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], and our ranking Republican, the gentleman from Tennessee [Mr. DUNCAN], for their help in bringing this matter to the floor, and I urge its adoption.

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

Mr. Speaker, I want to commend the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for his contribution, and I also would like to recommend this worthwhile legislation to the House. It is very good for handicapped children and for adults.

I am pleased to see my neighbor from the district north of me seated there presiding over the House. We are very proud of him.

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

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and agree to the concurrent resolution House Concurrent Resolution 81.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

#### ROBERT F. PECKHAM U.S. COURTHOUSE AND FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1345) to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham U.S. Courthouse and Federal Building."

The Clerk read as follows:

H.R. 1345

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

**SECTION 1. DESIGNATION.**

The Federal building located at 280 South First Street in San Jose, California, shall be known and designated as the "Robert F. Peckham United States Courthouse and Federal Building".

**SEC. 2. REFERENCES.**

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, H.R. 1345, a bill to designate the courthouse in San Jose, CA, as the "Robert F. Peckham U.S. Courthouse and Federal Building," is a bill which honors not only the judicial excellence but also the high ethical and moral standards of Judge Robert F. Peckham. Judge Peckham, who recently died, had served 26 years in the Federal courts and was an acknowledged leader in the California judicial circuit. Fairness and wisdom were cornerstones of his judicial practice. Honorable and conscientious were characteristics of the man.

Mr. Speaker, I am sure that when we hear the statement today of Chairman MINETA, we will see some of the sides of our Federal judges that many people do not see, and we may understand the way they have helped many people, not necessarily by just enforcing the Constitution but by supporting humanity.

So, Mr. Speaker, I am pleased to speak on behalf of this bill, and I urge my colleagues to support its enactment.

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

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

Mr. Speaker, I rise in support of H.R. 1345, a bill to name the courthouse and Federal office building in San Jose, CA, the "Robert F. Peckham U.S. Courthouse and Federal Building."

Mr. Speaker, Judge Peckham was an able, dedicated lawyer and judge who served with distinction in the northern district of California. He was a Federal judge for 26 years and was chief judge of the U.S. District Court for the Northern District of California from 1976 to 1988. His father, grandfather, and uncle all practiced law and made an impact on local issues of land ownership.

Judge Peckham passed away February 16, 1993.

I urge enactment of H.R. 1345.

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

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

Mr. MINETA. Mr. Speaker, I, too, rise in strong support for this bill. H.R. 1345, introduced by my fine colleague, Mr. EDWARDS and me, will honor one of the most outstanding members of our Federal judiciary; a man whose legacy of integrity, compassion, and justice has left an indelible mark on the Federal judiciary and on the Nation.

When U.S. district court Judge Robert Peckham passed away in February, this Nation lost a jurist of unmatched dedication and skill. San Jose, CA, lost an individual who was a vital part of our community for almost a half century and I lost a treasured friend.

Bob Peckham was born in San Francisco on November 3, 1920, and was raised in Palo Alto. In many ways, law was the Peckham family business. Both his father and grandfather were lawyers, his grandfather having served as a county judge in Santa Cruz.

His uncle, J.B. Peckham, was an attorney and a legendary figure among Japanese-Americans in my hometown of San Jose. During World War II, when we were forced from our homes on the west coast and put into internment camps along with 120,000 other Americans of Japanese ancestry, many lost the homes, farms, and businesses they had struggled to build.

Those of us in San Jose, however, truly had a guardian angel in J.B. Peckham. Immigrants from Asia were prohibited from owning property at the time, so they turned to Mr. Peckham. He held their businesses, farms, and homes in trust until their oldest native-born children reached the age of 21 and could assume ownership.

Legally, he could have sold the property—and many attorneys in California did so. But Mr. Peckham's integrity and careful stewardship ensured that, when we returned home from the camps, our community remained intact. He is given much of the credit for the fact that San Jose's Japantown remains a thriving neighborhood to this day.

That kind of dedication to the principles of fairness, equality, and justice run throughout the career of Bob Peckham, as well.

As a Federal district court judge in the northern district of California since 1971, and the district's chief judge from 1976 to 1988, Bob Peckham established himself as an implacable enemy of discrimination.

For 21 years, he presided over the desegregation of the San Jose Unified School District. For the past 20 years, he presided over the desegregation of the San Francisco Police Department.

In 1989, he ordered the State Department to issue a passport to an Irish woman who had been denied citizenship. Her mother was an American, but at the time she was born, only fathers could transmit their U.S. citizenship to their children.

In 1972, the Stanford Daily was the subject of a police raid in an effort to seize a reporter's notes. It was Bob Peckham's decision that declared such raids to be an unconstitutional violation of freedom of the press.

These and other landmark decisions clearly established him as one of the giants of the Federal judiciary. The legal community knew him as a scrupulously fair and intellectually brilliant judge. I can think of no more fitting memorial to his life and work than naming the San Jose Federal courthouse in his memory, and I urge its approval.

Again, I would like to commend the chair of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT, and the ranking Republican on the subcommittee, Mr. DUNCAN, for their interest in this legislation and in expediting action on this bill to bring it to the House floor for consideration.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], who is the coauthor of H.R. 1345, for the purpose of making a statement relative to that piece of legislation.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], chairman of the subcommittee, and the ranking Republican, the gentleman from Tennessee [Mr. DUNCAN] for their courtesy in hearing this bill and its prompt consideration.

The people of San Jose, California's third largest city, are also very grateful. The gentleman from California [Mr. MINETA] and I, the gentleman from California [Mr. MINETA], of course, is the chairman of the full committee, and he is also a very distinguished ex-mayor of San Jose.

This bill has the total acceptance and approval of everybody in San Jose. We have letters from the Mayor, Susan Hammer. We have letters from the bar association. We have letters from the city council, a passed resolution that was unanimous in favor of naming the courthouse and Federal building after the late Judge Robert F. Peckham.

It is very fitting that it be named after Bob Peckham, who died just in February of this year, because he was a great judge. He was a close personal friend of the gentleman from California, NORM MINETA, and mine.

He was appointed by Lyndon Johnson 26 years ago to the Federal bench in San Francisco. And when he got to the bench, he did wonderful things, not only for the Federal court in San Francisco, but he also thought about his

hometown of San Jose, because he knew that we had a lot of Federal business down there and that we needed a Federal judge. We needed a court. And he worked very, very hard.

He worked with the gentleman from California, NORM MINETA, and with me, and we worked with the Committee on the Judiciary and with the administration. And pretty soon we had a Federal court.

And then we found that the burden was enormous, and more and more judges were assigned to San Jose. And we found that we needed a Federal courthouse. We cannot have lawyers and litigants going 50 miles north to hold court. That is justice denied.

And Bob Peckham made that case very well. And the gentleman from California [Mr. MINETA] and I made the very best case we could. And pretty soon, just a few years ago, this beautiful courthouse in San Jose was built.

In the meantime, Judge Peckham had a very distinguished career. He was assigned to handle the San Jose Unified School desegregation case. It was just one of the biggest public school districts in the country, a very, very complicated, fractious challenge, because feelings were running very high, as one might imagine to order the desegregation of an enormous public school district.

To Bob Peckham's credit, he handled and directed the entire desegregation matter. And it worked out very well, and he set aside that case, finished with the case, still remaining the friend of both sides and greatly admired by all of the people of San Jose and, indeed, of the State of California.

Mr. Speaker, it is fitting that we will be able to tell our people in San Jose that we, the Congress, are naming this beautiful building on First Street in San Jose after Judge Peckham, a true son of our area, a gracious, kindly man who also had steel in his bones.

One did not fool around in Judge Peckham's court, and it is certainly a fitting memory that he be honored in this way by naming this beautiful courthouse, Federal building, after the late Judge Robert F. Peckham.

Once again, I thank the gentleman from Ohio [Mr. TRAFICANT] and the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. DUNCAN], the staff and all the members of the subcommittee and the full committee that were so gracious in handling this matter for the people of San Jose and for the people of California.

□ 1410

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

Mr. Speaker, I am proud to associate myself with the remarks of the distinguished chairman and pleased to have been able to speak on behalf of this legislation.

I wish to also commend the gentleman from Tennessee [Mr. DUNCAN] for his continuing support and recognition of this bill, an urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1345.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1345, the bill just passed.

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

There was no objection.

#### REDESIGNATING THE "ALMERIC L. CHRISTIAN FEDERAL BUILDING"

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1346) to redesignate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building," as amended.

The Clerk read as follows:

H.R. 1346

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

#### SECTION 1. DESIGNATION.

The Federal building located on St. Croix, Virgin Islands, shall be known and designated as the "Almeric L. Christian Federal Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Almeric L. Christian Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, H.R. 1346, as amended, honors Almeric L. Christian. Judge Christian has distinguished himself

throughout his 40 years as a lawyer and judge. He received judicial appointments from Presidents Kennedy, Johnson, and Nixon. In 1969, he became chief judge for the U.S. District Court for the Virgin Islands. It is fitting and proper to honor him by naming the Federal building after Judge Christian.

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

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

Mr. Speaker, I rise in support of H.R. 1346, a bill to name the Federal building in St. Croix, VI, as the "Almeric L. Christian Federal Building."

Judge Christian served with distinction as district court judge in 1969, and chief judge from 1970 to 1986. He took senior status in 1986 and retired from the bench in 1988.

I urge my colleagues to support this naming bill, and I urge enactment.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from the Virgin Islands [Mr. DE LUGO], the author of this bill.

Mr. DE LUGO. Mr. Speaker, I wish to thank my good friend and chairman, the gentleman from Ohio [Mr. TRAFICANT], and the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for their leadership and help in bringing this bill through the committee process and to the floor today.

Mr. Speaker, ours is a Nation of laws, institutions, and people. The success of our Nation is largely predicated on a strong legal institution that is consistently and fairly administered by enlightened people.

Once in a great while there are people, though few in number, who achieve such stature that they come to personify our institutions.

In the Virgin Islands, one of those exceptional individuals is Almeric Leander Christian, the senior sitting judge of the territorial court and the former chief judge of the U.S. district Court of the Virgin Islands.

My bill, H.R. 1346, would designate the Federal building in St. Croix the Almeric L. Christian Federal Building.

Almeric was born on November 23, 1919 to Elena L. (Davis) Christian and Adam E. Christian. Almeric grew up in Christiansted, attending grammar, junior high and high school there before moving onto the University of Puerto Rico at Rio Piedras and then Columbia College in New York City.

He entered Columbia Law School, served in the U.S. Army in World War II, and then returned to Columbia Law to graduate.

After law school Almeric returned to his native Virgin Islands where he entered private practice.

In 1962, President Kennedy appointed Almeric to be the Virgin Islands U.S.

attorney. The following year he married Shirley Frorup of Christiansted. They had two children, Adam Gregory, now an attorney, and Rebecca Therese, who lives and works in North Carolina. By a previous marriage Judge Christian has an older daughter, Donna Christian Green, who today is a distinguished physician and assistant commissioner of health in St. Croix.

In 1966 President Johnson reappointed Almeric Christian U.S. attorney, a position he held until 1969 when President Nixon appointed him judge of the district court of the Virgin Islands, the first native born Federal judge in the Virgin Islands. In 1970, he was appointed chief judge.

As a jurist, Almeric Christian earned the enormous respect of both the legal community and the community as a whole. Greatly admired for his close study of each case that came before him, no lawyer dared enter his courtroom unprepared. In the courtroom Judge Christian was known for his astute and penetrating questions that cut to the quick of an argument. No one worked harder at the district court than Almeric Christian.

Failing eyesight forced him in 1986 to take senior status and he retired from the bench in 1988.

Without question Almeric Christian is the Virgin Islands' most experienced, most revered, and most celebrated jurist. He has devoted more than 45 years of his life to the legal profession and given more than 20 years to the bench. He has dedicated his entire professional career to the law and to ensuring that his community serves it and is served by it.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring this great jurist, Almeric Leander Christian, by voting in favor of my legislation to name the Federal building near his birthplace, Christiansted, St. Croix, for this outstanding Virgin Islander and man of the law.

□ 1420

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

Mr. Speaker, I, too, support H.R. 1346, to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building."

Judge Christian is the first native-born Federal judge in the Virgin Islands, born just a few miles from the Federal building which will bear his name.

Throughout his long and distinguished legal career of nearly four decades, Judge Christian has enjoyed a reputation for fairness, consistency and excellence in the legal community.

It is fitting and appropriate that Judge Christian be honored in this way and I thank Congressman RON DE LUGO, a senior Member of the Public Works and Transportation Committee, for sponsoring the bill.

I wish to thank Mr. TRAFICANT, the chair of our Subcommittee on Public Buildings and Grounds and Mr. DUNCAN, the ranking Republican, for expeditious handling of this legislation for House floor consideration.

Mr. Speaker, I urge adoption of H.R. 1346.

Mr. TRAFICANT. Mr. Speaker, I want to commend the ranking minority member, the gentleman from Tennessee [Mr. DUNCAN], the sponsor of the bill, the gentleman from the Virgin Islands [Mr. DE LUGO], and all members of the subcommittee for this good piece of legislation. I urge my colleagues to support it.

Mr. DE LUGO. Mr. Speaker, ours is a nation of laws, institutions, and people. The success of our Nation is largely predicated on a strong legal institution that is consistently and fairly administered by enlightened people.

Once in a great while there are people, though few in number, who achieve such stature that they come to personify our institutions.

In the Virgin Islands, one of those exceptional individuals is Almeric Leander Christian, the senior sitting judge of the territorial court and the former chief judge of the U.S. District Court of the Virgin Islands.

Today, Mr. Speaker, I rise to speak to my legislation that is appropriate to the man, to the institution, and to the community he has served throughout a lifetime. My bill, H.R. 1364, would redesignate the Federal building in St. Croix the Almeric L. Christian Federal Building.

Christiansted, just a few miles from where the new Federal building now stands, is the place where Almeric L. Christian was born on November 23, 1919, to Elena L. Davis Christian and Adam E. Christian. Almeric grew up in Christiansted, attending grammar, junior high, and high school there before continuing his education at the University of Puerto Rico at Rio Piedras and at Columbia College in New York City.

He entered Columbia Law School, served in the U.S. Army in World War II, and then returned to Columbia law to graduate.

After law school Almeric returned almost immediately to his native Virgin Islands where he entered private practice. In the next several years he was admitted to the New York State Bar and the Virgin Islands Bar, and was admitted to argue before the U.S. Third Circuit Court of Appeals and the U.S. Supreme Court.

Almeric Christian became closely involved with the fundamental legal document of the Virgin Islands, the Revised Organic Act of 1954, when President Eisenhower appointed him to a seven-member commission to determine the application of Federal laws to the territory.

In 1962, President Kennedy appointed Almeric to be the Virgin Islands U.S. attorney. The following year he married Shirley Frorup of Christiansted. They had two children, Adam

Gregory, now an attorney, and Rebacca Therese, who lives and works in North Carolina. By a previous marriage Judge Christian has an older daughter, Donna Christian Green, who today is a physician and assistant commissioner of health in St. Croix.

In 1966 President Johnson reappointed Almeric Christian U.S. attorney, a position he held until 1969 when President Nixon appointed him judge of the district court of the Virgin Islands, the first native born Federal judge in the Virgin Islands. In 1970, he was appointed chief judge.

As a jurist, Almeric Christian earned the enormous respect of both the legal community and the community as a whole. Greatly admired for his close study of each case that came before him, no lawyer dared enter his courtroom unprepared. In the courtroom Judge Christian was known for his astute and penetrating questions that cut to the quick of an argument. No one worked harder at the district court than Almeric Christian.

Failing eyesight forced him in 1986 to take senior status and he retired from the bench in 1988.

Judge Christian has been a member of the Federal Bar Association, the board of directors of Legal Services, Corp., the V.I. Food Commission on St. Croix, the V.I. Housing and Urban Renewal Authority, the Personnel Board, the Electoral Board of St. Croix and the V.I. Board of Education.

He continues to contribute to his community through service on the V.I. Montessori School Board of Trustees, the Board of Episcopal Charities, the Columbia University Board of Visitors, and the National Bar Association.

Without question Almeric Christian is the Virgin Islands' most experienced, most revered, and most celebrated jurist. He has devoted more than 45 years of his life to the legal profession and given more than 20 years to the bench. He has dedicated his entire professional career to the law and to ensuring that his community serves it and is served by it.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring this great jurist, Almeric Leander Christian, by voting in favor of my legislation to name the Federal building near his birthplace, Christiansted, St. Croix, after this great Virgin Islander and man of the law.

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

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1346, as amended.

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

The title of the bill was amended so as to read: "A bill to designate the Federal building located on St. Croix, VI, as the 'Almeric L. Christian Federal Building'."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

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

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

There was no objection.

□ 1430

## JAMES L. FOREMAN COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 791) to name the U.S. courthouse in Benton, IL, the "James L. Foreman Courthouse," as amended.

The Clerk read as follows:

H.R. 791

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

## SECTION 1. DESIGNATION.

The United States courthouse located at 301 West Main Street in Benton, Illinois, shall be known and designated as the "James L. Foreman United States Courthouse".

## SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "James L. Foreman United States Courthouse".

The SPEAKER pro tempore (Mr. FINGERHUT). Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, H.R. 791 as amended, honors Judge James L. Foreman by designating the courthouse in Benton, IL, as the "James L. Foreman U.S. Courthouse." Judge Foreman has served the people of the Southern District of Illinois for over 21 years. Judge Foreman has earned the respect and admiration of his judicial colleagues. He is known for his fairness and for his administrative as well as judicial skills.

Judge Foreman has recently taken senior status but continues to maintain full case load. In light of Judge Foreman's impressive contributions, it is fitting and proper to name this courthouse after Judge Foreman.

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

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

Mr. Speaker, I rise in support of H.R. 791, a bill to designate the U.S. courthouse in Benton, IL, as the "James L. Foreman United States Courthouse." Judge Foreman, a life-long resident of

Massac County, IL, was appointed in 1972 by President Nixon, and retired from the bench in 1992. Judge Foreman still maintains an active case load as a senior judge.

I urge my colleagues to support this bill, and I urge enactment.

Mr. Speaker, I commend my friend, the sponsor of this resolution, the gentleman from Illinois [Mr. POSHARD].

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD], a hard-working member of the Committee on Public Works and Transportation.

Mr. POSHARD. Mr. Speaker, I rise in strong support of H.R. 791, which will designate the U.S. District Courthouse in Benton, IL, the "James L. Foreman United States Courthouse." I was pleased to introduce this legislation and want to take this opportunity to thank the subcommittee chairman, Mr. TRAFICANT, Mr. DUNCAN, as well as the full committee chairman, Mr. MINETA and the minority spokesman, for their assistance in guiding this bill through the subcommittee and the full Committee on Public Works and Transportation.

Judge Foreman has had an outstanding career on the Federal bench. He was appointed to the Federal bench in 1972, after serving as an assistant attorney general for Illinois and Massac County State's attorney from 1960 to 1964. He became chief judge in 1978 and continued in this position until 1992, when he became a senior district judge.

Originally, the district was known as the eastern district of Illinois because it covered a large area that ranged from the outskirts of Chicago south to Champaign-Urbana, and covered the entire southern section of Illinois. At Judge Foreman's suggestion, the boundaries of the Federal judicial districts in Illinois were reviewed and the present judicial district was renamed the southern district, which is composed of the 38 southernmost contiguous counties in the southern one-third of the State.

Judge Foreman was instrumental in instituting a formal case management system long before the concept was mandated for all Federal courts. The southern district also established court facilities at the maximum security U.S. Penitentiary at Marion, IL, in order to accommodate the special security concerns involved with these prisoners.

