

## EXTENSIONS OF REMARKS

## THE FAMILY LIVING WAGE ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. PETRI. Mr. Speaker, today I am introducing the Family Living Wage Act. This bill would increase the current earned income tax credit [EITC] and vary it more by family size. Its objectives are to provide tax relief for middle-income families with children; to supplement wages according to need, as determined by family size; to help people support families by working rather than on welfare; and to help with the costs of child care, which are heaviest for preschool children.

The most recent reform of the EITC, contained in the Omnibus Budget Reconciliation Act of 1990 [OBRA], did increase the basic credit and adjust in slightly for families with a second child. In 1993, the EITC will allow a maximum credit of \$1,434 for a one child family and \$1,511 for a family with two children. In addition, OBRA added a separate credit for children under the age of one and another credit for health insurance expenses.

Starting in 1994, the Family Living Wage Act would provide workers at or near the minimum wage a base credit of \$1,600 and add an additional \$800 for each preschool child and \$400 for each school-age child, for up to four children. The maximum credit for a family with four preschool children would be \$4,800 per year which is equivalent to an extra hourly wage, before any deductions, of \$2.60. A low-wage worker with two preschoolers would receive \$3,200, equivalent to an extra wage of \$1.73. Moreover, these supplements are indexed to inflation and workers can receive them in their paychecks.

As family income rises above \$10,000 per year, the credit phases down gradually until a minimum credit of \$400 per preschooler and \$200 per school-age child is reached at incomes in the mid-twenties, depending on family configuration. This minimum benefit would apply to all middle-class families with incomes up to \$50,000, after which it phases out by \$61,000.

The Family Living Wage Act repeals the separate credit for children under one, the health insurance credit, and the dependent care credit [DCC]—collapsing four credits into one and radically simplifying credits for low-income people.

Although the bill repeals the current dependent care credit, its minimum EITC benefits provide more total help than the DCC does for middle-class families in the relevant income range. Moreover, the EITC spreads the money fairly across all these families, rather than giving all of it to the minority of families that pay others for child care. Since the dependent care credit unfairly discriminates against people who forgo work to take care of their chil-

dren and is highly regressive—most of its benefits go to the highest income families—it is far better policy to eliminate it and fold its cost into the EITC as is doing by the Family Living Wage Act.

This legislation is designed both to provide tax relief for middle-class families with children, and to help low-skilled people support families by working rather than through welfare. Although most people want to work, many find that their skills do not enable them to earn as much as they could receive on welfare. Many of these people work anyway, hoping to improve their earnings over time, but they face great hardship in the meantime. Others remain caught in a welfare trap, facing financial penalties for trying to escape. Still others can earn slightly more than welfare would give them but not enough to pull them close to the poverty line. The basic problem is that economic need and, consequently, welfare payments vary by family size, but wages do not.

By directly supplementing the wages of low-income workers with children, the Family Living Wage Act achieves the broader objective of providing general help to these families based on economic need as determined by family size. It thereby achieves the same objective as an increase in the minimum wage but does it in a far better and more targeted way, while avoiding the job losses and inflation associated with minimum wage increases.

I urge my colleagues to join me in extending greater, more permanent benefits to family heads through the Family Living Wage Act.

A copy of the bill and a summary follows:

## SUMMARY OF FAMILY LIVING WAGE ACT (FLWA)

Restructure existing earned income tax credit (EITC) as follows:

In taxable year 1994, provide refundable credit for families with children against up to \$8,000 of annual earned income at percentage rates differentiated by family size as follows: base credit, 20 percent (\$1,600 maximum base); each preschool child (age 0-5), extra 10 percent (extra \$800 maximum); and each school-age child (6-15) extra 5 percent (extra \$400 maximum).

Four child limit; maximum benefit for family with 4 preschool children is \$4,800 (\$1,600 base plus \$800 for each child).

Reduce credit by 12 percent (for lowest credit level) to 20 percent (for highest credit level) of the amount of total income that exceeds \$10,000.

Minimum credit of \$400 per preschool child and \$200 per school-age child extends from mid-twenties up to \$50,000 income, then phases out at 15 percent, ending (in highest case) at \$60,667 income.

Repeal current dependent care credit (DCC), which is highly regressive and unfair to people who forgo outside income in order to work in the home, "wee tot" credit and health insurance credit—collapsing four credits into one and radically simplifying credits for low income people.

Index phase-in percentages and phase-out starting point for inflation.

People whose only children are over 15 receive only base credit.

## COST

\$6 billion starting in fiscal year 1995.

Under the current DCC, the maximum benefit for middle-income families is \$480 per child for 2 children if the parents spend \$2,400 per child on child care. The FLWA provides \$400 per preschool child and \$200 per school age child, for up to four children, to all middle-income families, with no requirement for paid child care.

## PURPOSES

Provide tax relief for middle-income families with children.

Increase work incentives for welfare families according to the need for incentives, as determined by family size and welfare payment size.

Achieve the same objective as minimum wage increases (to help low-skilled workers support families) directly and efficiently, targeting help to those who need it in proportion to their need, including millions already earning more than the \$4.25 minimum wage, without the inflation and job losses associated with minimum wage hikes.

In particular, help families with the costs of child care (heaviest for preschool children), independently of whether others are paid to provide care or one family member forgoes income in order to provide care, and concentrating that help at the lowest income levels.

## H.R.—

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

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Living Wage Act".

## SEC. 2. INCREASE IN EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed \$8,000.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of \$8,000, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds \$10,000.

"(b) PERCENTAGES.—For purposes of subsection (a)—

"(1) CREDIT PERCENTAGE.—

"(A) IN GENERAL.—The credit percentage is the percentage equal to the sum of—

"(i) 20 percent,

"(ii) 5 percent for each school age qualifying child, plus

"(iii) 10 percent for each preschool age qualifying child.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

“(B) NOT MORE THAN 4 CHILDREN TAKEN INTO ACCOUNT.—Not more than 4 children shall be taken into account under subparagraph (A), and preschool age qualifying children shall be taken into account before any other children are taken into account.

“(2) PHASEOUT PERCENTAGE.—

“(A) PHASEDOWN TO MINIMUM BENEFIT.—

“(i) IN GENERAL.—The phaseout percentage is the percentage determined in accordance with the following table:

If the combination of qualifying children taken into account under paragraph (1) is—	The phaseout percentage is—
1 S .....	13
2 S, or 1 P .....	14
3 S, or 1 S and 1 P .....	15
4 S, or 2 S and 1 P, or 2 P .....	16
3 S and 1 P, or 1 S and 2 P .....	17
2 S and 2 P, or 3 P .....	18
1 S and 3 P .....	19
4 P .....	20.

“(ii) SYMBOLS USED IN TABLE.—For purposes of clause (i)—

“(I) S means school age qualifying child, and

“(II) P means preschool age qualifying child.

“(B) MINIMUM BENEFIT FOR TAXPAYERS WITH INCOMES BELOW \$50,000.—Except as provided in subparagraph (C), subparagraph (A) shall not apply so as to reduce the credit allowed by this section to a taxpayer to less than the minimum benefit determined in accordance with the following table:

If the phaseout percentage applicable to the taxpayer is—	The minimum benefit is—
13 .....	\$200
14 .....	400
15 .....	600
16 .....	800
17 .....	1,000
18 .....	1,200
19 .....	1,400
20 .....	1,600.

“(C) PHASEOUT OF MINIMUM BENEFIT.—If the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year exceeds \$50,000, the minimum benefit determined under subparagraph (B) shall be reduced by 15 percent of such excess.

“(3) SPECIAL RULES FOR INDIVIDUAL WHOSE ONLY CHILDREN HAVE ATTAINED AGE 16.—For purposes of this section, in the case of an individual who is an eligible individual solely by reason of children each of whom has attained age 16 as of the close of the taxable year—

“(A) the credit percentage shall be 20 percent,

“(B) the phaseout percentage shall be 12 percent, and

“(C) subparagraphs (B) and (C) of paragraph (2) shall not apply.”

(b) PRESCHOOL AGE AND SCHOOL AGE QUALIFYING CHILDREN DEFINED.—Subsection (c) of section 32 of such Code is amended by adding at the end the following new paragraph:

“(4) PRESCHOOL AGE AND SCHOOL AGE QUALIFYING CHILDREN.—

“(A) PRESCHOOL AGE QUALIFYING CHILD.—The term ‘preschool age qualifying child’ means any qualifying child who has not attained age 6 as of the close of the taxable year.

“(B) SCHOOL AGE QUALIFYING CHILD.—The term ‘school age qualifying child’ means any qualifying child who has attained age 6 but not age 16 as of the close of the taxable year.”

(c) ADVANCE PAYMENT PROVISIONS.—  
 (1) Subsection (b) of section 3507 of such Code is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by inserting after paragraph (3) the following new paragraph:  
 “(4) states the number and ages of qualifying children (as defined in section 32(c)) of the employee for the taxable year.”

(2) Paragraph (2) of section 3507(c) of such Code is amended—

(A) in subparagraph (B)(i), by striking “(without regard to subparagraph (D))” and by striking “section 32(a)(1)” and inserting “section 32(a)”.

(B) in subparagraph (B)(ii), by striking “section 32(b)(1)(B)(ii)” and inserting “section 32(a)(2)” and by striking “section 32(a)(1)” and inserting “section 32(a)”, and

(C) by adding at the end the following new sentence:

“For purposes of this paragraph, the credit percentage shall be determined under section 32(b) on the basis of the number and ages of qualifying children specified in the earned income eligibility certificate and the determination of the amounts referred to in subparagraph (B)(ii) shall be made on the basis of the number and ages of qualifying children so specified.”

(3) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before “, or” the following: “(or changing the percentages applicable to the employee under section 32(b) for the taxable year)”.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking “subsection (b)” each place it appears in subparagraphs (A) and (B) and inserting “subsection (a)(2)”, and

(B) by adding at the end the following new sentence:

“Separate tables shall be prescribed for each of the phaseout percentages specified in the table contained in subsection (b)(2)(A)(i).”

(2) Paragraphs (1) and (2) of section 32(i) of such Code are amended to read as follows:

“(1) IN GENERAL.—In the case of any taxable year beginning after 1995, each amount referred to in paragraph (2) shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting ‘1994’ for ‘1989’ in subparagraph (B) thereof.

“(2) AMOUNTS.—The amounts referred to in this paragraph are—

“(A) the credit percentages used for purposes of subsection (a),

“(B) the \$10,000 amount contained in subsection (a)(2)(B), and

“(C) the \$50,000 amount contained in subsection (b)(2)(C).”

(3) Section 213 of such Code (relating to medical, dental, etc., expenses) is amended by striking subsection (f).

(4) Paragraph (3) of section 162(l) of such Code is amended to read as follows:

“(3) COORDINATION WITH MEDICAL DEDUCTION.—Any amount paid by a taxpayer for insurance to which paragraph (1) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993; except that the amendments made by subsection (c) shall take effect on January 1, 1994.

SEC. 3. DEPENDENT CARE CREDIT LIMITED TO HANDICAPPED DEPENDENTS AND SPOUSES.

(a) IN GENERAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 (defining qualifying individual and employment-related expenses) is amended by striking subparagraph (A), by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively, and by adding at the end the following new sentence:

“In the case of an individual described in subparagraph (A) who has not attained age 16 as of the close of the taxable year, such individual may be treated as a qualifying individual for purposes of this section only if the taxpayer elects not to treat such individual as a qualifying child under section 32 for such year.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 21(b)(2) of such Code is amended by striking “care of—” and all that follows and inserting “care of a qualifying individual who regularly spends at least 8 hours each day in the taxpayer’s household.”

(2) Paragraph (2) of section 21(d) of such Code is amended by striking “subsection (b)(1)(C)” and inserting “subsection (b)(1)(B)”.

(3) Paragraph (5) of section 21(e) of such Code is amended—

(A) by striking “is under the age of 13 or” in subparagraph (B), and

(B) by striking “subparagraph (A) or (B) of subsection (b)(1) (whichever is appropriate)” and inserting “subsection (b)(1)(A)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 4. ELIMINATION OF PROPOSED CHANGES IN TREATMENT OF EARNED INCOME CREDIT IN DETERMINING CERTAIN WELFARE BENEFITS.

Paragraphs (1) and (2)(A) of section 402(c) of the Family Support Act of 1988 are repealed.

LOGAN ELEMENTARY SCHOOL CELEBRATES 25TH ANNIVERSARY  
 HON. HELEN DELICH BENTLEY  
 OF MARYLAND  
 IN THE HOUSE OF REPRESENTATIVES  
 Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, I feel confident in stating that there is another institution besides the U.S. Congress in which we have all labored and learned, an institution without which none of us would be here. I speak of the American elementary school.

On April 25, 1993, Logan Elementary School in Dundalk, MD, celebrated its 25th anniversary. In 1968, it was opened as a primary school on the cutting edge of education; non-graded, and architecturally designed with open space to facilitate a teaming approach to instruction. But it also was designed with a traditional brick and mortar exterior. Over the years, the school has come to resemble the architecture of its building, combining its progressive qualities with a solid, traditional relationship to the community it serves.

This close relationship was most evident at the April 25 gala. Many members of the community participated actively in the festivities, contributing to the warm, nurturing atmosphere that showed through in the celebration. Stu-

dents responded by sharing with the visitors both the traditional Logan School song and the modern "Conflict Resolution Rap."

That same sharing in an atmosphere of warmth and diversity prevails in the school every day, and helps the staff to fulfill what it calls "The Logan Commitment," which I take the liberty of citing here:

We, the staff of Logan Elementary, are committed to providing a safe, orderly learning environment for all students. In order to maintain such an educational environment, we strive to instill in our students a respect for self, for others, and for property, a sense of responsibility for every action, and a desire to solve problems using conflict resolution strategies. It is the goal of every staff member to teach and model behaviors which result in students learning self-discipline, cooperation, respect, responsibility, and problem solving skills.

In closing, I congratulate the Logan School on its 25th anniversary, and on the many successes it has had in that era. I am sure it will have many more in the future, and hope that it may serve as a model for elementary schools across this land.

#### HAZARDOUS WASTE SAFETY ZONE LEGISLATION INTRODUCED

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. CLINGER. Mr. Speaker, 2 days ago EPA announced some major changes in its operations to address public concerns about hazardous waste incineration. The EPA is taking steps to ensure that Federally permitted hazardous waste facilities are more heavily regulated to protect the public. This is a positive step, but unfortunately, this policy appears to impact only those facilities that are permitted directly by EPA.

Consistent with EPA's announcement, today I am introducing related legislation, along with my colleague Congressman TIM HOLDEN, to address a very serious public safety concern. Under the current RCRA Hazardous Waste Program, in which EPA has delegated permitting authority to the States, hazardous waste facilities, such as commercial incinerators, can be built and operated literally next door to Federal prisons. This raises very troubling and frightening public health and safety issues for surrounding communities, Federal prison staff, and prisoners given the potential for an accidental release or spill of hazardous waste.

This legislation provides a buffer or safety zone of a 2-mile radius around Federal prisons within which no hazardous waste facility can be built which could require the evacuation of prisoners or other nearby residents. The intent of this safety zone is to provide a reasonable distance so that in case of an emergency, should one arise, it can be handled in a safe and orderly manner. In drafting this legislation, several State and local officials, the EPA, public interest groups, and other members were consulted and their suggestions incorporated.

This legislation is prompted by a situation in my own district near Allenwood Prison in

Union County, PA. Based upon a model prepared by Union County planning officials, 2 miles is the minimum distance that should be provided for a safety zone between a Federal prison and the facility. The proposed Union County incinerator site, now under review for a permit, is located less than one-half mile from the Allenwood Prison. This prison is currently undergoing expansion and once the expansion is completed the prison will house approximately 3,000 prisoners, including maximum security prisoners, and employ 700 prison officials. However, I understand that this same situation may be occurring in other parts of the country.

The crux of the problem is simple. In the case of an accidental emergency situation, such as a hazardous waste spill or incinerator malfunction, there is no possibility of evacuating the prison in a timely or safe fashion. In a letter sent to me on October 8, 1992, by the Assistant Attorney General, W. Lee Rawls, concerning the Allenwood Prison situation he stated "Given the number of prisoners who will be housed near the proposed facility, a wider buffer zone would be more desirable in the event of a large scale emergency."

In a separate letter sent to Senator SPECTER last September the Federal Bureau of Prisons indicated:

If a complete evacuation of the prison complex were required as a result of a large scale emergency, it could not be accomplished in a short period of time. In our recent experience at the Metropolitan Correctional Center in Miami, Florida, after Hurricane Andrew, evacuation took over 2 days. One similarity between the Miami situation and that of the complex is the composition of the inmate population. Although Miami housed only 1,300 inmates, as compared to the 3,000 inmates projected to be at Allenwood, Miami inmates were also of various security levels, including higher security levels. It seems likely, that more than 2 days would be required if evacuation of the Allenwood complex were necessary.

Clearly, this is neither a realistic nor acceptable situation.

The safety concern raised is not without merit. There are several reported accidents with hazardous waste incinerators and I suspect that likely a lot more go unreported. Examples include a midnight incinerator explosion in Chicago that occurred in February 1991 which was attributable to the mixing of toxic waste chemicals. In December 1990, at another hazardous waste incinerator in El Dorado, AR, a fire necessitated evacuation of about 40 people from nearby homes.

In addition, there are serious questions about hazardous waste incinerators' compliance with current Federal health and safety regulations. A joint EPA-OSHA report released in May 1991, based on unannounced inspections at 29 commercial hazardous waste incinerators, found substantial problems ranging from inadequate worker safety training to compliance with contingency plans and emergency response requirements. OSHA found a total of 320 violations of its standards with two-thirds of the violations cited as serious, meaning those likely to cause death or physical harm. EPA identified a total of 75 violations of its standards, 52 of which were classified as serious, including violations of testing emergency equipment systems. EPA also

noted significant use of incinerator emergency backup systems at some facilities and indicated that such frequent use may be a result of operational problems.

Due to these safety concerns, some States have adopted their own hazardous waste regulations providing safety zones around certain types of facilities. Under the RCRA subtitle C program, States have considerable latitude in establishing their own facility siting guidelines. Approximately 22 States have adopted siting standards which provide for a safety zone around certain populations and residences, such as schools, churches, hospitals, and prisons. These safety zones range from 500 feet to 8 miles and the application varies from State to State. However, given that Federal prisons are now involved with the siting of hazardous waste facilities, this issue becomes a Federal concern and serves as the basis for the legislation. A uniform and consistent standard should be enacted so that all citizens are protected in the same manner in every State from a potentially dangerous situation.

This also raises a larger, more generic issue which needs to be addressed. EPA's mission is to protect human health and the environment. However, there is nothing included in current Federal regulations about safety zones and setback distances. In fact, EPA only provides very minimum guidance to States regarding siting criteria. I urge EPA during its review of its hazardous waste policies to look closely at establishing some uniform guidelines for siting hazardous waste facilities so that we can be assured that public safety is protected, including proximity to certain types of populations and environmentally sensitive areas.

I ask my colleagues to consider this legislation as an appropriate starting place. Without the proper precautions in place we could be endangering the lives of Federal prison employees, prisoners, and the community. I urge adoption of this legislation as a way to prevent a catastrophe from occurring before rather than after the fact.

H.R. —

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

#### SECTION 1. PERMITS FOR TSD FACILITIES NEAR FEDERAL PRISONS.

Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(k) FACILITIES WITHIN NEAR FEDERAL PRISONS.—(1) After the date of the enactment of this subsection, no permit may be issued under this section for the operation of any new off site hazardous waste incinerator, or any other new off site hazardous waste treatment, storage, or disposal facility if—  
"(A) such incinerator or other facility is located within a 2-mile radius of the facility boundary of any Federal prison, and

"(B) an accident, such as a spill, explosion, or accidental release of hazardous substances, at such incinerator or other facility could require evacuation of prisoners or other nearby residents.

"(2) As used in this subsection, the terms 'new off site hazardous waste incinerator' and 'new off site hazardous waste treatment, storage, or disposal facility' mean an incinerator or hazardous waste treatment, storage, or disposal facility—

"(A) which accepts hazardous waste that is not generated at the site at which such incinerator or other facility is located, and

“(B) for which a permit under this section is issued after the date of enactment of this subsection.

Such terms shall not include any facility existing on such date of enactment.”

