

## HOUSE OF REPRESENTATIVES—Monday, July 22, 1996

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 22, 1996.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
Speaker of the House of Representatives.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3610. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1316) "An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the 'Safe Drinking Water Act'), and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHAFEE, Mr. KEMPTHORNE, Mr. THOMAS, Mr. WARNER, Mr. BAUCUS, Mr. REID, and Mr. LAUTENBERG, to be conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 919. An act to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes.

The message further announced that the Senate insists upon its amendment to the bill (H.R. 3610) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the

House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. MACK, Mr. SHELBY, Mr. GREGG, Mr. HATFIELD, Mr. INOUE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, and Mr. HARKIN, to be the conferees on the part of the Senate.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS] for 5 minutes.

### TRAGEDY IN THE SKIES

Mr. GEKAS. Mr. Speaker, everyone by now knows about the impact of the recent aircraft tragedy on a small community in Pennsylvania, Montoursville. This area is represented currently by our colleague, the gentleman from Pennsylvania [Mr. MCDADE], who very promptly and appropriately expressed his concern to the families of the high school students who were involved in that horrible incident.

This community, Montoursville, is in Wyoming County. Prior to the current configuration of our legislative districts, I had the privilege of representing that area. I must tell my colleagues that this is an all-American community, which the news media has very accurately portrayed in all its coverages following that tragic air crash.

This little community has spawned many, many different types of sports championships and academic championships. It seemed almost every other week I was attending a banquet for the girls' softball champions or the boys' baseball champions or the little league champions, not to mention high academic honors for individuals and classes, et cetera, that emerged from that high school. So I wanted to point that out to my colleagues that, indeed, for a change, the media's portrayal of that community was absolutely accu-

rate as being one made up of neighbors and friends, all of whom knew each other, and in one way or another, always participated in community endeavors, and now they join hands to extend their persona, each and every one to the other, in that lovely little community.

I did direct the communication to the mayor and to others in that area, and I simply wanted to enter my feelings into the CONGRESSIONAL RECORD.

### NO MORE GOVERNMENT SHUTDOWNS

On another matter, everyone knows by now that the Government shut down several times, not just this past cycle, not just this term of Congress, but in previous occasions, actually shut down. As a matter of fact, there was a time when during Desert Storm or Desert Shield, I guess the formation of our troop contingents in Saudi Arabia before Desert Storm, while our young people were gathering there, weapon in hand, as it were, our Government shut down.

What kind of a spectacle is that? This is in December 1990, the troops were already amassing in Saudi Arabia and were poised to launch the eventual Desert Storm activity, and our Government shut down.

Is that not shameful, to have the Government, which is sponsoring the activities of our young members of the Armed Forces, to shut down? They were over in Saudi Arabia without a government back home. Now, that is disgraceful.

Well, prior to that time even, when we sensed the urgency of what happens when the Government shuts down, I introduced a piece of legislation which I want to redescribe here today, which would end shutdowns forever. If we adopted my legislation, I repeat, never again would we witness or experience a Government shutdown. It is so simple in its aspect that the reason that people have told me that it has not passed up until now is because it makes too good sense. It makes common sense, and that is why it cannot get through Congress.

Here is what happens: At the end of the fiscal year on September 30, if the Congress has not adopted a new budget which is due by midnight September 30 or October 1, then my bill, if enacted, would automatically cause an instant replay, as it were, everybody recognizes that, an instant replay of last year's budget.

In its lowest denominator terms, last year's budget, or if the House has passed an appropriations bill that is

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

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

lower than the last year's bill, or the Senate has, we take the lowest figure and instant replay what occurred the next day, October 1, and our budget would be in place, no shutdown could occur, the employees of the Federal Government would continue with their functions, our Armed Forces would continue in their duties to our people, and everything would go on normally, and the Congress would still have an opportunity with the White House to negotiate the next year's budget. In the meantime, we will have ongoing portions of last year's budget.

Is that not simple? Should we not have that kind of resolution of this vexatious problem?

The bill that I introduced again this cycle was one which became the subject of my entreaties before the Committee on Rules, and an amazing thing happened. In previous times when the Democrat Party controlled the Committee on Rules, I went before them and each time they slammed the door in my face. Only the Republicans supported me on that measure each time I appeared before the Committee on Rules.

The reverse has now happened. It is time to end Government shutdowns forever. Support the Gekas bill.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 37 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 12 noon.

#### PRAYER

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

Teach us, O God, to make good use of our time, that precious gift that we use to our benefit or to our harm. When we have new opportunities and health we think that time will never end, and when we face the adversities or afflictions that certainly come, our span of days runs out and we yearn for more time. Encourage us, O gracious God, to use our time wisely so that we do not miss Your blessings of faith and hope and love but rather embrace them, hold to them, and never let them go. In Your name, we pray. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

#### SUPPORT H.R. 497, NATIONAL GAMBLING IMPACT AND POLICY COMMISSION ACT

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

Mr. WOLF. Mr. Speaker, shortly we will be bringing up a very important piece of legislation that will be setting up a national commission to study the impact of gambling which is running rampant in the country. Quite frankly the country is turning into one gambling casino as gambling spreads and spreads and spreads. As gambling proliferates in casinos on riverboats, on Indian reservations, dog and horse tracks and elsewhere, problems such as crime, political corruption, cannibalization of existing businesses, gambling addiction, family breakups, and suicides are growing, which is an unfortunate consequence.

This legislation we are about to take up will create an unbiased, bipartisan nine-member commission to finally take a comprehensive look at these problems.

Mr. Speaker, I would like to take a moment to make sure all the Members know that we have finally been able to bring this bill to fruition. Last Wednesday, July 17, the full Senate passed by unanimous consent H.R. 497 with an amendment and, despite public pronouncements of the gambling industry in support of an unbiased study, tremendous lobbying pressure was brought to bear on Senators to kill or gut this bill. It is a tribute to this deliberative body that such pressures, which clearly represented the opposition of a small but powerful minority, were not able to thwart the will of the vast majority of Congress and the American people.

In the process, Mr. Speaker, I want to thank Senate Majority Leader

TRENT LOTT who, notwithstanding some concerns he had about the legislation, exerted great leadership in bringing H.R. 497 to a vote. He is a man of his word, of honor and integrity.

#### REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-248)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed.

*To the Congress of the United States:*

I hereby report to the Congress on the developments since my last report of January 22, 1996, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. On January 3, 1996, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan Government in the United States or in the possession or control of U.S. persons are blocked.

2. There have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control (OFAC) of the Department of the Treasury, since my last report on January 22, 1996.

3. During the current 6-month period, OFAC reviewed numerous applications for licenses to authorize transactions under the Regulations. Consistent with OFAC's ongoing scrutiny of banking transactions, the largest category of license approvals (91) concerned requests by non-Libyan persons or entities to unblock transfers interdicted because of what appeared to be Government of Libya interests. Three licenses were issued for the expenditure of funds and acquisition of goods and services in the United States by or on behalf of accredited persons and athletes of Libya in connection with participation in the 1996 Paralympic Games. One license was issued to authorize a U.S. company to initiate litigation against an entity of the Government of Libya.

4. During the current 6-month period, OFAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The Office worked closely with the banks to assure the effectiveness of interdiction software systems used to identify such payments. During the reporting period, more than 129 transactions potentially involving Libya were interdicted, with an additional \$7 million held blocked as of May 15.

5. Since my last report, OFAC collected eight civil monetary penalties totaling more than \$51,000 for violations of the U.S. sanctions against Libya. Two of the violations involved the failure of banks to block funds transfers to Libyan-owned or Libyan-controlled banks. Two other penalties were received from corporations for export violations, including one received as part of a plea agreement before a U.S. district judge. Four additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 30 cases involving similar violations are in active penalty processing.

On February 6, 1996, a jury sitting in the District of Connecticut found two Connecticut businessmen guilty on charges of false statements, conspiracy, and illegally diverting U.S.-origin technology to Libya between 1987 and 1993 in violation of U.S. sanctions. On May 22, 1996, a major manufacturer of farm and construction equipment entered a guilty plea in the United States District Court for the Eastern District of Wisconsin for Libyan sanctions violations. A three-count information charged the company with aiding and abetting the sale of construction equipment and parts from a foreign affiliate to Libya. The company paid \$1,810,000 in criminal fines and \$190,000 in civil penalties. Numerous investigations carried over from prior reporting periods are continuing and new reports of violations are being pursued.

6. The expenses incurred by the Federal Government in the 6-month period from January 6 through July 6, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately \$730,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

7. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting United Nations Security Council Resolution 883 in November 1993, the Security

Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States will continue to coordinate its comprehensive sanctions enforcement efforts with those of other U.N. member states. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 22, 1996.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### NATIONAL GAMBLING IMPACT AND POLICY COMMISSION ACT

Mr. HYDE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 497) to create the National Gambling Impact and Policy Commission.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Gambling Impact Study Commission Act".

##### SEC. 2. FINDINGS.

The Congress finds that—

(1) the most recent Federal study of gambling in the United States was completed in 1976;

(2) legalization of gambling has increased substantially over the past 20 years, and State, local, and Native American tribal governments have established gambling as a source of jobs and additional revenue;

(3) the growth of various forms of gambling, including electronic gambling and gambling over

the Internet, could affect interstate and international matters under the jurisdiction of the Federal Government;

(4) questions have been raised regarding the social and economic impacts of gambling, and Federal, State, local, and Native American tribal governments lack recent, comprehensive information regarding those impacts; and

(5) a Federal commission should be established to conduct a comprehensive study of the social and economic impacts of gambling in the United States.

#### SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Gambling Impact Study Commission (hereinafter referred to in this Act as "the Commission"). The Commission shall—

(1) be composed of 9 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall be appointed for the life of the Commission as follows:

(A) 3 shall be appointed by the President of the United States.

(B) 3 shall be appointed by the Speaker of the House of Representatives.

(C) 3 shall be appointed by the Majority Leader of the Senate.

(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission under section 4. The members may be from the public or private sector, and may include Federal, State, local, or Native American tribal officers or employees, members of academia, non-profit organizations, or industry, or other interested individuals.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under section 4.

(4) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall conduct the consultation required under paragraph (3) and shall each make their respective appointments not later than 60 days after the date of enactment of this Act. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 60 days after the vacancy occurs.