Judge Foreman has also served on the Judicial Resources Committee of the Judicial Conference of the United States. On several occasions he has been appointed to sit by designation in cases before the U.S. Court of Appeals for the Seventh Circuit and in the U.S. District Court for the Western District of Kentucky.

Judge Foreman has served with honor and distinction during his tenure on the Federal bench. I believe it would be most appropriate to honor Judge Foreman's many contributions by naming the courthouse in Benton, IL, in his honor and am proud to represent Judge Foreman and the citizens of his judicial district in Congress.

Again, I would like to thank Mr. TRAFICANT and Mr. DUNCAN for their support of this bill.

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

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 791, a bill to designate the U.S. Courthouse located in Benton, IL, as the "James L. Foreman United States Courthouse."

Judge Foreman served as a U.S. district court judge for the eastern district of Illinois from 1972 and became its chief judge from 1978 until 1992. Since that time he has assumed senior status.

Judge Foreman has earned tremendous respect from his legal community and community at large. Such an outstanding career deserves this tribute and I commend Congressman GLENN POSHARD, a member of the Public Works and Transportation Committee, for sponsoring H.R. 791.

I want to thank the chair of the Subcommittee on Public Buildings and Grounds, Mr. TRAFICANT, and the ranking Republican, Mr. DUNCAN, for bringing this legislation to the floor for House consideration and I join with everyone else to urge passage of H.R. 791.

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the fine chairman, and commend the gentleman from Illinois [Mr. POSHARD] for his efforts. I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 791 as amended.

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

The title of the bill was amended so as to read: "A bill to designate the U.S. courthouse in Benton, Illinois, as the 'James L. Foreman United States Courthouse'."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

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

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

There was no objection.

LEWIS F. POWELL, JR. U.S.  
COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1513) to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse."

The Clerk read as follows:

H.R. 1513

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

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be reference to the "Lewis F. Powell, Jr. United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Speaker, Judge Powell has enjoyed a long, distinguished, extensive public service career. As chairman of the Richmond public schools during the mid-1950's he presided over the integration of public schools in face of great pressure not to integrate.

He was appointed by President Nixon to the Supreme Court in 1971. He served for 16 years and retired in 1987. It is fitting and proper to name the Richmond courthouse after Judge Powell.

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

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

Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the U.S. courthouse in Richmond, VA, as the "Lewis F. Powell, Jr., United States Courthouse."

Judge Powell is a widely respected lawyer, civic leader, and Supreme Court Justice. He has served his community and the Nation well in all that he has done. Justice Powell was nominated in 1971 to serve on the highest court, and served until his retirement in 1987.

It is fitting to honor Justice Powell with designating the U.S. courthouse the Lewis Powell Courthouse. I urge

my colleagues to support this bill and I urge enactment.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the Federal courthouse in Richmond, VA, in honor of Justice Lewis F. Powell, Jr.

Mr. Speaker, Justice Lewis F. Powell, Jr., was a fine Virginia gentleman and a great American jurist. In 1987, Justice Powell resigned his seat on the U.S. Supreme Court after 15 years as an Associate Justice. Today we wish to honor him by sponsoring a bill to name the Federal Court Building in Richmond, VA, the Lewis F. Powell, Jr. Courthouse.

Born in Suffolk, VA, on September 9, 1907, Justice Powell was educated at Washington and Lee University and Harvard Law School.

Joining the Army Air Corps in 1941, he raised to the rank of colonel. During World War II, Mr. Powell served has a combat and staff intelligence officer which included 33 months in Europe and North Africa. His service earned him the Legion of Merit, the Bronze Star, and the French Croix de Guerre with Palm.

Returning to private practice after the war, Justice Powell became active in local and national legal affairs, while continuing his devotion to the city of Richmond. In 1948, he became the president of the City of Richmond Bar Association. He later was elected as president of the Richmond Chamber of Commerce and served on the Richmond School Board. Justice Powell also served on the Special Charter Commission which established Richmond's city-manager form of government.

Nationally, Powell served as president of the American Bar Association in 1964-65. From 1969 to 1971, he served as president of the American Bar Foundation and president of the American College of Trial Lawyers from 1969 to 1970.

In 1966, Powell was appointed by President Johnson to the National Advisory Committee on Legal Services for the Poor. Adding his experience and national standing to the cause, Mr. Powell labored continuously to obtain legal services for the impoverished.

In 1972, Lewis Powell became the first Virginian appointed to the Supreme Court since the Civil War. Justice Powell brought to the Court a careful, thoughtful, and pragmatic approach to the law. While a member of the bench, Mr. Powell sought justice and fairness for each party that came before him.

Let me conclude by quoting a friend of Justice Powell, Judge J. Harvie

Wilkinson, who described Lewis Powell's legal persona fittingly when he stated:

For those who seek a perspective: grounded in realism and leavened by decency; conscientious in detail and magnanimous in spirit; solicitous of personal dignity and protective of the public trust; there will never be a better Justice.

□ 1440

Mr. Speaker, I want to thank my colleague from Richmond, Mr. BLILEY, and others who have cosponsored this bill, and I urge the House to pass H.R. 1513, to designate the name of the Federal courthouse in Richmond in honor of Justice Lewis F. Powell, Jr.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Richmond, VA, and the surrounding area, Mr. BLILEY, who is the ranking member of the Committee on the District of Columbia.

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

Mr. Speaker, I am truly honored today to lend my support to H.R. 1513, a bill, as has been pointed out, to designate the U.S. Courthouse in Richmond, VA, as the Lewis F. Powell, Jr. U.S. Courthouse.

Before saying a few words about Justice Powell, let me say that I am pleased to join my colleague from Virginia, Mr. SCOTT, in this endeavor. I would also like to point out that this courthouse is one of the more historic courthouses in the country. It was built in 1858. From 1861 to 1865 it was used as the headquarters of the Confederate Government, and Jefferson Davis had his office in there. Before my colleagues from north of the Mason-Dixon line get upset, let me point out it was also used as the courthouse to try Jefferson Davis for treason.

Following the conversion of the building to a post office, Elizabeth Van Lew became the first Postmistress of Virginia. She was the lady who was the famous Union spy in Richmond during the war of northern aggression.

Lewis Powell is truly an outstanding gentleman. He had an outstanding career. He was the designer of the charter, as my colleague pointed out, for the city of Richmond, a model charter, I might add, for city manager form of government. He served as chairman of our school board. He served on our constitutional commission. He was president of the Virginia Bar, the Richmond Bar, and the American Bar Association. And for all of this, in addition, though he was exempt from the draft in World War II, he volunteered and rose to the rank of colonel.

He is truly an outstanding person. I deem it an honor to have him as a friend and a constituent, and I urge all of my friends and colleagues to support this legislation to name this courthouse, after so many years, after a

great American, and certainly after one of Virginia's and Richmond's finest citizens.

Mr. Speaker, I am truly honored today to lend my support to H.R. 1513, a bill which will designate the U.S. courthouse in Richmond, VA, as the Lewis F. Powell, Jr. United States Courthouse. It is a great pleasure for me to speak on behalf of so selfless a contributor to our Nation as retired Supreme Court Justice Lewis Powell. Before I begin, however, let me thank my new colleague for his efforts, Mr. SCOTT of Newport News, with whom I share the honor of representing the city of Richmond, and with whom I share cosponsorship of this legislation.

Mr. Speaker, my pleasure today is multiplied manifold in being able to recognize Justice Powell, not only for his achievements on the highest Court, but also for his lasting contributions to the citizens of the Commonwealth of Virginia and the people of the city of Richmond. As a fellow native Virginian and son of the city of Richmond, Justice Powell has always been, and continues to be, a source of great pride for myself and my constituents of the seventh district. I can then scarcely imagine a more appropriate and fitting means of acknowledging his distinguished legacy of public service, than to dedicate the Richmond Federal Courthouse Building in his name.

Born in 1907, Justice Powell began his legal studies at Washington and Lee University, going on to Harvard for a masters in law. Justice Powell then returned to Richmond where he soon joined the prestigious firm of Hunton & Williams.

Even though exempt from military duty, Justice Powell volunteered for service in World War II, going on to earn the rank of lieutenant colonel, the Legion of Merit, and the Bronze Star. His wartime experiences left an indelible mark on Justice Powell's view of free government, and his jurisprudence. Justice Powell served his country admirably as a staunch defender of our national security and a steadfast opponent of totalitarian rule. In 1969, at the height of the Vietnam war, Justice Powell was appointed to a blue ribbon panel to study the organization of the Pentagon. It is ironic to note that his highly unfashionable call for a stronger United States effort to counter the Soviet threat, has now been vindicated some two decades later.

Returning home after the war, Justice Powell began his lifelong involvement in the civic life of the city of Richmond and the Commonwealth of Virginia—serving among other offices, as president of the Richmond Bar Association, president of the chamber of commerce, chairman of the Richmond School Board, and a leading member of the State Board of Education and the Virginia Constitutional Commission.

In 1971, at the age of 64, Justice Powell began his second career on the Nation's highest Court. His jurisprudence was marked by an objective, detached legal reasoning that earned him acclaim from the whole of the ideological spectrum. In a time of great political divisiveness, his cautious, pragmatic approach brought a certain balance and sensitivity to Court rulings which served to dignify and elevate the Court's work in the eyes of the American public.

Finally, I wish to add a few words regarding the personal character of Justice Powell. I can think of no more appropriate description than to call Justice Powell a gentleman—for he exemplifies the term. His colleagues and clerks could stand before the subcommittee today and detail countless instances where he displayed that kind, modest, and self-sacrificing manner which so mark a true gentleman.

I, however, will supply just one: In an interview shortly before his retirement, Justice Powell was asked how he expected to be remembered. He replied with characteristic humility and understatement that in the long reach of history I may be a footnote somewhere, but that's the most that I would expect.

Mr. Speaker, the bill before the House today is a small means of recognizing that Justice Lewis Powell's legacy of civic achievement will always rightfully be in the text, and not the footnotes, of our country's history.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Virginia for that very fine statement, and I urge support for this legislation.

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

Mr. TRAFICANT. Mr. Speaker, I find very informative the remarks of the gentleman from the Richmond area, I think he has let us all know of the realities there, and we appreciate his testimony.

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

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 1513, a bill to designate the U.S. Courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr., United States Courthouse."

Justice Lewis F. Powell was appointed by President Nixon to the U.S. Supreme Court in 1971.

Additionally, Justice Powell held several national positions with distinction. He was president of the American Bar Association, president of the American College of Trial Lawyers, and served as a member of President Lyndon B. Johnson's Crime Commission as well as Johnson's National Advisory Committee on Legal Services for the Poor.

Justice Powell's outstanding career as a jurist is highlighted most by his pragmatic and cautious approach in the midst of great political divisiveness in this country.

It is indeed fitting and proper that the U.S. courthouse located in Richmond, VA, be designated the "Lewis F. Powell, Jr., United States Courthouse."

Mr. Speaker, I urge passage of H.R. 1513 and thank Congressman ROBERT SCOTT for sponsoring the bill and Congressman THOMAS BLILEY for his efforts on behalf of this legislation.

I wish to extend thanks to the Chair of the subcommittee on public build-

ings and grounds, Mr. TRAFICANT, and Mr. DUNCAN, the ranking Republican on the subcommittee, for bringing this matter through the legislative process for House consideration.

Mr. TRAFICANT. Mr. Speaker, I urge all of our colleagues to support this legislation. It is fitting.

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

The SPEAKER pro tempore. (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1513.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TRAFICANT. 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. 1513, the bill just passed.

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

There was no objection.

#### CLARKSON S. FISHER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1303) to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Building and United States Courthouse."

The Clerk read as follows:

H.R. 1303

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

#### SECTION 1. DESIGNATION.

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

#### SEC. 2. REFERENCES.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

□ 1450

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

Mr. Speaker, Clarkson S. Fisher is a distinguished jurist with over 20 years of public service to the residents of New Jersey. In 1970, President Nixon appointed him to the Federal Bench by naming him to the U.S. District Court for the State of New Jersey. In 1979, he became the chief judge of that court. Judge Fisher is widely respected and held with great esteem by his colleagues. It is indeed fitting and proper to designate the building at 402 East State Street as the "Clarkson S. Fisher Federal Building and United States Courthouse."

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

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

Mr. Speaker, I rise in support of H.R. 1303, a bill to designate the Federal building and courthouse in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

Judge Fisher served with distinction from 1970 as a district judge, and from 1979 until his retirement in 1987 as chief judge. Judge Fisher maintains an active case load, serving in a senior status capacity.

I urge adoption of H.R. 1303, and I urge my colleagues to support this measure.

Mr. Speaker, also, I would like to thank the chairman of the full committee, the gentleman from California [Mr. MINETA], for his leadership on these bills and for all other legislation which has come before our committee so far during this Congress, and also I would like to pay my respects once again to my very distinguished chairman of the subcommittee and thank him, my friend, the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I appreciate the comments of the distinguished minority ranking member.

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

Mr. MINETA. Mr. Speaker, I, too, rise in support of H.R. 1303, a bill to designate the U.S. courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

In 1970, Clarkson S. Fisher was appointed to the U.S. District Court for New Jersey. In 1979, he became chief judge, serving in that capacity with distinction for nearly a decade. Currently, Judge Fisher maintains senior status on the court.

Judge Fisher is respected and held in high regard by his colleagues and legal scholars in the State of New Jersey.

Mr. Speaker, it is fitting and appropriate to designate the building located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

I commend Congressman CHRIS SMITH of New Jersey for his leadership in sponsoring this legislation, and thank Mr. TRAFICANT, chair of the Subcommittee on Public Buildings and Grounds, and Mr. DUNCAN, its ranking Republican for expeditious handling of this bill for House consideration.

Mr. Speaker, I urge passage of H.R. 1303.

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

I want to thank the chairman, the gentleman from California [Mr. MINETA], and to commend him for all of his efforts in helping us in the subcommittee to bring this legislation through. I want to thank the ranking member, the gentleman from Tennessee [Mr. DUNCAN], for his leadership and willingness to participate and understand all of these issues and not just receive fax messages.

In addition, I want to thank the staffs on both sides, the majority and minority staffs, who do an awful lot of the work and many times are overlooked.

On behalf of the gentleman from New Jersey [Mr. SMITH], I urge my colleagues to support this legislation.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 1303, a bill to designate the Federal building and U.S. courthouse located in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and Courthouse." This legislation was introduced by my good friend and New Jersey colleague, CHRIS SMITH, who represents the area where this building is located.

Judge Fisher has a long and distinguished career as a jurist. Born in the shore community of Long Branch, NJ, he was educated at St. Benedict's Preparatory School in Newark, and at the University of Notre Dame. In 1970, President Richard M. Nixon appointed Judge Fisher to the U.S. District Court for New Jersey. In 1979, he became chief judge and served for nearly 9 years. He took senior status in 1987, and continues to sit in the district court in Trenton.

As a State legislator who served in Trenton for 13 years, I am well aware of Judge Fisher's sterling reputation. The Seton Hall Law Review describes Judge Fisher as a man " . . . totally without pretense, completely without arrogance, intellectual and otherwise, and at all times, a gentleman. It is easy to see why he has earned the respect, and the affection, of the bench and bar."

Mr. Speaker, I wholeheartedly agree with that assessment of Judge Fisher's character and I urge my colleagues to vote "yea" on H.R. 1303.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to urge my

colleagues to pass my legislation, H.R. 1303, which would designate the Federal building and U.S. courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and the United States Courthouse."

Last year, I was pleased that the House passed my bill but, unfortunately, the 102d Congress adjourned before more action could be taken on the bill. I am very grateful to the chairmen and ranking Republicans of the Public Works and Transportation Committee and its Subcommittee on Public Buildings and Grounds, whose expeditious work on this bill has enabled it to be considered so quickly on the floor.

Mr. Speaker, Clarkson Fisher served with distinction and honor as the chief judge of the U.S. District Court for the District of New Jersey from 1979 until 1987. He continues to serve with senior status in the District Court of Trenton.

His dedication to public service, however, reaches well beyond his service as chief judge. After passing the bar in 1951, Judge Fisher worked in private practice serving as a councilman in West Long Branch from 1958 until 1964. After being elected to the New Jersey Assembly in 1963, he was appointed to the Monmouth County Court, where he served until being appointed to New Jersey's Superior Court in 1966. In 1970, President Nixon appointed him to sit on the U.S. District Court, where he has been serving for 23 years as an associate, chief judge, and senior judge.

Clearly, Mr. Speaker, Judge Fisher's work has been of great service to the people of New Jersey and the Nation as a whole. The respect he has earned has transcended those in the legal community and now encompasses people affected by his work.

It is also important to note that the legal work he has done has not been at the expense of his family life. He and his wife Mae have been married since 1949 and have raised four sons. He remains active in family and church activities.

Judge Fisher's humility would prevent him from even considering such a designation. It was left to his fellow judges, those who know his work and his life best, to advance the idea to me, and of course, I was pleased and grateful to introduce this legislation. I am hopeful that H.R. 1303 will be quickly passed and signed into law so that this courthouse can appropriately be renamed in honor of Judge Fisher.

Again, Mr. Speaker, I would like to thank the members of the committee and subcommittee responsible for bringing this legislation to the floor of the House for all their efforts.

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

The SPEAKER pro tempore (Mr. FINGERHUT). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 1303.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TRAFICANT. 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. 1303, the bill just passed.

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

There was no objection.

## WORLD WAR II MEMORIAL

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 682) to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war.

The Clerk read as follows:

H.R. 682

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

## SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereinafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

## SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is hereby established a World War II Memorial Advisory Board, consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of the enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF THE BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) SUNSET.—The Board shall cease to exist on the last day of the third month after the

month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

## SEC. 3. PRIVATE CONTRIBUTIONS.

The American Battle Monuments Commission shall solicit and accept private contributions for the memorial.

## SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is hereby created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under section 3. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress a draft of legislation (including technical and conforming provisions) recommended by the Secretary for the abolition of the fund.

## SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the American Battle Monuments Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, H.R. 682, which authorizes the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, honoring members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war.

During World War II over 16 million men and women served in the Armed

Forces of the United States. Of that number over 406,000 died, 130,000 were prisoners of war, and nearly 80,000 are missing in action.

H.R. 682 would authorize the American Battle Monuments Commission to establish the memorial. The bill would require that the Commission build the memorial in accordance with the standards contained in the Commemorative Works Act of 1986.

No public funds would be used in designing and constructing the memorial. The Commission would be authorized to solicit funds and accept private donations.

H.R. 682 would authorize the establishment of an Advisory Board of 12 members whose primary function would be to promote and encourage donations. In addition, when asked to do so by the Commission, the Board could act as an Advisory Board in site selection and design for the memorial.

Members of the Board would be appointed by the President from among veterans and historians of World War II and representatives of veteran organizations, historical associations, and others knowledgeable about World War II.

This measure is the result of over 5 years of hard work and I would like to commend and thank its sponsor, MARCY KAPTUR, for her perseverance and determination.

I urge my colleagues to support this fitting tribute to the men and women who fought and died for freedom.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to rise in support of H.R. 682, a bill, that would establish a memorial to honor members of the Armed Forces who served in World War II, and to commemorate U.S. participation in that conflict. I find it appropriate that this legislation has come before the House today, May 4, because on this day nearly 50 years ago German troops in the north, including Denmark and the Netherlands, surrendered to Montgomery and the 21st Army Group. And 4 days later, on May 8, 1945, the world celebrated what has come to be known as official victory in Europe Day, or VE Day.