#### HAZARDOUS WASTE SAFETY ZONE LEGISLATION INTRODUCED

**HON. TIM HOLDEN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. HOLDEN. Mr. Speaker, today, Congressman BILL CLINGER and I are introducing legislation to set standards for the siting of hazardous waste incinerators near Federal prisons. This bill will create a 2-mile buffer zone around Federal prisons, and prohibit the siting of hazardous waste incinerators and other hazardous waste facilities within this radius.

In Union County, PA, 1 miles from my district's border in Northumberland County, a company is proposing to build a large hazardous waste incinerator across the street from the Allenwood Federal Prison. It is clear to me that the location of this incinerator poses a disastrous threat to the people who live in this area.

I am deeply concerned with the health and safety of citizens, the prison guards, and the prisoners, who would be at risk if a hazardous waste spill or other catastrophe occurred. The proximity of this incinerator to the prison, and the sheer size of the prison makes a timely evacuation impossible. Bureau of Prison officials have testified that they could not evacuate everyone in a safe and swift manner. Their inability to accomplish a timely evacuation is understandable under the circumstances, since Allenwood prison has a capacity of 3,000 inmates, and it will be the largest prison in the country once it is fully occupied, housing high, medium and low-security inmates.

The people of Northumberland County, State and local officials and I have expressed my opposition to this proposed incinerator to the Pennsylvania Department of Environmental Resources [DER]. This environmental agency has the responsibility for permitting the incinerator. Now that this incinerator application has passed phase I of the permitting process, the safety issues and the need for a realistic evacuation plan have to be addressed by DER in phase II.

My work on this incinerator problem and my dealings with the Department of Environmental Resources have indicated to me that more investigation needs to be done in the area of siting requirements for hazardous waste incinerators. In my State, there is no specific prohibition on building an incinerator near a prison, and clearly, a hazardous waste incinerator does not make a good neighbor to any prison. Information from other States indicate the same lack of solid standards and rational as to why an incinerator can be built near a prison. It would be my suggestion that we start to look at a Federal role in dealing with the siting of hazardous waste incinerators.

Congressman CLINGER and I have been working on this legislation for the past several

months. With this bill, we hope to send a signal that a thorough analysis of siting requirements needs to be done by the Environmental Protection Agency and the Congress. We hope to work with EPA and other interested Members who see similar problems with the siting of hazardous waste incinerators. We welcome cosponsors to this legislation.

#### ST. PATRICK'S PARISH CELEBRATES 175TH ANNIVERSARY

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 175th anniversary of St. Patrick's Parish of Ruma, IL. St. Patrick's is the oldest English-speaking parish in the State of Illinois.

St. Patrick's Parish was established in 1818 in an area of southwestern Illinois known then as the O'Hara Settlement. The area's pioneer settlers built a log cabin church there, and when the O'Hara patriarch died in 1826, he bequeathed 100 acres of land for a church and parish grounds; the new church was built in 1827. Five years after the establishment of the village of Ruma in 1849, the present brick church was erected about a mile from town.

The parish has a legacy of involvement in education. A one-room school was built in the church's sacristy in 1875, and a room was added in 1912. A new brick school was built in 1965. Additionally, a two-story brick building was built in 1865 which was intended originally as an academy for young ladies, but which opened as a college for men.

I ask my colleagues to join me in recognition of the rich heritage of St. Patrick's Parish of Ruma, IL.

#### INTERSTATE BANKING EFFICIENCY ACT OF 1993

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. VENTO. Mr. Speaker, today, I, along with Congressman STEVE NEAL and Congressman BILL MCCOLLUM, am introducing the Interstate Banking Efficiency Act of 1993. This bill establishes a rational framework to modernize our banking system while maintaining strong consumer and community protections and providing a positive role for the States.

The bill, which we have introduced, is the outgrowth of a bipartisan consensus amendment considered during the 102d Congress. That amendment was adopted by the full House by a vote of 366-4. Unfortunately, the entire legislation package was not enacted into law.

The Interstate Banking Efficiency Act of 1993 provides an "opt-out" approach to interstate banking. Under that approach, States have 3 years to opt-out of an interstate banking network. As an additional protection for States' rights, the legislation protects State

deposit caps and requires State approval for acquisitions that result in an excessive concentration of deposits. Our bipartisan bill also provides for nationwide banking on July 1, 1994 and establishes a procedure for expedited consolidation.

In addition to the opt-out provisions, the proposed measure includes important provisions to insure that interstate banking and branching does not jeopardize the insurance fund or weaken investment in local markets. Under this policy, only adequately capitalized institutions will be able to branch and specific provisions on the applicability of the Community Reinvestment Act are included.

An important focus of the administration has been the President's initiatives to increase lending in local communities. Clearly there is a need to stimulate local markets and to encourage banks to make sound loans. I applaud the administration's initiative for community development banks and urge the Department of Treasury to consider the potential community benefits and opportunity that interstate banking and branching will create. In particular, I would like to point out that the Interstate Banking Efficiency Act specifically ties consolidation to meeting local credit needs.

Mr. Speaker, some have urged delay in consideration of interstate banking and branching. Critics of this legislation have pointed to the health of the banking industry as a rationale for inaction, others voiced concern that this measure not be enacted in the past when banks faced potential problems. I would respond that if we listened to the critics Congress would never act. The profitability and marketplace is stable today and congressional action on the issue of interstate banking and branching is appropriate today. Enactment of this legislation will be a clear signal to banks, other financial institutions, communities and consumers that, in fact, the banking community is healthy and that Congress intends that banks continue to play a major role in our financial marketplace.

The financial world is changing. Congress and the administration must recognize that, in order to compete, banks must be able to grow to survive. Passage of interstate banking and branching give banks that opportunity without undermining the insurance fund.

Mr. Speaker, the time has come for Congress to give the banks the go ahead to branch nationwide. Action on this bipartisan initiative will benefit local communities, consumers, and banks without undue risk. Congress has enacted significant safeguards to protect the insurance fund and to insure that banks do not engage in risky activities. Local communities and consumers need the increased lending capacity competition that nationwide banking and branching could encourage. Finally, banks could utilize existing technology and expertise to realize savings and to compete into the next century.

I urge my colleagues support for this legislation.

OFFICE OF NATIONAL ENVIRONMENTAL TECHNOLOGIES ACT INTRODUCED

**HON. JOSEPH P. KENNEDY II**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing the Office of National Environmental Technologies Act, legislation which I first sponsored in the 102d Congress to promote the development and commercialization of environmental technologies. This bill will help coordinate our Nation's efforts in one of most rapidly expanding industries—environmental technologies.

The new Office of National Environmental Technologies called for in my bill will be located in the U.S. Environmental Protection Agency. The office will coordinate efforts among all Federal agencies for environmental technologies R&D. The office will be charged with identifying gaps in product-oriented research for environmental problems. It will then administer grants and loans to private industry, universities, and nonprofit research centers to develop environmentally benign and energy efficient technologies to address needy environmental concerns. The bill provides the necessary follow-through to encourage our ultimate goal of commercializing these technologies—converting them to off-the-shelf products and equipment in the marketplace.

However, we do not need new buildings nor new bureaucracies. This approach will build upon current Federal programs and strengths to provide a timely, cost-effective means of energizing our innovative forces in this area.

The Office of National Environmental Technologies will fund a half billion dollars' worth of investments over 3 years. It is my hope that these funds will be shifted from defense research, where fewer resources are needed.

The prospects for this bill and green technologies are enormous. It will enable ambitious advances in such environmentally critical areas as solar energy, and waste recycling and reduction. It will help us to clean our Nation's air and harbors and promote environmentally sustainable development in developing countries. In addition to new technologies to protect and clean our environment, new advancements will unveil the technologies needed to prevent pollution and conserve energy at the outset, rather than the traditional end-of-the-pipe approach to environmental management.

Ultimately, these are technologies that will be good for the environment and the pocketbook. The global market for environmental technologies is now \$200 billion per year and is expected to reach \$300 billion in the next decade. Our ability to compete in this marketplace will translate into thousands of jobs for Americans.

Increasingly, our Nation will rely on its innovations in this area to spur our international competitiveness. The United States remains a world leader in the development of environmental technologies. This bill will catalyze continuing and significant strides in developments in this promising area.

We will have to compete vigorously for a leading share of the green market. For exam-

ple, Japan is pursuing environmental technology development at the rate of \$4 billion per year. Germany currently spends 23 percent of its national R&D budget on environmentally critical technologies. Our challenge is great, and our international competition is fierce.

I know we are up to this challenge. The new administration presents a refreshing change in the political climate for giving environmental technologies the priority they warrant. The Clinton administration has incorporated environmental components into its technology strategy which can be implemented as early as 1994.

Mr. Speaker, it is time that we recognize that environmental technology policy is part and parcel to our Nation's industrial policy and economic well-being. This legislation will help create the framework to promote the development of environmental technologies—the technologies of the future—to create jobs and to create a higher quality of life.

POT SPRING ELEMENTARY SCHOOL CREATES AWARD WINNING FILM

**HON. HELEN DELICH BENTLEY**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. BENTLEY. Mr. Speaker, fellow Members of Congress, I come before you today to celebrate the achievements of some of my youngest constituents, the third graders of Pot Spring Elementary School.

This extraordinary class, under the guidance of teachers Kitty Huebler and Fred Balmages, created a super 8 animated film entitled "Touring Baltimore with a Dinosaur." The project entailed many months of work, beginning with a field trip to downtown Baltimore to view some of the most famous sites of Charm City. The students then made detailed drawings of landmarks including the Maryland Science Center, the National Aquarium and world famous Oriole Park at Camden Yards, and created their own clay characters to visit these sites through the magic of animation.

Once this phase of the project was completed, they began to photograph their animated film. Each second of film required 18 pictures differing minutely from one another. This painstaking task required great forethought and discipline from the 8- and 9-year olds, but their work paid rich rewards. After being on display at the Maryland Science Center for 3 months, "Touring Baltimore with a Dinosaur" was chosen to represent Maryland at the International Media Festival in New Orleans, where it was awarded first place in the mixed media category.

My warmest congratulations are extended to the creative and diligent students involved in this project: Andrew Borowiecki, Chris Chen, William Cromwell, Lindsay Cuprzyński, Brian Fanshaw, Nicholas Graham, Jessica Hand, Jennifer Karp, Daniel Kim, Ross Marchant, Michele Martin, Bradley McGinty, Jennifer Musika, Emily Naughten, Hunter Peddicord, Elizabeth Reid, Andrew Rinehart, Sarah Rose, James Ryan, Sarolta Serto-Radics,

Jesse Tidmore, Brian Voris, Molly Winston, and Joseph Zumbo.

In closing, I would like to congratulate the principal of Pot Spring Elementary, Sandra Fitzell. Many exciting and worthwhile projects have been completed at the school under her inspirational leadership. In addition to "Touring Baltimore with a Dinosaur," these projects have included a recent fundraiser at the school which resulted in a \$27,000 donation to the American Heart Association—the largest ever from a Maryland school.

Mr. Speaker, fellow Members of Congress, I feel fortunate indeed to have such an excellent active educational institution in my community.

INTRODUCTION OF LEGISLATION REGARDING MAMMOGRAPHY SCREENING

**HON. BARBARA-ROSE COLLINS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Miss COLLINS of Michigan. Mr. Speaker, breast cancer is the second leading cause of cancer death among women, affecting one in every eight.

Ironically, this deadly disease is treatable. Studies show that early detection through mammography screening offers a reasonable chance for treatment and recovery.

Through mammograms, it is estimated that death rates could be reduced by nearly 30 percent. Yet tragically, few utilize this procedure because they simply cannot afford it.

Today, I am introducing legislation that will amend the 1986 Internal Revenue Code to provide an employer a tax credit for the cost of providing mammography screening for employees.

This incentive will encourage more employers to promote quality health care for their female employees.

I urge my colleagues to cosponsor this legislation which better arms the working women of America in their fight against breast cancer.

TRIBUTE TO THE NINTH TROOP OF THE GREENWICH COUNCIL OF THE BOY SCOUTS OF AMERICA

**HON. CHRISTOPHER SHAYS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SHAYS. Mr. Speaker, today I am pleased to congratulate the ninth troop of the Greenwich Council of the Boy Scouts of America, who celebrated their 75th anniversary with a court of honor and reception on Friday, April 23, 1993. The troop has been sponsored by the Second Congregational Church in Greenwich, CT, since 1918.

On this momentous occasion, three fine young men were presented with Scouting's highest rank, the Eagle. Each of them completed a project of community service in order to receive this rank, which stands as an outward sign of the dedication they have demonstrated to their community.

John Tracy, for his project, organized a group to restore and maintain historic and veterans' markers in St. Mary's cemetery. Luke Henry developed a reading program and library facilities for underprivileged children. David Martineau composed and published an "Emergency Services Handbook" under the authority of the town of Greenwich for distribution to residents.

These individuals have demonstrated dedication and strength of purpose in Scouting. Let us wish them continued leadership and service.

**ST. ANDREW'S CATHOLIC CHURCH  
CELEBRATES 125TH ANNIVERSARY**

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 125th anniversary of St. Andrew's Catholic Church of Murphysboro, IL. For generations, this parish has played an important role in the lives of the families and the community of Murphysboro.

The parish of St. Andrew's first mass was celebrated on Ascension Thursday, May 20, 1868, in the home of Meder Lucier by the Right Reverend Bishop Damaian Junker. The first St. Andrew's Church was constructed on the site of the current church in 1869. This building was destroyed by fire in 1888, and the current church was built on the same site 1 year later. From 1887 to 1965, the parish was served by two pastors: Reverend Kasper Schauerte and Reverend Joseph Taggart.

Bishop James Keleher celebrated the 125th Anniversary Mass, which was held on the evening of May 15, 1993. Historic memorabilia from the church was displayed, and after the mass all parishioners in attendance over the age of 85—at least 23 confirmed they would attend—were honored.

I ask my colleagues to join me in recognition of the rich heritage of St. Andrew's Catholic Church of Murphysboro, IL.

**GEORGIAN NATIONAL VOLUNTEER  
OF THE YEAR**

**HON. JOHN LEWIS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased today to pay tribute to one of my constituents, Mrs. Geraldine Bell. Mrs. Bell has been selected as the recipient of the Joint Action in Community Service 1993 National Volunteer of the Year Award.

Volunteers provide an important asset to our communities in giving of their time and energy to provide support to their fellow man. Over the past 16 years, Mrs. Bell has directly or indirectly provided exemplary support services to approximately 9,600 former Job Corps students. These services include counseling, job planning, educational referrals, housing assistance as well as legal and/or medical referrals.

Additionally, as a regional volunteer coordinator covering the Southeastern States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, Mrs. Bell has recruited 400 other volunteers in the rural and sparsely populated areas of the region. These volunteers also provide support services and assistance to former Job Corps students returning home after training in Job Corps.

President Bill Clinton, recently acknowledging Mrs. Bell's contributions, wrote in a special greeting:

In honoring Geraldine, we celebrate the spirit of generosity and volunteerism that makes our country great. Geraldine has devoted her time and energy to helping young people face the difficult transition from Job Corps training to working in the community. Her work has helped young people strive for a better life, and her care has touched the lives of many American families. She has also encouraged other volunteers to join her efforts in many States.

With the help of volunteers like Geraldine, our country can make great progress toward improving our communities and expanding opportunity for all people. We must all take more responsibility for ourselves, our families, our communities and our country. Working together, we can make our neighborhoods safer, our schools better and our people more hopeful for the future.

Mr. Speaker, I had the pleasure to meet Mrs. Bell recently in Atlanta during a special program to honor her. Last month during National Volunteer week, I again had the opportunity to visit with her in the Capitol Building. As President Clinton said, Mrs. Bell has indeed taken responsibility for herself, her family and her community.

I ask my colleagues to join me in congratulating Mrs. Bell on this most deserved award. To gain back the compassion this great Nation once had, we need more citizens like Geraldine Bell. I commend Mrs. Bell for her shining example and her outstanding efforts.

**FOREIGN TRADE ZONE ACT  
AMENDMENT OF 1993**

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing a bill which amends the Foreign Trade Zone [FTZ] Act of 1934 to allow States to cooperate in the planning of trade zone applications and trade zone operations. A similar bill has been introduced in the Senate by our colleague, Senator JOHN CHAFEE, of Rhode Island.

Foreign trade zones are federally recognized geographic areas which allow businesses to defer the payment of duties on goods and inventory within the trade zones because they are considered to be outside the United States for the purposes of U.S. Customs. These trade zones provide businesses located within zone boundaries competitive advantages and are considered, by most observers, to be engines for economic growth. Together, these zones employ about 250,000 people nationally.

I am introducing this bill to assist small States, whose economies are regional, pool their public and private resources to maximize the benefits which accrue to the export sectors of those States. Connecticut and Rhode Island, in particular, are facing severe defense cutbacks and joint efforts to develop our sea-ports for expanding trade could create the jobs we so desperately need as defense related layoffs accelerate.

The changes I propose are noncontroversial and I believe they will provide measurable advantages to Connecticut, Rhode Island, Massachusetts, and other States that have regional economic interests which cross-state boundaries. By forming regional government and business partnerships, States can effectively plan long-term, regional trade strategies which are mutually beneficial.

Specifically this bill allows regional commissions to apply for, and obtain, the privilege of establishing and maintaining a foreign-trade zone located in two or more States, provided: that the State legislatures of each State within the proposed zones approve; that the overall commercial interests of the United States are served; and the economic conditions of the region justify establishing such a zone. The bill also maintains the safeguards currently in the FTZ law. It does not change the current application procedures or the regulatory procedures under which the zone operators must comply. Moreover, this bill has no budgetary impact.

This bill provides a simple and straightforward change to allow States to pursue regional solutions to regional problems and I urge all of my colleagues to support it.

**NORRISVILLE ELEMENTARY  
SCHOOL CELEBRATES 25TH ANNI-  
VERSARY**

**HON. HELEN DELICH BENTLEY**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mrs. BENTLEY. Mr. Speaker, fellow Members of Congress, I rise today to salute Norrisville Elementary School on its 25th Anniversary.

The students are fortunate indeed, for in the history of their small community of Norrisville, they can find a living history of the settlement and development of our Nation. As elsewhere, native Americans were present for many centuries before European settlement, using the land as part of a large hunting ground along the Susquehanna River. As settlement developed along the river in the 18th and 19th centuries, Germans, Quakers, Scotch-Irish and others came to dwell in this rich and fertile area. Later, with the tensions between slavery and freedom rising in our country, Norrisville, whose northern border is the Mason-Dixon line, became important as a last stop in the Underground Railroad.

At approximately the same time, formal education in the community began its start in a wooden, one-room school house across from the Methodist Church. During the Reconstruction era, it was expanded to two rooms. It continued to serve until 1948.

For 20 years, young Norrisville residents had to be bussed to distant parts of the county. But 25 years ago, the present-day Norrisville Elementary School opened. This modern building was a far cry from its early predecessor, with full cafeteria and auditorium facilities, educational advances such as "formula phonics," and a large brick building with animals in bas-relief on the side.

Today, Norrisville's students are active in the community, having participated in many projects including the recent adoption of a jaguar at the Baltimore Zoo. They show an intelligence and dedication beyond their years. In fact, much of the information about the community and school of Norrisville contained in this speech was gathered by the 8- and 9-year-olds of Norrisville Elementary's third grade.

Mr. Speaker, fellow Members of Congress, it is communities like Norrisville, with the formal and informal education they provide, that have established this Nation as the strong, diverse, and free society we enjoy today.

**NEED FOR MARITIME  
REVITALIZATION LEGISLATION**

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SOLOMON. Mr. Speaker, I rise not only to remind my colleagues that yesterday we observed National Maritime Day but to warn my colleagues that unless we enact maritime revitalization legislation, this will likely be the last National Maritime Day in the United States.

I am extremely shocked that the Clinton Administration has chosen to ignore the lessons learned in every major conflict, including Operation Desert Storm, that our nation needs a strong, active commercial United States-flag merchant fleet to provide surge and sustainment capability to our armed forces. Theodore Roosevelt told Congress that "A great and prosperous merchant marine is indispensable to the spread of our trade in peace and the defense of our flag." Dwight Eisenhower said after World War II about the merchant marine and American merchant mariners that "they have never failed us yet and in all the struggles yet to come we know they will never be deterred by danger, hardships or privation."