(5) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly designate one member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 75 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the appointment of the last member of the Commission, or not later than 30 days after the date on which appropriated

funds are available for the Commission, whichever is later.

(C) **QUORUM; VOTING; RULES.**—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have one vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

#### SEC. 4. DUTIES OF THE COMMISSION.

##### (a) STUDY.—

(1) **IN GENERAL.**—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on—

(A) Federal, State, local, and Native American tribal governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

(2) **MATTERS TO BE STUDIED.**—The matters studied by the Commission under paragraph (1) shall at a minimum include—

(A) a review of existing Federal, State, local, and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

(B) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

(C) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

(D) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

(E) an assessment of the extent to which gambling provides revenues to State, local, and Native American tribal governments, and the extent to which possible alternative revenue sources may exist for such governments; and

(F) an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet.

(b) **REPORT.**—No later than 2 years after the date on which the Commission first meets, the Commission shall submit to the President, the Congress, State Governors, and Native American tribal governments a comprehensive report of the Commission's findings and conclusions, together with any recommendations of the Commission. Such report shall include a summary of the reports submitted to the Commission by the Advisory Commission on Intergovernmental Relations and National Research Council under section 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

#### SEC. 5. POWERS OF THE COMMISSION.

##### (a) HEARINGS.—

(1) **IN GENERAL.**—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

(2) **WITNESS EXPENSES.**—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall

be paid from funds appropriated to the Commission.

##### (b) SUBPOENAS.—

(1) **IN GENERAL.**—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under section 4. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) **INTERROGATORIES.**—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) **CERTIFICATION.**—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) **TREATMENT OF SUBPOENAS.**—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 4. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) **INFORMATION TO BE KEPT CONFIDENTIAL.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by an individual, entity, or organization under contract to the Commission under section 7 shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code. Information obtained by the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(1) to Commission employees or employees of any individual, entity, or organization under contract to the Commission under section 7 for the purpose of receiving, reviewing, or processing such information;

(2) upon court order; or

(3) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(A) the identity of any person or business entity; or

(B) any information which could not be released under section 1905 of title 18, United States Code.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

##### (c) STAFF.—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for Level V of the Executive Schedule under section 5316 of such title.

#### SEC. 7. CONTRACTS FOR RESEARCH.

(a) **ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.**—

(1) **IN GENERAL.**—In carrying out its duties under section 4, the Commission shall contract with the Advisory Commission on Intergovernmental Relations for—

(A) a thorough review and cataloging of all applicable Federal, State, local, and Native American tribal laws, regulations, and ordinances that pertain to gambling in the United States; and

(B) assistance in conducting the studies required by the Commission under section 4(a),

and in particular the review and assessments required in subparagraphs (A), (B), and (E) of paragraph (2) of such section.

(2) **REPORT REQUIRED.**—The contract entered into under paragraph (1) shall require that the Advisory Commission on Intergovernmental Relations submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

(b) **NATIONAL RESEARCH COUNCIL.**—

(1) **IN GENERAL.**—In carrying out its duties under section 4, the Commission shall contract with the National Research Council of the National Academy of Sciences for assistance in conducting the studies required by the Commission under section 4(a), and in particular the assessment required under subparagraph (C) of paragraph (2) of such section.

(2) **REPORT REQUIRED.**—The contract entered into under paragraph (1) shall require that the National Research Council submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

(c) **OTHER ORGANIZATIONS.**—Nothing in this section shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the Commission's duties under section 4.

#### SEC. 8. DEFINITIONS.

For the purposes of this Act:

(1) **GAMBLING.**—The term "gambling" means any legalized form of wagering or betting conducted in a casino, on a riverboat, on an Indian reservation, or at any other location under the jurisdiction of the United States. Such term includes any casino game, parimutuel betting, sports-related betting, lottery, pull-tab game, slot machine, any type of video gaming, computerized wagering or betting activities (including any such activity conducted over the Internet), and philanthropic or charitable gaming activities.

(2) **NATIVE AMERICAN TRIBAL GOVERNMENT.**—The term "Native American tribal government" means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2703(5)).

(3) **STATE.**—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission, the Advisory Commission on Intergovernmental Relations, and the National Academy of Sciences such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

(b) **LIMITATION.**—No payment may be made under section 6 or 7 of this Act except to the extent provided for in advance in an appropriation Act.

#### SEC. 10. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the Commission submits the report required under section 4(b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentleman from Massachusetts [Mr. FRANK] will each control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

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

Mr. Speaker, today we consider the Senate amendment to the National Gambling Impact and Policy Commission Act (H.R. 497). H.R. 497 creates a temporary, 2-year national commission to study the economic and social impact of gambling in our country. The Commission will conduct a study and make recommendations—it will not have any power to regulate the gambling industry in any way.

At the outset, I want to give special recognition to our colleague and my good friend, Congressman FRANK WOLF of Virginia. This much-needed measure is here today largely because of his advocacy and persistence. Congressman WOLF has identified a very important public policy issue and he deserves high praise for his efforts. I also want to recognize the herculean efforts of Mr. WOLF's outstanding staffer, Will Moschella. During the pendency of this bill, Mr. Moschella has not only been of invaluable assistance in its passage, but he has also graduated from law school, passed the bar exam, and gotten married.

When H.R. 497 passed the House on March 5, 1996, I pointed out the extensive record that supports this legislation. On September 29, 1995, the full Judiciary Committee held a hearing on H.R. 497. At that time, we heard from 15 witnesses, including 8 Members of Congress. Subsequent to our hearing, the committee received 15 additional statements for the record from other interested organizations and individuals.

During our hearing, we heard virtually every point of view on gambling and its effects. For example, we had testimony on the problem of compulsive gambling. We also heard from a university professor focusing on the economic aspects of gambling—for example, job creation by gambling enterprises, gambling's impact on tourism, and gambling's impact on State and local government revenue. We also heard testimony from the chairman of the National Indian Gaming Association who documented how the emergence of an Indian gambling industry in recent years has had a positive impact on employment, economic development, and overall self-sufficiency for Indian tribes. Still others testified regarding the relationship between gambling and crime, including organized crime.

Based upon this extensive committee record and personal study, I concluded that a study commission on gambling in the United States is a good idea. As the Washington Post proclaimed in its headline for an editorial endorsing the bill: "For Once, a Useful Commission!" The Post went on to observe that "commissions can play the useful role of bringing to national attention issues that were previously submerged or debated in fragmentary ways."

After passage of H.R. 497 in the House, some in the gambling industry

continued to have concerns about this bill, particularly with respect to the subpoena power. Congressman WOLF and I worked many hours with Senator STEVENS, Senator LUGAR, Senator SIMON, and other members of the Governmental Affairs Committee in the other body and the interested outside groups to try to resolve these concerns. After lengthy negotiations, we came to the resolution embodied in the Senate amendment to H.R. 497. Although neither side got everything that it wanted, I am satisfied that we have reached a reasonable compromise. The final work product will allow the Commission to conduct its study, while, at the same time, it allays the fears of those who thought the subpoena power would be overly intrusive.

These negotiations have only reinforced my view that it is a particularly good time to have a balanced, impartial, and comprehensive look at whether or not the phenomenal growth of gambling is good for this country. Currently, 48 States allow some form of legalized gambling. We have State-conducted lotteries, riverboat gambling, Indian gambling, and casino gambling. We need to know the implications of this growth. Just before House passage of this bill, the Washington Post described the explosive growth of gambling:

What had been a mob-infested vice has become state-approved fun—a new national pastime. While 70 million people attend professional baseball games each year, 125 million go to government-sanctioned casinos. Adults now spend more money gambling than they spend on children's durable toys. Three times more pilgrims from around the world visit the pyramid-shaped Luxor Hotel in Las Vegas than visit Egypt. Casinos rake in more profits than movie houses and theaters and all live concerts combined.

The Washington Post, March 3, 1996, at A1.

This expansion of legalized gambling has undoubtedly had negative effects. For example, many opportunities to gamble are now available to minors who are not ready to make a mature judgment about this kind of activity. Also, compulsive gamblers frequently have a negative, sometimes tragic, impact on their families.

The traditional linkage between gambling and crime also concerns me. To give just one example, a GAO report issued in January concluded that "the proliferation of casinos, together with the rapid growth of the amounts wagered, may make these operations highly vulnerable to money laundering." As gambling continues to spread, these negative effects and others spread with it.

In addition, H.R. 497 will address the lack of reliable information about the effects of gambling. We need better scientific and behavioral data concerning gambling. Because of the lack of hard

information, State and local policy-makers, who are considering the legalization of gambling, may often be misled by exaggerated claims about the positive effects of gambling and the prospects for painless revenue generation. Last December, a Maryland State study commission concluded:

The Maryland Congressional delegation should support the immediate creation of a national commission to study issues related to commercial gaming and should recommend that the commission complete its work within one year.

States are unable to confidently make decisions about casino gaming because of competitive concerns about the decisions of their neighbors and because of the inadequate data and analysis available to them. The Task Force believes that the proposed national commission on gambling currently being considered by Congress, could make a significant contribution to public policy development.

Final report of the Joint Executive-Legislative Task Force to Study Commercial Activities in Maryland, December 1995.

I have listened to the critics of H.R. 497 during this process—during Judiciary Committee consideration, during House consideration, and during our negotiations with the other body. They have made some good arguments, and when they have, we have worked hard to address those issues. In my statement during the debate on House passage of this bill, I described the many changes we made in the bill during Judiciary Committee consideration. I will not repeat that discussion here, but I would like to describe briefly the most important ways in which the Senate amendment differs from H.R. 497 as passed by the House.

Both versions contain a list of matters to be studied. The Senate amendment compresses the list that was in the House-passed version, but it generally covers the same topics. In addition, the Senate amendment makes clear that the items listed are only the items that the Commission must, at a minimum, study. This list does not in any way limit other topics that the Commission may choose to study.

The House-passed version gave the Commission broad subpoena powers for both witnesses and documents. The Senate amendment narrows this power. Under the Senate amendment, the Commission still has broad authority to subpoena documents. However, the Commission must first vote to issue the subpoena and give the Department of Justice 10 days notice. The notice provision does not in any way allow the Department to veto or stop a Commission subpoena. However, it does allow the Department to notify the Commission if the Commission's subpoena has the potential to interfere with a pending investigation.

The subpoena power provision states that the Commission may issue a subpoena if a person fails to supply infor-

mation requested by the Commission. This phrase is intended to encourage the Commission to begin with voluntary requests for information. However, it is not intended to provide any legal basis to challenge a subpoena issued by the Commission.