Throughout the world there are many memorials to World War II, but not one on American soil that honors all Americans who were in some way involved in the war. I find this surprising as World War II was one of the most significant wars in all of history. Involving more than 16 million Americans, it was the war which preserved freedom for the Western World. Yet, it was not without a heavy toll. The damage and the human suffering were extreme. More than 670,000 Americans were wounded and over 400,000 made

the ultimate sacrifice by giving their lives.

This particular war marked a turning point in our Nation's history. The United States emerged as the undisputed leader of the free world. And today we are considering legislation that will serve as a permanent reminder of the victory made possible by the dedicated efforts and sacrifices made by over 1 million Americans in World War II. For almost 50 years now, our Nation has benefited from this victory, and I think the memorial is a fitting tribute to our veterans and their families.

Last year we had two separate proposals for the memorial. One sponsored by Representative KAPTUR and the other sponsored by Representative DICKINSON in the House and by Senator THURMOND in the Senate. This year Senator THURMOND and Representative KAPTUR have reached a compromise and each sponsored companion legislation. Senator THURMOND's companion bill has passed the Senate on a voice vote.

Also, I might add that last year a World War II Commemorative Coin Act was made law. Today's bill permits use of \$7 million in proceeds from coin sales to fund the memorial. The coin act requires no net cost to the Federal Government in minting and issuing these coins. It provides for a surcharge to offset costs in designing and issuing coins, including labor, materials, use of machinery, and overhead expenses.

I think it is important to note that the intent of the authorizing committee is that Federal funds not be used for the establishment of memorials. We have an understanding in the Subcommittee on Libraries and Memorials, that no Federal funds be used in the establishment of memorials in our Nation's Capital. In fact, the intent of the Commemorative Works Act of 1986 was that Congress' role in memorials would be to authorize creation of the memorials.

Mr. Speaker, this memorial will not only become a source of pride for many veterans, it will also comfort those who lost someone during the war and will educate generations to come. This education is vital as our young must never forget what has happened in the past, and what the world is capable of becoming again. The terrible memory of World War II and the victory over totalitarianism, highlights the importance of ensuring that America remains strong in defense and in its support of democracy.

With the 50th anniversary celebrations soon approaching, Mr. Speaker, I urge my colleagues to join me in support of this worthy measure for our faithful and deserving veterans.

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Mr. CLAY. Mr. Speaker, the gentleman from Ohio [Ms. KAPTUR] is the

principal sponsor of this bill and the driving force behind it. Without her tenacity and effective leadership, we would not be considering it today.

Mr. Speaker, therefore, I yield 5 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the chairman of the subcommittee, the gentleman from Missouri [Mr. CLAY], for yielding this time to me, not just for his recognition today but for his staunch support of our efforts as we have tried to move this legislation in the last two Congresses. Believe me, I thank him on behalf of all the veterans of the United States and their families and those here in the Congress who have worked so very hard for this legislation.

I would like to acknowledge also, Mr. Speaker, the chairman of the full committee, the gentleman from North Carolina [Mr. ROSE], who has been vigilant in his efforts. Also, the ranking Republican, the gentleman from Nebraska [Mr. BARRETT], who has been very generous in his remarks here today, certainly for his support.

In a few moments we will be hearing from the gentleman from Mississippi, Chairman SONNY MONTGOMERY, who has worked with us over the last several years both in terms of passing the coin legislation to pay for the memorial, as well as his staunch support of this legislation. I want to acknowledge his leadership throughout these several years.

Mr. Speaker, this bill we are considering today has been 50 years in the making, beginning with the moment Japan bombed Pearl Harbor on December 7, 1941, and the days that victory was declared in Europe and in the Pacific in 1945.

As we move this bill toward House passage today, I would like the RECORD to show that the idea for its creation came from a remarkable veteran from Ohio's Ninth District, Mr. Roger Durbin, who served with the 90th Reconnaissance Unit of the 10th Armored Division during World War II. He is currently a resident of Richfield Township in Lucas County outside of Toledo, OH. His dream was to honor and commemorate all those Americans, over 16 million of them, who fought in defense of freedom at its most compelling moment in this century. His desire was a simple one, to help create a place in America where he could bring his grandson to explain the ideals for which he and others fought, and where Americans in years hence could visit and pay homage and tribute to those who preserved freedom for the Western World.

I would like to read from a letter I received from Mr. Durbin.

I am Roger Durbin. I served with the 90th Recon., a unit of the Tenth Armored Division. During World War II, the tenth armored fought in three of America's four active armies in Europe. I am a World War II

veteran and proud of it. I am not going to stand here and tell you war stories. I will say, that any World War II veteran that saw combat was scared, and done a lot of praying. Those of us that survived, our prayers were answered.

I am here today to ask for your support of H.R. 1624 World War II Memorial Act. We need a World War II Memorial in our Nation's Capital, it is long overdue. We are not asking for your budget dollars, or the taxpayers' dollars. We are asking you to support H.R. 1623 World War II Commemorative Coin Act that will pay the bill.

I think it is kind of ironic for me to stand here and ask you (Congress) to support these two bills, for a World War II Memorial. If it had not been for the World War II veterans, Congress would not be sitting here today, representing the American people. In this, the best form of government in the world.

I do not know how many of you sitting here today are under fifty years of age. I do know, that if you are under fifty, you do not know much about World War II. From what I can find out, very little is being taught about World War II in our schools today. Every year I call the local TV station on May 8th and ask them, why didn't you mention on the news that it was the anniversary of V.E. Day? They answer, Why didn't you call us yesterday, so we could get it in our computer? I get the same story on June 6th when I have to remind them of D. Day and all the other days that I will never forget. And so it goes.

If you are under fifty and did not live through World War II, you don't know we had 16 million people in the service. We had ten million overseas. World War II was the second most bloodiest war this country was ever in. Probably would have been the bloodiest war this country was ever in if it had not been for the modern medicine at the time.

My son turned fifty this year. He was a year and half old when I left for the service. Do you know what he said he remembers about World War II? It was when I came home, he remembers coming to the train station with his mother to pick me up. That was the kind of welcome home we all wanted. We thanked God we were home and still in one piece. There was no parades unless you just happened to be in a large city on V.E. Day or V.J. Day.

President Kennedy said, ask not what your country can do for you, but what you can do for your country? I am sure, he was not speaking to the World War II veteran when he made his famous remark. Now fifty years later, we the veterans of World War II are asking our country for a memorial in our Nation's Capital.

Last year, my grandson and I flew to Washington to be present at the World War II Commemorative Coin Act hearing as Congresswoman Kaptur's guest. That was a proud day for both of us. We thought we were present when history was being made. (So we thought). Being a low level politician myself, I knew the wheels of government turned slow. I was disappointed, my grandson was disappointed, the tenth armored division association was disappointed, and the 405,000 souls that were taken in World War II were disappointed. Today I am here with reinforcements, not only the 405,000 souls that were killed in World War II, but I have all the other deceased World War II vets with me, plus the remaining 8 million World War II veterans that are still living.

Wouldn't it be nice to honor the World War II veterans with the memorial they deserve

in our Nation's Capital while one half of them are still living? It can be done with your help. I want to live long enough to visit the World War II Memorial in my Nation's Capital.

Thank you.

ROGER DURBIN.

Since this bill was first introduced, in the 100th Congress, its passage has been complicated by its referral to two committees. So I am most grateful to the chairman of the House Administration Committee, the gentleman from North Carolina [Mr. ROSE], for his support and willingness to move this bill and ensure that it complies with the Commemorative Works Act. The gentleman from Missouri [Mr. CLAY], chairman of the Libraries and Memorial Affairs Subcommittee of the House Administration Committee, advised me that this bill would be moved quickly and, with his support, it has. I am especially grateful to and commend Chairman MONTGOMERY of Mississippi of the Veterans' Affairs Committee for his vigilant support over the 6 years it has taken to move this bill to passage. I also want to congratulate the gentleman from Arizona [Mr. STUMP], a Navy veteran himself and the ranking member, who knows the value of recognizing those who have served. When I chaired the veterans' subcommittee charged with memorial affairs, their steadfast support kept this dream alive.

I also want to extend a sincere hand of gratitude to all of the veterans' organizations across our country who have worked so diligently to help gain cosponsorship for this bill and show their support for the memorial, and who have waited through the public hearing process, and through that process of fine tuning the legislation to assure that this memorial's construction will have proper oversight and proper accountability of funds. And so today we thank the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Polish Legion of the American Veterans, the Normandy Foundation, and the Paralyzed Veterans of America, the Battle of the Bulge, the Air Force Association, the Navy League, the American Ex-Prisoners of War Association, the Non-Commissioned Officers Association, AMVETS, the Korean War Association, and the Reserve Officers Association.

Recognizing the difficult budgetary situation in which this country finds itself, I have addressed the need to generate the revenue to finance this memorial. The World War II Commemorative Coins Act, which authorizes the minting of coins to commemorate the 50th anniversary of the U.S. involvement in World War II, was signed into law on October 14, 1992. Proceeds from the sale of these coins, along with private donations, will be used by the American Battle Monuments Commission to establish this memorial. Sale of

the coins will begin this month on May 28.

In taking this important step toward construction of this memorial, let us remember that during World War II, countries representing over half the world's population went to war. More civilians and military personnel were killed, more money spent, more property damaged and more sweeping political changes resulted than in any other war during this century. Over 16 million American men and women served this Nation in uniform. Over 405,000 Americans sacrificed their lives in defense of freedom. American GI's fought heroically on all fronts, in the Pacific, the Atlantic, in Europe, Asia, the Mediterranean, and North Africa. The names and places are familiar to us all: Pearl Harbor, Midway, Coral Sea, Bataan death march, Battle of the Bulge, Normandy, Omaha Beach, and dozens of other battles.

Please let us move forward, with passage of this memorial bill, in paying tribute to those who gave their lives for the enduring values to which our participation in that struggle is dedicated.

Mr. Speaker, as you know, we are in the midst of commemorating the 50th anniversary of the United States involvement in World War II. Sixteen million Americans fought in this war and 405,000 made the ultimate sacrifice by giving their lives to the service of our country and its pursuit of global freedom.

Throughout our land over the next 2 years, as we celebrate this anniversary, there will be tributes, speeches, parades, and displays of gratitude to the American men and women who fought for freedom over tyranny around the globe between 1941 and 1945. However, long after the parades have marched and the speeches have ended, it is astounding to realize that, were it not for us, no single monument in our Nation's Capital would recognize the contributions to liberty made by 16 million American veterans of World War II—the most profound and consequential war of this century.

In the Washington, DC area, the Iwo Jima Memorial commemorates one key battle, as well as the Marine Corps. Individual monuments recognizing other specific military units have also been constructed, particularly along Memorial Drive to Arlington Cemetery. Yet there exists no single place in the capital area where the lasting contributions World War II veterans made to freedom are memorialized, and where living veterans and visitors can pay their respects to Americans who served their country during this time of global turmoil.

Only a national memorial can honor veterans both deceased and living who carried this Nation to victory. Therefore, since 1987, when a veteran from Ohio's Ninth District, Mr. Roger Durbin, approached me with the idea of creating such a memorial, I have introduced legislation to authorize its construction in the District of Columbia or its environs.

On December 10, 1987, I introduced H.R. 3742—100th Congress—to establish a World War II memorial and museum. This bill was jointly referred to the Veterans' Affairs Com-

mittee and the House Administration Committee. On April 21, 1988, the Subcommittee on Housing and Memorial Affairs of the Veterans' Affairs Committee held a hearing on this bill. On June 21, 1988, the Subcommittee adopted an amendment in the nature of a substitute to H.R. 3742 and recommended that the bill be considered by the full Veterans' Affairs Committee. On June 28, 1988, the Committee ordered the bill favorably reported and on July 7, 1988, filed a report (House Report 100-755). The Committee on House Administration did not take any action.

On June 29, 1989, I introduced H.R. 2807, following a June 15 hearing by the Subcommittee on Housing and Memorial Affairs on an identical bill, H.R. 537 (101st Congress). This bill was also jointly referred to the Veterans' Affairs Committee and the House Administration Committee. The Housing and Memorial Affairs Subcommittee unanimously approved H.R. 2807 on September 20, 1989, and recommended it to the full Veterans' Affairs Committee. The committee ordered the bill favorably reported on September 20, 1989, and filed a report on September 26, 1989, (H. Rept. 101-257). H.R. 2807 was ordered to be reported by the House Administration Committee on September 19, 1990. No further action was taken on this bill.

On March 22, 1991, I introduced an identical bill, H.R. 1624 (102d Congress), which was jointly referred to the Committee on Veterans' Affairs and the Committee on House Administration. The Subcommittee on Housing and Memorial Affairs held a hearing on July 11, 1991, and unanimously recommended the bill to the full Veterans' Affairs Committee with an amendment on July 18, 1991. H.R. 1624 was ordered to be reported by the Committee on Veterans' Affairs on July 23, 1991, and a report was filed on July 21, 1991 (H. Rept. 102-179). This bill passed the House by voice vote on June 22, 1992. The Senate subsequently passed H.R. 1624 with an amendment in the form of the text of the Senate companion measure, S. 2244, on October 7, 1992, but the House had adjourned and no further action was taken.

H.R. 682 authorizes the American Battle Monuments Commission [ABMC] to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war. The ABMC would be responsible for planning, designing, constructing, and overseeing the operation of the memorial. Accessibility and accommodations for the physically handicapped would be required under this bill, as would compliance with provisions of the Commemorative Works Act.

H.R. 682 would establish a World War II Memorial Advisory Board, consisting of 12 members, appointed by the President, to serve for the life of the Board. Board members would be chosen from among World War II veterans, World War II historians, and representatives of veterans organizations, historical associations, and other groups knowledgeable about World War II. The Board would promote establishment of the memorial, encourage private contributions for the memorial, and, upon request of the ABMC, assist the ABMC in selection of the site and design of the memorial.

H.R. 682 would require the ABMC to solicit and accept private contributions for establishment of the memorial. A fund would be set up in the Treasury for deposit of these contributions and the amount of surcharges paid to the ABMC for the memorial under the World War II 50th Anniversary Commemorative Coins Act (Public Law 102-414). The Secretary of the Treasury would be authorized to invest any portion of the fund that, as determined by the chairman of the Commission, is not required to meet current expenses.

A fitting memorial would honor our World War II veterans as well as give us all a sense of the times, the scope of the war, the hundreds of places in which Americans served, the numerous actors in the conflict, the multiple issues, goals, and objectives that came into play in the war and, of course, the enduring values to which our participation in that struggle was dedicated.

The time has come to honor our World War II veterans in a manner that is lasting. Future generations of Americans will benefit greatly from the lessons of World War II imparted by this memorial and will come to honor the millions of Americans whose sacrifices and bravery contributed to the preservation of democracy and the free world.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs and a longtime supporter of this measure.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

Mr. Speaker, H.R. 682 was introduced on January 27, 1993, by a former member of the Committee on Veterans' Affairs, the Honorable MARCY KAPTUR of Ohio. I am pleased to be a cosponsor of that bill.

For many years, she has been leading the effort to establish a memorial to honor members of the Armed Forces who served in World War II. I want to congratulate Ms. KAPTUR for the many hours she has devoted to this bill—for getting it on the floor of the House. A similar bill had cleared both Houses on the last day of the 102d Congress. About 40 bills were blocked by a parliamentary procedure on the last day.

I want to also express my appreciation to the gentleman from North Carolina the Honorable CHARLIE ROSE, chairman of the Committee on House Administration, and the gentleman from Missouri, the Honorable BILL CLAY, chairman of the Subcommittee on Libraries and Memorials, bringing this bill up so quickly, the gentleman from California, the Honorable WILLIAM THOMAS and BILL BARRETT, the gentleman from Nebraska, the ranking minority members for the full committee and subcommittee respectively.

The bill would authorize the American Battle Monuments Commission to establish the Memorial in accordance with the standards contained in the Commemorative Works Act of 1986. The American Battle Monuments Commission

operates and maintains monuments throughout the world and is currently involved in building the Korean War Veterans Memorial. The American Battle Monuments Commission takes care of two or three memorials.

No public funds are to be used in designing and constructing the memorial. All costs come from either private donations or from revenues derived from the sale of commemorative coins as set out in Public Law 102-414, which was signed into law on October 14, 1992.

Mr. Speaker, since December 7, 1991, ceremonies have been held throughout the world commemorating events that occurred during this long and critical period in our Nation's history and will continue for the next 4 years. It is time that we paid tribute to those who defended America during this time, and I am pleased to support Ms. KAPTUR and others in her efforts to get this memorial established in our Nation's Capital.

□ 1510

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I rise in support of H.R. 682, the bill introduced by my colleague from Ohio, the Honorable MARCY KAPTUR, which would authorize the establishment of a World War II memorial in the District of Columbia.

Congresswoman KAPTUR has been working diligently to bring this project to fruition since 1987. In order not to spend taxpayer dollars, she also worked on a coin bill which was enacted into law last year to fund this memorial.

This bill is strongly supported by veterans organizations and the Congress. H.R. 682 currently has 96 cosponsors.

In essence, the bill directs the American Battle Monuments Commission—which oversees American cemeteries and memorials worldwide—to establish the World War II Memorial in the District of Columbia or its environs. The Commission would be responsible for planning, designing, and construction. The bill also provides for an advisory board appointed by the President to promote the establishment of the memorial and to encourage contributions for its construction.

Mr. Speaker, I believe a fitting tribute to the 16 million Americans who served their country and the over 400,000 who died in service during World War II is long overdue and I urge favorable consideration of the bill.

Mr. KANJORSKI. Mr. Speaker, I rise today in strong support of H.R. 682, a bill to create a memorial honoring Americans who led the United States to victory in the Second World War.

A constituent in my district wrote me last week to ask why there were memorials all over Europe and no national memorial here in Washington, DC, to honor those who served our Nation with such gallantry.

Fifty years ago, America accepted its duty to protect liberty around the world. Tyrants were locking their grip on people everywhere. For a time it seemed nothing could stop the domination of freedom by ruthless dictators.

But the enemies of freedom did not count on the bravery of the men and women of the United States. After Pearl Harbor, our Armed Forces were deluged with volunteers willing to risk all to defend their families, their country, and precious human liberty.

History will forever record the valor of these great Americans. They fought at Guadalcanal, Midway, Sicily, Normandy, in the drive across Europe, at the Battle of the Bulge, in Iwo Jima, Okinawa, and countless other bloody engagements.

Also important to the war effort were the proud Americans here at home who built barracks, typed documents, fed the troops, built the ships, tanks, and planes, worked the mines and production lines, and performed all the other tasks necessary to Allied victory.

Americans went overseas knowing there was danger. Nearly 700,000 were wounded in action.

Many never returned. Four hundred thousand Americans died in service to their country.

The time has come to honor all who contributed to America's success. H.R. 682 will establish a memorial to honor members of the Armed Forces who served in World War II.

I am an original cosponsor on this bill because I believe we must recognize those who serve our Nation when they are needed most. Our country is strong today, indeed our Nation exists today because the veterans of World War II helped topple the forces of oppression across the globe.

Mr. Speaker, we are voting today to raise a memorial honoring the Americans who helped the Allies win World War II. I urge my colleagues to stand behind the veterans of that war. As Memorial Day approaches, let us give them the recognition they deserve.

More importantly, I hope we honor our veterans every day we live in freedom. When we vote; when we criticize our leaders; when we love our families; and every time we are reminded that we live in the greatest Nation on Earth—I truly hope we remember the brave men and women who protected this country in its hour of need.