And yet, Mr. Speaker, the Clinton Administration has chosen to thank the men and women of our merchant marine for their service to our country by placing them on the road to unemployment. The Commander of the Military Sealift Command told Congress in 1991 that "U.S. merchant mariners have always responded to their country's call. Their response to Operation Desert Storm has been no exception. We have seen mariners come out of retirement, others forego shore leave, and make other personal sacrifices to operate our ships."

On Saturday, May 15, 1993, former President Ronald Reagan told the graduating class at The Citadel that "if the administration in Washington thinks we are no longer at risk,

they need to open their eyes and take a long, hard look at the world." Mr. Speaker, I agree with President Reagan. I believe it is enormously dangerous for the future security of our nation to declare today, as the Clinton Administration has done, that our United States-flag merchant fleet and our United States citizen crews have somehow outlived their usefulness. It is folly to believe, as the Clinton Administration obviously believes, that the next time we have to prepare to defend ourselves or any ally—and we will—that foreign ships with foreign crews will rally to our cause as if they were American.

I urge the Administration to reconsider its decision and to live up to its commitment to send a maritime revitalization initiative to Congress for enactment this year.

**TRIBUTE TO "CANTINFLAS"**

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. SERRANO. Mr. Speaker, I rise today as chairman of the congressional Hispanic caucus to pay tribute to Mr. Mario Moreno Reyes, a man known and loved by the Spanish-speaking world as "Cantinflas," who died of lung cancer this past April 20, at the age of 81.

For over 50 years Cantinflas overcame the barriers of age, social status, and language to bring comedy to homes across this hemisphere. His talent was such that the great Charlie Chaplin bowed to it and called Mario Moreno, "the greatest comedian alive."

Mr. Speaker, the truly great achievement of Cantinflas was not simply that he entertained so effectively, but that with the hard luck characters he created, Cantinflas became a hero for the downtrodden who raised the consciousness and sensitivity of more comfortable audiences to their plight. Cantinflas was a hilarious figure with a grace and charm that all could appreciate and embrace.

Born in Mexico City on August 12, 1911, Mario Moreno was among the youngest of 15 children in a working-class family. He was still a teenager when he joined the world of traveling tent shows and first gave life to Cantinflas, a character that he described as, "A blabbermouth trying to stay afloat in a flood of words." Cantinflas made his greatest mark on American cinema playing opposite David Niven as the loyal servant Passepartout in the 1956 film "Around the World in Eighty Days."

Mr. Speaker, Mario Moreno brought the energy and brilliance of his portrayals of Cantinflas to his work as a philanthropist and activist for social equality and world peace. As chairman of the Congressional Hispanic caucus, I salute and thank this master of comedy for all of his talents and gifts.

Thank you, Cantinflas. We will always remember and appreciate all of the laughter and love you have given us.

**TRIBUTE TO DEAN LESHER**

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to Dean S. Lesher, a man who built one of the most important suburban newspaper chains in the United States and, more than almost any other individual, shaped the county in which I have lived my entire life, Contra Costa.

When Dean Lesher died at the age of 90 last week, he was the publisher and founder of the Contra Costa Times and Lesher Communications Inc., which includes 27 newspapers—6 dailies, 11 weeklies, and 10 shoppers. He was one of the last of the publishing barons, a man whose sharp eye and strong beliefs shaped his business and the community in which he lived.

I knew Dean Lesher for nearly my whole life. Throughout the years, we consulted, talked, and fought about almost every significant issue of our time, from local development policies to relations with the Soviet Union. Occasionally we agreed; often, we did not. But in every case, I have no doubt that Dean enjoyed our conversations and our confrontations every bit as much as I did.

Dean Lesher was a man of strong beliefs who respected those who held their own beliefs strongly, and weren't afraid to engage in spirited and substantive debate. When he disagreed with a politician, he rarely minced words, or column inches, to tell you so. So I take it as a mark of great pride that long ago, after one particularly acrimonious exchange, he told me I had a great career ahead as a public official.

Dean always maintained that professional separation between good reporting and polemics, and he used his newspapers not merely to advance his views, but to enrich the communities that were growing around him. He and his papers were stalwart supporters of our efforts to protect the Sacramento-San Joaquin Delta and San Francisco Bay, and he educated two generations of bay area residents about the intricacies and importance of the water battle. As often as Dean lectured me about defense and foreign policy, he more often sought to work together on behalf of better schools, of expanding the availability of higher education, of supporting programs to improve children's health and to assist the victims of family violence.

His philanthropy underwrote the construction of the Concord satellite campus of the California State University, Hayward, and the Regional Center for the Arts in Walnut Creek. He supported battered women's organizations and contributed mightily to educational scholarships. And not incidentally, his businesses and contributions provided employment to thousands of my constituents and other bay area residents.

But perhaps his greatest talent was his ability to look out on a few small towns, walnut trees and open land, and envision a community in which hundreds of thousands of people lived, worked, raised their families and enjoyed life. Dean Lesher did not make Contra

Costa County or the East Bay flourish, but he, perhaps more than any other individual, influenced the manner in which it grew and helped, through his newspapers and his civic contributions, to bind the community together and give it a common identity.

We will all miss Dean Leshner. We will always appreciate his tremendous contributions to our community and to the entire East Bay. To his wife Margaret, the rest of his family, and all the members of the extended Leshner Communications family, I express my deepest condolences, and once again note the great enjoyment I had in knowing Dean Leshner.

**BEST WISHES TO THE REPUBLIC  
OF CHINA**

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. CLYBURN. Mr. Speaker, I would like to extend my best wishes to President Lee Teng-hui on the occasion of his third anniversary in office on May 20, 1993.

Taiwan has a world-class leadership team. President Lee and Premier Lien Chan have made Taiwan a major economic power in the world and an active partner in world affairs. With a per capita income in excess of \$10,000 and a foreign reserve of \$83 billion, Taiwan has a prosperous citizenry. To meet its responsibilities as a member of the global community, Taiwan has extended financial assistance to a number of foreign countries in the Far East and the Americas.

Taiwan is a strong ally of the United States. It is our sixth largest trading partner. In recent years it has significantly reduced its trade surplus with us and cooperated with our Government on many trade matters.

My best wishes also go to Ambassador Mou-shih Ding, Taiwan's Representative in Washington. He has worked hard for his country, and I appreciate his leadership.

**CONCENTRATION GRANT TARGETING AND IMPROVEMENTS ACT INTRODUCED**

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. GOODLING. Mr. Speaker, today I along with Mr. FORD, chairman of the Committee on Education and Labor, Mr. KILDEE, chairman of the Elementary, Secondary, and Vocational Education Subcommittee, and Mr. GUNDERSON are introducing the Concentration Grant Targeting and Improvements Act that will change the method in which Concentration Grant funds are distributed under the Chapter 1 program of the Elementary and Secondary Education Act so as to ensure that our most disadvantaged children have access to quality education under the Chapter 1 program. Currently, the law requires that 10 percent of appropriations under the Chapter 1 program be allocated using a concentration grant formula

under which only local education agencies in counties where Chapter 1 eligible children equal either 6,500 or 15 percent of the total population aged 5-17 are eligible to receive grants. Many school districts in this country which are located in relatively wealthy counties are ineligible to receive concentration grant money even though the school district itself meets the threshold requirements and would receive assistance if funds were allocated directly to school districts based on district level poverty data.

For example, the school district of the city of York in Pennsylvania has a school-aged child poverty rate of 29.6 percent and would qualify for concentration grant money if the formula were calculated based on numbers or percentages of children in poverty in the district rather than the county level. However, since the county of York does not meet the threshold qualifications under the concentration grant formula, York city school district receives no money under the current formula. This problem is, however, not unique to the city of York. Other cities also find themselves ineligible to directly receive concentration grant funds even though their city poverty rates exceed the requirements under the concentration grant formula. These include cities such as: Kalamazoo, MI, with a city poverty rate of 31 percent for children ages 5-17; North Chicago, IL, with a 19.1 percent rate; Racine, WI, with a 23.0 percent city poverty rate; Kenosha, WI, with a 20.5 percent city poverty rate; Ypsilanti, MI, with a 29.3 percent city poverty rate; Port Huron, MI, with a 25.7 percent poverty rate; Springfield, MI, with a 18 percent city poverty rate; and South Bend, IN, with a 21 percent city poverty rate.

Our legislation would correct this problem by changing the concentration grant formula so that the Chapter 1 funding for concentration grants will be awarded on the population density of low-income students within each district instead of the county. The effective date of our bill will be July 1, 1994, of next year, the beginning of the period when 1994-95 school and program year grants are made. School districts such as the York city school district and many other districts similar to this one across the country will no longer be penalized under the law. This legislation would better target Federal Chapter 1 money on those areas that truly need the money the most and will enable them to receive their fair share of the Chapter 1 money.

Mr. Speaker, I encourage my colleagues to join me, Mr. FORD, Mr. KILDEE, and Mr. GUNDERSON as cosponsors of this important legislation.

**EARLEIGH HEIGHTS VOLUNTEER  
FIRE COMPANY CELEBRATES  
75TH ANNIVERSARY**

**HON. HELEN DELICH BENTLEY**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the accomplishments of my constituents who comprise the Earleigh Heights Volunteer Fire Company.

On April 18, 1918, civic-minded residents of Earleigh Heights gathered in the home of Joseph Urban to establish a volunteer fire company. When the company was founded, it had 14 members, no equipment, no station, and funds totaling \$2.50 in its treasury.

Today, Joseph Urban and his companions could look with pride at the dedicated company that is celebrating its 75th anniversary. The company has grown to a size of 140 members, plus a 40-member ladies auxiliary. In addition to losing sleep and time from work to put their lives on the line for their neighbors, these amazing people have raised sufficient funds to equip their station without one dime of taxpayer money.

From its humble beginnings, the Earleigh Heights Volunteer Fire Company has evolved into a modern company with 12 pieces of equipment, a centralized alarm system, and up-to-date training, not only in fire suppression, but in rescue and emergency medical services. The pride of their outfit is a \$600,000 heavy squad truck, which is called upon throughout the region to assist with auto wrecks, plane crashes, building collapses, and situations involving hazardous materials.

In 1992, the company responded to over 3,400 calls for help from its neighbors. For saving lives, property, and taxpayer money, they are most deserving of our special recognition as they celebrate their 75th year of service.

**DREIER TESTIMONY BEFORE JCOG**

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. SOLOMON. Mr. Speaker, today our Rules Committee colleague, the gentleman from California [Mr. DREIER], who is also the vice-chairman of the Joint Committee on the Organization of Congress, testified before the joint committee on his perspectives on House floor proceedings and scheduling. His statement contains a number of very perceptive observations and constructive suggestions for improving this institution, particularly in the area of making this once again the deliberative body it was intended to be.

I include the full text of his statement and commend it to the reading of my colleagues.

**STATEMENT OF THE HON. DAVID DREIER**

Mr. Chairman, my colleagues on the committee, thank you for allowing me to address the Joint Committee in this rather unorthodox manner. It only underscores the seriousness with which I consider the matter of floor procedures and deliberation.

I am now serving in my second term on the House Rules Committee but, given the atmosphere of frustration this past year with restrictive rules, it seems more like my second decade. Let me say, however, that I thoroughly enjoy working on the committee and commend the leadership of my friend from New York, Mr. Solomon, the ranking Republican, and Chairman Joe Moakley, who I consider to be the best Chairman in the Congress.

The Chairman's testimony this morning was extremely helpful. He commands a great deal of respect both on and off the Rules

Committee because of his fairness, decency and genuine desire to be as accommodating as possible. But Chairman Moakley's best efforts notwithstanding, words like fairness, decency, and accommodating don't describe how the Republicans—and even many Democrats who are also disenfranchised by the Rules Committee—are treated in the legislative process.

Since Chairman Moakley used a baseball analogy in his statement, I would like to use another. Imagine yourself as the manager of a baseball team that must play all of its games on the road, and the home team can change the rules with each game. Suppose your line-up is loaded with home-run hitters and the home team could simply move the fences back; or it's your ace pitcher's turn in the rotation and the home team can just declare him ineligible to play. Then your complaints are dismissed by the home team as "obstructionist" in an effort to embarrass you.

These are the rules that Republicans in the House of Representatives must play by every day. Mr. Solomon, who testified earlier on the subject of committee reform, described this treatment as "the decline of deliberative democracy." And I would like to repeat a quote that Mr. Solomon used from Former Speaker Sam Rayburn who, during a radio address on the Texas Forum of the Air on November 1, 1942, said:

"Not all the measures which emerge from Congress are perfect, not by any means, but there are few which are not improved as a result of discussion, debate and amendment. There are very few that do not gain widespread support as a result of being subject to the scrutiny of the democratic process."

Mr. Chairman, improving legislation through democratic scrutiny is, in my view, the principle that should guide this Joint Committee in its efforts to reform the operations of Congress. In fact, we would be hard pressed to find any one of our colleagues, Democrat or Republican, who would dispute Sam Rayburn's statement. That being the case, there should be no controversy. But there is! If you were to ask me in one word to describe what has gone wrong with the process and what is needed to restore public confidence in this institution, the word I would use is "accountability."

Many features of the present structure, organization and procedures of Congress allow House Members to avoid public accountability on many controversial and important issues. These include a large and seemingly "permanent" staff bureaucracy, 266 committees and subcommittees with overlapping and contradictory jurisdictions, proxy voting, and a bewildering budget process. However, the most overt tools used to obscure and avoid political accountability is the use of restrictive floor procedures and rules abuses.

Ironically, this very same issue was at the heart of the 1974 freshman revolt that opened up the process by weakening the seniority system and expanding access to floor voting and participation. But slowly, as those reformers gained seniority and leadership positions, progress toward openness has degenerated.

Consequently, deliberation, accountability, and representation are no longer the distinguishing characteristics of the House of Representatives. Instead, the situation is reminiscent of the big city political machines that flourished earlier in this century. We have constructed a patronage system on a massive scale. It doles out favors to influential interest groups, promises utopia

to the masses without acknowledging trade-offs, and punishes those who have a different opinion with the machine's agenda.

What this machine doesn't do is produce thoughtful legislation that commands widespread public support. In fact, I don't think it's a mere coincidence that the growing prevalence of restrictive floor procedures has coincided with the decline in public support for Congress as an institution. We have all heard the numbers, but they bear repeating. In the 95th Congress, 85 percent of the legislation that passed through the Rules Committee were open to germane amendments on the floor. In other words, any Member could stand up at any time and offer a germane amendment that he or she thought could improve the bill. In the 102nd Congress, the Rules Committee permitted open debate just 34 percent of the time.

What does the ability to offer an amendment have to do with accountability? If a member has the power to offer an amendment, he can no longer claim to support one thing, but then say that he was blocked in his effort to make a change in the law. In addition, with more floor votes on more clear issues, members will be forced to take clear positions with their votes. That is exactly what the American people want—fewer excuses, and more elected officials who actually stand for something.

We are all familiar with what has happened this year with restrictive rules, and I want to take a moment to commend Speaker Foley for his April 22 statement in which he said there will be open rules on major legislation. But let me also preface that by saying that placing non-controversial bills, like the Passenger Vessel Safety Act, on the regular calendar to pad the "open rules" numbers is not a good faith effort to address this problem. I hope that the Speaker will continue to work with the Republican leadership on a reasonable accommodation.

There are two excuses for restrictive rules that I find particularly frustrating, and I want to dispel them. First, some have made the contention that restrictive rules are necessary to prevent Republicans from offering amendments intended simply to embarrass Democrats. I will acknowledge that Republicans have, on occasion, offered amendments to embarrass Democrats.

But a simple analysis of the amendments that have been denied by the Rules Committee show this argument is very weak. Many are substantive, such as: an amendment by Mr. Grandy to the family leave bill to provide tax incentives to small firms that offer leave benefits; an amendment by Mr. Livingston to the Motor Voter bill to allow states to remove the name of a person from the registered voters list if the person has not voted during the previous 10 years; an amendment by Mr. Shaw to the unemployment extension bill to provide additional weeks of benefits to people in federally declared natural disaster areas; and amendments by Mr. Wolf to the Hatch Act reform bill to protect federal workers from excessive political coercion.

Second, some defend closed rules by claiming that they prevent obstructionist tactics, and are needed to speed legislation through the process. It only takes a moment to look at the House schedule over the first five months of this year, with weeks going by with little or no floor activity, and see continued use of completely closed rules to see that scheduling needs do not drive the restrictive rules. If anything, creative scheduling and the imposition of phony deadlines become a weak excuse for limiting the rights of the vast majority of House members.

Along with restricting the ability to amend legislation on the floor, there are other procedural abuses that allow Congress to evade accountability. Examples include:

Motions to instruct conferees—These are used more frequently because Members are often prohibited from offering amendments to relevant legislation. Unfortunately, because these motions are not binding, Members can vote for the "popular" position on a bill without the threat of that position becoming law. Recent examples include the elimination of franked mass mailings in 1989 and a prohibition on HIV infected immigrants coming into this country.

Self-executing rules—These are increasingly used to avoid direct floor votes on substantive issues, and cloak them in the shroud of "procedural" votes. Once again, the goal is simple, avoid accountability by making a vote as difficult to follow as possible. The most recent example that comes to mind involves the Family Medical Leave Act. The rule on the conference report contained self-executing language that made the vote on the rule the vote on the Senate amendments. Those amendments included a resolution affirming the President's interim policy on gays in the military. The Senate debated the resolution for three hours, but not a peep was uttered in the House. Worse, since legislative language was not available for Members to read, many were not aware of the provision until they were asked to come to the House floor to vote.

King-of-the-Hill rules—These rules, in which the last amendment to pass is the one that is adopted, are typically used to frame the debate over broad policy issues. The biggest criticism is that the last amendment has the advantage. This is the least of my concerns. More disturbing is how this procedure can be used as a "bait-and-switch" maneuver. It was used on President Bush's rescission package last year. Intentionally or not, it allowed Members to be on record voting to cut spending on such items as animal manure studies and prickly pear research even though the funds would be restored on the next vote.

Waiving the 3-day layover rule—Under the rules of the House, Members must be given three days to read and review a bill before it can be considered on the House floor. This is especially important today because, over the past 20 years, the average bill has quadrupled in size. Tax and budget bills tend to be hundreds, if not thousands, of pages long. This year, the 3-day layover rule was revoked on 77 percent of the legislation that passed through the Rules Committee, up from 8 percent in 1976-77. Increasingly, Members are forced to vote on complicated legislation they have never seen. The details are known only to a handful of non-elected committee staff people who are not held accountable to the voters. This is a fear I have with the upcoming reconciliation bill. Members may not have a chance to read the biggest tax bill in American history because Congress will be under pressure to meet a recess deadline.

These are just a few commonly used procedures that, intentionally or not, weaken the legislative process and undermine accountability. Others include the prohibition on revenue-neutral en bloc amendments to appropriations bills and the practice of legislating in appropriations bills. I am also constantly amazed by the degree of sophistication and ingenuity that goes in to new ways of avoiding deliberation and accountability. Most recently on the debt limit extension bill, the House, by declaring the measure as "reconciliation" legislation, essentially im-

posed a gag rule on the Senate, prohibiting debate on balanced budget and line-item veto amendments.

I can certainly understand the views of the majority. They were elected to control the agenda and the schedule, and they have an obligation to put forth clear and concise legislation that represents their vision of government. I also acknowledge that restrictive rules—not closed rules—are useful and necessary on occasion when the leadership of both parties agree, such as when we consider major tax bills and the DOD authorization bill. Nobody in the minority disputes those contentions, and we are not out to change the principle of "majority rule." What I and my Republican colleagues are trying to change is a process that does not give the American public clear and concise legislation.

Voters are getting vague, confusing, contradictory information. Procedural abuses create a breeding ground for special interest groups to take control over the legislative process. In the end, we end up with what Milton Friedman calls "the phenomenon of concentrated benefits and dispersed costs." It explains why government programs continue to grow and proliferate after they have been clearly identified as failures.

Complete information is an essential ingredient to a functioning market. It works in the markets for goods and services, and it will work in the market for ideas. What I am asking for is the equivalent of a consumer protection act for legislation. If groups like Common Cause, Public Citizen and Congress Watch are serious about competitive politics and reducing the influence of special interest groups in the legislative process, they would be as vocal against restrictive and abusive procedures as I am today.