If, after receiving documents, the Commission requires further information necessary to understand the documents, it may ask written questions or take a deposition on the documents. Whether there will be written questions or a deposition is at the option of the recipient. The phrase "necessary to understand" should be read broadly to include questions about how a document was developed, who wrote it, and other similar matters of context.

Finally, the Senate amendment provides that the Commission may not release, except to its employees and contractors, any nonpublic information it receives unless it is ordered to do so by a court or unless the information is released in an aggregate or summary form that does not reveal the identity of any person or business and does not reveal any information protected under 18 U.S.C. 1905—that is, trade secret and proprietary information. These privacy protections in section 5(d) are not intended to limit in any way the Commission's ability, and indeed, its responsibility, to make criminal referrals to appropriate prosecuting authorities if it discovers evidence of criminal activity. In addition, the privacy protections of section 5(d) apply only to information that the Commission has already received. They do not in any way limit the scope of the information that the Commission may seek.

The Senate amendment adds a section 7 that was not included in the House-passed version. This section requires the Commission to contract with the Advisory Commission on Intergovernmental Relations and the National Research Council for assistance with conducting certain aspects of the study. The Advisory Commission of Intergovernmental Relations will assist in cataloging all of the various laws and regulations governing gambling. The National Research Council will assist in assessing problem gambling. This innovative addition will both reduce the costs of the Commission and take advantage of expertise that already exists within the Government.

The Senate amendment also adds a definition section that was not included in the House-passed version. I want to note that the definition of State has the effect of including the U.S. territories within the study. The Representatives of the territories requested that they be included during debate on the House floor.

Finally, the Senate amendment contains the requirement from the House-passed version of an advance appropriation before any money can be spent.

This language prevents the various authorizing provisions for salaries and expense reimbursement from being construed as entitlements.

Although I preferred the subpoena provisions that were contained in the House-passed version, I believe the compromise reached in the Senate amendment is a reasonable and fair one. I further believe that this solution is politically realistic, given the short time left in this Congress. Overall, the bill is balanced, comprehensive, and fair.

I appreciate the contributions of Senator LUGAR, Senator SIMON, Senator STEVENS, the other members of the Governmental Affairs Committee of the other body, and the many members of the interested outside groups who have made this bill possible. I want to thank the members of the House Judiciary Committee who took a particular interest in this legislation in committee—Congressmen HOKE, BONO, GALLEGLY, and SCHIFF. I appreciate the cooperation of Chairman YOUNG of the House Resources Committee for his cooperation during House consideration of this bill. Finally, I want especially to thank Majority Leader TRENT LOTT for allowing this bill to come to the floor. I know that he had personal concerns about it, and I appreciate his setting those aside and allowing the other body to work its will.

I have discussed the various changes contained in the Senate amendment with Congressman WOLF, and he has indicated his full support for concurring in the Senate amendment so that this bill can become law this year.

I urge my colleagues to concur in the Senate amendment to H.R. 497 and send this important piece of legislation on to enactment.

Before concluding, I also want to thank Joseph Gibson of our Judiciary Committee staff for his outstanding work on H.R. 497. Joseph's excellent legal work and sound judgment were pivotal in resolving many difficult issues on this complicated matter. I commend him for a job very well done.

□ 1215

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am fascinated by this piece of legislation. It is an act of repudiation of several of the principles that the majority has said it was governed by. In some cases I am glad to see the repudiation because I was not too crazy about the principles; in other cases I like the principles and I am sorry to see them eroded.

But let us look at what this bill does. The expansion of gambling has on the whole been a matter of decisions by the States. It is true that there is a Federal statute which grants the rights of

Indian tribes, in return for their having given up rights to property, by the way. The Indian tribes did not get this right to conduct gambling one-sidedly. They gave up, as a result of this act, some substantial property claims.

But Indian gambling is only a part of what is being studied here. If this is a bill to study and look at the Indian Gaming Act, it would have been a different story. It would have come out of a different committee. Much of the impetus for this comes from the feeling of the Members of Congress, apparently very much on the majority side, too, that we cannot trust State and local officials to make good decisions without our supervision.

I have to say I think the chairman of the committee has been very responsible and has helped improve the bill. It is a better bill than before. But even in his own comments, for instance, he said, I noted here, that we need to do a study because currently State and local policymakers are often misled.

Well, I have tended to believe that myself. I have felt that there were times when State and local policymakers would be misled and the Federal Government should intervene to try and prevent that. I had not expected to find such enthusiastic and overwhelming support from the Republican side, so I am glad to have it.

I hope people will, when they read these remarks in the RECORD, go up a column or two to the distinguished chairman. Let us get the point here: State and local policymakers are often misled, but do not worry, State and local policymakers, the Federal Government here comes riding to your rescue.

So here we will keep State and local policymakers from being misled as often, and it is not simply a case of their being misled. I was particularly pleased when the chairman said that one of the problems States face, and I quite seriously agree with him on this one, and I am glad to have his affirmation of it because it is a central policy point, he said the problem is when States go to make decisions, they are sometimes unable to make the decisions they might like because of competitive pressures from other States. That is a profoundly important point.

We live in one national economy in which a State's desire to make certain decisions can be circumscribed by competitive effects. That is true with gambling. It is true with minimum wage. It is true with the level of medical care we provide for the poor. It is true with environmental protections. Indeed, I believe it is truer with regard to these economic issues.

So once again, I am glad to have the chairman articulate and the majority overwhelmingly about to vote in both branches to establish the principle that, given the competitive pressures that exist on the States in this one na-

tional economy, Federal intervention is sometimes called for.

Now, it is true this does not, in and of itself, impose a Federal policy. But the premises are that the States are not doing a good enough job and the Federal Government must come to their aid, that they are uninformed in some cases. We have to have a study so they will not be misled by bad information. They are coerced and circumscribed by competitive pressures, I agree.

Now I have long felt that this body has very few people in it who are conscientiously and thoroughly dedicated to the proposition that we should always prefer States' rights or always prefer Federal rights. In fact, I believe the overwhelming majority of Members believe that decisions should be made at that level of government where they are most likely to agree with the outcome. When it comes to some things, some people are for States' rights, and when it comes to other things, other people are for State's rights.

I do not think that is hypocritical or inconsistent at all, because one needs not have a preference for one or the other. The error, it seems to me, is to assert a preference when one does not really exist. I think this shows when people think the States have been given too much gambling, and that is clearly what we are talking about.

People here think, on the majority side as well as the minority side, Republicans as well as Democrats, that the States, ill-informed as they often are apparently, subject to competitive pressures, are not making the right decisions, so we, the Federal Government, will try to extend a restraining influence and not in this bill by any legislation yet, but it certainly seems to me that we are laying the predicate for some legislation.

That is one principle, the principle before States rights. So much for the States' ability to do what they want. Let us talk about the next one, and that is the right of individuals to make their own decisions with their own money, because clearly what is most driving this is the notion that we cannot trust the American people to make their own decisions, because there are people here who believe that individuals who work hard for their money go out and gamble too much.

I do not doubt people gamble too much. I do not doubt that a lot of people do a lot of things too much. I had not thought it was the role of this Federal Government to start making those individual choices for people.

We have State decisions to allow private businesses in many, many States to set up places where individuals can voluntarily go and pay their money for gambling. In fact, I have had people say, "Well, you know, it is terrible because it just teaches them to get rich."

I have talked a lot about gambling. I have a proposal for an Indian casino in

the district I represent, overwhelmingly supported by the people there, including the working people who want to get jobs there, and I have talked to a lot of people about gambling. Most of them do not think they are going to get rich. They enjoy it.

A lot of older people rent buses and go to various casinos because this is a form of recreation for them, and they get together, they get on the bus, they go down, they gamble, they like it. These are not stupid people. None of them are unaware of the odds. None of them think they are going to be rich overnight.

A percentage of people, a small percentage, it is true, abuse this. They have an obsessive problem. There are people who have obsessive problems about drinking, about eating, about doing a lot of things. A rational society which honors the choices that individuals make with the money they earn themselves provides programs to deal with the obsessive problem but does not try to restrict other adults from doing that.

But again, permeating this is this notion that people really cannot be trusted to make these decisions. So much for the theoretical framework of States' rights. So much for this notion that we will let individuals make their own choices. The Federal Government is going to have to restrain people from doing this.

Then we get into the question of fiscal responsibility. Now, this bill is not going to cost a lot of money, but whatever it is going to cost is extra money that we do not need to spend. There will be nine commissioners here. I guess they will be called commissioners; I do not know. Maybe they will be called moral censors, whatever they will be called, the nine elders who will stop the States from being misinformed and keep the people from unwisely spending their own money.

They will be compensated at the annual rate of \$104,000 a year plus per diems if they go to meetings. There are nine of them. It is a 2-year deal. I do not know how often they are going to meet. They have incentives, obviously, to meet a lot. They have an executive director who gets \$114,000 a year. They are going to pay witness fees. They were going to go around and have meetings. Clearly several million dollars will be spent here.

One of the mistakes the people on the Democratic side have made in the past is to talk as if several million dollars of Federal money is not a serious expenditure. Of course it is. Of course when we spend several million dollars of public money, particularly when we are in a deficit situation, that is a problem.

Why, then, is the Federal Government about to spend millions of dollars, and by the way, the legislation is silent on the amount. There is no cap

here. It authorizes "such sums." That is because I think in part some people did not want to limit the amount. I had proposed some amendments in committee to try and limit the amount. It is not limited to \$2 million or \$5 million or \$10 million.

Theoretically, the nine commissioners, if they meet a lot, could make, each of them, close to \$100,000 a year on a 2-year basis; the executive director, the other staff, transcripts, travel, witness fees. So we are talking millions of dollars.

□ 1230

So here is what we have: An area where the States are on the whole competent to legislate constitutionally, and again, if we were talking about Indian gaming this would be a different story, but this goes far beyond Indian gambling. That is a Federal responsibility. This deals with State and local, and there have been efforts to focus on State and local.

In fact, the gentleman from Illinois read a quote from the Washington Post, and the Washington Post reporter seemed to be upset that more people went to see the pyramids in Nevada than went to see the pyramids in Egypt. Now, I have to say it would have seemed to me, according to good Republican principles of limited Government, not the slightest business of anybody here that more people wanted to see the pyramids in Nevada than the pyramids in Egypt. What, are we in charge of which pyramids people see? Are we now doing the cultural advice for people? "Oh, no, you cannot go look at those pyramids, they are too gaudy. Go look at the other pyramids."