Mr. GILMAN. Mr. Speaker, as a World War II veteran, I am honored to rise in support of H.R. 682, legislation authorizing the American Battle Monuments Commission to establish a memorial honoring the courageous men and women who served our country during World War II. I commend our distinguished colleague from Ohio, Ms. KAPTUR, for introducing this important measure.

World War II was unlike any other conflict. Having served with the Army Air Force, I can attest to the horrors and ugliness of that war. It is those memories that have motivated me to continually work to protect and promote the liberties and freedoms which, we are privileged to enjoy.

There are many important lessons to be learned from World War II. It therefore is of great significance to preserve the memories of those who perished in upholding their democratic ideals and institutions. A monument

honoring our Nation's brave service men and women and survivors, of World War II will be an important reminder of the monstrosities of World War II.

On April 22, 1993, we were privileged to witness an awe-inspiring event in our Nation's Capitol—the dedication of the Holocaust Museum with President Clinton and numerous world leaders and distinguished guests, the world bore witness to the horrors of the Holocaust. Just as the Holocaust Museum will teach future generations of the evil of racism and hatred, a monument to the heroes of World War II will pay an appropriate, and long overdue, tribute to our Nation's champions of Liberty in World War II.

Mr. Speaker, I am pleased that this legislation is being considered as we observe the 50th anniversary of the United States' participation in World War II. Over 16 million members of our Nation's Armed Forces fought in World War II. And, 8 million veterans of that conflict are still alive today. According, it is appropriate that, as a Nation, we pay tribute and honor to these American heroes.

The World War II Memorial Act does just that. As my colleagues will recall, the 102d Congress passed the World War II Coin Act, designating that the Funds generated from the sale of those World War II anniversary coins will be used to finance the construction and maintenance of the World War II monument on Federal land, by utilizing the funds generated by the sale of the anniversary coins, H.R. 682 will provide a lasting tribute to the veterans of World War II. This legislation also establishes a World War II Memorial Advisory Board which will be responsible for the promotion and fund raising that is necessary for the success of this awesome undertaking.

Mr. Speaker and my colleagues, I urge support of H.R. 682. This monument dedicated to the heroes of World War II deserves our recognition and support. Moreover in paying tribute to our past heroes, we will so be educating our children to the significance of our Nation's sacrifices in promoting liberty and freedom.

Mr. BEREUTER. Mr. Speaker, as a cosponsor of H.R. 682, legislation to establish a World War II memorial, this Member would like to offer strong support for passage of this important legislation. H.R. 682 authorizes the American Battle Monument Commission to establish a fund in the U.S. Treasury to accumulate private contributions and proceeds from the sale of World War II anniversary coins.

H.R. 682 would honor our Nation's World War II veterans with a memorial on Federal land within or nearby the District of Columbia. Currently, there is no single memorial in our Nation's Capital dedicated to veterans who served in this war, and to honor the more than 400,000 men and women who gave their lives for our Nation. This is a serious oversight that should surely be corrected.

This Member is also especially pleased to note that no taxpayer dollars will be involved in this project. Last year, the World War II 50th Anniversary Commemorative Coins Act was signed into law, which will pay for the Memorial with the minting of special edition World War II memorial coins.

Mr. Speaker, a national memorial will serve to honor our World War II veterans, both de-

ceased and living, who carried this nation to victory, and ensured the preservation of democracy and freedom. Mr. Speaker, This Member urges this colleagues to support passage of this important legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 682.

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

A motion to reconsider was laid on the table.

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate bill (S. 214) to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

#### S. 214

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

#### SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

#### SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

#### SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

#### SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(A) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited, under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

#### SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

MOTION OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLAY moves to strike out all after the enacting clause of S. 214 and to insert in lieu

thereof the provisions of H.R. 682, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to authorize the American Battle Monuments Commission to establish a memorial, in the District of Columbia or its environs, to honor members of the Armed Forces who served in World War II, and to commemorate the participation of the United States in that war."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 682) was laid on the table.

#### GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 682 and S. 214, the bills just passed.

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

There was no objection.

#### HOUR OF MEETING ON TOMORROW

Mr. CLAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on tomorrow, Wednesday, May 5, 1993.

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

There was no objection.

#### INTRODUCTION OF COMPREHENSIVE HEALTH AND RURAL EQUITY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take a few minutes to talk about an issue that certainly is current, certainly is important to each of us, and that is health, probably more appropriate to be called health than health care. We ought to be putting some emphasis on preventive medicine which would limit the amount of health care.

Most of us, I think most everyone involved in this debate would concede that there are at least two major items and two major goals that we would like to accomplish. One is to have access for all Americans to some basic outline of health care. The other, of course, is to do something about cost. Those two issues I think prevail and are prominent throughout the country. They are the

ones that we seek to do something about.

There are a great many notions as to how to do it, a whole spectrum of ideas, ideas that could be borrowed from Great Britain where the people pay taxes, where the Government hires the providers, and it is a total Government program, all the way, of course, to a completely private system where people would be entitled to have IRA's or some kind of tax relief, some kind of buildup, to pay for their own care, and then all in between, including the Canadian system, including changes in the system that we have now.

It seems to me that the two important aspects of doing something, and it is time we do that, is to have a fundamental reform, a fundamental change in the way we do some of the things that provide health care.

The other important element and the one that concerns me some, frankly, with what has been going on in Washington, is that it be doable, that it be something that can be done and can be done in a relatively short time. If we have some kind of esoteric program that turns health care entirely on its head and starts over, when you are talking about a program that costs \$900 billion a year, affects each of us one way or another, it is very, very difficult to do that.

On the other hand, if we can develop a vision of where we want to be over some period of time and begin to incrementally make some moves to do it, it seems to me that our chance of doing that is best.

I intend tomorrow to introduce a bill. It will be called the Comprehensive Health and Rural Equity Act of 1993. It is designed to do those things. It is designed to fundamentally change the delivery program, although keeping it basically in the private sector, and it is doable and we can do these things. Many of them have been introduced before. Many of them have been talked about. Many of them are understood and we can do that.

I represent the State of Wyoming. The State of Wyoming has 100,000 square miles with 475,000 people in it. One of the plans that has come forward, interestingly enough, has come from the Jackson Hole group in Jackson, WY. It has to do with managed competition. It is the notion that you bring together pretty large buying units, whether they be employers or private people that come together, to use the leverage of size to find providers who will give good quality, that will give it at a low price. Not a bad idea, and I think we ought to pursue that.

The difficulty is, and it works well in some situations, the model that I saw I think was Cincinnati where large employers put together several thousand into a purchasing group and were able to select from among 17 hospitals as to

which gave the best quality, which one gave the best price, and select a provider.

There is one town in Wyoming that has more than one hospital. You know, that sort of selection process simply does not work in rural areas.

□ 1520

So, Mr. Speaker, we want to do several things. One is incentive to increase access.

When we talk about access, that is not totally a financial kind of a thing. It is also in rural areas the importance of having health care providers located in those small towns, and we are having more and more difficulty getting primary care doctors to be located there. So, this provides some incentive.

It provides help with the interest on loans for medical school for private family practitioners that would move to rural areas. It provides for reimbursement for the extra travel the doctors might have to provide access. It encourages the use of nurse practitioners and physicians assistants as extenders for physicians there.

Second, it guarantees access to affordable health care to everyone for a basic health package, and that is terribly important, first, because it is what we want to do and have everybody covered so that they have access to efficient and effective health care. Most people, frankly, now have some access to health care. Unfortunately, often it is going to the emergency room for routine kinds of things which is very expensive, very inefficient.

This would provide that everyone is insured and goes into the market to buy their own insurance to have some control over the costs. Those that financially cannot afford it would be given vouchers to be able to do that. It fundamentally reforms insurance and the tax program that goes with it.

So, Mr. Speaker, there are a number of steps. Let me just make one final point.

The tax changes that need to be made is to let self-insured people have the same kind of tax breaks as those that are employed. I intend to introduce this bill tomorrow and talk more about it.

#### MOURNING THE DEATH OF CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SERRANO] is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, it is with great sadness that I rise as the chairman of the congressional Hispanic caucus to mourn the death of Cesar Chavez.

For more than three decades, Cesar Chavez symbolized the voice for political awareness among Latinos. He carried the cry for farm worker's rights to

the fields of California and echoed the call for La Causa, the struggle to raise political consciousness and deliver justice to all Latinos.

With every breath, Cesar Chavez brought passion to his quest for justice. But his triumphs sharpened the bittersweet taste of organizing and unionizing the migrant workers. A step forward in the march was often matched by a step backward, success often mixed with suffering.

It was in 1962 that Cesar Chavez took out his life savings and first organized the National Farm Workers Association in the San Joaquin Valley's agricultural town of Delano. By September of the same year, the NFWA held its first formal meeting in Fresno with 287 participants who came to listen to the powerful ideas of the farm worker's rights movement, lead by the inspiration of Cesar Chavez.

Along the thousands of miles traveled through the California farm land, Chavez brought the message of farm workers unity and unionization. During the late 1960's and early 1970's, the UFW's membership reached its peak with over 70,000 members. In 1975, Chavez delivered his most important legacy to the farm workers rights movement, successfully campaigning for the landmark Agricultural Labor Relations Act which permitted farm workers to organize and bargain collectively for the first time.

The grape picker's struggle took center stage in what Chavez called la huelga—a series of strikes, a call for adequate living conditions and higher wages, and a stop to the exploitation and injustice suffered by Latinos. Chavez is also responsible for one of the first and largest consumer boycotts, persuading millions of consumers to voluntarily abstain from buying California grapes. The boycott gave consumers an active role in opposing the injustices against farm workers across the country.

Throughout his life, Cesar Chavez brought to the public eye the existence of Mexican-Americans as a growing and vibrant population. More than just the political movement, Chavez created a moral, spiritual, and cultural world for Mexican-Americans to explore. With each and every march, Chavez continued to challenge all Mexican-Americans to engage in an active search for their own cultural identity.

By the 1970's the term "Chicanismo"—the identification of Latinos of Mexican descent as a symbiosis of Hispanic, indigenous, and American cultures—first appeared in the lingo of the time. Chicano art brought nourishment to the spirit of farm workers, and to urban life. Cesar Chavez was the inspiration for the Teatro Campesino which made its debut at the picket lines among the farm workers. It was Luis Valdez, Agustin Lira, and others that colored

with music and drama with the fight Chavez would come to epitomize. Chavez gave writers, painters, and other artists the strength and inspiration to express the Chicano and Latino struggle for equality. He gave Latinos a voice, a spirit, and a dream: The means to speak a common language through the words of the working poor.

Cesar Chavez spoke in a language that was as dear to Puerto Ricans as it was to Mexican-Americans. I recall my late father who had walked the picket line on behalf of the sheet metal workers in the Bronx. It was my father who often expressed to me and my brother that the one power the working poor have is the right to strike. It was with these ideas that Cesar Chavez became part of the Puerto Rican struggle in the east coast.

Chavez encountered many impediments throughout his struggle but fought his opponent only through words and nonviolent philosophy.

In 1969 Chavez said, "If the strike means the blood of one grower or one grower's son, or one worker or one worker's son, then it isn't worth it." In 1968, Chavez began a 25-day fast. Chavez explained his actions by saying it was "an act of penance, recalling workers to the nonviolent roots of their movement." Even though his fasting lead to physical deterioration, it powerfully communicated the hunger for dignity of the farm worker.

To every one present today and for the thousands of farm workers in the United States, it is difficult to express through words the sorrow felt throughout this Nation. Like Martin Luther King, Jr., who organized African-Americans in the South to stand up against injustice and discrimination, Cesar Chavez stood up against injustice and discrimination, Cesar Chavez stood up against oppression and exploitation in the agricultural fields of California. But Chavez's greatest accomplishment was to unite the Latinos in this country who are children of the Earth, share the common land to sow, and with one united voice await the season when justice may be reaped for the betterment of all.

As a humble voice among Latinos, I take great pride in honoring the memory of Cesar Chavez. In memory of you, Cesar, we pledge to keep your voice alive, and with your words I make the call: Viva la Huelga, viva la Causa, viva la Union.

Thank you, Cesar, you will never be forgotten.

Mr. Speaker, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, during his life's struggle on behalf of the repressed, Cesar Chavez exemplified the best qualities of human life. He was a leader for the voiceless masses and challenged all Americans to reflect upon their society and world. Cesar Chavez will live eternally in the memo-

ries of the thousands whose lives he touched. It is with profound sadness that I voice this tribute in the wake of Cesar's death.

He rose from such depths and achieved such heights. Born March 31, 1927, near Yuma, AZ, Cesar was faced with and overcame numerous obstacles. When he was young, Cesar's family grappled with the tyranny of farm contractors. As he grew, attending dozens of schools and eventually dropping out in the seventh grade, Cesar never forgot the timeless lessons forged by hardship. Through the Catholic Church and the writings of Ghandi, Cesar came to understand the strength of non-violent rebellion and the resiliency of human spirit. None will forget the firestorm ignited by La Huelga and the nationwide boycott which ensued. None will forget the simple truth which a modest man dared to expose. Cesar Chavez, father of eight and benefactor to thousands, will remain an ideal for those who continue the struggle.

He was a giant among humankind. He dedicated his life to exposing the inequities of an unjust system. As the pain of his passing ebbs, the accomplishments of this humble man will shine. I join the thousands in expressing my grief and renewing my faith at the passing of Cesar Estrada Chavez.

□ 1530

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS], the dean of the California delegation.

Mr. EDWARDS of California. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SERRANO] for yielding, the chairman of the Hispanic caucus, and for arranging this series of speeches about Cesar Chavez. I am honored to be a part of this important event.

Mr. Speaker, it was with a deep feeling of sadness that I learned of the passing of Cesar Chavez. He had meant so much to me for more than three decades, and I feel as though I have lost a dear member of my family.

My years with Cesar go back to when I first ran for Congress in June 1962. I had known of him, of course. He and his family had lived for many years in San Jose, my hometown, and Cesar began his farm labor organizing work in San Jose.

Anyway, when I started my campaign for Congress in early 1962, I met Cesar through Dr. Ernesto Galarza a distinguished author and professor, who wrote movingly in several respected books about the plight of the farmworkers. We had long talks about the Bracero Program, which Dr. Galarza and Cesar opposed, and one of my first votes in Congress was in favor of legislation that ended the program.

Cesar was gracious enough to endorse my candidacy in the 1962 election, a welcomed gesture of approval I appre-

ciated and one he continued as the years went by.

It was in 1962, also, that Cesar formed the National Farm Workers Association, which later became the United Farm Workers.

We saw each other several times each year, sometimes at marches and rallies in support of the UFW's grape boycott, too often at tragic events like the moving funerals of farmworkers who were murdered because of their political work.

A few years ago Cesar went on a hunger strike to protest the use of poisonous pesticides in the vineyards where the farmworkers labored. Susan Hammer, now the mayor of San Jose, my district director, Terry Poché, and I flew to Delano in a small chartered airplane.

Cesar was lying in his bed, very weak, but still his loving self. He asked us to do what we could for the health of his union members. We promised, hugged him, and left with tears in our eyes.

Mr. Speaker, I don't consider Cesar Chavez as someone who is dead and forgotten. He inspired all who knew him and knew of him because he was absolutely selfless. His only concern was the welfare of farmworkers, whose battles he fought month after month, year after year.

Cesar made enormous differences in their lives, but he was never satisfied and he never gave up the struggle. We are all fortunate that Cesar lived and was our comrade.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman from New York [Mr. SERRANO] for organizing this special order as it is so necessary for us to recognize the passing of Cesar Chavez.

Mr. Speaker, last week, America mourned the passing of one of its most charismatic and inspirational leaders: Cesar Chavez. At his funeral, thousands came to honor his achievements. Cesar Chavez's appeal was universal: it transcended our ordinary differences of religion, ethnicity, and ideology. Today, I join my colleagues in honoring Cesar Chavez, a man who served as an inspiration to millions of people around the world.

As a member of the San Diego City Council, I authored a resolution proclaiming April 18, 1989, as Cesar Chavez Day. At his celebration, accompanied by San Diego family members, he marveled, "I never expected a city as conservative as San Diego to designate a day in my honor." That was one of Cesar's endearing traits—his simplicity.

Cesar Chavez spent his life crusading for migrant farmworkers. Himself the son of such farmworkers, Cesar witnessed firsthand the long, hot days workers spent under the blazing Cali-

fornia sun, bent over, tilling the fields. He knew too that the workers were denied even basic necessities such as restrooms, drinking water, and work breaks. Cesar Chavez convinced farmworkers, who he saw as the invisible people, to join together and fight for decent working conditions—and respect. The United Farm Workers Union, which he organized, will occupy a permanent place in American history.

Cesar's influence extended beyond better working conditions for farmworkers in rural areas. In urban areas, he organized voter registration drives, and brought complaints against mistreatment of Latinos by police and welfare officials. Cesar galvanized and inspired Latinos to fight against oppression. He helped not only define their struggle, but the entire civil rights movement.

The most remarkable thing about Chavez, though, was how he fought the battle. Cesar taught all of us what it means to give oneself entirely to the struggle. He spent his entire life serving others. He knew that the battle was never ending—and he lived it always.

Cesar Chavez never let himself become satisfied with the progress he had made. Instead, he personally suffered in order to push the movement farther. In his quest to show the dangers facing migrant farmworkers, he would often fast. Many close to Cesar Chavez tried to stop him from endangering his own life. When once asked "Why do you bear the pain of fasting?" Cesar stated that it was "for his purification and an act of penance for those in positions of moral authority and for all men and women activists who know what is right and just, who know that they could or should do more, who have become bystanders and thus collaborators with an industry that does not care about its workers."

We must not let ourselves become bystanders to injustice, but instead continue the work started by Cesar Chavez. We, in Congress, must make certain that the struggle Cesar started will continue. We must all be committed to true equality and dignity for all.

In the words of Cesar Chavez and the United Farm Workers, "Si, Se puede—yes we can."

□ 1540

Mr. SERRANO. Mr. Speaker, I now yield to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from New York [Mr. SERRANO], my friend, for holding this special order. Mr. Speaker, I rise today to pay tribute to a great American, Cesar Chavez. Chavez personified the very best in the American tradition. He displayed an unwavering commitment to improving the conditions of farmworkers.

Chavez led a crusade on behalf of migrant workers that empowered hun-

dreds of thousands of people. He brought attention to the plight of migrant workers in a way that deepened and expanded the civil rights movement. His efforts in voter registration forever changed the face of politics in the West. His nonviolent protests improved conditions in the lives of thousands of workers. The accomplishments of Cesar Chavez were many. His leadership was unparalleled. His devotion to nonviolence was complete.

I knew Cesar Chavez. He was a good and decent man. In 1968, we worked together in Robert Kennedy's Presidential campaign. During that campaign, I got to know this man. He was a leader in the truest sense of the word. He was a crusader for social justice.

His cause was our cause. His fight was our fight.

Cesar Chavez was able to organize the unorganized. He gave many hope in a time of hopelessness. His work and his cause enhanced the dignity of humanity everywhere. He was my friend. He was my brother.

I'll never forget that wonderful time we spent together, 25 years ago, campaigning in California for Senator Robert Kennedy in 1968. Chavez brought tremendous dignity, compassion and commitment to that campaign.

Cesar Chavez was persistent and consistent. He had a vision of a new America, a better America. He had a dream of what America could become. He kept his eyes on the prize. He was a kind and gentle spirit.

Cesar Chavez was the embodiment of love and nonviolence. He followed the teachings of the great teacher. He followed the teachings of Gandhi and Dr. Martin Luther King, Jr. During the labor campaigns of the 1960's, Chavez moved the Nation like few labor leaders had ever done.