The question, then, is how do we find the proper balance between openness and efficiency? A number of recommendations relating to floor procedures and scheduling are contained in H.Res. 36, which was introduced by our Minority Leader Bob Michel. A summary of those recommendations is attached to my prepared statement.

A recommendation I strongly support is the concept of a super-majority vote, whether it be two-thirds or three-fifths, to waive points of order against legislation. At the beginning of each session, the majority puts forth a package of changes to the House rules that outline the procedures they deem necessary to control the agenda and the floor schedule. Once the rules are made, we should have to play by them unless extraordinary circumstances warrant otherwise.

This, in my view, is the single best reform. Congress has come under substantial public criticism for the perception that it does not have to comply with many of the laws it imposes on society. Imagine how much greater that criticism would be if the public knew that Congress—at least, in this instance, the House of Representatives—does not comply with the laws it imposes on itself.

To address minority concerns about restrictive rules that block important amendments, I recommend that the minority be permitted to offer one amendment to a restrictive rule before the previous question is ordered. The amendment could come in the form of an open rule substitute, or it could identify one or two specific amendments to the bill to be made in order. In this case, the majority could still preclude amendments it deems trivial or disruptive, but a majority would have to vote in support of that position. Members would no longer be sheltered from controversial votes by the Rules Committee.

Mr. Chairman, this committee should rightfully be cautious about altering House rules governing floor procedures, which the majority needs to control the public policy agenda. In fact, my complaints are not necessarily directed at these rules per se. They are directed at the chronic failure of the majority leadership to abide by them, and at the way these rules are distorted and manipulated to evade accountability. That is a situation that the Joint Committee can, and I hope will, address when we begin developing a comprehensive package of reforms.

I hope we can have a constructive dialogue on this issue because we all want this institution to work, and to have the broad support of the American people.

PROVISIONS RELATING TO FLOOR PROCEDURES AND SCHEDULING CONTAINED IN H. RES. 36, "A MANDATE FOR CHANGE IN THE PEOPLE'S HOUSE"

(Introduced by Representative Robert H. Michel, January 21, 1993)

A section-by-section summary of the relevant provisions. The Rules of the House of the 103d Congress would be amended as follows:

Section number and provision:

101. Presentment of Bills to the President: The Speaker would be required to submit to the President any bill originating in the House not later than ten calendar days after it has been finally agreed to by both Houses.

102. Veto Messages: Immediately after the reading of a veto message from the President, the Speaker would be required to put the question on reconsideration of the vetoed bill, without intervening motion (except to postpone consideration for not more than 10-legislative days), in order to prevent avoidance of a vote by indefinite referral to a committee.

103. Broadcast Coverage: The Speaker would be required to provide for uniform visual broadcast coverage of House proceedings throughout the day, which could include periodic views of the entire Chamber providing they do not detract from the person speaking.

104. House Scheduling: At the beginning of each session of the House, the Speaker shall announce a legislative program for the session which shall include target dates for the consideration of major legislation, weeks in which the House would be in session (with five-day work weeks assumed unless otherwise indicated), dates for district work periods, and the target adjournment date.

109. Same Day Consideration of Rules Committee Reports: An order of business resolution ("special rule") reported from the Committee on Rules shall not be considered on the same calendar day as reported or on a subsequent calendar day of the same legislative day, except by a two-thirds vote of the House.

120. Affirming Minority's Right on Motions to Recommit: The Rules Committee could not report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit.

121. Restrictive Rule Limitation: The Rules Committee could not report a special rule limiting the right of Members to offer floor amendments unless the chairman has announced to the House at least four days in advance of a meeting on the measure that such a rule may be reported.

122. Limitation on Self-Executing Rules: The Rules Committee could not report a special rule providing for the automatic adoption of an amendment, bill, joint resolution, conference report, or other motion or mat-

ter, unless the House, by a two-thirds vote agrees to the consideration of such a rule.

123. Budget Waiver Limitation: The report on any special rule waiving any provision of the Budget Act would be required to carry an explanation and justification of the waiver as well as a summary or text of any comments on the waiver received from the Budget Committee. A separate vote could be demanded in the House on any such waiver contained in a rule.

125. Commemorative Calendar: A House Commemorative Calendar would be established on which unreported commemorative legislation could be placed upon the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and any two objections would cause a commemorative to be removed from the Calendar.

126. Accuracy of Congressional Record: The Congressional Record would be a verbatim account of proceedings, subject only to technical, grammatical and typographical corrections by the Member speaking. Unparliamentary remarks may be deleted only by unanimous consent or order of the House.

127. Automatic Roll Call Votes: Automatic roll call votes would be required on final passage of appropriations, tax and pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

131. Pledge of Allegiance: The Pledge of Allegiance would be required in the House as the third order of business each day.

132. Suspension of the Rules: Measures could not be considered under a suspension of the rules except by direction of the committees of jurisdiction or on the request of the chairman and ranking minority member of the committees. No measure could be considered under suspension which authorizes or appropriates more than \$50-million for any fiscal year. Notice of any suspension must be placed in the Congressional Record at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

133. Discharge Motions: The Clerk of the House would be required to publish in the Congressional Record the names of those Members signing a discharge petition once a threshold of 100 signatures has been reached, and to publish an updated list of names at the end of each succeeding week.

134. Inclusion of Views in Conference Reports: Members of conference committees would be permitted three calendar days after a majority of signatures had been secured in support of the conference report, in which to file supplemental, minority, or additional views to be published with the report.

148. Repeal of Certain Amendments to Rules: The following amendments to House Rules adopted on January 5, 1993 (H. Res. 5, 103d Congress) would be repealed: (a) permitting two-day delays of consideration of questions of House privileges; (b) permitting committees to sit while the House is amending legislation; and (c) allowing non-Member delegates to vote in and preside over the Committee of the Whole.

## TRIBUTE TO LUIS A. CARTAGENA

**HON. JOSE E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Luis A. Cartagena, a pioneering Hispanic educator who will be retiring this spring after 21 years as principal of Public School 25 in the Bronx.

Mr. Cartagena's career is marked by numerous firsts. He was the founder and first president of the Hispanic Educators Association; he organized and chaired the first New York City Curriculum and Adaptation Conference for the Effective Education of the Puerto Rican Child; and he was a member of the first New York City Bilingual Commission.

A native of Caguas, PR, Luis Cartagena has always been sensitive to the difficulties faced by non-English-speaking Hispanics and the importance of accommodating their special needs. Mr. Cartagena joined P.S. 25 soon after arriving in the Bronx from Puerto Rico in 1968 and became the school's first assistant director of title VII Federal programs. He also served as director of the Northeast Regional Curriculum Center of the Curriculum Adaptation Network for Bilingual Bicultural Education [CANBBE].

Mr. Cartagena has spoken frequently at the annual conferences of the National Association of Bilingual Education [NABE] and Teachers of English to Speakers of Other Languages [TESOL] on such topics as the education of the Puerto Rican child, the open classroom teacher training, and teaching English as a second language [ESL] to adults.

Mr. Speaker, Luis Cartagena's expertise on bilingual education issues has been sought by numerous colleges in the New York metropolitan area, and his many contributions to this field and to society have been recognized by educational associations, the borough of the Bronx, and the city of New York.

On the occasion of his retirement from P.S. 25, I hope my colleagues will join me in paying tribute to this outstanding educator, Mr. Luis A. Cartagena.

## BAY AREA OBSERVES NATIONAL MISSING CHILDREN'S DAY

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. STARK. Mr. Speaker, I want to remind my colleagues that each year in the United States, more than 369,000 children are reported missing. Tragically, between 20,000 and 50,000 of those children remain missing for more than 1 year. I need not share with my colleagues the unspeakable pain and sorrow experienced by the families of these children, but as a parent, I can understand the horror that must overcome those who must somehow cope with a missing child.

In 1990, Child Quest International, Inc., a nonprofit group, was formed to protect and recover missing, abused, and exploited children

and reunite them with their families. Its headquarters in San Jose, CA, serves the Greater Bay Area, which includes the district 1 represent. This group collaborates with other such organizations nationwide and helps to recover some of the 77,000 children who are reported missing each year just in my home State.

Child Quest International is observing Missing Children's Day on May 25, and asking Americans to keep their porch lights on all day and all night. We should all be aware of the potential threat of child abduction and emphasize to our children and grandchildren the importance of knowing their own full names, addresses, and telephone numbers. Finally we should educate them to avoid situations that can lead to abduction.

Mr. Speaker, I am asking my colleagues to join my constituents and thousands of parents nationwide in this solemn, but hopeful, observance. We must never forget those thousands of children who are far from their own homes each night; Child Quest International needs our help to bring them all home.

## U.S. POLICY TOWARD ASIA

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. HAMILTON. Mr. Speaker, on May 16, 1993, the Washington Post published an article by Don Oberdorfer entitled "Adrift in Asia: Clinton's Other Crises." Mr. Oberdorfer is one of this country's premier foreign-policy journalists. He has a clear appreciation of America's interests in Asia. I commend Mr. Oberdorfer's insights to our colleagues.

[From the Washington Post, May 16, 1993]

ADRIFT IN ASIA: CLINTON'S OTHER CRISES

(By Don Oberdorfer)

SINGAPORE.—The Clinton administration, responding to a series of accidental deadlines, is facing rapid-fire decisions in the coming weeks that will shape U.S. relations with key Asian nations for years to come. In contrast to its preoccupation with Bosnia, where there is much less U.S. national interest, the administration is dealing almost casually with its massive stakes in this part of the world.

Here across the Pacific, where America's most important trading partners live and much of the future will be shaped, there is growing worry that the new administration may blunder into historic mistakes through miscalculation or, equally inexcusably, lack of calculation.

"We are waiting to hear a clear Asia policy from President Clinton. The first 100 days have passed, and we still haven't heard it," said Chan Heng Chee, director of Singapore's Institute of Southeast Asian Studies and former ambassador to the United Nations, voicing a sentiment that is widely shared. "What is clear to us is his concern for trade and human rights, but we are concerned that Clinton be able to see America's long-term interests as a global power in an Asia that is changing very fast."

Clinton's immediate schedule for making and implementing major Asia-related decisions, all of which depend heavily on persuading others to go along, is daunting:

Under a 1974 law, Clinton must notify Congress by June 3, less than three weeks from now, how he proposes to handle the extension of most-favored-nation (MFN) trade status for China, now the fastest growing economic power in the highest growth area of the world. Whatever his decision, it will be controversial on Capitol Hill and probably difficult for Beijing to accept as stated.

Before June 12, the United States, China and other members of the U.N. Security Council are trying to convince North Korea to reverse its startling decision, announced March 12, to withdraw from the Nuclear Non-Proliferation Treaty (NPT) rather than permit additional inspections of its nuclear program. The June deadline was set because Pyongyang is required to give three months' notice of withdrawal from the treaty. U.S. and Asian diplomats are hopeful that North Korea can be persuaded through diplomatic means to reverse its stand, thus averting an international crisis. But the looming deadline is a serious impediment to diplomacy.

By mid-July, a date set by Clinton and Prime Minister Kiichi Miyazawa in their meeting last month, the United States and Japan are committed to creating a new framework for negotiating the troubling trade issues between them. However, there is fundamental disagreement between Washington and Tokyo on the terms for the future negotiations. The chances are strong for a serious clash unless extensive and time-consuming discussions can head it off.

The administration urgently needs to find ways to ease some of these deadlines. After two weeks of talks with official and unofficial experts in China, Hong Kong and Singapore—and recent discussions in the United States with North and South Korean diplomats, Japanese leaders and U.S. officials—it seemed clear to me that preparations are inadequate to deal effectively with these important issues, even one by one. It is likewise clear that Washington and its partners are nowhere near ready to deal with them all at once, despite the visit to the region last week by Assistant Secretary of State Winston Lord to explore solutions.

The threat to remove most-favored-nation treatment from Chinese goods entering the United States is a wasting asset. It was born in 1990, in congressional frustration with the stand-pat position of President Bush following the 1989 Tiananmen crackdown. But in the past three years, China has been changing very rapidly, and in ways that make withdrawal of MFN less useful even as a bargaining chip—and impractical as a potential U.S. action.

The most dramatic impression arising from a recent trip to China, my eighth since 1974, was extensive, rapid change. China is returning to its historic role as a regional superpower, but this time with economics as the foundation of its strength.

China's sizzling GNP growth—nearly 13 percent last year—has changed the face of Beijing in only a few years into a city of mushrooming skyscrapers, glossy new restaurants and streets choked with yellow-painted taxis and private cars. Even more startling was a visit to Shenzhen, the special economic zone near Hong Kong, which has grown in a dozen years from a sleepy crossroads to a booming metropolis with 3.2 million people drawn from all parts of China. There, 30,000 enterprises produce 3,500 different products. With encouragement from senior leader Deng Xiaoping, China has joined East Asia's postwar economic boom.

Chinese attitudes have changed as well. Since my previous two trips in 1991, Chinese

academics I've known for years have become much bolder about expressing views on touchy subjects, such as China's future after the death of Deng. Independent sources of information have increased sharply, with literally thousands of new publications of every type. Television satellite transmissions from outside the country are available to millions of people with little or no government supervision.

China certainly has not become a bastion of individual human rights, but "there is more personal freedom today than at any time since the founding of the [communist] regime in 1949," says Burt Levin, director of the Asia Society's Hong Kong Center and a veteran of nearly four decades as a Foreign Service China watcher. "There is much greater geographical and economic mobility. The only area now out-of-bounds for Chinese citizens is open criticism of the leadership or of the ideology, or organization of opposition, which is not tolerated."

Along with their greater self-confidence, Chinese officials seem far less worried about withdrawal of MFN than they were in 1991. The U.S. market and U.S. technology continue to be important to China, but with Hong Kong, Taiwan, Japan, Europe and Southeast Asia all deeply engaged with China economically—and unwilling to sacrifice their fast-growing stakes at U.S. request—Beijing is less inclined than before to accommodate Washington.

The most troublesome sign of China's new attitude is its apparent decision late last year to supply M-11 ballistic missile technology or hardware to Pakistan. This seems to be a major breach of its commitment to abide by the "parameters and guidelines" of the U.S.-designed Missile Technology Control Regime, which seeks to stem the flow of sophisticated missiles to the Third World. If the sale is confirmed, the United States will be required by law to apply sanctions on China.

Chinese officials would not talk frankly about the Pakistan missile issue, but there were hints that the decision was taken in part to retaliate for the U.S. sale last fall of sophisticated F-16 jet fighters to Taiwan, in what seemed to be a clear violation of the 1982 U.S. pledge to restrain and reduce its arms sales to Taiwan. Another complication, though, is the U.S. failure to keep China briefed in detail on changes in the international ballistic missile sales rules, as it agreed to do when Beijing signed up for the missile control regime.

Since the 1949 revolution, U.S. attitudes about the world's most populous country have shifted from fear in the 1950s and '60s to admiring fascination in the '70s to shock and disillusionment following the Tiananmen crackdown. Now, as University of Michigan China scholar Kenneth Lieberthal has suggested, the election of Bill Clinton should bring an end to the stalemate between a Democratic Congress that would not permit U.S. relations with China to improve and a Republican president who refused to let them become much worse. If the administration and Congress work together to advance MFN arrangements the Chinese can accept, relations can improve again. They can also deteriorate sharply if the United States overplays its hand. The weeks ahead may be the most important period for Sino-American relations since the Nixon opening to Beijing in the early '70s.

In regard to the North Korean nuclear issue, the attitudes and actions of China, Pyongyang's only remaining ally, are crucial. Like the rest of Asia, China is appalled

by the prospect of nuclear arms in North Korea, which could lead to a nuclear buildup in South Korea and Japan. After some initial hesitation, Beijing has begun working actively behind the scenes to head this off.

Talks with a North Korean diplomat at the United Nations suggest that Pyongyang is willing to reverse its decision to withdraw from the NPT if it can obtain face-saving concessions, especially greater assurances of security against what it insists is a U.S. nuclear threat. While in Washington recently, the new South Korean foreign minister, Han Sung Joo, reflected the much greater willingness of the Seoul government to accommodate the North in face-saving solutions, if the threat of a North Korean bomb program can be averted.

What to do has been a controversial matter within the Clinton administration, but I found no disposition in the White House, State Department or Pentagon to favor military solutions. Key officials understand that Washington will have to take its cues from Seoul, and with South Korea's encouragement, the stage is being set for a high level U.S.-North Korea meeting. All this suggests the makings of a diplomatic solution, if Pyongyang is indeed amenable to returning to international inspections.

However, it seems unlikely that such sensitive accords can be reached from a standing start in less than four weeks. Some action by the United States, Seoul and their allies to ease the June 12 deadline or, better yet, a North Korean decision to stop the clock by revoking or suspending its March 12 withdrawal from the NPT would be a major contribution to solving a problem of great international importance.

The third Asia issue on a short timetable—new economic arrangements and understandings with Japan—is also complicated by a lack of consensus within the administration. Faced with conflicting advice and the pressure of other decisions, Clinton chose his direction only the day before the Japanese prime minister arrived at the White House. The resulting U.S. posture was a blunt challenge to Japan, but it did not reflect a well-developed plan.

Clinton spoke publicly during the Miyazawa visit of the extraordinary importance of the relationship between the United States and Japan, which together account for 40 percent of global economic output. The alliance, which is now under strain, has been crucial to security arrangements in Asia since World War II.

It is clear to nearly everybody, including the Japanese, that a large and growing Japanese trade imbalance with the United States and the world at large is unacceptable and unsustainable. It is much less clear how to deal with it, especially when the U.S.-proposed shift—to negotiated deals with quantifiable results—implies major reversals of economic policy.

The Japanese have a word for the task of preparing the ground for important initiatives so that they can be made acceptable to those whose agreement must be won. The word is *nema-washi*. Up to this point, *nema-washi* has been conspicuously absent as the Clinton administration takes up the job of dealing with Asia.

## JOINT RESOLUTION INTRODUCED RECOGNIZING AMATEUR RADIO OPERATORS

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. KREIDLER. Mr. Speaker, I am introducing, along with my colleague, Representative JIM COOPER of Tennessee, a joint resolution to recognize the achievements of amateur radio operators and to declare that regulatory support for these radio operators should be national policy. This resolution is fully supported by the American Radio Relay League, the principal representative of amateur radio operators who provided invaluable assistance in the development of this joint resolution.

I am introducing this resolution because I feel that the amateur radio service must be recognized for the important role it plays when disasters strike. Their role was brought to my attention in January of this year, when a severe windstorm struck western Washington causing damage to trees, buildings, and telephone lines, making public safety and other necessary communications nearly impossible. Fortunately, a group of radio amateurs stepped in to handle important messages for the authorities and public until communications were back to normal. This was not an isolated incident. In disasters like Hurricanes Hugo and Andrew, Typhoon Iniki, the Loma Prieta earthquake, and the Mt. St. Helens eruption, ham operators have been there to help.

Amateur radio operators have also provided an important service internationally, in the face of other types of disasters. I was pleased, although not surprised, to see that many recent reports from war-torn Bosnia have been transmitted by amateur radio operators. They have played a crucial role in keeping the lines of communications open—literally—for citizens of the former Yugoslavia.

I have recently discovered that the help offered by amateur radio operators in these emergencies is not the walkie-talkie communications you may think of when you hear the term "ham" radio operators. In fact, the technologies they use are highly sophisticated. For example, they've been very active in the development and use of low earth orbit satellite technology.

It is about time for the Congress to recognize these achievements. With about 600,000 licensed amateur radio operators licensed in the United States alone, I'm sure that every Member of the House has had similarly favorable experiences with the amateur community and will support this joint resolution.