I do not think we should be in the pyramid picking business. I do not think we should be spending several million dollars of Government funds because the Washington Post does not like which pyramids people go to see. That is what this is about. That is what motivates this.

So while I am glad to see the Republican Party backing away from this rigid States rights principle, acknowledging that competitive pressures can drive the States, acknowledging the States might be misinformed and need more Federal help, while I am glad to see they think sometimes the Federal Government must come to the aid of individuals, although I disagree with the degree of intervention here, I would hope they would hold to a more libertarian principle and in general not use the fact that people pick the wrong pyramids as the basis for spending millions of dollars, and I wish we would not find new ways to spend Federal money.

This is several million dollars new to the Federal Government, not spent before. So I am against this bill. I think it is a bad idea. I believe that while people might want to look at the In-

dian Gaming Act alone, to go into the whole area of States and local spending and to decide that what we really need is a federally funded study costing millions of dollars, which subpoena power to go around and essentially tell the States they are doing a bad job of regulating gambling, to tell the American people they are going to look at the wrong pyramids and not spending their own money wisely, that is not a very good idea and I think the time of the Congress and the money of the Federal Government could be better used.

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

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I would like to take a moment to recognize the diligent efforts of the gentleman from Illinois [Mr. HYDE], the chairman of the House Committee on the Judiciary, and to personally thank him for his very effective efforts on this and so many other things, from aiding the Contras to bring democracy to Nicaragua to many of the other things on which he has taken the leadership on this floor, and I appreciate it very much. I also appreciate his very able staff for helping guide this legislation through the legislative process. It was a pleasure working with the gentleman to bring this bipartisan bill here.

The chairman should be pleased, as I know he is, with the work of Joseph Gibson of his staff who worked hand in glove with my staff to move this legislation through the House.

The chief sponsors of the Senate legislation also deserve great support for their effort in the Senate. Senators SIMON and LUGAR worked tirelessly to bring it up. I also appreciate the work of Senator COATS, Senator STEVENS, and Senator GLENN, the chairman and ranking member respectively of the Committee on Governmental Affairs. I also want to thank Senators LIEBERMAN, MCCAIN, THOMPSON, and WARNER for their help in moving the bill.

I also want to acknowledge, as the gentleman from Illinois [Mr. HYDE] did, the work of the members of my staff, just about all of whom have assisted with some aspect of this legislation. Particularly, I appreciate the teamwork of William Moschella, my senior legislative assistant and counsel, and David Whitestone, who serves as my press secretary.

Mr. Speaker, the establishment of the National Gambling Impact Study Commission is essential to the Nation's understanding of what the incredible expansion of gambling in America means to our everyday lives. Newspaper and editorial writers around the country almost daily chronicle the tragic stories of people addicted to gambling. Compulsive and pathological gamblers often commit suicide, pros-

tute themselves, resort to robbery, burglary, larceny, and embezzlement to fuel their habit.

Gambling has been known to literally destroy families. I have received calls and letters from around the country relating the sad dramas associated with compulsive gambling. The gambling industry has not taken seriously the magnitude of the problem, or it has been trying to sweep it under the rug.

One of the most startling and unfortunate consequences of gambling has been the amount of public corruption attendant to it. Industry spokesmen claim that the days of Bugsy Segal and Joseph Bonano are behind it. The industry, they claim, is composed of law abiding companies which report to stockholders instead of organized criminal enterprises. The industry, more than any other, however, has been connected to unprecedented levels of political corruption in recent years. The confluence of money, politics, and power has wreaked havoc in many States and local jurisdictions.

Mr. Speaker, I support the legislation before the body because it is a serious effort to study the issue of gambling in the United States. In some respects the Senate amendment changed it, but it was a good compromise.

Mr. Speaker, I am going to watch the progress of the commission carefully to make sure that the commission does its work in a nonpartisan and objective way. We will follow its progress to make sure the job that Congress has delegated to it is performed in a professional and effective manner. I will also monitor the amount of lobbying pressure to which the commission is subjected.

I believe the legislation before us gives the commission all the powers and tools that it needs. In closing, I again want to thank the staff that has done such an effective job, Senator LOTT on the Senate side and the Senators that I mentioned, my staff and the staff of the gentleman from Illinois, Mr. HYDE, Joseph Gibson and others, and, last, the chairman. I want him to know that I know the pressure and I know what has gone on around here, and he should know I am eternally grateful. I am still young enough to have heroes, and he is one of the three or four people around here who is one of my heroes.

I thank the gentleman from Illinois for yielding time to me. At this point, Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein extraneous materials.

Mr. Speaker, as the original sponsor of legislation establishing a national commission to study the social, economic, and legal impact of gambling, I rise in strong support of H.R. 497, the Gambling Impact Study Commission Act. As gambling proliferates in casinos, on riverboats, on Indian reservations, dog and horse tracks and elsewhere, problems such as crime, political corruption, cannibalization of

existing businesses, gambling addiction, family breakups, and suicide are a growing and unfortunate consequence. This legislation will create an unbiased, bipartisan nine-member commission to finally take a comprehensive look at these problems.

I would like to take a moment to recognize the diligent efforts of the chairman of the House Judiciary Committee and his able staff in guiding this legislation through the legislative process. It was a pleasure working with Chairman HYDE in bringing this bipartisan bill to the floor. The chairman should be pleased with the work done by Joseph Gibson of his staff who worked hand in glove with my staff to move this legislation through the House. They spent many hours assisting, consulting, and meeting with Senate staff to iron out any differences or concerns that there may have been.

Last Wednesday, July 17, the full Senate passed by unanimous consent H.R. 497 with an amendment. Despite public pronouncements of the gambling industry in support of an unbiased study, tremendous lobbying pressure was brought to bear on Senators to kill or gut this bill. It is a tribute to this deliberative body in the world that such pressures, which clearly represented the opposition of a small but powerful minority, were not able to thwart the will of the vast majority of the Congress and American people. I would like to publicly thank Senate majority leader TRENT LOTT who, notwithstanding some concerns he had about the legislation, exerted great leadership in bringing H.R. 497 to a vote in the Senate. He is a man of his word, a man of honor and integrity.

The chief sponsors of the Senate legislation also deserve great credit for making this legislation a reality. Senator SIMON and Senator LUGAR worked tirelessly to forge consensus and bring this legislation up despite a packed Senate floor schedule. I also appreciate the work of Senator COATS who helped move the process along. Senators STEVENS and GLENN, chairman and ranking member respectively of the Senate Government Affairs Committee, deserve congratulations for working together, listening to various points of view, and forging ahead with a viable plan. I also commend the efforts and support of Senators LIEBERMAN, MCCAIN, THOMPSON, and WARNER for their help in moving this legislation in the right direction.

There are many Senate staffers who had something to do with moving this bill along and I appreciate all of their efforts. I would like to publicly thank a few, namely Bob Healey, Michael Stevenson, Kyle McSarrow, David Crane, Sebastian O'Kelly, Christine Ciccone, and Earl Comstock for all they did to make this legislation a reality.

Finally, I want to acknowledge the tireless work of the members of my staff, just about all of whom have assisted with some aspect of this legislation at some time during the last 2 years. Particularly, I appreciate the teamwork of William Moschella, my senior legislative assistant and counsel, and David Whitestone who serves as my press secretary.

Mr. Speaker, establishment of the National Gambling Impact Study Commission is essential to the Nation's understanding of what the incredible expansion of gambling in America

means to our everyday lives. Newspapers and editorial writers around the country almost daily chronicle the tragic stories of persons addicted to gambling. Compulsive and pathological gamblers often commit suicide, prostitute themselves, and resort to robbery, burglary, larceny, and embezzlement to fuel their habits.

Gambling has been known to literally destroy families. I have received calls and letters from around the country relating the sad dramas associated with compulsive gambling. I have included an editorial from the Times Picayune regarding the almost epidemic problems of compulsive gambling among Louisiana's young people.

[From the New Orleans Times Picayune,  
July 14, 1996]

#### GAMBLING AND YOUNG PEOPLE

Louisiana's first study of the effects of gambling shows some disturbing statistics that should give policy makers and voters much to think about as the state considers the future of gambling here.

A team of researchers led by Louisiana State University professors Jim Westphal and Kenneth Miller conducted telephone surveys last fall in an effort to find out how often people gamble, what their favorite games are and how much money they spent. The researchers also tried to determine people's ability to control their gambling and its effect on their lives.

The results, released this week by the Department of Health and Hospitals, indicate that Louisiana residents aren't handling gambling too well, particularly young gamblers. One in seven Louisiana residents, 18 to 21, are compulsive gamblers. What's more, Louisiana's young gambling addicts are in worse shape than in other states studied, spending twice as much a month on gambling as their counterparts elsewhere. Compulsive gambling among young people here is triple that of adults and is second only to alcohol abuse for that age group.

The study showed that 182,000 Louisianans—more than 4 percent of the population—have gambling habits that range from moderate to severe and as many as 57,000 of them have addictions that could be classified as pathological.

"That's enough people to fill Tiger Stadium," said Gov. Foster, who said that he will support legislation to curb gambling addiction, particularly among the young.

Researchers were limited by the lack of studies in other states, despite the nationwide gambling boom. They could compare Louisiana only to six other states, Montana, North and South Dakota, Texas, Washington and Georgia. But that data indicated that pathological gamblers in Louisiana are in more trouble, spending almost twice the monthly average on their habit, \$660 compared to \$300.

Researchers who did the study believe that the reason is availability. Louisiana, with its 12 riverboat casinos and 15,500 video poker machines, has a gambling site every 6.2 square miles.

This study should raise serious questions about the proliferation of gambling and, in particular, its effect on young people. Legislators and other state officials will have to weigh the social cost of bringing up a crop of gambling addicts, particularly since experts say that most pathological gamblers begin their habit in adolescence.

The study is already prompting legislators such as Sen. Jay Dardenne, R-Baton Rouge, to say that a law should be passed making 21 the legal limit for gambling. That is now

true only for casino gambling. Sen. Dardenne, who sponsored the resolution calling for the study, said that he also wants to push to have gambling prevention made part of the school curriculum.