Men and women such as Cesar Chavez, Dr. Martin Luther King, Jr., A. Phillip Randolph, former Chief Justice Thurgood Marshall, Fannie Lou Hamer, and former Attorney General Robert Kennedy have inspired me with their leadership abilities. These men and women brought us through one of the most difficult times in modern American history, the civil rights movement.

I came of age during the civil rights movement of the 1950's and 1960's. It was an era in which I found my own courage to try and make a difference in this society. I was inspired by individuals such as Chavez. I drew strength from his examples of leadership.

I am convinced that the lessons of the 1960's are still relevant today. I am a product of that era. I think that many of the difficult experiences that Chavez and others went through should be discussed to remind people of the long struggle that was necessary to strengthen freedom and democracy in the post-World-War era.

I felt a great deal of kinship with Cesar Chavez. He, like me, started from

very modest circumstances. You see, I come from a small southeast Alabama town called Troy. In the 1940's and 1950's, the signs of discrimination and segregation were everywhere. I saw those signs that said white men, colored men, white women, colored women, white waiting, colored waiting.

Chavez experienced great hardships as a child growing up in migrant worker communities. He suffered the harsh sting of discrimination and racism. Because his family traveled from one community to another in search of work, Chavez was not able to finish high school. Life was hard for the migrant farmworking families of the West. It was especially hard for the Mexican families who were subject to great discrimination.

Despite the struggles of his youth, Chavez emerged as one of the most disciplined labor and civil rights leaders of his generation. The grape boycott of 1965 that was led by Chavez proved to be one of the finest hours of the migrant farmworker crusade. It won the support of the Nation and brought Chavez into a highly visible position of leadership in the struggle for civil rights in the Hispanic community.

Chavez will be remembered for his courage and his determination to bring dignity to the lives of workers. His legacy will speak to future generations of Americans. I believe he should be regarded as one of the founding fathers of the New America. This small brown man was a citizen of the world. He was a beautiful human being. He will be greatly missed.

Mr. SERRANO. Mr. Speaker, I now yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I am grateful for this opportunity to express my thoughts about Cesar Chavez, but saddened beyond words by the occasion for this special order.

Of all the attributes of our great Nation, the one in which I take the most pride is our Nation's moral compass, which constantly points us toward the goal of justice for all. We have the good grace, rare among nations, to acknowledge our shortcomings, and an abiding determination to work to overcome them.

In few areas is our resolve to do right more severely tested—or betrayed—than our treatment of this Nation's migrant farmworkers.

That is why it is so fortunate that Cesar Chavez stepped into our lives, and more importantly, into the lives of his fellow campesinos.

No workers in this country are more poorly paid than farmworkers, yet I daresay none work harder. Job security is nonexistent. Housing? It may be no more than a hillside. The basic understanding that all of us have about the terms and conditions of our employment is commonly denied to migrant farmworkers.

To evade their responsibilities under those few laws that do afford protection to farmworkers, agricultural employers increasingly resort to the use of crewleaders to bring a workforce to their fields—transported in all too many instances in unsafe vehicles by drunk drivers. Modern day peonage persists: Farmworkers work grueling long days under crippling conditions and end up with nothing in their pockets after crewleaders deduct exorbitant amounts for transportation, and for room and board which no Member of this body would find remotely tolerable.

Cesar Chavez devoted his life to the effort to inspire his fellow farmworkers, and to fire the conscience of us all, to do something about this.

He was a constant inspiration to me in the many years we worked together to enact the Agricultural Labor Relations Act to secure collective bargaining rights for farmworkers, and to block foreign guestworker programs sought by agricultural employers to further depress wages and working conditions.

We as lawmakers must continue to take responsibility for improving and expanding the legal protections available to farmworkers. That is why one of the most appropriate actions we can take to honor the memory of Cesar Chavez is to pass H.R. 1173, the omnibus legislation introduced by my colleague from California, Mr. MILLER, to amend and improve the Migrant and Seasonal Agricultural Worker Protection Act.

But without for an instant letting this body off the hook, when there is so much we can and must do, I must say that Cesar Chavez knew that we cannot put our faith in laws alone to bring a new day for farmworkers.

Officials repay debts to the wealthy growers who elected them, and laws designed to protect farmworkers go unenforced. Such has been the fate of the Agricultural Labor Relations Act. And growers persist in inflating the labor supply to drive down wages. Laws enacted to protect the health of farmworkers and consumers alike are undermined by growers determined to use and abuse toxic pesticides.

That is why the efforts of Cesar Chavez were so critical. He understood that only farmworkers themselves, aided by all of us who support their cause, can achieve lasting justice for farmworkers.

And that is the difficult but essential task of Cesar's colleagues and successors at the United Farm Workers of America: to emerge from their grief to renew Cesar's message that in the union there is strength, and there is hope.

I will miss Cesar Chavez as a lodestar in my own life. He was a great and good man who exemplifies for me the biblical injunction:

For He has showed thee O man what is good, and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God.

In death as in life, he will continue to inspire us all. For those who pick up his mantle, I pledge my continued support. For Cesar, for his cause, and for the farmworkers he represented so well, I can do no less.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I thank the gentleman for organizing this fine tribute.

Mr. Speaker, I am proud to take to the floor today to honor the memory and life work of one of the most important Americans of the past half-century.

Mr. Speaker, I am talking, of course, about the founder of the United Farm Workers Union of America, Cesar Chavez.

As we all know, Cesar died last week in San Luis, AZ, peacefully and in his sleep. But I want everyone to know that his struggle and quest for civil rights for this Nation's migrant workers did not end in his death.

In the 1960's, Latino workers across our Nation—Latinos who had been discriminated against for decades because of their race and ethnicity were drawn to Cesar's leadership.

Cesar's leadership brought national notice to the injustices that Mexican migrant laborers faced in the agricultural industry.

More importantly, by focusing attention on migrant workers, Cesar allowed millions of Latinos nationwide to organize and demand justice in the workplace.

Cesar was, and will remain, a hero in the Illinois Fourth Congressional District. He made many visits to the Pilsen and Little Village Mexican-American communities, and every time he spoke, the community came in throngs to see and hear him. They loved and greatly respected Cesar and his fight for fairness, his fight for justice.

El movimiento, the movement, was what the Chicano civil rights campaign of the 1960's was called.

While it was a Chicano-based movement, Cesar reminded us that el movimiento was not a struggle based on race, but a struggle based on economic injustice.

Working-class African-Americans, Asians, native-Americans, Latinos, and whites were involved at every level of organizing workers. We should all remain committed to continuing his struggle.

Many have compared Cesar to Martin Luther King, Jr., and Mahatma Gandhi, and they are right in doing so.

I want to remind everyone here today that Cesar was a dedicated advocate of nonviolence and that in honor of his

memory we continue to use his peaceful methods of protest.

I will remember Cesar not only for his hunger strikes and grape boycotts, but for what he gave to us all.

He reminded us that all workers deserve fair wages and decent conditions and to be treated with dignity and respect.

He challenged us to bring justice to the workplace and instilled in us a sense of brotherhood.

I am confident that the Mexican, Puerto Rican, and Latino communities in this Nation, and especially in the Illinois Fourth Congressional District, will continue his struggle for economic fairness and social justice.

My prayers and thoughts are with his family and the United Farm Workers of America.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. SERRANO] for yielding to me on this sad but momentous occasion.

Mr. Speaker, I appreciate the time to recognize the passing of Cesar Chavez, a leader in the Hispanic community nationwide, but also for working people everywhere. At age 20 he picketed for workers' rights in 1947, just a few miles north of Delano, CA. I think it is no secret that that was the year a great many of us in Congress were born, but Cesar Chavez was leading the way then. He spoke for the working people everywhere, from California to New York to Texas.

As a fellow trade unionist, we mourn his passing, but are thankful he was on Earth to provide leadership for us all.

A person is judged by his impact, and I am proud to say that Cesar Chavez will be long remembered by farm workers everywhere. I am proud to remember Cesar Chavez, from a person who in the 1960's supported his *la causa* and remembers him as an *hermano* in the labor movement.

Mr. SERRANO. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank our colleague, the gentleman from New York [Mr. SERRANO], for yielding me this time and for calling this special order today.

Mr. Speaker, I rise today with great sadness to join my distinguished colleagues in paying tribute to one of America's great heroes, Cesar Chavez. As many have noted, Cesar Chavez was the most important and widely respected civil rights leader in the Hispanic community. Like any great leader, however, the impact of his life and his work have reverberated far beyond his immediate community.

I am particularly pleased that we are having this special order, and so pleased that our colleague, the gentle-

woman from California [Ms. ROYBAL-ALLARD] is here, because I am sure she will convey to this Congress and this country that her father worked closely with Cesar Chavez.

I am telling the Members that because I mentioned in San Francisco when we had our own ceremony for Cesar on Friday night, as anyone who has read the papers in the last week knows, tens of thousands of people, indeed, as many as 35,000 people, attended the funeral in Delano earlier in the week. We had our own at St. Peter's Church on Friday night.

At that time, I told those who had gathered, and the church was packed, you could not get anywhere near it, that we would bring the business of Congress to a conclusion this week in memory of Cesar; that we would talk about him here on the floor under the leadership of the Hispanic Caucus of the Congress.

I told my constituents that I would tell this body how enthusiastic they were, how encouraged they were, by the life of Cesar Chavez. From time to time the cry of "Si se puede" would rise up in the church; yes, we can, yes, we can. That is what Cesar taught them.

This man was a man of quiet dignity who respected the dignity and worth of every person and taught each person to expect that respect. He really had an impact, and small children running up and down the aisles were taking the message to another generation.

Those of us who have been involved in organizing at the grassroots level had another loss recently, and that was Mr. Fred Ross, who was a teacher and best friend and mentor of Cesar Chavez. He used to call Cesar "general" and Cesar in turn called him "jefe"; general and jefe, general and chief, the respect that they had for each other.

We will miss them for their commitment, their passion for justice and equality, their energy, and their abiding faith in the human potential.

My sympathy goes out to the family and friends of these great men whose lives were interconnected in so many ways. I was fortunate to be part of the great circle of those gifted and dedicated men who we learned from, and we will miss them both. In their honor we must continue and expand their struggle for justice, equal rights, and basic human rights. Cesar Chavez would expect no less.

Although he did not outlive his opponents physically, he has the ultimate triumph in the memory and esteem in which he is held. I am very grateful to our colleague, once again, for calling this special order in his honor.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I want to thank the gentleman from New York [Mr. SERRANO], the chairman of the

Hispanic caucus, for arranging to take this time to laud this great American and leader.

Mr. Speaker, I rise today to pay tribute to Cesar Chavez.

Cesar Chavez was a man of rare moral clarity, and unending human compassion.

No one who encountered his spiritual boldness—whether through television, newspapers, or in person—could help but be humbled by his decency or transfixed by his courage.

His integrity and commitment were palpable. And his crusade to protect the dignity of the faceless men, women, and children who labor in the fields—sunup to sundown—to put food on our tables gripped the very heart of this Nation.

Child labor.

Pesticide poisoning.

Brutality.

He made us understand that these were the underpinnings of the farm abundance we have come to see as our birthright.

And he imbued farmworkers with a sense of their collective strength.

As a result, major corporate interests—for the first time—were forced to negotiate with the farmworkers whose labor they had for so long taken for granted.

As the Chicago Tribune pointed out, Mr. Speaker, John Steinbeck may have dramatized the harsh life of the farmworker in "The Grapes of Wrath," and broadcasting great Edward R. Murrow may have driven home the same point in his "Harvest of Shame" TV program, but it was Cesar Chavez who pursued a solution with doggedness and devotion, using his charisma and considerable skills to win for farmworkers the rights and dignity they had so long been denied.

No farmworker has ever affected both the fields and the corporate boardrooms as Cesar Chavez did, and for many Latinos, he was a combination of Gandhi and King.

This world is indeed a better place as a result of Cesar Chavez having lived.

He shall not soon be forgotten.

Mr. SERRANO. Mr. Speaker, I yield to the gentlewoman from California [Ms. ROYBAL-ALLARD].

□ 1600

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to thank our chairman of the caucus, Mr. SERRANO, for having these special orders. I know that not only his family, but literally thousands of people who marched in his services, will appreciate this special order.

Cesar Chavez was a Latino organizer who fought to improve the working conditions for migrant workers. He also symbolized the struggle for fair and just treatment for all Latinos.

Cesar Chavez was an example of our Nation's continuing fight for labor and civil rights. He will be best remem-

bered as the founder and president of the United Farmworkers of America. It was in this role that Cesar Chavez gained national notoriety as a labor rights activist. He organized strikes, boycotts, and fasts in an attempt to achieve a better wage and better working conditions for farmworkers.

The contributions of Cesar Chavez, however, were not limited to the fields. His voice reached into the urban areas across America, and particularly into the east Los Angeles area, a district where I was born and raised, and which I have represented both in the Assembly and now in Congress. It was there that he helped create civic groups such as the Community Services Organization. The union he founded has trained young Latinos to be activists at community, State, and national levels. And in addition, he led an organized voter registration drive in Latino communities and helped to empower those communities by getting them more politically involved.

When history looks back upon the great civil rights leaders of this century, a union organizer named Cesar Chavez will be remembered as an example of one who fought for the rights of his people and his work benefited the lives of all Americans. All of us, whether from the largest urban cities or the smallest rural towns, will miss Cesar Chavez.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentleman from Texas [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I would like to thank the gentleman from New York for yielding.

Mr. Speaker, I rise today to join my colleagues in honoring the memory of Cesar Chavez.

As we rise today and honor the memory of this dedicated civil rights leader, it is with the hope that his memory will not only live on, but inspire those that will follow him. To the end, Cesar Chavez continued the struggle that had catapulted him to prominence in 1965, traveling around the country seeking to improve the rights of farm workers and to benefit the Mexican-American community in this country.

With the indelible impressions of a childhood spent in the fields, he grew into a committed spokesman and leader for those who had been discriminated and exploited for much too long. He gave the farm workers struggle a voice and a face, and in so doing brought long deserved rights and improvements to these workers.

The abuses that Chavez fought for so long, made a comeback in recent years and it is somewhat ironic that he died just as he began another campaign. I can only hope that the memory and the dedication of this man will inspire others to continue his struggle.

Again, I join my colleagues in commemorating the memory of Cesar Chavez, an example to the working man,

the Mexican-American community and all of us who seek fairness and respect for all Americans.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Texas [Mr. DE LA GARZA], a member of the congressional Hispanic caucus.

Mr. DE LA GARZA. Mr. Speaker, last week one of the first Hispanic Americans to become permanently etched into our Nation's consciousness died—Cesar Chavez.

During his time here on Earth and in his own uncompromising way, Cesar Chavez came to symbolize and personify the struggle of migrant farm workers for basic rights and dignity.

Through his leadership of the National Farm Workers Association and its successor, the United Farm Workers, Cesar Chavez organized farm workers and fought for improved working conditions. The boycotts and strikes he organized and the fasts he himself undertook focused our Nation's attention on the plight of the migrant farm worker and helped bring about much needed changes.

The legacy Cesar Chavez leaves is that of a caring, selfless advocate for our Nation's farm workers. For that he will always be remembered.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from New York for yielding.

Mr. Speaker, on April 23, our world lost a hero and a champion whose life was typified by struggle. Cesar Chavez's early life was engaged in a struggle against his own poverty and his hard life in the fields of California. His later years were consumed by "La Cause", the struggle to organize farmworkers through a labor union and improve their dismal conditions.

Ironically, while our Government was publicly telling lies and fighting a senseless war in Vietnam with missiles and bombs, Cesar Chavez was fighting a moral battle here in the States. His causes were justice and fairness. His weapons were hunger strikes, boycotts, and the long march.

The Latino community in the United States, and across the globe, laments the death of this courageous role model. But we can learn much from his life's commitment to empower his exploited brothers and sisters in the fields, especially today as we discuss NAFTA and its possible effects on this country's workers.

Mr. Speaker, may the history books note the life of Cesar Chavez, a man of peace and a lover of humanity. Viva la huelga!

Mr. SERRANO. Mr. Speaker, I yield to the distinguished gentleman from Maryland [Mr. MFUME], the chairman of the Congressional Black Caucus.

Mr. MFUME. Mr. Speaker, my congratulations to the gentleman from

New York [Mr. SERRANO], for leading us, as he always does, back to our collective conscience.

I would like to, if I might, Mr. Speaker, join with Mr. SERRANO and all the others who have come to this well today to take the time to remember, to remember someone who gave and continued to give long after it was fashionable, a man who never lost his roots, never forgot the capacity to love, never gave up on believing that people were special and, in fact, could in fact make something of themselves.

Cesar Chavez was to the Latinos of this Nation and the world what he was to people of African ancestry, what he was to all men and women who believed that people were special and that they had, by virtue of their birthright, and by their God, a special destiny in front of them. He challenged all of us to live up to that.

Thank God he was as fearless as he was, because he did not fear to die because he loved us so. Cesar Chavez, bigger than life, looms now in this Hall, in this sacred institution as a reminder, a daily reminder of all that we have to do, of all that really is incumbent upon us to make life better in this world for people, who by no fault of their own find themselves locked in an uphill battle.

The late Dr. Benjamin Mays said once that he or she who starts behind in the race of life would either have to run faster or forever remain behind. Cesar Chavez ran faster. He taught us how to fight and how to forgive, how to win and how to lose, how to laugh and how to cry. He taught us really how to live, and in the end, with dignity, he taught us how to die.

Mr. SERRANO. Mr. Speaker, I would like to take this opportunity to really thank the gentleman from Maryland [Mr. MFUME] for those very beautiful words. When we work together in this House, two different caucuses, it is always important to remember those things that bring us together. Mr. MFUME'S words highlight the fact that Cesar Chavez was more than a leader for one community. He was a leader that transcended all communities, and when we lose him we lose someone who fights for all of the people in this Nation.

So that struggle must continue, and I know that Mr. MFUME and I will continue to join hands in bringing a voice to those who may not be heard throughout this country, and hope that in some small way we can continue the work of Mr. Chavez.

Mr. Speaker, I yield to the gentleman from Oregon [Ms. FURSE].

□ 1610

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we lost a hero of our time last week. Cesar Chavez was an untiring leader in the struggle for justice for farm workers.

His work for improvement in their wages and living conditions stands as a model for the rest of us who must carry on his struggle.

A quiet pacifist, Cesar Chavez achieved a position of moral and political leadership in civil rights equaled perhaps only by that of Martin Luther King, Jr.

When I first came to this country over 30 years ago, I had the great privilege of working as a volunteer with Cesar Chavez in behalf of farm workers, and that experience changed my life.

Mr. Speaker, too often when a person achieves great fame, they forget their roots. That was not the case with Cesar. He suffered poverty, disappointment, and he suffered great danger, but throughout it all, he never forgot the farm workers.

His life was dedicated. A gentleman, a man of great honor, it was an honor to know Cesar Chavez, and I am proud to join with my colleagues here in the U.S. House of Representatives in paying homage to this great man.

Mr. SERRANO. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, as I listened to my colleagues who have been inspired by Mr. Chavez, I cannot help but think that if he were sitting here he might well be scowling because he would not want us talking about him. That was the kind of man he was. He would want us, instead, focusing on the people, the plight of the migrant farm workers, that caused him to dedicate his entire life to improving their conditions and to providing a future for their children.

When Mr. Chavez entered the scene about a quarter of a century ago when he became most visible, migrant farm workers were really destined to a life of indentured servitude. They would start in the lower part of California, work their way up the State and then go to Washington or Michigan or wherever their destinations, stay and then work their way back again following the harvest. If the harvest was particularly good, many of the farmers would cut their piece rates to make sure that they could never acquire enough money to break out of that cycle of poverty.