H.J. RES.—

Whereas Congress has expressed its determination in section 1 of the Communications Act of 1934 (47 U.S.C. 151) to promote safety of life and property through the use of radio communication;

Whereas Congress, in section 7 of the Communications Act of 1934 (47 U.S.C. 157), established a policy to encourage the provision of new technologies and services;

Whereas Congress, in section 3 of the Communications Act of 1934, defined radio stations to include amateur stations operated by persons interested in radio technique without pecuniary interest;

Whereas the Federal Communications Commission has created an effective regulatory framework through which the amateur radio service has been able to achieve the goals of the service;

Whereas these regulations, set forth in part 97 of title 47 of the Code of Federal Regulations clarify and extend the purposes of the amateur radio service as a—

- (1) voluntary noncommercial communication service, particularly with respect to providing emergency communications;
- (2) contributing service to the advancement of the telecommunications infrastructure;
- (3) service which encourages improvement of an individual's technical and operating skills;
- (4) service providing a national reservoir of trained operators, technicians and electronics experts; and
- (5) service enhancing international good will;

Whereas Congress finds that members of the amateur radio service community has provided invaluable emergency communication services following such disasters as Hurricanes Hugo, Andrew, and Iniki, the Mt. St. Helens eruption, the Loma Prieta earthquake, tornadoes, floods, wild fires, and industrial accidents in great number and variety across the Nation; and

Whereas Congress finds that the amateur radio service has made a contribution to our Nation's communications by its crafting, in 1961, of the first Earth satellite licensed by the Federal Communications Commission, by its proof-of-concept for search and rescue satellites, by its continued exploration of the low Earth orbit in particular pointing the way to commercial use thereof in the 1990s, by its pioneering of communications using reflections from meteor trails, a technique now used for certain government and commercial communications, and by its leading role in development of low-cost, practical data transmission by radio which increasingly is being put to extensive use in, for instance, the land mobile service: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS AND DECLARATIONS OF CONGRESS.**

Congress finds and declares that—

- (1) radio amateurs are hereby commended for their contributions to technical progress in electronics, and for their emergency radio communications in times of disaster;
- (2) the Federal Communications Commission is urged to continue and enhance the development of the amateur radio service as a public benefit by adopting rules and regulations which encourage the use of new technologies within the amateur radio service; and
- (3) reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit.

**TRIBUTE TO ELSIE BURRELL**

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DUNCAN. Mr. Speaker, Miss Elsie Burrell, a constituent of mine from Maryville, TN, will be recognized in July by the National Education Association [NEA] for being one of the Nation's top volunteers, and will receive the 1993 award of Great Leadership in Human Rights.

Her years of service as a teacher for the Volunteer in the Park [VIP] Program in the Great Smoky Mountains National Park, and also her volunteer work with churches and hospitals should serve as an inspiration to all, and I want to call this article from The Daily Times to the attention of my colleagues and readers of the RECORD.

MISS BURRELL HONORED FOR DOING WHAT COMES NATURALLY FOR HER

No one goes out of the way less to receive an honor and few win more than "Miss Elsie" Burrell, 89, who will receive a national award from the National Education Association (NEA) July 3 in San Francisco, Calif.

One of the nation's top volunteers, Miss Elsie is scheduled to receive the 1993 Award of Great Leadership in Human Rights.

Nominated by the Blount County Education Association, she won the state award from the Tennessee Education Association last year and the entry was sent to the national competition this year.

The award recognizes an individual or group who has built respect and appreciation among diverse populations. Miss Elsie is also being recognized for her "inspiring courage."

During the past year she was selected by Blount County for the Volunteer of the Year Award as part of the Pride of Tennessee celebration to mark the state's 200th birthday in 1996.

A Volunteer in the Park (VIP), Miss Elsie received the outstanding service award from the park last year. Since she retired in 1969 after spending 27 years as a school supervisor in Blount County, she spends many hours each year as a VIP, teaching spelling the old-fashioned way to park visitors at Little Greenbrier School in Great Smoky Mountains National Park.

A native of Middle Tennessee, she began teaching in 1925, coming to the Blount County system in 1942.

Of all things she accomplished in her career as an educator, Burrell said she is most proud of two things: "Improving schools and helping provide libraries and instructional material that was sorely needed and encouraging teachers to improve themselves."

As a volunteer since her retirement she has amassed more than 10,000 hours of work at Blount Memorial Hospital and 4,000 hours working for Contact Teleministry, not to mention many hours at her church and in other organizations.

It is always a tribute to this community when a resident wins a national honor and it is especially so when it is Miss Elsie. She is so unselfish and does so much for so many others.

**THE PROTECTION OF WOMEN WORLDWIDE**

**HON. OLYMPIA J. SNOWE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Ms. SNOWE. Mr. Speaker, as cochair of the congressional caucus for women's issues and ranking Republican on the Foreign Affairs Subcommittee on International Operations, I am introducing two very important bills pertaining to the protection of women worldwide. My first bill addresses women's human rights, while the second focuses on the special needs of refugee women and children.

Until recently, both within the foreign policy establishment and the private nonprofit sector, the human rights community has failed to recognize the extent to which human rights abuses are targeted at women worldwide. Too often, such abuses are excused as social or cultural problems not directly attributable to States and therefore, not relevant to the conduct of State-to-State relations.

However, recent research and documentation indicate otherwise. Violence against women and sex discrimination that is sponsored or condoned by States have reached epidemic proportions around the world. Abuses may take gender-specific forms such as rape, may be motivated by the gender of the victim such as the murder of women's rights activists, or may happen to women when they are rendered vulnerable by surrounding circumstances such as refugee women. Whether considered from the point of view of numbers of victims or the severity of abuses, violations of women's human rights should be a major concern of U.S. foreign policy. Yet women's human rights continue to be marginalized in the development and implementation of U.S. foreign policy, even within the specific context of U.S. human rights policy.

In order to ensure that abuses against women receive the necessary visibility and women are adequately protected, I am introducing legislation today calling on the State Department to designate a senior level official who would promote the issue of international women's human rights within the United States' overall human rights policy.

My bill, the Women's Human Rights Protection Act of 1993, identifies the responsibilities of such a women's human rights advocate. These duties would include pressuring governments that engage in violence against women or systematic discrimination, raising visibility of gender-based persecution and violence in multilateral forums, and seeking to assure that U.S. trade representatives conduct inquiries and take steps to prevent countries from receiving trade benefits where governments fail to address human rights abuses against women. The advocate would also work to secure funding for programs to meet the needs of women victims of human rights abuses, and work to assure ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

My second bill establishes explicit U.S. policy on integrating the resources and needs of refugee women and children into all aspects of

refugee programming to ensure equitable protection and assistance activities.

Women and children constitute at least 80 percent of refugees and the internally displaced world population; however, their safety and particular needs are rarely met. They are the first victims of the conflicts they are trying to escape and the most vulnerable once displaced. As noncombatants, they must stop being used as human shields, spoils of war, and preyed upon by guards and others at border posts and refugee camps.

According to a report soon to be released by the General Accounting Office [GAO], the State Department must continue pressuring the U.N. High Commissioner for Refugees [UNHCR] to improve the extremely poor conditions for women in refugee camps which include severe domestic violence and abuse of women, and in some cases the denial of food to unaccompanied women. Additionally, the GAO found that the UNHCR and nongovernmental voluntary organizations providing services in the camps showed a severe lack of understanding of and appreciation for gender-related issues.

In 1991, UNHCR developed comprehensive guidelines on the protection of refugee women. The guidelines cover traditional protection concerns, such as the determination of refugee status and the provision of physical security, and outline various measures that can be taken to improve the protection of refugee women. They also present approaches for helping women who have had their rights violated, and outline steps to ameliorate the protection of women and report upon protection problems that do arise.

My legislation, the Refugee Women and Children Protection Act of 1993, would require the U.S. Government's refugee assistance programs to address the protection and provision of basic needs of refugee women and children. The bill directs the Secretary of State to: Ensure full involvement of women refugees in the planning and implementation of the delivery of refugee services and assistance; incorporation of maternal and child health needs into health services; education of refugee women and children; data collection that enumerates age and gender; gender-specific training for program staff of the U.N. High Commissioner for Refugees and nongovernmental voluntary organizations; and the recruitment and hiring of women professionals in the international humanitarian field.

Finally, my bill calls on the President to enter into bilateral and multilateral negotiations to encourage other governments that provide refugee assistance to adopt policies designed to implement the UNHCR's 1991 "Guidelines on the Protection of Refugee Women."

#### CAMPAIGN FINANCE REFORM

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. HUGHES. Mr. Speaker, today I have introduced legislation, H.R. 2198, which seeks to limit the amount of money which candidates can raise and spend in congressional campaigns.

There is no question but that campaign finance reform is long overdue.

In recent years, the costs of congressional campaigns have gotten completely out of control. Indeed, we are reaching the point where campaigns are being driven more by money than by the qualifications or views of the candidates. That is just not right.

Moreover, the high cost of campaigns is discouraging many qualified candidates from running for office. At the same time, it has enabled PAC's and other special interest groups to exert far too much influence over the campaign process. This has driven average donors out of the process, and added significantly to the public cynicism about government.

My bill is intended to reverse this trend by setting reasonable limits on fundraising and expenditures, and shifting the focus of fundraising away from Washington and back to the candidates' congressional districts, where it belongs. In so doing, it will help level the playing field for challengers, and go a long way toward helping rebuild public confidence in our elected officials and system of government.

Under my legislation, candidates would be asked to sign a statement at the time they register with the Federal Election Commission, agreeing to abide by a voluntary spending limit of \$600,000 throughout the 2-year election cycle.

Once a candidate signs that statement, the authorization cannot be revoked. The candidate would then be required to abide by certain contribution limits as well. These include: a limit of \$300,000 in contributions from non-individual donors, such as PAC's, political parties, or special interest groups; \$100,000 from individuals who reside outside the candidate's home district; and \$75,000 in personal funds.

Within the \$300,000 ceiling on non-individual contributions, my bill sets specific limits of \$200,000 in PAC contributions and \$75,000 in total political party contributions. It also limits PAC contributions to \$5,000 and individual contributions to \$2,000 over the 2-year election cycle.

To help encourage average citizens to participate in campaigns, my bill restores the tax credit of up to \$100 (or \$200 for joint returns) for people who contribute to congressional campaigns in their own district. The bill also sets strict penalties for candidates who exceed the spending or contribution caps.

Under this approach, a candidate who spends the maximum \$600,000 could raise no more than a third of his receipts from PAC's. At least half of the \$600,000 would have to come from individual donations, primarily raised within the candidate's own congressional district.

I believe that my legislation takes a straightforward approach to the issue of campaign finance reform, without relying on taxpayer-subsidized public financing or other gimmicks, such as discounted mailing costs or advertising rates.

I would urge my colleagues to take a close look at this legislation, and to join me in supporting a major overhaul of our campaign finance system, which is badly needed and long overdue.

#### IN RECOGNITION OF THE 25TH ANNIVERSARY OF MAPLE ROAD ELEMENTARY SCHOOL

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to pay special tribute to one of northern New Jersey's most distinguished elementary schools, the Maple Road School of West Milford, NJ. This year, Maple Road celebrates its 25th anniversary of education in West Milford, and I urge my colleagues to join me in saluting this quarter century of excellence in education.

From its humble roots as a small elementary school nestled among the pines of West Milford, Maple Road has grown and prospered over the years. Today, more than 450 students learn there—from kindergarten through grade 6, and more benefit from the preschool and elementary classes for special needs children that Maple Road provides.

Mr. Speaker, our schools and our educators hold the key to the future of our Nation. They unlock the potential in each and every child. They nurture the curiosity of future scientists; they encourage the compassion of future doctors; and they launch future astronauts on their way toward excellence. I am proud to recognize today that over its 25 year history, Maple Road has proven to thousands of students that its motto rings true: Maple Road really does mean magic.

Under the guidance and direction of Principal Robert Florian, Maple Road continues to prosper. Working with him over these years have been countless teachers, parents, and students who have each been integral to Maple Road's 25 years of success. I would also call special attention to the president of Maple Road's Parent-Teacher Organization, Mrs. Patricia Maglio, who has led the PTO in Maple Road's year of celebration. Through the efforts of the school and PTO, Maple Road has celebrated its anniversary through a commemorative tree planting, the placement of a 25 year time capsule, and a family picnic for past and present students, teachers, and their families. They are presently completing work on the Maple Road School Float for the West Milford Pride Day parade.

As a former educator myself, I know from firsthand experience that it takes a great deal of dedication and diligence to achieve the type of excellence Maple Road has typified throughout its proud history. I urge my colleagues to join me in recognizing and saluting Maple Road's 25th anniversary, and the excellence in education which should serve as a model for all.

#### THE DOPE OPEN: 25 YEARS OF CARING

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. GALLO. Mr. Speaker, the most effective tools that we have in our ongoing struggle

against drug abuse are caring and community involvement.

Long before the problems of drug abuse became a major issue nationwide, northern New Jersey was blessed by the presence of an organization, founded by a group of dedicated and caring individuals, and supported by the people within our communities, which has focused on the needs of the victims of drug abuse—men and women of all ages who started using drugs, but could not stop without the help and support of people who care.

Today, we are proud to honor these dedicated volunteers on the occasion of the 25th anniversary of the founding of the Dope Open organization—one of the oldest organized drug education and rehabilitation support groups in the Nation.

On June 24, this innovative organization kicks off its 25th year of service with the annual Dope Open event.

In the mid-1960's—when most of the Nation was just waking up to the dangers of illegal drugs—these dedicated individuals, under the able leadership of Mary Mulholland, decided to do something about drug and alcohol addiction—they sponsored an aftercare clinic for individuals suffering from the most serious forms of drug addiction.

The first Dope Open golf tournament was held in 1968 as a means of providing support for drug education, rehabilitation, and treatment efforts, and the rest, as they say, is history.

I played in that first tournament and have had the honor to participate each year in this worthwhile event.

Since its inception, the Dope Open has raised \$926,000 and has attracted \$4.5 million in Federal, State, and local matching funds.

Among the worthwhile projects that have been helped because of these efforts are Hope House, providing rehabilitation services and outpatient drug and alcohol treatment for 20 years, which received a \$20,000 annual grant in 1992; New Jersey Battered Women Shelter, \$25,000 in 1991 and 1992; Morris County DARE Program, more than \$20,000 in 1991-92, and Market Street Mission, \$5,000 in 1992.

This innovative nonprofit all-volunteer organization also provides underwriting for other worthy projects, including in-house treatment facilities such as Integrity House, Sunrise House, Daytop, the Center for Addictive Illness, the Project PRIDE after-school self-help program, Morris County Crimestoppers, Morris County Teachers Awards, New Jersey Law Enforcement Memorial Fund, and Mrs. Wilson's, a half-way house for recovered women alcoholics.

The list of good deeds sponsored by the Dope Open grows longer each year, with support for new and innovative programs to meet the real needs of our communities.

In 1993, the Dope Open will help to launch a new innovative program to keep our young people off of drugs and out of the criminal justice system by providing \$5,000 in initial support.

The program, known as PASS, is the brainchild of two Morris County residents, Judge Daniel R. Coburn and Chief of Probation Jude DelPreore, and is designed to encourage alternative service rather than jail for juvenile

drug offenders as long as they stay off of drugs.

As with many programs launched with the help of the Dope Open over the last 25 years, the PASS Program holds great promise to become a model for the Nation in the area of juvenile justice and drug rehabilitation.

I commend Judge Coburn and Chief DelPreore who have been working hard during the development stage of this innovative program. I am convinced we will be able to apply this local experience to our efforts in Congress to develop meaningful juvenile justice programs throughout the country, and I look forward to working with them toward that end.

Mr. Speaker, we know that the best programs aimed at helping people in need are those which are first developed locally.

The dedicated individuals, past and present, who have made the Dope Open a success have proven once again that our strength as a Nation derives directly from our communities.

And, our communities depend for their existence upon the people who care enough to help their neighbors.

Northern New Jersey is a large neighborhood, but the hearts of the many Dope Open volunteers are big enough to serve the broader community and to do so with an energy and a sense of pride that is unique among organizations.

Mr. Speaker, I ask my colleagues to join with me in recognition of the dedicated volunteers of the Dope Open on the occasion of the organization's 25th anniversary event.

#### MIDNIGHT BASKETBALL TRAINING AND PARTNERSHIP ACT INTRODUCED

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mrs. SCHROEDER. Mr. Speaker, today I join five of my colleagues in the House and Senator CAROL MOSELEY-BRAUN in a full-court press to bring midnight basketball to all of our Nation's youth.

Last year, as chair of the Select Committee on Children, Youth, and Families, I amended the Omnibus Crime bill to authorize \$3 million through the Department of Housing and Urban Development's Youth Sports Program for matching grants to low-income communities with high rates of juvenile crime, pregnancy, or drug abuse. These grants would create a public/private partnership for unemployed youth who have left school to support midnight basketball leagues in 25 communities.

The program offers more than just free throws. The program operates from 10 p.m. to 2 a.m., the period when most youth crimes are committed, and requires players to attend high school equivalency classes and job training. The coaches, owners, and workshop leaders serve as role models. Unfortunately, the 24-second clock ran out on midnight basketball when the Senate held the omnibus crime bill hostage last year. That has not stopped 26 cities from creating midnight basketball leagues through the devotion of Gil Walker,

executive director of the National Association of Midnight Basketball Leagues.

A 3-year independent evaluation of midnight basketball players found that none of the enrolled youths had gotten into trouble with the law. Gang activity in public housing decreased, and many players found permanent jobs and completed GED requirements.

This year we have a new forward on our team. Senator MOSELEY-BRAUN has agreed to introduce the Senate companion bill. The best way to reduce juvenile crime and save lives—and without employing any new bureaucrats—is through swift passage of the Midnight Basketball Training and Partnership Act.

#### THE POLLUTER PAYS CLEAN WATER FUNDING ACT

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. STUDDS. Mr. Speaker, today I am introducing the Polluter Pays Clean Water Funding Act. This legislation proposes a series of environmental taxes on products and activities which generate water pollution and establishes a supercharged State Revolving Fund [SRF] Program to deliver these revenues to the cities and towns with the most pressing clean water needs.

We are in the midst of a full-blown clean water crisis. Across the Nation, water and sewer bills are skyrocketing as the costs of municipal sewage treatment plants and other clean water programs soar. According to a conservative Environmental Protection Agency estimate, there are over \$155 billion in projects necessary for compliance with the Clean Water Act. In 1993, the Federal Government provided about \$2.5 billion to help our communities meet those needs.

A \$2.5 billion appropriation for a \$155 billion problem. It doesn't take a supercomputer to figure out we just are not spending what it takes to keep our water clean.

People are good at talking about cleaner water. About controlling combined sewer overflows, polluted runoff, stormwater, and toxics. But words will be just that—more talk—unless we find the money to do the job. Our cities, towns, and ratepayers cannot shoulder this burden alone.

If the level of Federal assistance is not bolstered, I fear that our Nation's commitment to clean water will unravel. Ratepayers and municipal officials called upon to pay ever higher bills will revolt, compliance efforts will grind to a halt, and pressure will mount for Federal officials to retreat from current requirements. The recent disaster in Milwaukee, a result of polluted farm runoff, may serve to remind us that diligence in protecting water quality should be among the highest Federal priorities.

Our towns and cities are buckling under the pressure of financing clean water infrastructure. In 15 of our largest cities, water and sewer rates have increased by at least 50 percent over the last several years. In some, like Boston, the increases are several hundred-fold.

Our rural areas are overwhelmed. Small towns of less than 2,500 people need \$28 billion just for proper sewage treatment. In 1992, the General Accounting Office reported that Utah officials were contemplating condemning entire towns because they could not afford to comply with the Clean Water Act.

The stakes are obvious—in clean water terms, in financial terms, and in political terms. If we have nothing to say, nothing to offer, we are risking a level of civil disobedience that could reverse the national commitment to environmental quality. This is not the environmental legacy we should bequeath to the next generation.

Our alternatives are simple. We can do nothing and risk disaster; we can appropriate a significant increase from the general treasury; or we can find new sources of funding. The first option is irresponsible and unacceptable. The second is unrealistic. President Clinton is struggling to reduce our enormous national deficit, and his 1994 budget sends a clear, albeit painful, message. The Federal cupboard is bare. There is no more money available from general revenues. Therefore, with this bill, I have outlined the steps necessary to create alternative revenue sources and fund clean water projects through a polluter pays proposal.

The polluter pays approach has many advantages. It begins to price pollution, allowing for market incentives to help foster pollution prevention; it generates badly needed money for the State revolving funds, thereby relieving household and municipal budgets from rising rates; it reduces the deficit; and it has broad public acceptance as a revenue-raising mechanism.

My legislation will provide \$6 billion annually to fund clean water compliance; \$2 billion will continue to come from the general treasury; and thus, the taxpayer will continue to shoulder a fair share of the burden. However, the greatest burden should be shifted to the polluter, and my bill will generate \$4 billion from water pollution taxes: Polluter pays.