As Louisiana begins to grapple with the question of gambling, particularly the election on local option this fall, the problem of gambling addiction deserves attention.

The researchers' experience show that too many states, Louisiana included, have rushed headlong into legalized gambling without really knowing the social cost. This study provides some much needed and timely insight.

The gambling industry has not yet realized the magnitude of the problem or has been sweeping it under the rug. This issue can no longer be ignored and this commission will help us understand the problem so that it may be addressed.

On of the most startling and unfortunate consequences of gambling has been the amount of public corruption attendant to it. Industry spokesmen claim that the days of Bugsy Segal and Joseph Bonano are behind it. The industry, they claim, is composed of law abiding companies which report to stockholders instead of organized criminal enterprises. The industry, more than any other, however, has been connected to unprecedented levels of political corruption in recent years. The confluence of money, politics, and power has wreaked havoc in many State and local jurisdictions. Louisiana, for example, has been rocked by political scandal and more indictments are on the way. I have included a recent Associated Press story which ran in the Times Picayune regarding the indictments for the RECORD.

[From the New Orleans Times Picayune,  
July 15, 1996]

#### BIG NAMES INDICTED, GAMING TASK FORCE SAYS

(By The Associated Press)

SHREVEPORT—The dice are about to come up snake eyes for 15 to 20 people, including some big names, say people in the task force investigating gambling corruption in Louisiana.

"Within the next two weeks you will see big numbers of arrests," said Capt. Ed Kuhnert, State Police coordinator of the task force of Louisiana State Police and FBI agents.

Indictments have been prepared and are being reviewed by federal prosecutors, said Rick Dill, FBI agent-in-charge in New Orleans.

Task force officials said the yearlong undercover investigation is expected to produce charges against and arrests of some prominent people.

Last August, FBI wiretap transcripts were filed in open court as part of requests to subpoena records from lawmakers and people connected with Louisiana's gambling business.

That meant the end of the long political careers of two prominent state senators named as taking money from gambling interests, although they weren't indicted.

Larry Bankston, D-Port Hudson, Chairman of the Senate committee overseeing gambling, dropped out of a re-election campaign; B.B. "Sixty" Rayburn, D-Bogalusa, was defeated.

Sources close to the probe said indictments are imminent. The Times of Shreveport reported Sunday.

The conviction this past week of former state Alcohol Beverage Commission head Ray Holloway is the latest in a long string of cases made by the task force on gambling.

Holloway was found guilty of aiding an illegal gambling business and obstructing justice. He resigned his job in the Caddo Parish purchasing department after his federal case became public earlier this year.

The task force, with offices in New Orleans, Baton Rouge and Shreveport, has been successful over the past two years.

The most prominent case was the FBI's infiltration of the New Orleans organized crime family, the top echelon of which went down with 24 defendants in Operation Hardcrust.

FBI agents, investigating a suspected bookmaking operation at a New Orleans deli, picked up conversations indicating three La Cosa Nostra families—the rekindled Marcello family of New Orleans and the Gambino and Genovese families of New York—were infiltrating Louisiana's video poker industry.

Twenty-one defendants pleaded guilty. The three who went to trial were convicted on all counts.

Operation Hardcrust awed federal law enforcement authorities "because it involved, literally, the dismantling, through criminal indictment, of the entire upper echelons of the New Orleans Mafia family," First Assistant U.S. Attorney Jim Litten of New Orleans said. "As a result of that, we deem it the most significant organized crime prosecution in the state of Louisiana."

The U.S. Justice Department considers the task force an extremely successful operation, Litten said.

"This task force's penetration of the re-emergence of a dormant organized-crime family was beyond a lot of people's imagination even a few years ago," he said.

Dill said, the task force has been successful because "it is a melding of talent."

The State Police investigators are "very good, the cream of the crop. They know the gambling laws in and out," Dill said.

FBI agents bring investigative expertise and federal fraud laws.

"The combination of the two brings results," Dill said.

Since Gov. Foster appointed Col. Rutt Whittington to head the State Police, trooper cooperation has gone up, Dill said.

"If I need 20 troopers to help in a search, they're there," he said.

Another reason for the success of the team is its dedication to rooting out corruption, Kuhnert said.

"We have put together a small group of people who are very intense, very dedicated and very qualified," he said. "We're actually just getting started."

The legitimate gambling industry welcomes the scrutiny because it increases public confidence, said Anthony Sanfilippo, general manager of Harrah's Casino Shreveport.

"It's important that investigations reveal any type of inappropriate behavior," he said.

Despite the task force's success, however, its members won't say they have rid Louisiana's gambling industry of corruption.

"The legal gambling industry is itself a magnet for corruption and organized crime," Litten said.

He said investigators believe organized crime gets nearly all its money from gambling, legal and illegal.

"We can never rest assured at any point that we have rooted (out) all the corruption," he said. "It is a dicey industry to fool with."

In the early 1970's Congress was concerned about problems related to gambling, and it established a commission similar to the one Congress is within minutes of creating. Since the Commission on the Review of the National Policy Toward Gambling issued its 1976 report, gambling has greatly expanded, and it has grown in many ways that are contrary to the recommendations of that early report. In 1976 only two States had casino gambling. Today, ever State but two have some form of legal gambling. According to U.S. News and World Report, people wagered \$482 billion in 1994 on all forms of gambling, 85 percent of which took place in casinos in 27 States, most of them built in the past 5 years. This explosive growth has produced deleterious side effects that have high moral, social, and economic costs.

Mr. Speaker, I support the legislation before the body today because it is a serious effort to study the issue of gambling in the United States. This legislation is not perfect, and I would have drafted some sections differently. But this is a body of compromise. To forge agreements, one must be willing to consider points of view and perspectives that are different from one's own.

In some respects, the Senate amendment represents those political choices and compromises, and I applaud the Senate for breaking the gridlock and moving H.R. 497 this far. I believe, for example, that the section in the bill on subpoena power is one such political compromise. It is adequate but not perfect. It was drafted, not with an eye toward technical perfection, but rather it was drafted to forge political compromise and consensus—something that Congress does daily.

Mr. Speaker, as I have already mentioned, I would have drafted some provisions of this legislation differently. I also mentioned that some provisions of the Senate amendment were drafted to achieve political consensus and compromise. For example, I believe the rewrite of the House subpoena power language was unnecessary and was done to ease an irrational fear that the Commission would conduct a witch hunt. This would not happen and such discussion was a diversion from the real issues such as underage gambling and political corruption. I have included for the RECORD a letter from the chairman of the Commission on the Review of the National Policy Toward Gambling which bears this point out.

WASHINGTON, DC,  
May 7, 1996.

HON. FRANK R. WOLF,  
CHOB,  
Washington, DC.

DEAR CONGRESSMAN WOLF: As you know, I served as Chairman of the Commission on the Review of the National Policy Toward Gambling for the four years of its existence ("the 1972-1976 Commission"), whose Report was filed with the President and the Congress on October 15, 1976. I have previously provided your office with a copy of this Report and its accompanying addenda ("the 1976 Report").

I have had, as you might suspect, a greater than normal interest in the progress of gambling in the United States over the ensuing decades, and especially during the past five of six years which have witnessed a worrisome proliferation of casino openings, often

under the shelter of Indian tribal ownership. I have followed your own efforts to create a new gambling commission to once more look into what has become a major growth industry. I agree with you completely, and I am taking the liberty of adding some additional thoughts, which I emphasize are purely personal opinions and do not necessarily reflect the opinions of anyone in my former law firm from which I have retired and for which I am now "Of Counsel."

With a proper mixture of pride and modesty, I would refer you to the Report of the 1972-1976 Commission, with specific attention to our recommendations concerning casinos and (that most cynical of retrogressive taxation) state lotteries. As I have observed, if anyone tried to sell corporate securities with the failure to disclose material facts so characteristic of state lottery promotion, he would be sent to prison. This is certainly the cruelest and most indiscriminate form of gambling and should be fiercely attacked. I see no signs that our recommendation (the 1976 Report, 159) that "the States must take care to inform the public fully as to the odds and character of the games being offered, and to avoid any misleading practices in its advertisements and promotional activities . . ." was greeted recommendation was followed by this one:

"Should [the States] fail in this responsibility, Congress should consider giving the Federal Trade Commission the explicit authority to set and enforce compulsory guidelines."

I am as much a foe of big Federal government as the next person, but the point may have been reached where this is a national problem.

And so, perhaps, is casino gambling. The unavoidable dangers to the public interest in installing casino gambling in metropolitan areas are too obvious to ignore, and the 1972-1976 Commission recommended that this be permitted "only in rare instances and extraordinary circumstances." Another in-depth study is certainly now called for, and I believe the results will be shocking. The billions of dollars flowing across crap, roulette and blackjack tables is not coming from people who can afford to lose. The social cost of this phenomenon will be measured in human suffering, broken homes, official corruption and crime, and it is only the extent of this that is open to question.

I note that although there is nearly unanimous lip service paid to the need for a new gambling commission, the major issue is whether or not the Commission should have subpoena power to compel testimony and the production of documents. Obviously such a Commission is meaningless without this power, at least to the extent necessary to fulfill its stated purpose. The 1972-1976 Commission had subpoena power and, because of that, we never had to use it—in other words, when you have the power you will get cooperation. Obviously, the power need not be unrestricted and Congress may see fit to provide safeguards against its abuse and, if the power were to be abused and there were non-compliance, the Commission would be forced into court to compel compliance—something it would be most reluctant to do. On the other hand, if it were used legitimately, it would mean that information had been withheld for a reason—which is why you must have the power! And in the normal instance, as we found out from our years of experience, the knowledge that we had the power and would not hesitate to use it provided all the persuasion we needed. I suppose the specter of a "rogue" Commission strewing subpoenas

throughout the land has been cited as being intolerable, but the very fact that membership on the Commission is bipartisan and dictated by Congress, and that a subpoena presumably would have to be authorized in each instance by the members of the Commission negates the possibility of this happening. All this would seem to lead to the conclusion that the opponents of the any power of subpoena do, in fact, have something to conceal, which again leads to the decision that it is indeed necessary.

There is no doubt that the national policy toward gambling must again be examined, and this time with considerably more urgency than the last time. Please be assured that I am quite willing to help at any time—without cost to the government.

Yours very truly,

CHARLES H. MORIN.