They would be housed off the back roads where no one would see the living conditions in which they had to live.

They had virtually no health care.

The educational system was almost designed to keep their children in that cycle of poverty. I remember being down in the Rio Grande Valley of Texas, and it was the beginning of the fall, and a young kindergarten girl was running home crying. I was sitting with her father, and it turns out that she had been whapped on the backs of her calves; they were black and blue; because she had blurted out in kindergarten in Spanish. The Spanish lan-

guage was prohibited in the Texas public school system at that time. The teacher could not speak Spanish, and many of the children could not speak English, and many of them, almost by deliberate intent, left the school system and went into the fields to support their family, and never broke out of that cycle.

Cesar Chavez realized what was happening to a large segment of America's population, that there could be no hope unless he spoke out. He devoted his adult life to speaking out. He was a true hero, a true American leader, and truly deserving of the attention of not only my colleagues but of this Nation and those who search for what the real qualities of leadership are in an individual.

Cesar Chavez showed it with his life.

I thank the gentleman from New York [Mr. SERRANO] for having this special order today.

Mr. SERRANO. Mr. Speaker, I yield to our colleague, the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for yielding and for arranging this special order which recognizes an extraordinary man, Cesar Chavez.

I join my colleagues here today to pay tribute and memorialize one of the great labor and civil rights leaders in recent history, Mr. Cesar Chavez.

Mr. Chavez' crusade on behalf of the poor and under represented clearly did not go unnoticed.

Last week an astonishing 35,000 mourners descended upon a desolate farming community in Kern County, CA, to pay their final respects to the man who was for them a hero and a saint.

Mr. Chavez asked that his funeral be held at Forty Acres Union Hall—the site of his first public fast in 1968 and the place where Central Valley grape growers signed their first union contracts in 1970.

Mr. Chavez also requested to be buried in a plain, pine coffin built by his 64-year-old brother, who was a carpenter before joining the United Farm Workers in the 1960's

Cesar Chavez' funeral is in many ways symbolic of his life.

Despite fame and success throughout his life, he chose to live a simple existence, amongst his people, sharing their plight and instilling them with hope and human empowerment.

It was these people who showed up in masses to memorialize what Cardinal Roger Mahoney of Los Angeles called their special prophet.

Among the thousands were such notable people as members of the Kennedy family, former Gov. Jerry Brown, California Assembly speaker Willy Brown, Jesse Jackson, Robert Blake, and Martin Sheen.

Also there was a close friend and political confidant, Richie Ross, who, like

so many others, learned the fundamentals of political organization from Cesar. Not only did Richie learn political organization while with the farmworkers, he met his beautiful and talented wife, Juana, while working there.

Both of these people like so many others learned by example the lessons of service and selflessness that Cesar Chavez taught.

Yet the focus was not on the VIP's, it was on the great majority of farm workers and those whose lives were directly touched by him—and this is how Mr. Chavez would have wanted it.

He did not work for money or for fame—he simply worked to bring justice and dignity to thousands of farm workers.

He singlehandedly organized the United Farm Workers in California, and the movement soon spread throughout the Nation and the world.

Gandhian in his philosophy, he never promoted violence.

Rather, his boycotts, strikes, and life-threatening fasts were successful in achieving better wages and working conditions for the rural poor.

He also did not allow his anger to alienate him from society or obscure his love for our country.

He joined the Navy and returned determined to work within the system to change things.

Mr. Chavez serves as an inspiration and a symbol not only for the Latino community, but for all of us.

He was a man of compassion and humility, yet a giant in the struggle for justice, human rights and dignity for all people.

Cesar Chavez' work can be seen in the eyes of all the young people who are well educated and filled with hope, despite being the sons and daughters of migrant farm workers.

Yet for all the people who have been touched by his vision, there remains that many more who need to be empowered and instilled with the promise of a better tomorrow.

Cesar Chavez accomplished more than most in his lifetime, but his work remains unfinished.

The Reverend Juan Romero said at a rosary service for Mr. Chavez that "his death will be that seed in the ground which dies \* \* \* itself and bears much fruit."

Mr. Speaker, I certainly hope that this is the case.

And in mourning Cesar Chavez' death, I urge everyone to capture some of the spirit that Mr. Chavez has left behind.

One of his earliest followers and the union's first female field organizer—Mrs. Jessie de la Cruz simply stated, "We didn't come to bury him, we just came to say goodbye."

I share Mrs. de la Cruz' sentiments, and I pray that Cesar Chavez' mission and vision endure.

Mr. SERRANO. Mr. Speaker, I would like to end this special order today by

thanking our colleagues who took time from a busy schedule to join us in paying tribute to this great man, Cesar Chavez.

Mr. Chavez, as we have heard here today, gave a voice to those who did not have a voice. He gave hope to those who felt that there was no hope. And he brought out a movement which really had an effect on all of our lives.

Those of us who were politically born during the 1960's, 1970's, and 1980's know well that Mr. Chavez, Cesar Chavez, was indeed a hero and is a hero in our community and throughout this country.

We have lost a great man, but we have not lost a great idea. We have lost a very decent and kind man, but we still have a lot of work to do.

So I would like to thank our colleagues today. Let us commit ourselves to Cesar's struggle to make sure that his dream is fully realized.

Mr. KENNEDY. Mr. Speaker, I mourn Cesar Chavez' passing not only because he was one of the most admirable leaders in our country, but also because he was my friend. He was a man of much courage, faith, and love; with these he touched people and shared his strength.

The time in which he rose to prominence is not much different from today. Cesar grew up during the Depression, and like many other families, he moved to California in search of a new beginning. That new beginning was the life of migrant laborers. In the 1950's he became active organizing other laborers in the struggle for justice, and he founded the United Farm Workers in 1965 to advance the causes of migrant laborers.

He was one of the leaders of the civil rights movement during the sixties, nonviolently striking, fasting, and demonstrating so that the wages and conditions of farmworkers would improve. Yet his message inspired others who were also being denied justice, and gave hope to people who had for so long felt powerless.

The struggle for justice, while it has changed settings, is far from over. Cesar would want us to continue to help others to help themselves, bettering the lives and the futures of today's generation. His messages must be taken to the streets of our inner cities, to our schools, to all of today's minorities and disadvantaged, wherever justice is being denied.

Cesar Chavez will be sorely missed by all, but his work will never be undone. We must make sure that it is carried on.

Mr. ORTIZ. Mr. Speaker, today this son of migrant farm workers rises to pay tribute to the migrant farm worker who focused the attention of the American public upon the wages and conditions of the men and women who harvested the fruits and vegetables on our kitchen tables—Cesar Chavez.

Everyone can recite the rich legacy of his life—from the early days of organizing a diverse population of exploited workers; to offering the American public the grape boycott in 1965 as a vehicle to show solidarity with the workers; to watching growers sign their first union contract; and finally, to keep going, day after day, to ensure that those whose labor

brought us nutrition were not ignored. He kept up the struggle until the moment he died, bringing attention to the plight of America's workers.

But what made Cesar Chavez larger than life was his personal adherence to the principles of truth and courage; and the personal experience of knowing first hand what it was like to be treated without respect, or working all day, everyday, with nothing to show for it. In a lesser man, this may have inspired a burning anger. But what burned inside of Cesar Chavez was a simple love of justice. He wanted only for people to be treated fairly and respected, regardless of position or pigmentation.

Cesar was unique among labor leaders in that he lived among those he led and avoided perks often associated with the glamour of the office of a labor leader. He was a devoted Christian who emulated the teachings of the Bible with voluntary poverty. He raised his children in a simple home, with regular worship and absolute values. Cesar said, "The message of Christ is all about love—not only God—but also one another. Love is really sacrifice." He aligned himself with the principles of Mahatma Gandhi and Dr. Martin Luther King, Jr., by relying on economic boycotts, marches, civil disobedience and fasts. Cesar reinforced his nonviolent message among his followers with the declaration: "Nonviolence is our strength," still the signature slogan for the farm workers union he created.

Presidential candidate Senator Robert F. Kennedy said in 1968 that Chavez "is one of the heroic figures of our time." Some people believe that heroes are only those who risk their lives in battle—others of us believe that a hero is one who continues a lonely, thankless struggle to better the lives of family, community, and country—in the fact of extraordinary odds. Cesar Chavez is a hero for all Americans, and a wonderful role model for young Latinos and Latinas all over North America. As we celebrate Cinco de Mayo tomorrow, let us remember and celebrate the heroism of a gentle peacemaker. Que Viva Cesar Chavez.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in paying tribute to Cesar Chavez, one of the truly great Americans of this century. Cesar Chavez was the son of migrant workers and a farm laborer himself. His struggle for economic and social justice touched the conscience of a Nation and the lives of millions of Mexican-Americans. Cesar Chavez founded the United Farm Workers of America in the mid-1960's, which he faithfully led until his untimely death on April 23, 1993.

Armed only with his conviction in the righteousness of his cause and commitment to better the lot of his fellow man, Cesar Chavez fought tirelessly to improve the working conditions of migrant workers across this land. Throughout his remarkable life, Cesar Chavez spoke the language of the downtrodden, the poor, and the disenfranchised. He raised to national prominence the plight of migrant workers. Chavez dedicated his life and committed his soul to improving the lives and dignity of farm laborers.

Chavez first made his mark in 1968, when he organized a strike and national boycott against the California grape growers of the

San Joaquin Valley, where he brought the daily hardships and toil of migrant farm workers to the attention of America. Chavez organized migrant workers into an effective and powerful labor union whose mission was to raise the substandard wage and working conditions of farm laborers across this Nation.

Chavez firmly believed in the power and moral persuasion of nonviolent demonstrations. He believed in it to the point of risking his own health in a number of fasts. His faith in God and his faith in his fellow man never wavered throughout his struggle for social justice. Cesar Chavez gave selflessly of himself for a cause that both enriched and consumed his life.

Cesar Chavez persevered over insurmountable odds in making a difference in the lives of millions of migrant workers who have toiled in the agricultural fields of America. Chavez fought to end substandard wages and housing, pesticide poisoning, child abuse and discrimination. He was the unflinching champion of the dispossessed.

Chavez earned the Nation's admiration in his ceaseless struggle to obtain civil rights for farm laborers. Cesar Chavez' passion and tireless commitment to improving the lives of America's migrant farm workers made him a genuine hero and household name nationwide. Cesar Chavez's legacy will continue to enrich the lives of Mexican-Americans, will continue to give us pride and dignity, will continue to shine brightly as an inspirational beacon for future generations of Americans to follow.

Mr. BECERRA. Mr. Speaker, due to the birth of my first child over the weekend, I am staying in Los Angeles this week, and therefore will not be able to participate in today's remembrances as planned.

These days are a time of both joy and sorrow for me. Even as I celebrate the birth of my child, words simply cannot express my profound sadness over the passing of Cesar Chavez. Chavez was a man of immense dignity, humanity, and integrity, and few individuals will ever touch as many lives as did this great man. Millions have benefited from his work as a civil rights activists, and millions will mourn his death.

Last week at the services in Delano, I joined the thousands who traveled from far and wide to recognize Chavez's lifelong achievements. Being there was an incredible experience for me. It was a time to remember the boycotts, pickets, sing-ins, marches, and personal fasts that Chavez undertook to bring attention to the farm worker's cause.

For decades Cesar Chavez undertook one of life's most difficult callings: Organizing the masses to fight injustice. His fierce determination and strong spirit turned failed struggles into unprecedented successes. As the founder and president of the United Farm Workers of America, Chavez dedicated his life to educating farm workers about their basic human rights and how to effectively demand and receive a better quality of life. His achievements transcended the plight of the farm worker. Chavez's historic struggles for justice changed our world.

We can all learn and live by the values that guided Chavez's work: "Love triumphs over hate, nonviolence over violence, courage over

fear, and human dignity over belittlement and abuse."

Although this great leader is no longer here to guide us, his work on behalf of working men and women and consumers—but most importantly farm workers who even today often live and work in harsh conditions—must and will move forward.

Cesar Chavez was a man who kindled our spirits; and he is, in spirit, forever with us. Si se puede.

Mr. BONIOR. Mr. Speaker, it is with great respect and sorrow that we say goodbye to an exceptional leader and unforgettable man, Cesar Chavez. Mr. Chavez gave unselfishly of his talents and passion for the rights of farm workers.

Throughout his life, Cesar Chavez brought his tireless efforts, his deep faith, and the strength of nonviolent resistance to organizing the poorest of our Nation's poor. Mr. Chavez labored in the orchard fields and vineyards in personal witness to the poor conditions and unfair wages. He inspired and organized his fellow workers to form the Nation's first successful union for agricultural workers, the United Farm Workers. Mr. Chavez continued to stand up for the rights of migrant farm workers until his very last days.

Although Cesar Chavez is no longer with us, his body and spirit will remain deeply embedded in the same soil of his labor, as well as in the hearts and minds of those he represented. His memory will forever be a driving force for the Farm Workers Union, and for all working people.

Mr. DELLUMS. Mr. Speaker, Cesar Chavez was a tireless human rights fighter and a champion of the labor movement. His life and legacy of struggle and determination compels us all to redouble our efforts to achieve social justice.

The son of migrant workers, and one himself, Cesar knew well the daily struggle that these workers face for survival. When telling about his childhood, he recalled that as a child he walked barefoot to school through the mud, fished in canals for wild mustard greens to combat hunger, and lived under bridges for protection against the cold and rain. He never forgot his roots and would not abandon these workers despite criticisms that he should focus more on the problems of urban Latinos. Even as Cesar rose to prominence, he ignored the trappings of power and fame, living in the same small house not far from UFW headquarters in La Paz, near Bakersfield, and wearing the plaid flannel shirts, cardigan sweaters and scuffed walking shoes that those who knew him remember so well.

Cesar was a giant of a person; a man of tremendous integrity and vision; and tireless advocate of nonviolence in the face of oppression. His dedication to improve the lot of those at the bottom of our economic and political structure, to protect immigrants from abuse, and to ensure safe working and living conditions for farm workers, were boundless. His life is on a par with those of Dr. Martin Luther King, Jr., and Mahatma Gandhi, two leaders and advocates in the nonviolent struggle for human rights that he admired and emulated, in that he epitomized the spiritual and political goals of a people.

I will cherish the times that I have spent with Cesar: In Delano, in Oakland and at points of

struggle over our respective careers. I was honored that he chose to endorse my first candidacy for Congress; he had never endorsed another candidate and when he came to Oakland to campaign for me it validated our mutual commitment to coalition politics. I have tried in the years since to continue to merit the confidence and support that he demonstrated at that time.

We shall miss Cesar's powerful voice. In a 1948 speech to San Francisco's Commonwealth Club, Cesar said:

Regardless of what the future holds for our union, regardless of what the future holds for farm workers, our accomplishment cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.

The example he set in the life he led calls us each to a higher purpose and to a greater resolve to right the wrongs and correct the injustices that continue to plague our communities—whether urban or rural, industrial or agricultural. The best tribute that we can pay Cesar is to continue his work, and not allow "la causa" to fail. It is an honor to remember the man and his valiant life and to recommit myself to our shared struggle.

Mr. UNDERWOOD. Mr. Speaker, I was deeply saddened by the recent death of Cesar Chavez. Leaders like Cesar Chavez, come only once in a lifetime because few are willing to make such extreme sacrifice without any promise of significant financial reward or guarantee of success. Because of his strong conviction and unwavering commitment, Cesar Chavez was able to give migrant workers a sense of hope and dignity. He mobilized this group and others into a force whereby the poor overcame the rich and the weak defeated the strong.

Cesar Chavez left an indelible imprint on this country and most important, he changed the wages and working conditions of migrant farm workers. May his death serve as a lightning rod to renew our moral conscience to right wrongs and to ensure that the talents and strengths derived from diversity are recognized.

Mr. COLEMAN. Mr. Speaker, I rise today to pay tribute to an American legend and folk hero, Cesar Chavez. The sudden death of Cesar Chavez comes as a great shock to the many of us who knew him and admired his work. Americans have lost a great leader who inspired many in his nonviolent campaigns for dignity and economic justice on behalf of farm workers and oppressed people everywhere.

His creative use of strikes, boycotts, marches, and fasts was renown. His struggles ignited a movement of social activism by Chicanos in the Southwest and Latinos everywhere. His efforts attracted worldwide attention and gained the admiration of millions.

In my very own State of Texas, Chavez attempted to organize farm workers in the Rio Grande Valley. He almost gave up after severe confrontations with law enforcement. But he never quit. This was perhaps his greatest strength. He shared this trait with his heroes Mahatma Gandhi and Martin Luther King, Jr.

Chavez visited El Paso about a month ago to remind our community about the farm workers' present-day struggle against the use of

pesticides. As he did so many times, he captured the hearts of the many people he encountered. His personal example always reaffirmed the goals of his struggle.

My condolences go out to his family, friends, and followers. They can take comfort in the fact that his efforts will continue to inspire those who seek to help the downtrodden, the powerless, and the disenfranchised.

In death, Cesar Chavez' life can and will be held as an ideal to strive toward, to dream of, and to hope for.

Hermano Cesar, que en paz descansa.

Mr. GEPHARDT. Mr. Speaker, America has lost an invaluable champion in the fight for human rights. Cesar Chavez dedicated his life to improving the lives of others, both within and beyond his community. All Americans owe a debt of gratitude to this man whose life was a testament to the strength and fortitude of the human spirit.

Chavez' family was a victim of the Great Depression. Their story is sadly familiar to many American families today. When Chavez was 10 years, the family fell behind in mortgage payments and lost their 160-acre farm. They took to the roads and became migrant farmers. Cesar Chavez knew the deplorable conditions that existed for migrant farmers first hand. A man of vision and commitment, Chavez was not discouraged by his experience, but encouraged to fight for the rights of migrant farmers who were overworked, underpaid, and unempowered.

In the early 1960's Chavez started the National Farm Workers Association, which became the United Farm Workers of America. Under Chavez' leadership, the union spearheaded a nonviolent campaign to improve conditions for migrant farmworkers. In 1965, the young union struck table grape growers in the San Joaquin Valley. Chavez called for a national boycott of table grapes to call America's attention to the plight of farmworkers who produced the food on their tables. Five years later, the growers agreed to a contract and the union scored a victory for farmworkers all over the United States. Largely due to Chavez' efforts, the State of California passed the Agricultural Labor Relations Act in 1975.

Many have compared Cesar Chavez to other human rights champions of our time. Like Gandhi, Chavez denied himself through numerous fasts to achieve a greater good. Like King, he devised creative, peaceful protests to empower his community to redress the injustices inflicted upon them. Throughout his life, Cesar Chavez led a campaign for justice to restore hope to the millions of farm workers who had been left out of the American dream. Even in death, the lessons of Cesar Chavez' life set an example for all of us to follow.

Mr. STOKES. Mr. Speaker, I want to thank my distinguished colleagues and, in particular, the chairman of the Congressional Hispanic caucus, JOSÉ SERRANO, and the dean of the California Congressional Delegation, DON EDWARDS, for allowing us this opportunity to pay tribute to the late Cesar Chavez. The Nation mourns the loss of a great civil rights leader and an exceptional human being. I am honored to participate in this special order as we focus on the life of Cesar Chavez.

Many articles have been written about the contributions of Cesar Chavez. It is noted that by the time of his death, he had done more than any other person to aid our Nation's farmworkers. In many articles, Chavez has been compared to Gandhi and Dr. Martin Luther King, Jr. These references are quite true and significant. For many of us, however, we will remember Cesar Chavez not only for his efforts to organize farmworkers, but for leading the crusade to give a strong voice to the Hispanic community and challenging America to no longer ignore their plight.