I have attempted to spread the tax burden thinly over many polluting activities and products. There are three major components of the package: an industrial toxic discharge tax; commercial and industrial water use taxes; and a tax on pesticides, fertilizers, and animal feed. This does not capture every water polluting product or activity because virtually everything and everyone pollutes water. What we have identified are the products and activities which are major and well documented pollution sources.

The second component of my legislation is a package of reforms to the existing State Revolving Fund Program. We need to supercharge the SRF's and build them into "one-stop" shopping centers for clean water funding needs. They need to be user friendly for all our communities—big and small; rich and poor; urban and rural.

The new SRF Program will be streamlined to eliminate many bureaucratic requirements. It will include limited grantmaking authority so that small and hardship communities can better participate in the program. Eligible users of the funds will be expanded to open the SRF's to all of the mandates of the Clean Water Act. Greater emphasis will be placed on preventing

nonpoint sources of pollution and protecting estuaries. The outdated allocation formula is reformed to make sure that the money gets to States that need it most.

The recipe is simple. More money plus better delivery equals cleaner water at affordable rates.

The economic stakes are huge. Clean water projects are among the most productive of public infrastructure investments. For every \$1 billion we spend on clean water infrastructure, between 35,000 and 57,000 jobs are created. Again, it doesn't take calculus to figure it out. If my bill is enacted, the \$6 billion in annual investment will generate and sustain over 300,000 new jobs.

Beyond job creation, affordable water and sewer service, along with the availability of reliable clean water supplies, are at the heart of economic growth and productivity. Affordable water services cut to the heart of our prosperity. It is not a luxury. Rising costs of services stunt economic development at local levels and create enormous competitive disadvantages for communities. By way of contrast, affordable services attract private investment in local and regional development. A clean environment and growing economy are inextricably linked. Without clean water we cannot sustain our economy.

Let's face it. Nobody wants to be taxed and everyone wants to avoid the issue. There is, however, no alternative other than learning to live with polluted water—and that, in my view, is no alternative.

The special interests who represent polluters will line up, lobbying contracts in hand, to oppose this legislation. I am under no delusion that this battle will be won swiftly or easily. I am only certain that it must be fought and it must be won.

It is high time to face the facts and get to work in solving an enormously complex problem. I hope my bill will launch a renewed effort to come to grips with the funding problem. We have no other choice.

I invite you all to join me in this effort by co-sponsoring this bill.

#### SECTION-BY-SECTION ANALYSIS THE POLLUTER PAYS CLEAN WATER FUNDING ACT

Section 1. Short Title. The short title of the bill is the "Polluter Pays Clean Water Funding Act".

Section 2. Findings.

#### TITLE I—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

Section 101. Requirements for Treatment Works. Subsection (a) repeals several of the "equivalency requirements". These are requirements under the old construction grants program of the Clean Water Act that were also made applicable to the SRF loan program when it was created in 1987. Repealing some of these requirements should reduce the administrative burden associated with SRF loans.

Subsection (b) modifies one of the equivalency requirements, raising the threshold for doing value engineering and least cost alternative analysis from the current level of \$10 million to \$25 million.

Section 102. Projects Eligible for Assistance. This section amends the existing SRF loan program (Title VI of the Clean Water Act) to expand the types of projects eligible for funding through a state SRF. In general, all activities and projects undertaken to

comply with the Clean Water Act are made eligible without limitation, including sewage treatment plant construction, nonpoint pollution controls, stormwater and combined sewer controls, wetlands restoration and protection, water conservation, low income assistance, and all land acquisition costs associated with otherwise eligible projects.

Section 103. Maximum Term of Loans. Currently section 603(d)(1) of the Clean Water Act limits the term of SRF loans to no more than 20 years. Section 103 allows a state to make loans for longer terms, up to the expected life of the facility of project. By extending the loan terms, communities can stretch out their repayments and reduce their annual debt service. This section applies only to loans issued after enactment.

Section 104. Administrative Costs. Presently, state costs of administering its SRF may not exceed 4% of its annual federal capitalization grant. Subsection (a) expands the allowable administrative costs to 5% of total deposits to the SRF in any fiscal year. Therefore, states which deposit other funds into their SRFs may also use those funds in calculating their administrative spending limits.

Subsection (b) requires every state to use at least 20% of its administrative expenses for technical assistance to communities.

Section 105. Authority to Make Grants. Under the existing SRF program, states may provide loans to communities below the market rate and down to zero interest. They are not allowed to make grants or "negative interest" loans (i.e., principal subsidies). Section 105(a) establishes a new section 603(j) in the Clean Water Act which authorizes states to use a portion of their SRF funds for grants to small or hardship communities. A small community is one with fewer than 5001 people. A hardship community is one where the combined annual water and sewer bill is greater than 2% of average household income in that community. In addition, SRF funds may be used for grants to fund nonpoint pollution control projects and low income assistance in any community.

The amount of SRF funds that can be used for grant assistance is limited to the greater of—

(1) 25% of the federal grant in a fiscal year; or

(2) 100% of the federal grant which is in excess of the amount which a state SRF received in fiscal year 1992.

Section 106. Control of Nonpoint Source Pollution. Not less than 15 percent of the amount of each state grant must be used for the control of polluted runoff. This requirement will ensure that taxes collected from fertilizers, pesticides, and animal feed will be reserved for the control of pollution generated from the use of those products. Eligible projects would include projects under section 319 of the Clean Water Act, section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, and the nonpoint pollution control elements of plans developed under the National Estuaries Program (section 320 of the Clean Water Act).

Section 107. Allotment of Funds. At present, federal funding for the State Revolving Funds is allocated on the basis of a formula which reflects 1976 needs. As a result, some states are getting more federal funds than they deserve and some states are getting less.

Section 107(a) amends the Clean Water Act to ensure that the allocation formula is periodically revised to accurately reflect clean water priorities. Not later than one year after enactment, EPA is required to publish

a formula which shall be based on the most recent estimates of state populations and the EPA's most recent biennial needs survey. Thereafter, the EPA shall revise the formula at least every five years.

Subsection (b) requires that in 1994, 1995, and 1996, 0.5% of the State Revolving Loan Fund, or \$10,000,000, whichever is less, be set-aside before allotting money to states. This set-aside is for grants to states under section 6217(f) of the Coastal Zone Management Act Reauthorization Amendments to develop coastal nonpoint programs.

Section 108. Low Income Water and Sewer Assurance Program. Rising water and sewer bills have a disproportionate effect on families with modest incomes. As a requirement of receiving assistance for building wastewater construction projects, communities that meet certain criteria must certify that they will create a low income water and sewer assurance program within two years.

Subsection (b) establishes a new section 608 of the Clean Water Act: Low Income Water and Sewer Assurance Program. Within one year of enactment of this law, EPA shall issue regulations establishing minimum standards for community-based, low income water and sewer assurance programs. Minimum standards must include a requirement that communities ensure that water and sewer be available on an affordable basis to all households including renters, at or below 150% of the Federal poverty level served by the recipient. The presumptive measure of affordable combined sewer and water rates on a monthly basis is that such rates do not exceed 4% of gross monthly income for a household. This is a presumptive measure not a standard and may not be achieved by all communities. There is no requirement that monetary subsidies be paid to low income water and sewer recipients.

Section 109. Authorization of Appropriations. This section amends section 607 of the Federal Water Pollution Control Act. Subsection (a): this section authorizes annual appropriations of \$2 billion for each of fiscal years 1994 through 2000. Subsection (b) requires an annual transfer of \$4 billion for each fiscal year after 1995 from the Clean Water Trust Fund to the carry out this title. The transfer under subsection (b) requires no further appropriation. The net effect of this section will be to provide total annual funding of \$6 billion to support implementation of the Clean Water Act through the expanded SRF program.

#### TITLE II—EXCISE TAXES ON SUBSTANCES CONTRIBUTING TO WATER POLLUTION, ETC.

Section 201. Excise Taxes on Substances Contributing to Water Pollution. This section amends Chapter 38 of the Internal Revenue Code of 1986 by adding Subchapter E—Discharges of Chemical Pollutants, and Subchapter F—Fertilizer, Pesticides, and Animal Feed.

##### Subchapter E—Discharges of Chemical Pollutants.

Section 4691. Imposition of Tax. The discharge into water or publicly owned treatment works (i.e., a sewage treatment plant) of any chemical listed in this subchapter is subject to a tax. The tax rate depends on which "group" number the chemical is assigned. Chemicals are assigned to groups 1 through 5 in order of increasing toxicity. Tax rates increase as toxicity increases. Anyone discharging the listed chemicals is liable for the tax except residential users, farm users, or government users. To ensure continued and increasing incentives for reduction and

prevention of toxic pollution, the tax rate will be automatically adjusted each year for inflation plus 3%.

Section 4692. Definitions and Special Rules. This section lists 307 chemicals that are subject to taxation and assigns them to group 1 through group 5. The list is built principally around the Clean Water Act "priority pollutants" and chemicals on the EPA's Toxic Release Inventory which are known to be discharged to water.

##### Subchapter F—Fertilizer, Pesticides, and Animal Feed

Section 4694. Imposition of Tax. Manufactured or produced fertilizer, pesticide, and animal feed sold or used in the United States is subject to taxation. The nitrogen and phosphorous content of fertilizer is subject to a tax of 0.845 cents per pound. The active ingredients in pesticides are subject to a tax of 24.27 cents per pound. Processed animal feed is subject to a tax of \$2.68 per ton.

Section 4695. Definitions and Special Rules. Exports of these products are not subject to the tax. Imported products would be taxed at the same rate.

Section 202. Excise Tax on Commercial And Industrial Water Use. This section amends Chapter 36 of the Internal Revenue Code of 1986 by adding Subchapter C—Certain Nonresidential Uses of Water.

##### Subchapter C—Certain Nonresidential Uses of Water

Section 4476. Imposition of Tax. A tax of 1.95 cents is imposed per 1,000 gallons of water used. If the water is supplied by a utility company, the company shall collect the tax.

Section 4477. Definitions and Special Rules. Anyone using water is liable for the tax except for residential uses, farm uses, hydroelectric power uses, and government uses.

Section 203. Clean Water Trust Fund. Subchapter A of Chapter 98 of the Internal Revenue Code is amended by adding the Clean Water Trust Fund.

Section 9512. Clean Water Trust Fund. A Clean Water Trust Fund is established within the United States Treasury. All proceeds collected under these new taxes are appropriated to this fund. Amounts in the fund shall be available for carrying out the purpose of title VI of the Federal Water Pollution Control Act.

#### RULES COMMITTEE CHAIRMAN, REPUBLICAN FRESHMEN TESTIFY BEFORE JOINT REFORM COMMITTEE

##### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DREIER. Mr. Speaker, today the Joint Committee on the Organization of Congress, on which I serve as a vice chairman, was privileged to hear testimony both from our distinguished Rules Committee Chairman JOE MOAKLEY on House scheduling and floor procedures, and particularly on the controversy over open versus restrictive rules. He had some very interesting and creative proposals for resolving some of our current differences.

At the same hearing, we were presented with the fresh and insightful perspectives of two outstanding freshmen Republican Members of the House, the gentlelady from Ohio

[Mrs. PRYCE] and the gentleman from Florida [Mr. DIAZ-BALART], both of whom serve with distinction on the House Republican Leadership Task Force on Deliberative Democracy in the House. Their comments are especially useful and refreshing given the mandate for change that marked their first election to the House and the procedural realities they have run up against when it comes to making a real difference around here.

Hopefully, Mr. Speaker, we can meld the best suggestions of both our senior Members like Chairman MOAKLEY, and our freshmen class members who now number 110, in putting together a conservative and bold reform package for this Congress.

At this point in the RECORD I insert all three statements:

##### STATEMENT OF HON. JOHN JOSEPH MOAKLEY, CHAIRMAN, COMMITTEE ON RULES

Mr. Chairman, I would like to thank the Joint Committee for the opportunity to appear before you today to talk about committee and floor procedures in the U.S. House of Representatives. As Chairman of the House Rules Committee, I realize I am an obvious spokesperson for the procedures by which bills are considered in the House. I do not come before you today to blindly defend our current practices. Rather, I view this as a valuable and essential opportunity to take an objective, critical look at our rules and procedures and to comment on what areas might possibly be improved.

Before getting into specifics, I would like to briefly express my gratitude to the Joint Committee for the work it has done to date. I commend the Committee for both its diligence and the seriousness with which it has undertaken its work. Yours is not an easy task, I know. Change is always difficult, particularly when it is uncertain whether the proposed changes will actually improve the status quo. I can appreciate the enormity of your assignment and hope that my comments today assist you with your comprehensive evaluation of the Institution.

Reflecting upon the atmosphere in Congress of late, I must confess that I am almost relieved that we have reached this juncture—it is time for us to confront our problems, either real or perceived, and resolve them one way or another. In my twenty-one years in Congress, I have never experienced partisan tensions as aggravated and sustained as they have been over the past couple of years. While a certain amount of sparring between the parties is unavoidable, healthy even, I believe we have far surpassed the level of disagreement that characterizes a healthy democracy.

I am most concerned with the element of distrust that seems to pervade our daily interactions. We cannot do our jobs well when we distrust those with whom we work. We were sent here to make sound, well-reasoned policy decisions on behalf of our constituents, our country and the world. I am deeply concerned that the public good is being compromised in the conflicts of our rival parties.

It is out of these concerns that I admit certain changes are needed. On the procedural front, I think I can recommend several improvements which will not only enhance the quality of deliberation in the House of Representatives, but will also lessen some of the partisan jealousies which arguably consume too much of our time and energy. As I have not yet talked with the Speaker about these ideas, I in no way wish to imply that my remarks today reflect the sentiments of the Leadership.

First, I would like to note the Democratic Leadership's recent efforts to allow for more open, inclusive debate. By inclusive I mean providing for greater participation by both the majority and minority. The views of the minority are a vital component of the legislative process, and within reason, should be accommodated. I say within reason because underlying the legislative procedures of the House is the general principal that a determined majority of members should be able to work its will on the floor without undue delay by the minority. While House rules and procedures generally recognize the importance of permitting any minority, partisan or bi-partisan, to present its views and prepare alternatives, the rules do not enable that minority to filibuster or use other devices to prevent the majority from accomplishing its objectives in a timely manner.

I think everyone would agree that it is the prerogative of the majority party leadership to both set the legislative agenda and to provide for the orderly consideration of legislation in the House. And while the role of the Rules Committee is to try to facilitate the Leadership's legislative agenda, its power is not without limitation. The Rules Committee can only recommend special rules to the House—it cannot impose its recommendations on the membership. It is for the House to decide, by majority vote, whether it is prepared to accept the ground rules, including any restrictions on amendments that the Committee proposes.

The Rules Committee structures its rules based not only on the views of its members, but also on its perception of what a majority—218 members—of the House is prepared to support. Ultimately, the House agenda is subject to control by a voting majority. This majority is not static, nor is it strictly partisan. Rather it is continually shifting and must be constructed and reconstructed from one issue to the next.

Unfortunately, bare statistics do not always reflect the considerations behind the types of rules reported by my Committee. The first ten rules reported by Rules Committee in the 103rd Congress were indeed by definition "restrictive", that is, providing certain limitations on the number or types of amendments that could be offered. But while my friends on the other side of the aisle suggest that their amendments were arbitrarily rejected by the Rules Committee, this simply isn't true.

Before condemning the Democratic Leadership as callous or insensitive to the ideas of the minority, one must examine the nature of the bills and the types of amendments offered. Interestingly, of the ten examples cited by the Republican Leadership Task Force on Deliberative Democracy as egregious examples of the Rules Committee unreasonably denying amendments for floor consideration, the first five amendments were not even germane to the measures being considered. It is common knowledge that House rules and precedents require all amendments to be germane to the text they would amend. Therefore, I see nothing unreasonable about the Rules Committee's decision not to make these amendments in order. Moreover, another two amendments cited by the Task Force would have been subject to other points of order. In sum, seven of the ten amendments cited by the Task Force would not even have been made in order under an open rule.

As for the restrictive rules that the Rules Committee has reported to date, let me say this: the baseball season is only one month old—just because the Tigers are now in the

lead doesn't mean they're going to win the pennant. In other words, be patient. There is no rigid program governing the types of rules to be reported by the Rules Committee. Rather, each rule will be determined on a case by case basis.

As you know, the Rules Committee recently reported open rules on three bills—no body should be surprised when such contentious issues such as reconciliation and campaign finance are considered under structured rules—but as the House moves further into its legislative season I anticipate more open rules being reported by my committee.

Another change I would recommend relates to the motion to recommit. The change would arguably strengthen the minority's ability to act as a constructive partner in the development legislation. I endorse a modification of the plan proposed by Tom Mann and Norm Ornstein in one of their earlier reports to the Joint Committee.

I propose amending House Rule XVI, clause 4, so as to guarantee the minority a motion to recommit with instructions whenever a special order reported by the Rules Committee precludes the minority from offering amendments in the Committee of the Whole. This right would be subject to a couple of conditions. First, the motion would be guaranteed only if offered at the specific direction of the Minority Leader or his designee. Second, upon receipt of the motion, the Speaker would have the power to postpone debate and votes on the motion and final passage for up to two hours.

I consider these conditions to be reasonable as they would allow the minority a vote on its position on major issues and at the same time allow the majority a reasonable amount of time within which to prepare its response to the minority's alternative. Theoretically, limiting control of the motion to recommit to the Minority Leader or his designee would ensure that the motion would be used in a serious, constructive manner. Members with fringe views would be unable to make frivolous motions.

A third change I would recommend involves clause 2(1)(5) and (6) of House Rule XI which respectively provide for a three day period within which members may file supplemental, additional or minority views to be included in a committee's report, and an additional three day period for members to review the committee report before the measure is considered by the House. In his recent statement before the Joint Committee, Mr. Solomon expressed concern that the opportunity for members to review committee reports was too often being waived due to scheduling considerations. Let me say I empathize with Mr. Solomon and hope that my plan alleviates some of his concerns.

My proposal tries to balance the legitimate need for flexibility in scheduling legislation for floor action with the important right of members to express their alternative views and to review committee reports prior to debating a measure on the House floor. I don't believe the rule as it is presently written allows us to use our time efficiently. Presently, the three day period for filing views begins to toll the day immediately following the day on which a committee orders a measure reported and expires at midnight of the third day. Since presently there is no automatic authority for a committee to file immediately upon the expiration of this third day, it may be another day before the committee files its report, and yet another day before the report becomes available in the document room. Only then will the three day layover period for members' review of the re-

port begin. Thus, more than two weeks may go by before a bill becomes available for floor consideration.

In the interest of both preserving this important right and using our time well I would recommend the following: tighten the way in which the three day period for filing views is calculated by starting the clock tolling immediately upon a committee's ordering of a bill reported. Often many valuable hours remain in a day on which a bill is ordered reported. Additionally, I would recommend giving committees automatic authority to file until midnight of the third day.

These changes arguably would achieve the dual goal of allowing for more efficient scheduling of legislation and insuring an adequate period for members to file and review views. While the Committee on Rules would still reserve its right to waive the three day layover requirement, I believe that if these changes were to be made the need for such waivers would be significantly reduced. In fact, I think it is safe to assert that had this proposal been in place earlier this Congress, none of the waivers of the three day layover period granted by my Committee would have been necessary.

My final recommendation is that the House, in some manner, implement the Oxford-Union style debate program proposed by Norm Ornstein and Tom Mann. Such a program strikes me as a useful vehicle for conducting thoughtful, substantive, and balanced debate on important national issues. Unlike one-minute or special orders which tend to be one-sided monologues free of contest or rebuttal, such a program would allow for a meaningful exchange of ideas between members and would serve as a valuable supplement to our regular debate time on major legislation.

In closing, I would like to add that I agree with the prevailing sentiment that procedural or mechanical changes alone will not cure the ailments of this Institution. Attitudinal change is as important an ingredient. I am encouraged by the progress that is already being made in this area and hope that we can sustain this spirit of cooperation throughout the 103d Congress.

I again thank the members of the Joint Committee for this opportunity to testify before you today. I would be happy to answer any questions.

#### STATEMENT OF HON. DEBORAH PRYCE

Let me begin by thanking the members of the joint committee for the opportunity to share some perspectives as a member of the freshman class on the need for congressional reform. Examining changes to this venerable institution is a significant challenge and responsibility, and I commend you all for the work you are doing.