The language in the House-passed version of H.R. 497 is the orthodox way to draft subpoena power language. After comparing the subpoena power granted to the Commission on the Review of the National Policy Toward Gambling, which was so broad it permitted a single commissioner to issue a subpoena, and learning that the Commission never once found it necessary to issue a subpoena, one can only conclude that the industry's concerns are, at a minimum, overstated, unrealistic, and paranoid.

For example, §5(b)(1) authorizes the use of subpoenas after a person fails to supply information requested by the Commission. This subjunctive clause merely states the obvious. Administrative subpoenas are usually only issued if the entity fails to comply with an information request. This clause is not intended to narrow the scope of subpoenas served subsequent to an information request. It only means that the Commission should ask first and subpoena second.

I would also like to associate myself with the statement made by Senator GLENN regarding the meaning of the words "to understand" in §5(b)(2) of the bill. Under this section, the Commission may subpoena witnesses for the purpose of understanding material obtained by the Commission. There are many reasons to require such testimony and the understanding of the documents often will go beyond its four corners. The Commission may need to understand the circumstances or motivations for producing a document. It may need to know why it was produced and why alternatives were not included. To understand a document may entail understanding its context, how it was developed, why it was developed, what alternatives were considered, and other considerations that go into producing documents.

I would also like to make a point about the duties of the Commission and the matters to be studied. This list of items to be studied by the Commission is the minimum the Commission should examine. This is clearly stated in section 4(a)(2). The commission should review other subjects as it deems appropriate.

Section 4(a)(2)(C) of the House-passed version of H.R. 497 directed the Commission to include an assessment and review of political contributions and their influence on the development of public policy regulating gambling. While the version of the bill that Congress will send to the President today does not contain a similar provision, it is completely within the prerogative of the Commission to make such an assessment.

Gambling interests are flush with cash and readily contribute to local, State and national campaigns. Also, many news reports have chronicled the vast sums promised lobbyists and consultants if they can convince legislators to permit riverboat gambling or establishment of a casino. Many public officials have taken large sums of money as bribes from gambling interests and have been indicted for such reprehensible conduct. Some say there is nothing worse than a corrupt policeman because it is the police who enforce the laws. A corrupt politician is equally bad. I urge the Commission to review the very timely and important issue of public corruption, political influence, money, and power.

So, even though this legislation is not everything I may have preferred, it is a good bill and should be supported by the House and sent to the President for his signature.

Another issue I would like to raise concerns Commission requests for assistance from other Federal agencies. There is already a wealth of experience and knowledge within the Federal Government about many of the issues the Commission will likely address. One of the Commission's jobs is to bring all that information under one roof in a usable form. Because this is only a 2-year Commission which will have very limited funds, Congress provided that departments and agencies of the Federal Government provide detailees to the Commission when appropriate.

I urge any Federal agency asked to assist the Commission to provide such assistance and detailees as deemed necessary. The Department of Health and Human Services could assist the Commission by providing experts on compulsive or pathological behavior or providing experts in epidemiological methods and statistical methods of analysis who could help the Commission make sense of survey research and demographic or medical studies. The Federal Bureau of Investigation may be helpful in providing crime information. The Internal Revenue Service and the Financial Center may help commissioners understand issues relative to money transfers and laundering. General Services Administration staff could be helpful in setting up office space for the Commission, and the General Accounting Office could help provide economic analysis. I urge any Federal department or agency to assist the Commission when at all possible.

Mr. Speaker, I am going to watch the progress of the Commission carefully to make sure the Commission does its work in a nonpartisan and objective way. I will follow its progress to make sure the job Congress has delegated to it is performed in a professional and effective manner. I will also monitor the amount of lobbying pressure to which the Commission is subjected.

I believe that the legislation before us gives the Commission all the power and tools it needs to conduct its business and write an objective report. However, if the gambling industry decides to throw its vast resources, lawyers, lobbyists and consultants at the Commission or the various provisions of this act in order to thwart its work, I will come to the well of this House with legislation more like the original House bill to ensure that the Commission is successful in completing its tasks.

Because this legislation is only days away from becoming law, I beseech the appointing

authorities—the President, the Speaker of the House, and the majority leader of the Senate—to appoint individuals to the Commission who are recognized for their honesty, integrity, and objectivity. The Commission should not be loaded with individuals with vested interests in the outcome of the report. They should not be composed of individuals interested in going to work for the gambling industry after they have completed their duties with the Commission. Commissioners should be citizens of sound moral character able to impartially review the evidence and issues which will come before them so that their final product will be a report the American people can trust and rely upon.

Mr. Speaker, the time has finally come to make a detailed study of gambling in America. H.R. 497, in the tradition of good government, will help get that job done. This is a good bill, and I heartily support its final passage and presentment to the President. I urge all Members to support this meritorious legislation and yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time, and I hope I do not use all the 3 minutes, but I wanted to respond to my friend, the gentleman from Massachusetts, who is one of the very effective but selective crusaders for States' rights.

This is a search for information, this commission, not legislative nor regulatory functions, but a search for information that has a uniquely national characteristic. The States, important as they are, are really not competent to do a national search that involves the issue of gambling. So, it may be an intrusion, but it is really not an either/or proposition: States' rights versus national intrusion. This subject lends itself to national study. So that is all that this is going to encompass.

Some things are best done by the States. Some things are best done by the Federal Government, and it is pretty hard to have a hard and fast rule. Generally, we Republicans prefer local government over national government, but that, again, depends on the circumstance.

Tort reform, for example, in my judgment, and although I do not speak for all my colleagues on the Republican side, lent itself to a national solution rather than a State solution. But these are matters we can argue about.

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding. I have no disagreement with what he just said. I do not claim to be a crusader for States rights. I have the position I think most Members have. I am for the State or the Federal Government deciding where we will best get the outcome that I think public policy ought to have.

Mr. MILLER of California. Mr. Speaker, I rise today to express my support for H.R. 497, the National Gambling Impact and Policy Commission Act. I cosponsored this legislation

because I believe it is important for us to examine the effect the recent and pronounced proliferation of gambling in the United States has had on us as a society. This impact study will help Americans better understand what the effects of gambling are upon our families and communities.

Gambling has proliferated in part because State, local, and tribal governments faced with budget shortages see gambling as a pain-free solution to their problems. But I am concerned that such a quick-fix approach to our economic problems will make us overlook not only the long-term social problems associated with gambling, but the very fact that gambling itself is an inherently weak foundation upon which to base long-term growth and development. It is my sincere hope that through this study, we can provide local communities, States, and tribes the right tools and objective information to decide whether or not gambling is the right economic development strategy for them.

But I also want to make clear that it is my understanding that neither this bill nor the commission it creates is intended in any way to be construed or used as an excuse to unfairly criticize Indian gaming. Indian gambling has, in many instances, helped Indian tribes improve reservation conditions and provide jobs where unemployment often ranges between 50 and 80 percent. In addition, it is my hope that a fair and honest study will help destroy some of the more harmful and false myths about Indian gaming. For instance, it is far from the truth that all tribes have become rich from Indian gaming. Right now approximately 130 out of 553 Indian tribes operate casino style gaming in 22 States. A few have become quite wealthy. The vast majority, however, of Indian tribes are making only modest profits. Some Indian casinos have even folded. And because Indian tribes are required by law to plow revenues back into tribal projects and not individual profits, Indian tribes have been able to better the quality of life on their reservations by using casino revenues to offer better housing, education, health care, and safety to their members.

My hope is that this commission will study Indian gambling as evenly and fairly as non-Indian gaming. If this happens then I have little doubt that the study, when completed will give Americans the information we need to better understand the positive and negative aspects of gaming in the United States.

Mr. ENSIGN. I rise in opposition to H.R. 497, the National Gambling Impact Study Commission. Although the legislation the House is considering today is a substantial improvement over previous versions, I continue to have many strong reservations with this legislation.

First and foremost, I see no reason why the Federal Government should be involved in a study of a legal, State-regulated industry. The gaming industry, like any other entertainment or tourism industry, is subject to careful review and oversight by individual States. In my State of Nevada, we can see first hand the success of a beneficial relationship between the gaming industry and its regulatory agency, the Nevada Gaming Commission. These two entities have worked together over the years in a manner that benefits everyone—the industry, the State, and the millions of tourists that visit

Nevada annually. Nevada has certainly been the leader and model for other States to follow.

Second, Mr. Speaker, I believe this commission is a terrible waste of taxpayer money. The data and information the commission will collect are already available from multiple studies that have already occurred. In this time of fiscal constraint, it is ridiculous to expend Federal dollars for a duplicative study.

I continue to resist this legislation because I feel that the underlying agenda of this bill is to federally regulate and tax the industry. The gaming industry has a huge impact on the economy of Nevada and 47 other States in the country. It provides jobs and opportunities in communities that would not be available if gaming did not exist. While the proponents of this legislation may have good intentions, I will be unyielding in my commitment to ensure that the intent of this commission does not expand to prohibit this legal industry. In addition, I will work with the Speaker, Senate majority leader, and the President to ensure that we have an unbiased commission that will fairly evaluate the industry and provide a balanced report.

Mrs. VUCANOVICH. Mr. Speaker, today I rise in opposition to H.R. 497 not only because it is bad for Nevada, but because I believe it is bad for America. Again, Congress is spending more money on a study of which I question the validity. I question the wisdom of spending millions of dollars to create a new Government commission at a time when we are struggling to downsize the Government and balance our budget.

While I am pleased that efforts have been taken to limit the subpoena powers of the commission, it still baffles me why an advisory commission should hold such power. Most advisory commissions created by Congress or Federal agencies are not provided with subpoena power. This calls in question the very purpose of the gaming commission—and whether the commission can be objective.

Mr. Speaker, objective information on gaming is needed, but I thought the 104th Congress was eliminating the Washington-knows-best syndrome. This bill just gives that syndrome more fuel for the fire. Gaming has always been a State responsibility, and many States have addressed the issues relating to gaming in a responsible manner. Getting the Federal Government involved not only infringes on States rights, but costs taxpayers money that could better be spent in education programs, health programs, or to eliminate our Federal deficit. My colleagues, you should rethink this issue and ask where you think the citizens of your State would rather spend their money. My guess—not on the gaming commission created by H.R. 497. I urge my colleagues to vote against this bill.

Mr. LaFALCE. Mr. Speaker, I rise in support of the Senate version of H.R. 497, the National Gambling Impact and Policy Commission Act. The bill includes several provisions that are less satisfactory than the bill I coauthored with Representative FRANK WOLF that passed the House in March. However, I believe it is imperative that we act now to initiate a comprehensive study of gambling and its impact on our society.