Mr. Speaker, Cesar Chavez organized the National Farm Workers Association, later known as the United States Workers of America, in the early 1960's. Prior to the birth of the UFW, farmworkers in California had no benefits, no seniority rights, and lacked the means to challenge exploitive labor contracts. The UFW attracted national attention in 1968 when Chavez successfully organized a boycott of table grape growers in California. He won the support of mayors in cities across America who directed their purchasing agents not to buy non-union grapes.

I recall that in my congressional district of Cleveland, OH, my brother, Mayor Carl B. Stokes, encouraged major grocery stores to prominently display the UFW symbol, the black Aztec eagle, to encourage consumers to observe the grape boycott.

For the first time, attention was focused on the conditions facing the Mexican-American working community. Chavez utilized his skills as an activist and organizer to secure wage increases, medical and pension benefits, unemployment compensation, and union elections for farmworkers.

At the height of the movement, the United Farm Workers claimed a membership of more than 100,000. For over 30 years, Cesar Chavez committed his life to improving the life of migrant workers and others.

Cesar Chavez believed his cause was just and he inspired others through his leadership. He was a man of great vision who gave hope to Mexican-Americans, African-Americans, and others involved in the struggle for equal rights and economic justice.

Mr. Speaker, I join my colleagues in mourning the loss of Cesar Chavez. He will be remembered as a major figure, not only in the Nation's labor movement, but as a courageous hero to millions of people throughout the world. Those of us who have been involved in the struggle for civil rights and equal rights in this country have lost a friend and colleague. We pay tribute to Cesar Chavez and we pledge to continue the struggle on his behalf.

Mr. VISCLOSKEY. Mr. Speaker, I rise today to pay tribute to Cesar Chavez, a man who tirelessly fought for those who were unable to fight for themselves. Cesar Chavez, the recently deceased labor leader and founder of the United Farm Workers' Union is being honored in a memorial service cosponsored by the Northwest Indiana Hispanic Coordinating Council and the Labor Council for Latin American Advancement and will take place today at Our Lady of Guadalupe Church in East Chicago, IN.

Mr. Chavez, president of the AFL-CIO United Farm Workers' Union, one of the country's most celebrated labor leaders, the Nation's

most celebrated Mexican-American, and one of the most admired men in the world, passed away on April 23, 1993.

Mr. Chavez burst onto the national scene in 1965, when he organized the biggest unionization drive in California history. In the process, he brought national attention to Mexican-Americans as a minority group with a unique history. For the first time in this century, Americans became aware of the plight of the men and women who labor so tirelessly to put food on our tables.

Compared by many to Martin Luther King, Jr., and Mahatma Gandhi, Cesar Chavez adopted a path of nonviolent resistance for his movement. At several points in his career, Chavez drew attention to the farm workers' plight by fasting for 3 weeks or more, and it is believed that a 36-day fast in 1988 seriously weakened his health.

Because of his faith filled commitment to improve the lives and livelihood of America's farm workers, Cesar Chavez had a greater impact than any other individual upon both the fields and the corporate board rooms of agriculture. As a result of his efforts, the Nation's farms will never be the same.

Chavez delivered what could have been his own eulogy in a 1988 speech when he said:

Regardless of what the future holds for farm workers, our accomplishments cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.

I join the Northwest Indiana Hispanic Coordinating Council, the Labor Council for Latin American Advancement, and the citizens of northwest Indiana, as well as the entire Nation in celebrating the life of Cesar Chavez, a man who symbolized the possibilities of collective action and hope for all Americans.

Mr. RUSH. Mr. Speaker, I rise this afternoon to pay tribute to one of the great men of our time, Cesar Chavez. His lifetime of visionary leadership and struggle brought hope and opportunity to hundreds of thousands of farmworkers.

Mr. Chavez was far more than just a labor leader, he was a leader of people. He spent his life seeking justice, a better life, and a better world for farmworkers throughout the United States. Mr. Chavez deeply valued the rights of every individual. Forced to drop out of school to support his family at an early age, he rose above his circumstances to launch the United Farm Workers. The UFW became a powerful force working to empower those who had been left out of the economic mainstream.

Tirelessly struggling against all forms of injustice, Cesar Chavez has left a powerful memory in all of us. But more than just a memory, Cesar Chavez has left a legacy and an obligation. We must carry on his work. We must seek to empower all Americans, especially those who continue to be denied the opportunity to fully participate in the American dream.

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to one of the most heroic figures of our times. Cesar Chavez achieved a position of moral and political leadership equaled perhaps only by that of Dr. Martin Luther King, Jr., and Mahatma Gandhi. In placing Chavez alongside the aforementioned indi-

viduals, we cannot help but notice the commonality that binds each man together, for all three subscribed to the undying notion that how we as human beings choose to use our lives, determines the type of people that we are. These men lived by the virtuous doctrine that, in the giving of ones life to a just and moral cause we can ultimately find life.

On April 22, 1993, America lost one of its most valuable and praiseworthy leaders in Cesar Chavez. One of five children of Depression-era migrant farmworkers, Chavez saw his family exploited by growers and thus was prematurely indoctrinated into the reality of migrant farming.

In 1962, with the most profound respect for the innate value of each human person, and an unwillingness to see that value diminished, Chavez founded the United Farm Workers Union [UFW]. Among its members were his wife, Helen, and their eight children. Three years later the union launched a 5-year boycott of California table grapes that became a national cause, ultimately winning higher wages for workers. Two more decades of struggle followed; in 1988, Chavez nearly died after a 36-day fast to protest what he claimed were cancer-causing pesticides on California grapes.

Cesar Chavez, on more than a few occasions, directed our Nation's attention to the economic and social plight of migrant farmworkers, revealing blatant inequalities and unfathomable working conditions. This mighty warrior relentlessly reminded Americans that injustice anywhere affects us everywhere. However, Chavez drove home this point not through violent or intimidating means, but through the use of nonviolent tactics employed by one of his heroes, Gandhi. Chavez utilized the power of boycotts, strikes, marathon marches and fasts in order to call attention to the UFW, and to wrest better wages and working conditions from the powerful grape, vegetable and citrus growers of California, the Southwest and Florida.

The untimely departure of this courageous human being from this earth has come at a time when farmworkers' wages and living conditions have deteriorated steadily for more than a decade. The need for better wages more commensurate with their back-breaking labor, and improved living conditions is still a problem faced by migrant farmworkers. The United Farm Workers Union, led by Chavez for over three decades, has struggled not to place a financial strain on growers or to cause them any undue hardship, but merely to keep its members from falling too far behind.

Cesar Chavez' United Farm Workers Union has become a symbol of empowerment and pride for not only farmworkers, but to many individuals around the Nation. This remarkable man will long be remembered because he touched the lives of so many in his own altruistic and meritorious ways. His life as well as his efforts will forever echo his undying devotion to safeguarding the dignity of each human being.

Mr. Speaker, I am honored to have this opportunity to salute the life of this noble and extraordinary civil rights leader, and to say goodbye to a man who for many years seemed to defy all odds due to sheer strength of spirit and an indestructible will to lead farm workers

from around the Nation toward economic and social equality.

Mr. CLAY. Mr. Speaker, I want to commend the gentleman from California, DON EDWARDS, the gentleman from New York, JOSÉ SERRANO, and the members of the Hispanic Caucus and other Members who joined in taking this special order to pay homage to the passing of a great American. Cesar Chavez was born in very modest circumstances, but rose to become among the most distinguished Americans of my generation. He accomplished this not by amassing great personal wealth, but by working tirelessly to improve the standard of living of the poorest and most neglected of our society, America's migrant workers.

Cesar Chavez first came to national attention in 1965 when he led a national boycott of grapes in an effort to obtain a bargaining agreement between the United Farm Workers Union and the table grapes growers in the San Joaquin Valley. At that time, farm workers earned less than \$1.50 an hour, received no fringe benefits, had no seniority rights, and were without legal status to challenge abusive employment practices by growers and labor contractors. At a time when the farm industry grossed \$4 billion dollars annually, farmworkers were earning as little as \$1,350 a year.

Cesar Chavez and the United Farm Workers persevered, and, on July 30, 1970, after 5 years of effort, the San Joaquin table grape growers signed a collective bargaining agreement with the United Farm Workers Union. In 1975, California passed landmark legislation intended to protect the right of farmworkers to engage in and benefit from collective bargaining. By the late 1970's the United Farm Workers had negotiated collective bargaining agreements on behalf of an estimated 70,000 California farmworkers and thousands more in other States. For the first time, migrant workers were able to obtain medical benefits, pensions, unemployment benefits, and other basic protections that most Americans take for granted.

Neither the United Farm Workers nor migrant workers benefited from the Reagan era. Many of the gains achieved by the United Farm Workers in the 1970's were lost in the 1980's. George Deukmejian's appointments to the Agriculture Labor Relations Board turned California's farm worker labor law from an asset to a liability. Grievances filed before the board dragged on for months and years. Farm workers could not afford the time; justice delayed became justice denied. The protection the law had sought to extend to farmworkers was undermined. Unable to sustain their rights in the courtroom, it became increasingly difficult to maintain contracts in the face of intransigent employer opposition. Like many other unions across the country, the United Farm Workers lost contracts in the 1980's and, like many other American workers, advances in the standard of living of migrant workers across the country were eroded. If we are to truly honor the memory of Cesar Chavez, it is important that we not forget the work his passing has left uncompleted and the challenges he has left for us to fulfill.

As Americans, we pride ourselves on being a society that offers opportunity for all and encourages each individual to succeed to the

best of one's abilities. Too often, we ignore or forget the extent to which reality falls short of this ideal. Sometimes we pat ourselves on our backs and share credit for the efforts of a dedicated few such as Cesar Chavez. Sometimes we don't realize just how hard a few individuals worked, the sacrifices and dangers they suffered, and we overestimate our own contributions to the success of their efforts.

Today, we recollect that Cesar Chavez brought to national attention the plight of farmworkers, and then we boycotted grapes and we helped to bring justice to the exploited farm workers. We tend to forget how throughout his life, Cesar Chavez' efforts on behalf of migrant workers were vigorously and even violently opposed by the growers and by more than a few public officials. As we celebrate Cesar Chavez' great contributions, we must remind ourselves that much remains to be done and we must now carry on in his footsteps.

Just as we cannot afford to forget the challenge that Cesar Chavez' life has left to us, we cannot afford to underestimate the many valuable accomplishments of his life.

Notwithstanding the setbacks of the last decade, the actions of Cesar Chavez and the United Farm Workers have substantially improved the standard of living of farm workers across the United States. As Dolores Huerta has so eloquently stated, "Cesar proved to the world that poor people can solve their problems if they stick together." However, though certainly the most famous labor organizer and union leader of our time, Cesar Chavez will ultimately be remembered for much more. By his deeds, Cesar Chavez symbolized the dignity and worth of the individual. Cesar Chavez was a dedicated advocate of the principles of nonviolence and frequently acknowledged Martin Luther King and Mahatma Gandhi as inspirations and models. His most important legacy is not less significant. As Cesar Chavez stated, "Regardless of what the future holds for our union, regardless of what the future holds for farm workers, our accomplishment cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm." For Latinos across America, within and without the United States, the life of Cesar Chavez will forever serve as a source of pride and as a reminder of their own self worth. No one can leave a more valuable legacy, nor render a greater service to our democracy.

Mrs. SCHROEDER. Mr. Speaker, I rise today to mourn the death of one of the most able leaders this country has known, the late César Chavez. As a labor leader, Mr. Chavez was an advocate for all people, as an individual he served as a symbol of cultural and political unity for Mexican-Americans around the country. His fight to secure reasonable wages, decent housing, and human dignity for all farmworkers stretched our minds and touched our hearts. May his work never be forgotten. Viva la huelga!

[From the New Yorker, May 17, 1993]

CESAR CHAVEZ

(By Peter Matthiessen)

Cesar Chavez was on union business when his life ended quietly in his sleep, at 10:30 or 11 p.m. on April 22nd, in the small border

town of San Luis, Arizona, thirty-five miles and sixty-six years distant from the childhood farm in the Gila River Valley which his parents lost at the end of the Depression. On April 29th, in ninety-degree heat, an estimated thirty-five thousand people, in a line three miles long, formed a funeral procession from Memorial Park in Delano, California, to the burial Mass, at the United Farm Workers field office north of town.

With the former scourge of California safely in his coffin, state flags were lowered to half-mast by order of the governor, and messages poured forth from the heads of church and state, including the Pope and the President of the United States. This last of the U.F.W. marches was greater, even, than the 1975 march against the Gallo winery, which helped destroy the growers' cynical alliance with the Teamsters. "We have lost perhaps the greatest Californian of the twentieth century," the president of the California State Senate said, in public demotion of Cesar Chavez's sworn enemies Nixon and Reagan.

For most of his life, Cesar Estrada Chavez chose to live penniless and without property, devoting everything he had, including his frail health, to the U.F.W., the first effective farmworkers' union ever created in the United States. "Without a union, the people are always cheated, and they are so innocent," Chavez told me when we first met, in July, 1968, in Delano, where he lived with his wife, Helen, and a growing family. Chavez, five feet six, and a sufferer from recurrent back pain, seemed an unlikely David to go up against the four-billion-dollar Goliath of California agribusiness. Not until January, 1968, after many hard years of door-to-door organizing of uneducated and intimidated migrant workers, had his new independent union felt strong enough to attempt a nationwide boycott of table grapes, publicized by the first of many prolonged religious fasts. On July 29, 1970, the main Delano growers all but ended the boycott by signing union contracts with the U.F.W.

This historic victory was no sooner won when the U.F.W. was challenged by the Teamsters Union, which rushed in to sign up lettuce workers in the Salinas Valley. Chavez was angered by the perfidy of the growers, who were bent on conspiring with the Teamsters to steal from behind the U.F.W.'s back what it had won in a fair, hard fight. He also resented the hostility of almost all municipal and state officials, from the ubiquitous police to governor Reagan, which exposed his farmworkers to an unrestrained climate of violence and too the lives of five U.F.W. members in the course of strikes and organizing campaigns. For Chavez, that hostility led to a resurfacing of emotional injuries he had suffered as a child, all the way back to the bank foreclosure on the small family farm and the brutal racism in such signs as "No Dogs or Mexicans Allowed." "Getting rejected hurts very deep," he told me once, recalling a time in Indio, California, during his migrant days when he followed his father into a decrepit diner to buy morning coffee, only to be contemptuously ordered out. To this day, he said, he could remember the expression on his father's face, and though it has been twenty years or more since Cesar told me that story, I can still recall his expression when he told it—that seaphic Indian face with the dark, sad, soft eyes and delighted smile turned crude and ugly.

In recent years, beset by the unremitting prejudice of California's Republican administrations, which were elected with the strong

support of agribusiness, the embittered Chavez embarked upon a table-grape and lettuce boycott against nonunion growers, protesting the use of dangerous pesticides, which threaten the health not only of farmworkers but of the public. The new boycott never took hold. What was lacking seemed to be the fervor of those exhilarating marches under union flags, the fasts, the singing, and the chanting—"Viva la huelga!"—that put the fear of God in the rich farm owners of California. These brilliant tactics remained tied in the public perception to La Causa, a labor and civil-rights movement with religious overtones which rose to prominence in the feverish tumult of the sixties; as a mature A.F.L.-C.I.O. union, the U.F.W. lost much of its symbolic power. Membership has now declined to about one-fifth of its peak of a hundred thousand.

With the funeral march over, the highway empty, and all the banners put away, Cesar Chavez's friends and perhaps his foes are wondering what will become of the U.F.W. A well-trained new leadership (his son-in-law has been named to succeed him, and four of his eight children work for the union) may bring fresh energy and insight. But what the union will miss is Chavez's spiritual fire. A man so unswayed by money, a man who (despite many death threats) refused to let his bodyguards go armed, and who offered his entire life to the service of others, was not to be judged by the same standards of some self-serving labor leader or politician. Self-sacrifice lay at the very heart of the devotion he inspired, and gave dignity and hope not only to the farmworkers but to every one of the Chicano people, who saw for themselves what one brave man, indifferent to his own health and welfare, could accomplish.

Anger was a part of Chavez, but so was a transparent love of humankind. The gentle mystic that his disciples wished to see inhabited the same small body as the relentless labor leader who concerned himself with the most minute operation of his union. Astonishingly—this seems to me his genius—the two Cesars were so complementary that without either, La Causa could not have survived.

During the vigil at the open casket on the day before the funeral, an old man lifted a child up to show him the small, gray-haired man who lay inside. "I'm going to tell you about this man someday," he said.

#### GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

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

There was no objection.

□ 1620

#### WE MUST HELP FREE HAITI FROM THE GRIP OF MILITARY COUP LEADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, for more than 19 months, the leaders of Haiti's military have

held democracy in a chokehold here in our hemisphere. It is past time for our Government to enact stricter measures to bring to justice the individuals responsible for the September 1991 overthrow of President Jean-Bertrand Aristide. It is past time to end the terror in which the Haitian people continue to live and which has cost more than 3,000 Haitian citizens their lives since the 1991 coup.

Haiti's army is too busy running a billion-dollar-a-year cocaine business to worry about diplomatic missions and trade embargos. As we listen daily to the pleasant phrases of diplomacy seeking to end this national hostage taking, the situation in Haiti grows even more grim, even more desperate. The military coup leaders in Port-au-Prince have already served us sufficient notice that they do not intend to leave power voluntarily and that they intend to continue to be the main obstacle to the return of democracy.

It is our responsibility to help the Haitian military understand that the civilized world will no longer tolerate the intimidation, beatings, the murders, and the destruction of Haitian civil society. We need a proactive strategy. The United States must lead that effort by pushing for the establishment of an international peacekeeping force, by putting Gen. Raoul Cedras and his senior colleagues on trial, and by having the armed forces and paramilitary lay down their weapons. And we must reconsider insisting upon amnesty as one of the terms for President Aristide's return.

I would like to submit the following article from the Christian Science Monitor, entitled "Haiti Must Be Freed From Military's Grip." It was written by Morris Morley, a senior fellow with the Washington-based Council on Hemispheric Affairs, and Chris McGillion, an editorial writer for the Sydney Morning Herald newspaper in Sydney, Australia. I offer it as an indictment of the administration's Haiti policy as we have seen it carried out up until today.

[From the Christian Science Monitor, Apr. 14, 1993]

#### HAITI MUST BE FREED FROM MILITARY'S GRIP (By Morris Morley and Chris McGillion)

It took a phone call from Washington in 1986 to convince Haiti's Jean-Claude "Baby Doc" Duvalier that it was in his best interests to flee. In 1990, it took a visit by the U.S. ambassador to get Gen. Prosper Avril and the armed forces to relinquish their grip on power and agree to democratic elections.

In December 1990, campaigning on an anti-corruption, reformist platform, Jean-Bertrand Aristide overwhelmingly was elected president of Haiti. His democratic experiment lasted only seven months, to be overthrown 19 months ago by a brutal coup costing several thousand lives. Having successfully flexed its "muscle" in the recent past, why did Washington prove so ineffective for so long in ousting those who overthrew Mr. Aristide? Part of the answer has been its ambivalence toward a populist committed to substantial rather than token changes.

The civil strife that has occurred since Aristide's ouster, the worst in modern Haitian history, and in which slum dwellers paid the greatest price, is not so much for electoral democracy as to steer the island's destiny. Before his election Aristide said that, "democratic elections are not a solution" because "elections are a way for those in

power to control the people." Washington, for all it professed aversion for the military gotpistas, has meant to ensure that Duvalierist institutions, especially the armed forces, remain intact as a barrier against an imagined mobocracy. At first, the U.S. was content to let a largely ineffective Organization of American States find a "solution" to the Haitian crisis. The UN's diplomatic efforts, begun a number of months ago, dragged on without significant results, aside from allowing scores of foreign human rights monitors to enter the island.