I would also like to recognize the contributions of my colleague Jennifer Dunn, a member of the Joint Committee, whose active participation helps give voice to the concerns of newly elected Republicans in the 103rd Congress.

As you may know, unlike my colleague, Congressman Lincoln Diaz-Balart, I did not come to the House of Representatives with any previous legislative experience. My experience comes from a legal background—having served as a county prosecutor and municipal court judge in Franklin County, Ohio.

Because I was a relative "outsider" to the legislative process here in Congress, I felt I was in a unique position to better understand the growing dissatisfaction among voters across America over the way Congress

conducts its business. Achieving meaningful congressional reform was a theme I emphasized throughout my campaign. I saw my victory as an opportunity to work for the kinds of changes necessary to improve the American public's confidence in their national legislature.

If we learned anything from last year's elections it is that the American people expect us to have our own house in order. In an effort to respond to that call, the Republican and Democratic freshman classes each introduced a comprehensive set of reform proposals early in the session. I'm hopeful that the efforts of the freshmen classes, as well as those of the Minority Leader's Task Force on Congressional Reform, and your deliberations on this committee can combine to bring about genuine congressional reform during the 103rd Congress.

While Lincoln and I are pleased to come before you as representatives of the Republican Freshman Class, we are also here on behalf of the Republican Leader's Task Force on Deliberative Democracy in the House, of which we are both members. The Task Force's purpose is simple: to educate Members and the public about abuses of the democratic process in the House. Our message is equally simple: the American people can be better served by a Congress which respects the right to free and open debate on the merits of the issues.

The Task Force has, up to now, focused on the need to increase the number of opportunities in which Members can offer amendments to major legislation being considered on the House floor. By refusing to allow bills to come to the floor open for amendment, millions of citizens are literally disenfranchised when their respective Representatives are prevented from offering various amendments. When Members of Congress are elected with the expectation that they will be exercising their rights as lawmakers on behalf of their constituents, only to be told that they may not fully participate in the democratic process, there is something seriously wrong with the democratic scheme of things in this body.

On April 22nd, the Deliberative Democracy Task Force released a brief report assessing the state of deliberative democracy in the House today. We feel very strongly that true deliberative democracy—the very process on which responsible representative government depends—is in a dangerous decline. In the report is a chart which shows that for every Congress since the 95th Congress, the number of open rules as a percentage of total rules granted has steadily declined, and, some would say, at an alarming rate. For example, in the 95th Congress, 85 percent of all rules granted were open. In the 99th Congress, 57 percent were open. In the 102nd Congress, that number dropped to 34 percent. So far this year, we have had only one open rule.

I would like to take a moment, though, to commend the Rules Committee for granting an open rule to the National Competitiveness Act, H.R. 820. It may have taken the House nearly three weeks to get through this one bill, but as former Speaker Sam Rayburn once put it:

"Not all the measures which emerge from the Congress are perfect, not by any means, but there are very few which are not improved as a result of discussion, debate and amendment. There are very few that do not gain widespread support as a result of being subject to the scrutiny of the democratic process."

By focusing on educating the voting public, the Task Force on Deliberative Democ-

racy hopes to raise the level of awareness and understanding of where the democratic process is headed in the House. In an increasingly competitive world community, we need to foster the kind of deliberative process in which we are all involved in developing the best possible laws under which we and our constituents will be proud to live. And so I would encourage this Committee to take a serious look at how granting more open rules can bring about substantive improvements to major national legislation.

It is true that the American people voted for change and an end to gridlock. But they don't want us to end gridlock at the expense of democracy or by diminishing the "scrutiny of the democratic process" which Speaker Rayburn described back in 1942.

When Ross Perot spoke to the Republican freshman class yesterday, he reminded us that the American people are watching this institution very closely. They want, and they expect, a Congress which crafts its policies in a thoughtful, deliberate manner and they expect their elected Representatives to be able to improve legislation at all points along the process—in subcommittee, in full committee, and ultimately on the floor of the House.

At a recent gathering in my district, several leaders of the local business community asked me why no Member had offered an alternative to the Family and Medical Leave Bill based on tax incentives rather than more federal mandates. I did my best to explain that just such an amendment had been offered but that the Rules Committee did not allow it to be debated on the House floor when it came time to vote. When constituents expect us to debate the issues thoroughly, it's difficult for Members to explain to them why they are not given those opportunities to vote on alternative amendments when major bills come before the full House.

In closing, let me say that I recognize that reaching agreement on promoting freer and more open debate will not come easily. Although it is one element of a much broader effort to make representative government in the House truly representative, moving toward a policy of more free and open debate will very likely raise the level of esteem in which the American people hold this institution.

As I said at the outset, this Committee has a heavy responsibility to recommend reforms to Congress and I commend you for the work you are doing. I appreciate having the opportunity to share my thoughts with you and look forward to working with you in the time ahead. I think I can speak for my colleagues in the Republican freshman class in saying that we are more than willing to work with our friends across the aisle to bring about meaningful congressional reform.

#### STATEMENT OF LINCOLN DIAZ-BALART

Thank you, Mr. Chairman and Members of the Committee for this opportunity for us to address the Joint Committee on open rules. I am here to speak on behalf of the Task Force on Deliberative Democracy, representing the New Member perspective along with my colleague, Deborah Pryce. As new Members of Congress, we come from somewhat different backgrounds. Ms. Pryce brings with her valuable knowledge from being a very respected judge in Ohio, and I am honored to share this panel with her. I would like to focus my remarks on my experiences dealing with rules as a state legislator in Florida.

I am encouraged by the meaningful discussion that is taking place in this committee.

I believe some refreshing points of view have been offered and would hope that many of the suggestions will be implemented.

In the Florida House of Representatives, we were dealing with over a quarter as many people as the U.S. House, but we only had two months each year to meet and complete our legislative business. Amendments were often defeated by the majority, but every member had the right to offer a germane amendment to every piece of legislation. Often, amendments were offered when committees were marking up bills, but they could also be offered directly on the floor. The only limits were on the time involved for debate. Each amendment had the opportunity to be decided on its merits, and by the full House. Accordingly, each constituent in Florida was equally represented because each member of the State House had the same opportunity to offer amendments to legislation. It was not chaotic because the minority had no incentive to resort to dilatory tactics. We were able to compromise and work with camaraderie to get major legislation enacted.

I have made my first visit to the esteemed Rules Committee of the U.S. House of Representatives.

I went to testify about an amendment to the Unemployment Benefits Extension bill that would have helped victims of Hurricane Andrew. Congresswoman Carrie Meek offered a similar amendment. The Rules Committee patiently listened, and no one even argued that our amendment was a bad idea or too costly. In fact, Members seemed to agree that the people we were trying to help were indeed worthy of our assistance.

However, no amendments that members offered that day were allowed to the bill. Not one of our amendments was given the chance to be decided by the full House on its merits. Not one of us got the chance to have our amendment fully debated. We were told that the Administration wanted a "clean bill," and therefore no amendments would be made in order.

It is my hope that the House of Representatives can enact legislation based upon its own beliefs and the wishes of all of our constituents. As Members of the House of Representatives, we have to answer to our voters every two years and are the elected federal officials responsible for representing the interests of our own particular part of the country. Opening up the rules process in a reasonable manner will let members offer amendments that their peers in the full House may approve or disapprove, based on substance and the merits of each proposal. A more open rules process will enable the government to operate efficiently, and yet fairly and with the proper balance of power among all branches.

#### EAGLE SCOUT HONORED

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from the Third Congressional District of Illinois who has completed a major goal in his scouting career. Jay Verdugo of Riverside, IL will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in America attain the

rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

Jay has been very active throughout his academic career at Saint Mary's School. He has been on the honor roll, received perfect attendance awards, elected to the student council, and participated in the safety patrol. Jay is particularly gifted in Math and Science and has participated in various competitions with area schools as well as attended a summer camp for gifted students at Illinois Math and Science Academy in Aurora, IL. Additionally, Jay is a talented musician playing the tenor saxophone.

Jay has shown commitment to his community not only in his scouting, but also by helping at the Fairfax Senior Retirement Home and by donating his time to area orphanages and hospitals. By belonging to the Polish National Alliance, Jay has helped to plan and volunteer at children's Christmas parties.

For his Eagle Scout project, Jay did an excellent job cleaning up the area surrounding Mooseheart Lake. In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Jay Verdugo for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish him the very best in all of his future endeavors.

#### NASA BILL INTRODUCED

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. BROWN of California. Mr. Speaker, today, I am introducing the NASA authorization bill for fiscal years 1994 and 1995. This as you know, is a very important year for NASA and for the space program and the legislation we are recommending is intended to address some very significant changes that are taking place. The end of the cold war, the stagnation in the discretionary budget, and the new views and philosophy of this administration will shape a very different space and aeronautics program than we have had over the past decade. This bill is intended to guide NASA through this period of change.

These factors also have affected the work of Congress. One of the internal problems we are dealing with today is the very compressed schedule for the budget process. The delay in receiving the details of the budget—together with the need to pass authorizing and appropriations bills in a timely manner—has forced us to adjust our customary schedule in order to keep our place in the budget process. We are mindful that the Appropriations Committee also must act soon, so we are introducing our bill today to clearly set forth our priorities and our position on a variety of important issues.

As you know, one of the most important decisions we have had to make this year is how to deal with the space station. Over the past 5 months, we have all lived from rumor to rumor and this has been quite unsettling. However, the general outlines of the process are beginning to take shape and we believe our decision is a prudent one. We are rec-

ommending that NASA proceed with a scaled-down version of the space station *Freedom*. The Freedom Program has matured a great deal and, in our view, offers the most credible approach to satisfying scientific needs. It also offers the best path to evolution to a permanent manned capability and incorporation of cost saving technologies in the future. Finally it continues our commitments to our international partners.

We believe that the Freedom-derived station can be built for an annual funding level of \$1.9 billion through the year 1999 and can be operated and incorporate some important enhancements for \$1.3 billion thereafter. Over the next 5 years, this constitutes a savings of \$3 billion or 24 percent from the existing Freedom baseline.

We are mindful that the administration has set a limit of \$1.8 billion per year and \$9 billion over the next 5 years. Our recommendation exceeds this and provides \$1.9 billion per year and \$9.5 billion over the next 5 years. It also extends the development period a year beyond what the administration has stated as desirable. However, simply said, our proposal is what is required to credibly carry out the program and meet international commitments.

We have followed very closely the ongoing redesign process that NASA is carrying out, and I want to commend the administration and NASA for the close consultation they have established with Congress. This has been difficult for us all. Although a great many innovative ideas have surfaced—and this has been a valuable exercise—none of the alternative concepts to emerge in discussion so far have the potential to mature to the state that now characterizes the Freedom design.

Any new concept, however attractive it may sound, will require detailed study and development before I would feel comfortable with any large-scale commitment. Thus, the Freedom-derived station is the only design I intend to support. If the Nation decides not to pursue the *Freedom* space station, I would recommend that we give much more serious consideration to our next step than a 90-day study can provide.

I want to commend the team of engineers that has labored around-the-clock at NASA to develop alternative station designs. But the problem we are here to address today is not an engineering problem—it is a political problem. I do not believe that any design other than the Freedom-derived option will carry the support of the House, and we risk losing the project altogether.

If we find we are unable to keep our commitment to *Freedom*, we need to fundamentally reexamine our ability to carry out any large-scale technical effort with Federal funding. We will need, in my view, a more tangible contract between Congress, the administration, the industry, and the science community in order to sustain our next large scale commitment. This may entail relatively simple things like multiyear budgeting, but it probably will need more than that—it will need a genuine consensus.

Finally, I want to conclude by saying that this is not an effort to upstage, embarrass, or criticize the administration or NASA in any way. The introduction of this bill is necessary to keep our place in the budget process and

our position on the space station represents many weeks of soul searching. We will not mark up this bill until we have had a chance to fully review the redesign options how being developed by NASA. At that point I hope we can move expeditiously to the floor.

#### THE BRAILLE WRITER'S 100TH ANNIVERSARY

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MICHEL. Mr. Speaker, the 1992-93 school year has been the celebration of the 100th anniversary of the invention of the very first braille stereotype machine.

Actually two machines revolutionized communication by and for the blind. Named the Hall braille writer and Hall stereotype machine after the inventor, Frank Haven Hall, superintendent of the Illinois Institution for the Education of the Blind in Jacksonville, IL, both machines operated much like a typewriter.

They had a single oval spacing key between two groups of three keys, much like those of a piano. Each key controlled a punch that embossed one of the dots in a braille cell on the paper or bases sheet inserted in the back of the machine.

The Hall braille writer enabled persons who were blind to write on paper so it could be read by other blind persons. The Hall stereotype machine was the first printing press for mass producing braille so that a greater variety of materials was made available.

Superintendent Hall was proud of the fact that neither he nor any of the persons connected with the development of the first braille writer and braille stereotype machine profited from the invention.

When he met Helen Keller, then 13, at the Chicago World's Fair in 1893, she was told that he was responsible for the writer that she used so often. She put her arms around his neck and gave him a big kiss on the cheek. Hall could never tell of this incident without tears in his eyes.

Because the Hall writer and stero typer operated so efficiently, they provided a strong argument for adopting braille as the written language of the blind, both in the United States and throughout the world. The fundamental principles used in these machines remain today even as computer braille and other technologies enhance reading and writing for the blind.

My best wishes go to the students/staff of the Illinois School for the Visually Impaired and those concerned with literacy for the blind throughout the world as we all celebrate the 100th anniversary of the invention of the first braille writer and stereotype machine.

MEMORIAL DAY TRIBUTE TO  
AMERICAN VETERANS

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DINGELL. Mr. Speaker, as our Nation prepares to observe Memorial Day this year, we are reminded once again of the importance of America's position as the sole remaining superpower.

Just since the beginning of this year, the United States has begun and ended a peace-keeping operation in Somalia and now prepares for the possibility of a similar mission in the warring Republics of the former Yugoslavia. In addition, the threat of new conflicts across the globe, in places like Cambodia, the Middle East, and even the former Soviet Union, demonstrate that our Nation must maintain its military superiority. Such superiority is relied upon by our Nation, as well as by other nations who look to the United States to defend the principles of freedom and democracy worldwide.

At the same time, there are many other issues on the minds of veterans: improvements in veterans health care, the impact of national health care on the VA health care system, the budget deficit and its impact on veterans' programs' and normalization of relations between the United States and the Socialist Republic of Vietnam. While many issues divide this Nation, Mr. Speaker, I think it is significant that during this time of difficult Federal spending cuts, I have heard from veterans who have said they are willing to share in sacrifice once more for the future of our country. Today, I think such expressions are true demonstrations of patriotism.

Mr. Speaker, I would finally like to note that this Memorial Day holds special significance because it prepares us for a week of national observance of World War II, June 1-7, 1993. For those of us who served in this conflict, it is a time to reflect upon the sacrifices of those who gave their lives in America's largest war, together with all the men and women who have defended our freedom over the past 217 years.

VIOLENT CRIME CONTROL ACT OF  
1993

**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. GEKAS. Mr. Speaker, I appeal today to my colleagues on this historic day to take command of matters related to one of the most fundamental purposes of democratic government; that being the protection of its citizens. The horrendous statistics of unmitigated violence that besiege this Nation have become mere benchmarks of the seeming indifference of an administration adrift on the issue of violent crime in America. The chilling reality of 24,700 murders, 106,590 forcible rapes, and nearly 2 million violent crimes in 1991—the latest year for which statistics are

available—has failed to motivate any sense of urgency within the executive branch.

Standing in stark contrast to this ongoing domestic tragedy is a Department of Justice largely void of the policy-level personnel necessary for the development of a comprehensive national anticrime strategy. Compounding this situation further is the unprecedented decision by the new Attorney General to seek the resignations of all 93 U.S. attorneys before replacements have been named. The void created by that decision is incalculable and portends certain havoc for the Law Enforcement Coordinating Councils which are the primary forum for State, local and Federal coordination on law enforcement efforts nationwide.

We in Congress have witnessed this transition with hopes of joining with the administration in a plan to end the victimization of society by wanton criminals. We have waited for the new administration to set priorities in the fight against violent crime. Their most notable signal has been a sharp reduction in funding for prison construction contained in the President's budget submission. This is the response to a prison system that is currently 144 percent overcrowded. I can only conclude from the evidence that my hopes for progress against violent crime are pending another reinvention of Government.

The leadership in Congress seems no more willing than the administration to attack the source of violent crime; the criminal. The most prominent anticrime effort moving in Congress today is the Brady Bill, legislation that would affect more law-abiding citizens than criminals. Also, hearings are being held today in the House Subcommittee on Civil and Constitutional Rights will examine habeas corpus issues. With all respect for the views of chairman of that subcommittee, he believes that the system of habeas corpus in America is too restrictive on Federal review of State capital sentencing decisions. These views are in direct conflict with the recommendations of the Powell Commission which looked at the issue of abuse and delay in capital cases. The above-stated examples are indicative of the fundamental difference between approaches to attacking the issue of violent crime in America. The recognition that there are three distinct parties to every crime: the criminal, the victim, and society itself highlights this distinction further. Recognition of the rights and privileges of each has a demonstrable effect on the others.

Mr. Speaker, I believe that it is long past time to consider the loss of life and liberty by law-abiding citizens in American society. It is time to act to make the criminal pay for the crime. Violent crime has reached such levels as to hold all society hostage and we in this body must fulfill our responsibilities to address the issue. For this reason, I am introducing the Violent Crime Control Act of 1993. This legislative proposal includes the death penalty procedures that I have proposed over the period of several years in the House. In 1990, and again in 1991, this body has adopted by death penalty procedures and provisions only to have them sacrificed in conference by those who oppose them on the floor. These procedures and conforming amendments will enable law enforcement authorities to seek the death penalty for the most heinous Federal crimes,

including those which occurred recently at the World Trade Center and the deaths of Federal agents in Waco.

In addition, this legislation borrows from the hard work and well-documented individual proposals of some of my colleagues in the areas of habeas corpus reform, exclusionary rule reform, use of guns in crime, terrorism, child and sexual abuse. The common approach to all of the elements of this legislation is that they put the focus on removing the criminal element from society. Research has concluded that sentencing 1,000 additional violent offenders to jail would avert 187,000 felonies and save society roughly \$430 million in costs associated with crime. The provisions in this legislation dealing with recidivist violent offenders would have a dramatic affect on society. Consider that those arrested for a violent felony average 9.4 prior arrests, 4.5 of which are felony charges. How often have we read recently news accounts of violent crimes, including murder, being committed by individuals recently released from jail.

This legislation would insure that the most violent criminals are not afforded the opportunity to continue to victimize. Finally, this legislation would provide \$500 million for additional prison construction to back up our commitment to remove violent criminals from society.

Mr. Speaker, I again appeal to every Member of this body to join me in the fight to liberate America from the oppression that is violent crime. The failure to act is the most inexcusable crime of all.

NATIONAL SERVICE TRUST ACT  
OF 1993

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. MARTINEZ. Mr. Speaker, the National Service Trust Act, which I was happy to co-sponsor with over 180 Members from both sides of the aisle is working its way through the legislative process.

This legislation has two very noble purposes—to maximize the use of one of the Nation's most important resources—our spirit of volunteerism, and to invest in the education of our people who desire to gain a college or other postsecondary education.

Volunteerism is a way of life in the United States and has been since our earliest days. The willingness of Americans to lend a helping hand to a neighbor in need is what made this country great—from the colonial days through the present day.

Federal investment to enable programs such as VISTA and the Older American Volunteer Programs have proven time and time again to be worth much more than the few dollars we authorize each year.

Part of H.R. 2010 is designed to reauthorize those programs and to reorganize the way they are managed.

Another major aspect of the bill is to expand the volunteer programs to include a far greater number of people in the federally supported volunteer and community service effort.

States, local governments and local non-profit organizations will all benefit from those provisions because of the additional resources being made available.

Participants in VISTA and the Senior Volunteer Programs will also continue to benefit from the opportunity to serve in a meaningful way.

By 1997, as many as 150,000 young, and not so young, people who are pursuing higher education will also benefit from the rich personal rewards of engaging in needed community service activities that will help their communities. They will also earn stipends that will enable them to devote a year or two to community service.

And finally, they will earn education benefits that can be applied directly to their tuition, fees, and other costs of higher education, or used to reduce their student loans.