The legislation before us today addresses issues and concerns that I have sought to

bring to the attention of Congress since 1994. As chairman of the Committee on Small Business, I conducted hearings in September 1994, that documented the rapid proliferation of casino gambling throughout the United States and examined the economic impact of Government-sponsored gambling on small businesses, on individual communities, and on the Nation as a whole.

Based on the findings of these hearings, I introduced the National Policies Toward Gambling Review Act in November 1994 to authorize a Federal study of the economic and social implications of this widespread growth of legalized gambling. This proposal, like that subsequently introduced by Mr. WOLF, creates a new national commission, along the lines of the commission that last studied gambling in 1976, and expands its study to all aspects of gambling in all States and localities. While I have reintroduced my bill in the current Congress, H.R. 462, I am also the lead cosponsor of H.R. 497.

The 1994 Small Business Committee hearings convinced me that widespread legalized gambling has raised serious questions that local officials, and American society generally, were not prepared to address. The hearings confirmed what a New York Times article headline had proclaimed several weeks earlier, that "Gambling Is Now Bigger Than Baseball" as a national pastime. Some 125 million people visited casinos in 1994, a whopping 36-percent increase from 92 million in 1993. Average annual attendance to professional baseball games barely reached 70 million. Casino revenues increase by a whopping 33 percent between 1993 and 1994, from \$30 billion to \$40 billion, more than the combined revenues for other major leisure activities, including movies, books, recorded music, spectator sports, theme parks, and arcades.

Americans wagered \$462 billion on all forms of legalized gambling in 1994, more than the entire gross national product of Communist China. More than \$360 billion was wagered in casinos in 10 States and on Indian reservations in 24 States, most of which were built since 1991. All but three States now permit parimutuel betting, slot machines, video poker, keno, bingo, or other forms of gambling. And 36 States actively encourage gambling with government-run lotteries.

This is a far different situation than when the national commission issued its report on gambling in 1976. Legalized gambling was then confined to Nevada and under consideration for Atlantic City. The focus of the commission's study was the influence of organized crime in gambling, not the various economic and social implications of widespread gambling throughout the country.

As gambling has spread across the United States, and even to locations on our border with Canada, it has become clear that the promised benefits of gambling as an approach for local economic development have proven to be illusory. States and localities now compete with Indian reservations and with other States to lure potential gamblers, or only to keep their gambling revenues at home. Casinos that were touted as bringing jobs and economic enrichment to communities in 1994 are now going bankrupt.

The social costs of gambling also are becoming more visible as gambling spreads to

more locations. Unfortunately, we have no estimates, for example, of the costs of gambling-related crimes, bankruptcies, or lost jobs and work time. Nor do we know the costs inflicted on families in terms of gambling-related alcoholism, divorce, or suicide.

As State and Federal funding for social services and other programs continue to decline, local officials will come under even greater pressure to heed promises of new revenue and greater prosperity in legalized gambling. It is imperative that these officials, and the public generally, have all the information available to make reasoned and prudent policy decisions.

Contrary to the arguments of some in the gambling industry, the bill before us today does not seek to restrict or regulate organized gambling, nor is it intended as a preliminary step toward such regulation. It merely responds to a growing public demand for more and better information about gambling. And it responds to requests by officials in New York and elsewhere for a broad analysis of the impact of gambling that can incorporate information from all States and from Indian tribal jurisdictions.

I believe the bill before us today can provide the information the public needs to make more informed decisions about gambling. It is clearly not perfect. The subpoena authority in the Senate version applies only to documents, not individuals. And the wording of that authority is, at best, ambiguous. I am troubled also by the restrictions the bill would impose on the use of information generated by the commission, particularly the release of financial information to the public.

However, the need for more comprehensive information and analysis of gambling is urgent in my State of New York and in other States. The commission bill before us, while not perfect, will provide significantly more information about the economic and social implications of gambling than is available today.

Nearly 2 years have passed since I first proposed legislation to create a national commission to study gambling. It was needed then, it is imperative now. I urge adoption of this important legislation.

Mr. DAVIS. Mr. Speaker, I rise today in support of H.R. 497, the National Gambling Impact and Policy Commission Act; legislation introduced by my friend and colleague, the gentleman from Virginia, [Mr. WOLF]. I have cosponsored and support this bill because gambling is not the type of business my district needs or wants in order to build a strong economy and a stable tax base. Virginia has been extremely successful in attracting high tech and Fortune 500 companies that provide quality, high paying jobs. Furthermore, preliminary studies of areas that have introduced gambling show that while the number of jobs increase at first, over time the economy of the area suffers, resulting in the loss of high quality employers. We don't need this in my district and I suspect that many Members of this body have similar feelings.

Already, my State is seeing the proliferation of gambling activities. One off-track horse betting parlor is already in operation in Virginia, and its owners are anxious to open a second. The bipartisan, unbiased nine-member commission this legislation will create will provide

Congress and the President with the information necessary to make decisions regarding national policy on gambling. This study will grant the Federal Government invaluable information concerning gambling. Twenty years have passed since Congress visited this issue and the Commission on the Review of the National Policy toward Gambling issued its report. Since then, 46 States have legalized gambling in some fashion. In 1994, Americans wagered \$482 billion on all forms of gambling according to U.S. News and World Report; 85 percent of that figure took place in casinos in 27 States, most of which have opened during the past 5 years. Because of the fact that this industry is growing at such an incredible rate, and because there is a lack of current knowledge on the effects of this particular industry on our society Mr. Speaker, I urge my colleagues to support this important and crucial legislation.

Mr. HYDE. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question on the motion offered by the gentleman from Illinois [Mr. HYDE] that the House suspend the rules and concur in the Senate amendment to H.R. 497.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate amendment just concurred in.

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

There was no objection.

#### CHILD PILOT SAFETY ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3267) to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes.

The Clerk read as follows:

H.R. 3267

*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 "Child Pilot Safety Act".

##### SEC. 2. MANIPULATION OF FLIGHT CONTROLS.

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 44724. Manipulation of flight controls

"(a) PROHIBITION.—No pilot in command of an aircraft may allow an individual who does not hold—

"(1) a valid private pilots certificate issued by the Administrator of the Federal Aviation Administration under part 61 of title 14, Code of Federal Regulations; and

"(2) the appropriate medical certificate issued by the Administrator under part 67 of such title,

to manipulate the controls of an aircraft if the pilot knows or should have known that the individual is attempting to set a record or engage in an aeronautical competition or aeronautical feat, as defined by the Administrator.

"(b) REVOCATION OF AIRMEN CERTIFICATES.—The Administrator shall issue an order revoking a certificate issued to an airman under section 44703 of this title if the Administrator finds that while acting as a pilot in command of an aircraft, the airman has permitted another individual to manipulate the controls of the aircraft in violation of subsection (a).

"(c) PILOT IN COMMAND DEFINED.—In this section, the term 'pilot in command' has the meaning given such term by section 1.1 of title 14, Code of Federal Regulations."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: "44724. Manipulation of flight controls."

##### SEC. 3. CHILDREN FLYING AIRCRAFT.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study of the impacts of children flying aircraft.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consider the effects of imposing any restrictions on children flying aircraft on safety and on the future of general aviation in the United States.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall issue a report containing the results of the study, together with recommendations on—

(1) whether the restrictions established by the amendments made by section 2 should be modified or repealed; and

(2) whether certain individuals or groups should be exempt from any age, altitude, or other restrictions that the Administrator may impose by regulation.

(d) REGULATIONS.—As a result of the findings of the study, the Administrator may issue regulations imposing age, altitude, or other restrictions on children flying aircraft.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, the Transportation and Infrastructure Committee, chaired by the gentleman from Pennsylvania [Mr. SHUSTER], reported H.R. 3267 by voice vote on June 6.

The bill was introduced on April 18 by myself, along with the chairman of the full committee, BUD SHUSTER, Aviation Subcommittee Ranking Member BILL LIPINSKI, Aviation Subcommittee Vice Chairman JERRY WELLER, the chairman of the Government Reform and Oversight Committee, BILL CLINGER, as well as JIM ROSS

LIGHTFOOT, BILL PAXON, and BILL MARTINI.

Since the introduction of this legislation several other Members of the House have added their names as co-sponsors.

According to the National Transportation Safety Board, since 1964 there have been 178 accidents and incidents involving pilots 16 years of age and younger.

And, as we all know, last April, 7-year-old Jessica Dubroff attempted to become the youngest pilot to fly across the United States.

Unfortunately, Jessica, her father, and a flight instructor were killed while attempting to set this record.

Specifically, H.R. 3267 requires a private pilot license for any person attempting to break an aviation record.

The bill also requires a study to be conducted by the FAA to determine if any additional rules or guidelines should be put in place for children flying aircraft.

So, I think we have a balanced approach that focuses on the media-driven publicity stunts without imposing any additional regulations or undue restrictions on the entire aviation community.

H.R. 3267 has strong support from the general aviation community, including the Aircraft Owners and Pilots Association, the General Aviation Manufacturers Association, and the National Air Transport Association.

The bill is also supported by the Federal Aviation Administration, the Department of Transportation, and several Members from both sides of the aisle.

It is a good bill, a balanced bill, and I think it is one that will merit the support of all Members.

I might just say, Mr. Speaker, that because of the terrible tragedy of flight 800 by TWA, the attention being given to aviation safety right at this time is understandably extremely high, and the public is demanding that we take every step possible to make sure that our aviation system is as safe and secure as possible.

This bill, along with two companion bills that we will act on shortly, are judicial steps that this Congress can take and can be proud of in working to make sure that our aviation system is as safe as possible, and we will be doing additional things and holding additional hearings as we move on through the coming weeks and months.

Mr. Speaker, I urge the support of all my colleagues for H.R. 3267, and I reserve the balance of my time.

□ 1245

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

Mr. Speaker, Chairman DUNCAN and I introduced H.R. 3267 following the tragic death of 7-year-old Jessica Dubroff on April 11, 1996, while trying to set a record as the youngest pilot.

This legislation has widespread support in the aviation community because the bill allows the FAA to study whether further restrictions should be placed on children flying aircraft instead of establishing a minimum age at which a child can manipulate the controls of an aircraft in the statute. I believe that it may well be appropriate for us to establish such a minimum age, but I am willing to wait until the FAA completes its study before taking any action.