From the beginning, the most discussed formula for a solution would see Aristide return as almost a figurehead president at some unspecified future date. But this was hardly realistic, since there are enough of his opponents in Haiti's rigged Senate to impeach and dismiss him should he step out of line. Meanwhile, would the security forces quietly go back to the barracks as if nothing had happened, their leaders cheerfully giving up access to millions in illicit drug-trafficking dollars and their hatred for Aristide? Not surprisingly, Aristide privately has viewed this scenario with apprehension, as do most Haitians, convinced that fundamental social reform is impossible in the absence of the democratization of the country's basic institutions. That is why, during his brief presidency, he kept rallying support in the streets whenever his reforms were being blocked by the country's self-serving, if tiny, elite.

After the last White House meeting of the two leaders, President Clinton declared his firm support for Aristide's return to power. But no indication of a sharp break with former President Bush's failed policy materialized. In fact, the same man who authored it, Assistant Secretary of State Bernard Aronson, has been held over to do the same for Mr. Clinton. Other senior U.S. officials spoke of Aristide's returning to Haiti "when conditions permit." But they are opposed to his insistence that Army commander Gen. Raoul Cedras and other coup leaders be brought to justice, pressing him to agree to an amnesty for both victims and the victimizers.

As of now, Clinton's equivocations seem to be ending. The current White House initiative of asking donor nations to pledge \$200 million a year over five years to help renovate the country's institutions and infrastructure is a step forward, but not a big one. Meanwhile, the Haitian military continues to stonewall, as more demands are made on Aristide.

Like Mr. Bush, Clinton seems to have confused democracy in Haiti with a demand that Aristide be willing to coexist with terrorist individuals and institutions. But the consolidation of Haitian democracy depends on vindication for the victims of the military terror.

Aristide is scheduled to return in a couple of months, but not necessarily with plenary powers. Only by putting General Cedras and his senior colleagues on trial, having the armed and paramilitary forces turn in their weapons, and restoring Aristide to his full constitutional authority under an international peacekeeping force can Haitian society be reliably freed from its unworthy military.

#### H.R. 1960, THE REVENUE RECONCILIATION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am pleased to introduce, by request of the administration, H.R. 1960, the Revenue Reconciliation Act of 1993. This measure contains the statutory language for the revenue proposals contained in the President's comprehensive economic plan as described in the summary of the administration's revenue proposals dated February 1993.

Mr. Speaker, the statutory language in H.R. 1960 will provide taxpayers with significant guidance in interpreting the technical aspects of the administration's tax proposals. Moreover, the bill will greatly assist the Committee On Ways and Means as it considers the President's program of proposals designed to create jobs, spur investment, enhance long-term economic growth, and reduce the overall budget deficit.

#### 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. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, on May 13 and 20.

Mr. HORN, for 15 minutes each day, on May 11 and 18.

(The following Member (at the request of Mr. SERRANO) to revise and extend his remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 60 minutes each day, on May 3 and 4.

Ms. WATERS, for 60 minutes each day on May 5, 12, 19, 26, June 2, 6, 16, 23, and 30.

Mr. FALCOMA, for 60 minutes, on May 7.

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLYBURN, on House Concurrent Resolution 71 in the House, today.

Mr. GILMAN, on H.R. 682, in the House, today.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. RIDGE.

Mr. MCDADE.

Mr. SAXTON in two instances.

Mr. DUNCAN in two instances.

Mr. WOLF.

Mr. HENRY.

Mr. EWING.

Mr. SMITH of New Jersey.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. STUPAK.

Mr. SLATTERY in four instances.

Mr. DINGELL.

Mr. MANN.

Mrs. KENNELLY.

Mr. DEUTSCH.

Mr. TORRES.

Mr. STUDDS.

Mr. NEAL of North Carolina.

Mr. CLYBURN.

Mr. DEFAZIO.

Mr. FRANK of Massachusetts.

Mr. DOOLEY.

Mr. LANTOS.

Mr. KANJORSKI.

Mr. APPLIGATE.

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. HYDE.

Mrs. MORELLA.

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. GILLMOR.

Mr. DREIER.

Mr. HUNTER.

Mr. MOAKLEY.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 127. Joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

#### ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Wednesday, May 5, 1993, at 1 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1153. A letter from the Acting Director, Office of Thrift Supervision, transmitting the office's 1992 annual report on the preserva-

tion of minority savings institutions, pursuant to Public Law 101-73, section 301 (103 Stat. 279); to the Committee on Banking, Finance and Urban Affairs.

1154. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 12th report on the activities of the Multinational Force and Observers (MFO) and Certain Financial Information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

1155. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1156. A letter from the Chairman, U.S. Sentencing Commission, transmitting the Commission's report of amendments to the sentencing guidelines together with the reasons for these amendments, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

1157. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a draft of proposed legislation to extend authorization of appropriations for the U.S. Office of Special Counsel, and for other purposes; to the Committee on Post Office and Civil Service.

1158. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1159. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the status report for the month of March 1993 (The 1998-99 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1160. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to provide authority for the President to enter into trade agreements to conclude the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements, and a draft of legislation entitled "Generalized System of Preferences Renewal Act of 1993"; jointly, to the Committee on Ways and Means and Rules.

#### 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. FROST: Committee on Rules. House Resolution 163. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes (Rept. 103-78). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 164. Resolution providing for consideration of the bill (H.R. 820) to amend the Stevenson-Wylder Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology

Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes (Rept. 103-79). 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. DEFAZIO (for himself, Mr. WILSON, Mr. RAVENEL, Mr. LIPINSKI, and Mr. JACOBS):

H.R. 1955. A bill to require the President to impose economic sanctions against countries that engage in whaling not authorized and approved by the International Whaling Commission; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs.

By Mr. ANDREWS of Texas:

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to modify alternative minimum tax system, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 1957. A bill to amend the base closure laws to require the Secretary of Defense to transfer real property and facilities at military installations being closed or realigned to States and other entities that agree to convert the property and facilities into correctional facilities for youthful offenders to be operated as military-style boot camps and to require the Secretary to develop a program to promote the expanded use of such correctional facilities; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. CLYBURN (for himself, Mrs. MEEK, Mr. HASTINGS, and Mr. FIELDS of Louisiana):

H.R. 1958. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives with respect to enterprise zones and areas affected by military base closings or reductions in military base employment; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1959. A bill to reduce until January 1, 1997, the duty on woven polypropylene cloth; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (by request):

H.R. 1960. A bill to amend the Internal Revenue Code of 1986 to provide training and investment incentives and to provide additional revenues for deficit reduction purposes; to the Committee on Ways and Means.

By Mrs. KENNELLY (for himself, Mr. MEEHAN, Mr. BARLOW, Mr. LEWIS of Georgia, and Mr. MORAN):

H.R. 1961. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Natural Resources, Banking Finance and Urban Affairs, Armed Services, Foreign Affairs, Post Office and Civil Service, and House Administration.

By Mr. KLECZKA:

H.R. 1962. A bill to extend until January 1, 1996, the existing suspension of duty on 6-Hydroxy-2-naphthalenesulfonic acid, and its sodium, potassium, and ammonium salts; to the Committee on Ways and Means.

H.R. 1963. A bill to suspend until January 1, 1996, the duty on DMAS; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. STUDDS, Mr. BATEMAN, Mr. FIELDS of Texas, and Mr. TAUZIN):

H.R. 1964. A bill to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REGULA:

H.R. 1965. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction from gross income for contributions to health services savings account; to amend the Social Security Act to provide for universal coverage of basic health needs for all Americans; to expand Medicare to include preventive and long-term care services; and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. SLATTERY:

H.R. 1966. A bill to amend the Federal Cigarette Labeling and Advertising Act to require that cigarettes and cigarette advertising bear a label stating the addictive quality of nicotine; to the Committee on Energy and Commerce.

By Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. SAWYER):

H.R. 1967. A bill to amend the Solid Waste Disposal Act to provide for a scrap tire management and recovery program; to the Committee on Energy and Commerce.

By Mr. SLATTERY:

H.R. 1968. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect to annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Post Office and Civil Service.

H.R. 1969. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for advertising or other promotion expenses with respect to sales of tobacco products; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. SAWYER):

H.R. 1970. A bill to establish a scrap tire trust fund to provide financial assistance to States to eliminate current scrap tire piles and to manage the future disposal of scrap tires; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLATTERY:

H.R. 1971. A bill to amend titles XVIII and XIX to treat qualified respiratory therapists and technicians as licensed health professionals for purposes of applying the nursing home reform requirements relating to the training of nurse aides; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SMITH of Iowa:

H.R. 1972. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. STUDDS (for himself, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. BLUTE, and Mr. MEEHAN):

H.R. 1973. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services to the extent such fees exceed 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. WOLF (for himself and Mr. CARR):

H.R. 1974. A bill to amend title 49, United States Code, to provide that the Administrator of the Federal Aviation Administration shall be appointed for a term of 7 years; to the Committee on Public Works and Transportation.

By Mr. QUILLEN (for himself, Mrs. LLOYD, Mr. FORD of Tennessee, Mr. SUNDQUIST, Mr. COOPER, Mr. GORDON, Mr. CLEMENT, Mr. DUNCAN, Mr. TANNER, Mr. MONTGOMERY, Mr. STUMP, Mr. BEVILL, Ms. DANNER, Mr. FROST, Mr. KREIDLER, Mr. McCLOSKEY, Mr. SMITH of Oregon, and Mr. TOWNS):

H.J. Res. 190. Joint resolution designating July 17 through July 23, 1993, as "National Veterans Golden Age Games Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1578; jointly, to the Committees on House Administration, Government Operations, and Rules.

By Mr. GEPHARDT (for himself, Mr. KOPETSKI, Mr. MATSUI, Mr. MOORHEAD, Mr. MARKEY, Ms. SLAUGHTER, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SUNDQUIST):

H. Res. 165. Resolution expressing the sense of the House regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations; to the Committee on Ways and Means.

By Mr. HYDE:

H. Res. 166. Resolution establishing a House Security Office; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. GLICKMAN introduced a bill (H.R. 1975) for the relief of Afsar Khanom Tajbakhsh; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of May 3, 1993]

H.R. 820: Mr. HINCHAY, Mr. DICKS, Mr. EVANS, Mr. HUGHES, Mr. LANCASTER, Mr. LAFALCE, Mr. MACHTLEY, Mr. KLINK, Mr. MOLLOHAN, Ms. KAPTUR, Ms. SHEPHERD, and Mr. MEEHAN.

[Submitted May 4, 1993]

H.R. 18: Mr. PICKLE, Mr. BERMAN, Mr. FILNER, Mrs. MINK, Mr. UPTON, Mr. CLYBURN, Mr. ANDREWS of Maine, Mr. DICKEY, and Mr. GREENWOOD.

H.R. 21: Mr. CAMP, Mr. WELDON, Mr. RIDGE, Mr. MURPHY, and Mr. PORTER.

H.R. 115: Ms. NORTON and Ms. ESHOO.

H.R. 123: Mr. RAHALL, Mr. PARKER, Mr. GINGRICH, Mr. ARCHER, Mr. McKEON, Mr. ROYCE, and Mr. CRANE.

H.R. 124: Mr. GALLEGLY, Mr. GINGRICH, Mr. TUCKER, Mr. ROYCE, and Mr. RAVENEL.

H.R. 140: Mr. KNOLLENBERG, Mr. EVERETT, Mr. CUNNINGHAM, Mr. BONILLA, Mr. BARLOW, and Mr. HOEKSTRA.

H.R. 159: Mr. McMILLAN.

H.R. 181: Mr. BAKER of Louisiana.

H.R. 349: Mr. COLLINS of Georgia, and Mr. ANDREWS of New Jersey.

H.R. 357: Mr. OBEY and Mr. KLUG.

H.R. 358: Mr. MANTON.

H.R. 417: Mr. MOORHEAD, Mr. GILLMOR, and Mr. GENE GREEN of Texas.

H.R. 567: Mr. KNOLLENBERG.

H.R. 633: Mr. FISH.

H.R. 656: Mr. FRANKS of New Jersey and Mr. DEUTSCH.  
 H.R. 746: Mr. PAYNE of Virginia.  
 H.R. 749: Mr. POMBO.  
 H.R. 830: Mr. ISTOOK, Mr. ROTH, and Mr. HUTTO.  
 H.R. 840: Mr. MILLER of California, Mr. TOWNS, Mr. STARK, Mr. BONIOR, Mr. GLICKMAN, Mr. FOGLIETTA, Mr. BLACKWELL, and Mr. FIELDS of Louisiana.  
 H.R. 822: Mr. PICKLE.  
 H.R. 1004: Mr. JEFFERSON.  
 H.R. 1077: Mr. BLACKWELL, Mr. VALENTINE, Mr. FAWELL, Mr. EWING, and Mr. GILLMOR.  
 H.R. 1096: Mr. DICKS and Mr. BONIOR.  
 H.R. 1141: Mr. MCCRERY, Mr. KNOLLENBERG, Mr. HALL of Ohio, Mr. CRAMER, Mr. DERRICK, and Mr. BARTLETT.  
 H.R. 1164: Mr. MARKEY.  
 H.R. 1275: Mr. GOSS and Mr. RAMSTAD.  
 H.R. 1296: Mr. GORDON, Mrs. CLAYTON, Mr. CRAMER, and Mr. HALL of Ohio.  
 H.R. 1322: Ms. MOLINARI, Mr. HOEKSTRA, Mr. KING, Mr. GUTIERREZ, Mr. BACHUS of Alabama, and Mr. BLUTE.  
 H.R. 1327: Mr. SMITH of New Jersey.  
 H.R. 1402: Mr. BLACKWELL, Mr. EVANS, Mr. MCHALE, Mr. SANTORUM, Mr. APPELEGATE, Mr. MCCRERY, and Mr. MOLLOHAN.  
 H.R. 1481: Mr. HANCOCK.  
 H.R. 1493: Mr. RAVENEL.  
 H.R. 1538: Mr. JEFFERSON, Mr. STOKES, Mrs. MINK, and Mr. FROST.  
 H.R. 1555: Mr. OBEY.  
 H.R. 1586: Mr. WYDEN, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, and Mr. FRANK of Massachusetts.  
 H.R. 1640: Mr. SWIFT.

H.R. 1670: Mr. KIM and Mr. INHOFE.  
 H.R. 1718: Mr. HASTINGS, Mr. JEFFERSON, and Mr. FIELDS of Louisiana.  
 H.R. 1727: Mr. KILDEE and Mr. BONIOR.  
 H.R. 1765: Mr. ENGLISH of Oklahoma.  
 H.R. 1768: Mr. ENGLISH of Oklahoma.  
 H.R. 1772: Mr. MOLLOHAN, Mr. ENGLISH of Oklahoma, Mrs. MINK, and Mr. PAYNE of Virginia.  
 H.R. 1773: Mr. MOLLOHAN, Mr. BARRETT of Nebraska, Mr. ENGLISH of Oklahoma, Mrs. MINK, and Mr. PAYNE of Virginia.  
 H.R. 1795: Mr. TOWNS, Mr. FRANK of Massachusetts, and Ms. ESHOO.  
 H.R. 1814: Mr. FROST.  
 H.R. 1863: Mr. THOMAS of Wyoming, Mr. COBLE, Ms. DANNER, Mr. DOOLITTLE, Mr. KOLBE, Mr. QUINN, Mr. GILLMOR, Mr. LIGHTFOOT, Mr. STUMP, Mr. POMBO, Mr. GOSS, Mr. SHAYS, and Mr. LEVY.  
 H.R. 1873: Mr. MILLER of California, Mrs. MEEK, Mr. FOGLIETTA, Mrs. UNSOELD, Mr. LEVY, Ms. ESHOO, Mr. SHAYS, Mr. ACKERMAN, and Mr. McNULTY.  
 H.R. 1874: Mr. COLEMAN and Mr. HOLDEN.  
 H.R. 1885: Mr. SPENCE, Mr. BURTON of Indiana, Mr. GOSS, Mr. BAKER of Louisiana, Mr. SOLOMON, Mr. ARMEY, and Mr. LEVY.  
 H.R. 1944: Ms. ROYBAL-ALLARD, Mr. YOUNG of Alaska, and Mr. DE LA GARZA.  
 H.J. Res. 68: Mr. TRAFICANT, Mr. CLYBURN, Mr. TUCKER, Mr. KLEIN, Mr. CLEMENT, Mr. PAYNE of Virginia, Mr. COPPERSMITH, Mr. HOBSON, and Mr. FIELDS of Louisiana.  
 H.J. Res. 136: Mr. LIPINSKI, Ms. DANNER, Mr. KLECZKA, Mr. VOLKMER, Mr. SLATTERY, Mr. FALCOMA, Mr. FILNER, Mrs. UNSOELD, Mr. ANDREWS of Maine, Mr. HAYES

of Louisiana, Mr. GALLO, Mr. MARTINEZ, Mr. DE LUGO, Mr. BILBRAY, Mr. SCHUMER, Mr. WAXMAN, Mr. FROST, Mr. SERRANO, Mr. LAFALCE, Mr. THOMPSON, Mr. KREIDLER, Mr. EVANS, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. SPRATT, Mrs. VUCANOVICH, Mr. CARDIN, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, Mr. GINGRICH, Mr. KILDEE, and Mr. FAZIO.  
 H.J. Res. 139: Mr. WHEAT and Mr. COYNE.  
 H.J. Res. 166: Ms. FURSE.  
 H. Con. Res. 13: Mr. GINGRICH and Mr. ROYCE.  
 H. Con. Res. 54: Mr. INGLIS and Mr. DOOLITTLE.  
 H. Con. Res. 80: Ms. EDDIE BERNICE JOHNSON, Mr. SCHIFF, Mr. POMBO, Mr. LANTOS, Mr. WAXMAN, and Mr. TUCKER.  
 H. Con. Res. 85: Mr. HANCOCK, Mr. BEREUETER, Mr. MCCRERY, Mr. LEACH, and Mr. JACOBS.  
 H. Res. 154: Mr. LEVY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

- 32. By the SPEAKER: Petition of the President of the Legislative Yuan, Republic of China, relative to bilateral trade; to the Committee on Ways and Means.
- 33. Also, a petition of the Canadian Embassy, the Ambassador, relative to H.R. 1313; jointly, to the Committees on the Judiciary, Ways and Means, and Foreign Affairs.

ATTACHMENT OF ADOPTED RESOLUTIONS AND REPORTS

The following resolutions and reports were adopted and reported on by the House of Representatives on May 4, 1993:

H. Res. 136: Mr. LIPINSKI, Ms. DANNER, Mr. KLECZKA, Mr. VOLKMER, Mr. SLATTERY, Mr. FALCOMA, Mr. FILNER, Mrs. UNSOELD, Mr. ANDREWS of Maine, Mr. HAYES of Louisiana, Mr. GALLO, Mr. MARTINEZ, Mr. DE LUGO, Mr. BILBRAY, Mr. SCHUMER, Mr. WAXMAN, Mr. FROST, Mr. SERRANO, Mr. LAFALCE, Mr. THOMPSON, Mr. KREIDLER, Mr. EVANS, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. SPRATT, Mrs. VUCANOVICH, Mr. CARDIN, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, Mr. GINGRICH, Mr. KILDEE, and Mr. FAZIO.