I am proud to have been asked to introduce this legislation. I look forward to working with you, Mr. Speaker, and the other Members of the House to ensure that the final legislation reported out of this body is as strong as it can be. Hearings held this week and next will be of great assistance to us in that effort.

Mr. OWENS and I will jointly convene a hearing next week to look specifically at how this legislation deals with the programs under the Domestic Volunteer Service Act, which we have for reauthorization, and which we expect to include in the final bill.

I recommend that my colleagues on both sides of the aisle look at this legislation, consider cosponsoring it, and provide me with your ideas, suggestions, and proposals to improve it.

**SMALL BUSINESS JOINT VENTURE  
LEGISLATION WITH THE FORMER  
SOVIET UNION**

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. TRAFICANT. Mr. Speaker, yesterday I introduced legislation proposing my own program for assisting the newly independent states [NIS] overcome their present economic difficulties. As you know, I do not support foreign aid to any nation when our Federal budget deficit is out of control and when we cannot afford to fund important domestic programs. However, I recognize that unless there is stability in the former Soviet Union, the United States Federal budget deficit will continue to skyrocket and defense will continue to command a disproportionate amount of this Nation's overall budget. The program I am proposing assists the economies of the NIS as well as the economy of the United States. It protects U.S. workers and costs the Federal Government practically nothing.

My proposal authorizes the Secretary of State to carry out a loan program that will support the establishment of joint ventures between U.S. small businesses and NIS small businesses and entrepreneurs. U.S. small businesses selected for participation in joint venture must be more than 50 percent owned by U.S. citizens. It authorizes \$100 million for

the overall program with \$100,000 the maximum amount that can be loaned out for each joint venture.

Under the legislation, the Secretary of State is required to award a contract, through a competitive process, to a private entity to set up a database of U.S. small businesses. That private entity will play a large support role and perform a lot of the groundwork for the Secretary in the overall program. As a result, my legislation requires that the entity have experience in business activity in at least one state of the former Soviet Union.

Under my bill, the Secretary is responsible for informing U.S. small businesses that the program exists and that, if interested in participating in the program, they should register with the database contractor. Proposals by NIS small businesses and entrepreneurs are submitted to the Secretary who then forwards them to the database contractor. The database contractor is then responsible for forwarding the proposal to all U.S. small businesses in the database that are engaged in whatever trade the proposal centers on. Examples of trades manufacturing, telecommunications, energy production, environmental protection, agriculture, housing, aviation and defense conversion. The NIS and U.S. entities then work out joint venture proposals among themselves.

Actual joint venture loan applications are then submitted to the database contractor who then investigates the NIS entity's resources to ensure that the entity has the resources it claims that are relevant to the application. The contractor then makes recommendations about the joint venture, relevant to criteria outlined in the legislation that the Secretary of State must use to determine whether or not it will approve the contract. Finally, the contractor submits all applications with recommendations to the Secretary of State and the Secretary makes the final decision on loan approval.

Among the criteria for loan approval are the following: First, preference shall be given to joint ventures involving U.S. small businesses located in economically depressed communities—defined as rural or urban communities which, relative to other communities in the United States, are depressed in terms of age of housing, the extent of poverty, the growth rate of per capita income, the extent of unemployment, job lag, or the extent of surplus labor; second, preference shall be given to loans that will be most cost-effective; third, preference shall be given to joint ventures that have the greatest likelihood of success—a loan may not be made to a joint venture if the Secretary determines that the joint venture is unlikely to be successful; and fourth, preference shall be given to joint ventures that are most likely to benefit the participating U.S. small businesses and U.S. economy.

Under the legislation, loan repayment is not required during the first 3 years of the loan. After the first 3 years the Secretary is required to set regulations to determine the terms of repayment with the proviso that interest shall not accrue during the first 5 years of the loan. Thereafter, the rate of interest will be based on the average of the Consumer Price Index.

My legislation has numerous safeguards that protect U.S. workers. It specifically pro-

hibits the transfer of jobs from the United States. Therefore, no loans setting up joint ventures will be given out to a U.S. small business that would transfer any business operations or activity that it has been carrying out in the United States to any location outside the United States.

In addition, all products, parts and components that are manufactured as a result of these joint ventures overseas cannot be reimported into the United States. This protects U.S. workers because products made in the United States will not have to compete with these products made overseas. My legislation includes enforcement provisions to ensure goods not be reimported into the United States, even if the goods or parts have been exported to another nation. Joint venture partners that produce goods for export must submit notification to the Secretary of their intention. They must specify the foreign recipient of such exports, identifying characteristics of such goods and the amount of goods to be exported. The Secretary must then provide such lists to the Commissioner of Customs.

The type of joint ventures I envision are ones in which the participating U.S. small business provides the management, accounting, marketing, training and other business expertise and the participating NIS entity provides the understanding of local needs and conditions and the local resources needed by the joint venture. Any goods produced by the joint venture should be sold within the NIS—however, products can be exported, but not to the United States.

In this way, the NIS entity is given an opportunity to learn American management and business expertise and the U.S. small business is given the opportunity to aggressively expand into a foreign market, developing the market to the United States' advantage. Through this program, the U.S. entity is provided with the capital necessary to establish a joint venture that would otherwise be out of its reach. In short, my legislation places U.S. businesses in a good position to develop foreign markets for American products and skills. This increases the chance that, as the NIS nations democratize, they will choose U.S. trading partners.

If it is necessary for the United States to help the former Soviet Republics democratize and develop open markets, this is what the United States should be doing—loaning money out instead of giving money out and, at the same time, helping the United States economy grow by giving United States small businesses the opportunity to expand into areas where they otherwise could not expand due to lack of resources. I urge my colleagues to cosponsor this important legislation. It is a responsible way to aid the former Soviet Republics.

**AGRICULTURAL CREDIT EQUITY  
ACT OF 1993**

**HON. CALVIN M. DOOLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to introduce legislation with my colleague RICH-

ARD POMBO to address the very real need for increased credit availability in rural America. The Federal Government has long recognized the need to provide farmers with the ability to finance the purchase and operation of a farm. Unfortunately, the Farmers' Home Administration [FmHA] programs that have been so helpful to many rural communities are constructed too narrowly to provide assistance to all communities. In California, the shortfalls of the FmHA programs are all too evident. In 1992, only 36 percent of the available operating loan funds and 29 percent of the farm operating loan funds allocated for California were used.

My bill, the Agricultural Credit Equity Act of 1993, addresses the differences in land and crop values in different parts of the country; the differences in farm operations for different crops; and other variables that the current programs do not address.

#### INDEXING OF LOAN LIMITS

The current FmHA loan program limits guaranteed loans to \$300,000 for the farm-ownership program and \$400,000 for the operating program. The Agricultural Credit Equity Act of 1993 would direct the Secretary of Agriculture to develop an indexing system, based on the Census of Agriculture, to allow for higher loan limits in areas where land values, operating costs, or both, exceed current program levels. In no case would the Secretary be able to drop the loan limits below current levels. This program is patterned after the Federal Housing Administration [FHA] program that provides for housing loan guarantees with limits based on the average value of housing in a particular area.

Indexing of credit limits will allow farmers in areas with high land costs to use the FmHA loan guarantee programs. While farm land can be purchased in some States for \$700 an acre, land values in the San Joaquin Valley of California, the number one agricultural producing area in the country, range from \$2,500 to \$7,500 per acre. The FmHA loan limits make it virtually impossible for a family farm in that region which I represent to take advantage of the programs. While the FmHA programs are designed to allow people to farm full time, the lack of credit availability in my district is making it difficult for family farms to begin, continue, or expand operation. Many States, including Florida, Hawaii, and much of the Northeast, are facing the same situation. This change will benefit many communities across the Nation, and will not change or adversely impact the eligibility chances of farmers from areas with lower land values, and operating costs, or both.

#### FAMILY FARM DEFINITION

The FmHA programs were designed to help family farmers get into the stay in farming. However, the definition of what is and what is not a family farm is difficult to determine. FmHA typically uses a national policy that defines any farm with more than two full-time employees to be disqualified from participation in any FmHA program. This limitation is entirely unfair to farmers who produce specialty crops, crops that do not use mechanized harvesting equipment, or farms that must rely completely on irrigated land. It is a simple fact that regardless of how many hours a farmer works, there are some jobs that must be trusted to employees. These include supervising

weeding crews, irrigation crews, harvest crews, and other activities involved in the growing of perishable commodities. Most of the farms in my district are truly family farms, but they are discriminated against in the FmHA program because of the number of full-time employees needed to run these operations. The current definition is so inflexible that a farmer in the San Joaquin Valley who was confined to a wheelchair was denied a FmHA guaranteed loan because he had more than two full-time employees. Clearly, this is not fair, and was not the intent of Congress when the guaranteed programs were developed.

#### CREDIT AVAILABILITY

The legislation would also allow the FmHA to consider the availability of commercial credit in the area when making a determination about the ability of a farmer to qualify for an FmHA loan guarantee. Under current policy, the FmHA can only look at the financial need of the farmer, not at the ability of the area credit market to provide funds. The fact is that in many parts of the Nation, community banks do not have sufficient deposits to make long-term loans with fixed interest rates, unless they have access to the secondary market. While a farmer with a stable financial situation could in theory get credit without the FmHA guarantee, the practical fact is that in many communities that is not possible.

#### MARKETING AGREEMENTS

The bill also addresses the use of a common marketing arrangement in which the producer of a perishable commodity enters into a contract prior to harvesting a crop with a large shipper. Without these arrangements, small family farmers would not have access to the markets they do now, and would severely limit their ability to sell their crop. Current FmHA policy prohibits a farmer who enters into such a grower-shipper agreement to qualify for a guaranteed loan. This prohibition is in place because of the concern that an undue benefit is being provided to a larger than family-sized entity. In reality, these agreements are for the primary benefit of small farmers who could not market these crops on their own. It is unlikely that a grower-shipper would negotiate a separate contract with a small farmer simply to obtain an FmHA loan guarantee.

#### EMERGENCY LOAN PROGRAM—FAMILY FARM DEFINITION

Finally, the bill would make a change in the Emergency Loan [EM] Program to bring it into line with the other FmHA loan guarantee programs. Shortly after I was elected to Congress in 1990, my district was hit with a devastating freeze. The freeze wiped out most of the lemon and orange crops. Farmers turned to FmHA for assistance through the EM loan program. However, it became clear that the program had a number of problems. My bill would address one of the major obstacles.

Specifically, under the operating loan and farm ownership loan programs, FmHA has the option of considering a family farm, where all owners are related by blood or marriage, as if each owner were an individual owner of his or her share of the family operation. In effect, this provision of law allows families who have pooled their land and farm resources into a single entity to be able to qualify for an FmHA loan. However, this treatment of family farms

has not been extended to the Emergency Loan Program. Anyone who represents an agricultural district that has sustained a disaster must be aware of this discrepancy in law. I believe that this provision of my legislation goes a long way in addressing this problem.

I believe that my legislation makes some sensible changes in the FmHA guaranteed loan program. The record clearly shows that the loss rate to the Government under the guaranteed program has been many times smaller than that under the direct loan program. The fact is that when private lenders have a 10 percent risk in a loan, it creates a situation where loans are made only to those with the ability to repay and increases the stability of the program. In California, for example, the actual loss rate in the guaranteed loan program over the last 5 years has been less than one-half of one percent.

I want to emphasize to my colleagues that this legislation is in no way intended to reduce the availability of credit in States with high FmHA participation. In fact, according to FmHA figures, more than 50 percent of the guaranteed program funds have gone unused in the past 2 years. This is unbelievable in light of the serious credit crunch facing all of our communities. The guaranteed program should be fully utilized. My legislation will allow this to happen.

In conclusion, I believe that the common sense provisions encompassed in the Agricultural Credit Equity Act of 1993 will extend family farm opportunities in areas where they have not previously been available, at little or no cost to the taxpayer. The bill will assist many rural communities in job creation and economic development by extending the availability of a proven program. I urge my colleagues to support the Agricultural Credit Equity Act of 1993.

#### TRIBUTE TO THE ASIAN/PACIFIC AMERICAN FEDERATION

#### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. BROWN of Ohio. Mr. Speaker, on May 29, 1993, the Asian/Pacific American Federation will celebrate its presidentially proclaimed Heritage Month at Cleveland State University. The history of Asian and Pacific Americans in the United States is a long and honorable one which deserves much recognition and tribute.

Determined to uphold America's promise of freedom and opportunity for all, generations of Asian and Pacific men and women have helped this Nation to grow and prosper. A century and a half ago, many of these Americans contributed to the economic development of the United States through their labors on the plantations of Hawaii and in the mines of California. The important role played by many Asian and Pacific Americans in the building of the first transcontinental railroad is well documented: their determination and hard work are well known. With diligent effort and abiding faith in the American dream, Asian and Pacific Americans have steadily advanced, earning ever greater respect and admiration from their fellow citizens.

Today, men and women of Asian and Pacific ancestry continue to make many important contributions in our Nation. In public service, science, commerce, education, and the arts, Asian and Pacific Americans are setting high standards of achievement.

Time and again throughout our Nation's history, Asian and Pacific Americans have demonstrated their dedication to ideals upon which the United States is founded. In times of war and in times of peace, they have faithfully defended the principles of freedom and representative government. They have worked for the advancement of human rights and democratic ideals around the world, and they have promoted greater appreciation for our system of self-government here at home.

This month, all Americans join with our neighbors of Asian and Pacific descent as they celebrate the unique customs and traditions of their ancestral homelands. These customs and traditions have deeply enriched the wonderful heritage we share as a nation.

Today, I ask my colleagues to stand and recognize a truly outstanding organization. Please join me in wishing the Asian/Pacific American Federation a memorable, rewarding, and highly successful observance of their important month of recognition.

TRIBUTE TO PRESIDENT LEE  
TENG-HUI AND PREMIER LIEN  
CHAN

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. ORTIZ. Mr. Speaker, I rise today to extend my best wishes and congratulations to President Lee Teng-hui and Premier Lien Chan of the Republic of China on the occasion of President Lee's third anniversary in office, which is May 20, 1993.

President Lee was sworn in as the eighth President of the Republic of China on Taiwan on May 20, 1990. In the last 3 years he has led his country with wisdom and inspiration.

I congratulate President Lee on his fine leadership and efforts to enhance understanding and good relations between the United States and the Republic of China on Taiwan. I also appreciate the efforts made by Representative Mou-shih Ding. Representative Ding has kept those of us in Congress aware of developments occurring in the Republic of China on Taiwan.

I look forward to continuing good relations and growing mutual understanding between our peoples.

TRIBUTE TO PRESIDENT LEE  
TENG-HUI OF THE REPUBLIC OF  
CHINA

**HON. GREG LAUGHLIN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. LAUGHLIN. Mr. Speaker, I would like to salute President Lee Teng-hui of the Republic

of China on the occasion of his third anniversary in office, which is today, May 20, 1993.

President Lee Teng-hui is a truly outstanding leader. He has turned the island-nation of Taiwan into a major economic power and a showcase of democracy. The people on Taiwan enjoy one of the highest standards of living in Asia. In fact, their per capita income of \$10,000 rivals that of New Zealand.

Like many friends and admirers of the Republic of China, I am proud to see Taiwan doing so very well and I hope that it will continue to flourish and prosper in the future.

CLARIFICATION OF THE BUDGETARY TREATMENT OF SOCIAL SECURITY ADMINISTRATIVE EXPENSES

**HON. ANDREW JACOBS, JR.**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 20, 1993*

Mr. JACOBS. Mr. Speaker, today I am introducing H.R. 2206, which amends the Omnibus Budget Reconciliation Act of 1990—Public Law 101-508—to clarify that the expenses of administering Social Security are to be placed off-budget, just like Social Security benefits. I am pleased that Chairman ROSTENKOWSKI has joined me as an original cosponsor of this legislation.

In the 101st Congress, we responded to public concern over the alleged use of Social Security trust funds to mask actual Federal deficits. In essence, we make Social Security independent of the regular Federal budget. In other words, the financial accounting of Social Security Old-age, Survivors and Disability Insurance [OASDI] Program would not in any way be intermingled with the financial accounting of the rest of the Government.

The trouble is that, despite this law, the Office of Management and Budget says that the administrative costs of the Social Security Program should be subject to the general caps on Federal spending that we passed in the Budget Enforcement Act of 1990—Public Law 101-508.

The Social Security trust funds are not in trouble. They are in surplus. They can well afford to pay for their own administrative expenses. OMB is posing a hardship on Social Security beneficiaries by suggesting that the Social Security trust funds have anything at all to do with the Federal deficit. According to recent testimony before the Social Security Subcommittee:

First, the backlog of pending disability claims now stands at approximately 700,000 and, without additional funding, is projected to rise to 1.3 million by the end of next year; and second, qualified applicants must now wait an average of 3 months for initial decisions on their claims and, without additional funding, will have to wait 5 months or more by the end of this year.

Appropriations from the trust funds for administration should be based on the needs of the Social Security Program, which the trust funds can well afford to finance, rather than on the size of the Federal deficit.

Accordingly, I have introduced legislation to make clear that Social Security, including the

funds for its administration, is in fact financially independent of the rest of the Government. Under this bill, administrative expenses would continue to be subject to annual appropriations. In addition, appropriations would be further limited by a budgetary point of order against any bill that provides Social Security administrative funding of more than 1.5 percent of estimated benefit payments for the year.

Not only is this legislation logical but it is fair. The people who pay the Social Security tax are entitled to get what they pay for—and that includes adequate administration of the Social Security Program. Inadequate administration means long delays in benefit checks, inaccurate payments, high telephone busy rates, and poor service to both workers and beneficiaries. Furthermore, in the Social Security Disability Program, inadequate administration can mean that justice delayed is justice denied.

H.R. 1313, JOINT PRODUCTION  
VENTURES

SPEECH OF

**HON. PATRICIA SCHROEDER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 18, 1993*

Mrs. SCHROEDER. Mr. Speaker, I rise in strong support of H.R. 1313, the National Cooperative Production Amendments of 1993. I want to commend Chairman BROOKS for his leadership in moving this bill forward expeditiously.

The House Armed Services Subcommittee on Research and Technology, which I chair, has jurisdiction over one of the most difficult issues facing the Congress today, the question of defense conversion and reinvestment. One major barrier that the subcommittee heard as we conducted hearings on the issue is the problems raised by the antitrust laws. One specific problem is liability concerns of production joint ventures.

The National Cooperative Research Act of 1984 went a long way toward reducing the potential antitrust liability for certain research and development joint ventures. H.R. 1313 would expand this protection to certain joint production ventures entered into for the purposes of producing a product, process or service.

Providing this limited antitrust protection for production joint ventures will help encourage defense conversion and reinvestment. This protection will help stimulate technological innovation in production. Defense companies, employing skilled workers, need tools to ensure that new and innovative approaches, such as production joint ventures, can be attempted without undue fear of antitrust liability. H.R. 1313 provides a workable framework to provide this flexibility while preserving the basic antitrust framework I agree with.

Again, Mr. Speaker, I want to commend Chairman BROOKS for his leadership on this issue and urge our colleagues to approve this important bill.

TRIBUTE TO JACKSON E. SPEARS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1993

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to Jackson E. Spears, who is being honored for his 50-year commitment to New York Medical College. Jackson has served longer than any other

trustee in the history of New York Medical College.

Jackson Spears is a former textile executive who retired from Burlington Industries in 1961, and has since served twice as acting president of New York Medical College. He has also received the William Cullent Bryant medal a symbol of the college's highest award, and an honorary doctor of humane letters degree.

Since his retirement, Jackson has remained active in many civic functions in the New York

and Connecticut area. He is the president of the St. Joseph's Medical Center Foundation in Stamford, has served on the Choate School Development Committee, and was chairman of the Darien Chapter of the American Red Cross.

I ask my colleagues to join me today in honoring this remarkable man, Jackson Spears. I applaud his many years of service to our community and wish him all the happiness and continued success that he so richly deserves.

MORNING BUSINESS

THE HOUSE OF REPRESENTATIVES  
WEDNESDAY, MAY 19, 1993

THE PRESIDENT'S TAX PLAN

Mr. Speaker, Mr. President, how many times have we asked what the president's tax plan would do to the middle class? It is a question that I ask what time it is that we hear the president's tax plan. It is a question that I ask what time it is that we hear the president's tax plan.

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