Mr. Speaker, H.R. 3267 is responsible legislation that addresses the issue without overreacting. I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], ranking member of the Committee on Transportation and Infrastructure.

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

I also strongly support the Child Pilot Safety Act, H.R. 3267. It is regrettable that we should even be here discussing such legislation, but out of necessity we are. The bill was drafted in response to a tragic accident that took the life of Jessica Dubroff, a precocious 7-year-old who was attempting to be the youngest person to manipulate the controls of an aircraft across the North American Continent.

As the committee heard in the hearings that the gentleman from Tennessee, Chairman DUNCAN, called and the ranking member, the gentleman from Illinois, Mr. LIPINSKI, participated in and help craft, we have to keep in mind that Jessica was not the pilot in command of the fatal flight. The decision to take off in foul weather was not hers. The decision to fly in aircraft that was reportedly overweight was not the child's. The decision to allow her to manipulate the controls of that aircraft at any time during that flight and prior to the tragic accident was not the child's decision. It was a decision of the pilot in command, an experienced pilot, a flight instructor who should have known better.

As we have discussed and Chairman DUNCAN and ranking member LIPINSKI have said again and again, we cannot legislate good judgment into the minds and hearts and soles of pilots, but we can erect some very strong barriers. That is what this legislation does.

To the extent that we legislate in this arena, we must legislate with the right objective in mind. The pilot in command, the flight instructor, not the child who is on board that aircraft but the pilot in command, to make that person doubly, triple aware that at all times, regardless of circumstances, regardless of societal pressures or other social pressures, they have to think first of safety. That is what this legislation does.

The child's interest in and enthusiasm for flying should be nurtured. It

ought to be stimulated, as it has been from the dawn of civil aviation. For that purpose, there are junior aviation clubs all across America. The Young Eagles, I think of in my own district in Minnesota, Young Eagles Club at Mora, directed by, coached by Judy Rice, who is a very enthusiastic pilot herself, was appalled that a child would be in an aircraft under such weather conditions with the pressure of trying to create a record of flying across America for a child of that age.

The Young Eagles Clubs, the Civil Air Patrol, the Aviation Explorer Scouts Groups, all give plenty of opportunities for young people to become enthused about aviation to become our future pilots, but never should they be exposed to such questionable and dangerous conditions as preceded that single tragic accident, nor should all those program be sacrificed because of one tragic accident.

I believe that, as a result of the good judgment that Mr. LIPINSKI and Mr. DUNCAN have exercised in crafting this legislation, that it is unlikely that flight instructors will participate in any such questionable record setting activities in the future. Again, we are not trying to legislate good judgment, but we are trying to send up very strong signals to the flying public and to the most experienced of instructors, instructor core throughout this country, stop, take stock, think carefully; lives are in your hands.

I commend the gentleman from Illinois, and I commend the gentleman from Tennessee for this legislation. I urge its passage.

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

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

I simply want to say that I appreciate very much the cooperation, the consideration given to me in crafting this bill by the gentleman from Tennessee, Chairman DUNCAN. I want to congratulate the staff on the Republican side and the Democratic side for working on this and coming up with this legislation. I salute them all. I urge passage of this bill.

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

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

Let me simply in closing echo the words of the gentleman from Illinois [Mr. LIPINSKI]. If there is any other subcommittee in this Congress where there is a better relationship between the ranking member and the chairman, I would like to know about it. The Subcommittee on Aviation has a history of working together in a very bipartisan way.

Sometimes all the publicity is given to our divisions up here, and people do not realize that on many important pieces of legislation the Members on both sides of the aisle work well together. I think this is in part due to a

close relationship that I have with my ranking member, Mr. LIPINSKI, but also it is a tribute to the ranking member of the full committee, the gentleman from Minnesota, Mr. OBERSTAR, who served for many years as the chairman of this subcommittee and who is recognized in this Congress and is often referred to as Mr. Aviation.

I appreciate the work that they have done on this bill and the comments they have made. I think we have a good bill. It is a bill that will correct the abuses without overreaching.

I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 3267.

The question was taken.

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

The yeas and nays were ordered.

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

**AIRLINE PILOT HIRING AND SAFETY ACT OF 1996**

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3536) to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3536

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 "Airline Pilot Hiring and Safety Act of 1996".

**SEC. 2. EMPLOYMENT INVESTIGATIONS OF PILOTS.**

(a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by redesignating section 44723 as section 44724 and by inserting after section 44722 the following:

**"§44723. Preemployment review of prospective pilot records**

"(a) PILOT RECORDS.—

"(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

"(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration, information pertaining to the individual that is maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations thereon; and

"(ii) summaries of legal enforcement actions which have resulted in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title and which have not been subsequently overturned.

"(B) AIR CARRIER RECORDS.—From any air carrier (or the trustee in bankruptcy for the air carrier) that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual—

"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action relating to the training, qualifications, proficiency, or professional competence of the individual which was taken by the air carrier with respect to the individual and which was not subsequently overturned by the air carrier; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—From the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual in accordance with section 30305(b)(7) of this title.

"(2) 5-YEAR REPORTING PERIOD.—A person is not required to furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information is about a revocation or suspension of an airman certificate or motor vehicle license that is still in effect on the date of the request.

"(3) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator and each air carrier (or the trustee in bankruptcy for the air carrier) shall maintain pilot records described in paragraph (1) for a period of at least 5 years.

"(4) WRITTEN CONSENT FOR RELEASE.—Neither the Administrator nor any air carrier may furnish a record in response to a request made under paragraph (1) (A) or (B) without first obtaining the written consent of the individual whose records are being requested.

"(5) DEADLINE FOR PROVISION OF INFORMATION.—A person who receives a request for records under paragraph (1) shall furnish, on or before the 30th day following the date of receipt of the request (or on or before the 30th day following the date of obtaining the written consent of the individual in the case of a request under paragraph (1) (A) or (B)), all of the records maintained by the person that have been requested.

"(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual whose records have been requested—

"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

"(B) in accordance with paragraph (9), a copy of such records, if requested by the individual.

"(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request for records under para-

graph (1) or (9) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) RIGHT TO CORRECT INACCURACIES.—An air carrier that receives the records of an individual under paragraph (1)(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(9) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of a law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review any and all employment records referred to in paragraph (1)(B) pertaining to the pilot's employment.

"(10) PRIVACY PROTECTIONS.—

"(A) USE OF RECORDS.—An air carrier or employee of an air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot.

"(B) REQUIRED ACTIONS.—Subject to subsection (c), the air carrier or employee of an air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that the information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(C) INDIVIDUALS NOT HIRED.—If the individual is not hired, the air carrier shall destroy or return the records of the individual received under paragraph (1); except that the air carrier may retain any records needed to defend its decisions not to hire the individual.

"(11) STANDARD FORMS.—The Administrator may promulgate—

"(A) standard forms which may be used by an air carrier to request the records of an individual under paragraph (1); and

"(B) standard forms which may be used by a person who receives a request for records under paragraph (1) to obtain the written consent of the individual and to inform the individual of the request and of the individual's right to receive a copy of any records furnished in response to the request.

"(12) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect the personal privacy of any individual whose records are requested under paragraph (1) and to protect the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the air carrier who requested them; and

"(C) to ensure prompt compliance with any request under paragraph (1).

"(b) LIMITATION ON LIABILITY; PREEMPTION OF STATE AND LOCAL LAW.—

"(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who is seeking a position with an air carrier as a pilot against—

"(A) the air carrier for requesting the individual's records under subsection (a)(1);

"(B) a person who has complied with such request and in the case of a request under subsection (a)(1) (A) or (B) has obtained the written consent of the individual;

"(C) a person who has entered information contained in the individual's records; or

"(D) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal, State, or local law with respect to the furnishing

or use of such records in accordance with subsection (a).

"(2) **PREEMPTION.**—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law, regulation, standard, or other provision having the force and effect of law that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

"(3) **PROVISION OF KNOWINGLY FALSE INFORMATION.**—Paragraphs (1) and (2) shall not apply with respect to a person that furnishes in response to a request made under subsection (a)(1) information that the person knows is false.

"(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Secretary, the National Transportation Safety Board, or a court."

(b) **CHAPTER ANALYSIS AMENDMENT.**—The analysis for chapter 447 of such title is amended by striking

"44723. Annual report."

and inserting

"44723. Preemployment review of prospective pilot records.

"44724. Annual report."

(c) **CONFORMING AMENDMENT.**—Section 30305(b) of such title is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following:

"(7) An individual who is employed or seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 5 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request."

(d) **CIVIL PENALTIES.**—Section 46301 of such title is amended by inserting "44723," after "44716," in each of subsections (a)(1)(A), (a)(2)(A), (d)(2), and (f)(1)(A)(i).

(e) **APPLICABILITY.**—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot on or after the 30th day after the date of the enactment of this Act.

### SEC. 3. RULEMAKING TO ESTABLISH MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.

Not later than 18 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a notice of a proposed rulemaking to establish—

(1) minimum standards and criteria for preemployment screening tests measuring the biographical factors (psychomotor coordination), general intellectual capacity, instrument and mechanical comprehension, and physical fitness of an applicant for employment as a pilot by an air carrier; and

(2) minimum standards and criteria for pilot training facilities which will be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

### SEC. 4. SHARING ARMED SERVICES RECORDS.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration, in conjunction with the Secretary of Defense, shall conduct a study to determine the relevance and appropriateness of requiring the Secretary of Defense to provide to an air carrier, upon request in connection with the hiring of an individual as a pilot, records of the individual concerning the individ-

ual's training, qualifications, proficiency, professional competence, or terms of discharge from the Armed Forces.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

### SEC. 5. MINIMUM FLIGHT TIME.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to determine whether current minimum flight time requirements applicable to individuals seeking employment as a pilot with an air carrier are sufficient to ensure public safety.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, on Thursday, June 6, the House Transportation and Infrastructure Committee reported the Airline Pilot Hiring and Safety Act, H.R. 3536, by voice vote.

H.R. 3536 will go a long way in helping the airline industry weed out poor pilots—and it will make sure that these pilots are kept out of the system.

The legislation requires airlines to share the records of pilot job applicants before they are hired.

These records include physical exams, drug tests, alcohol tests, training records, proficiency and route checks, and others. It also requires airlines to request the motor vehicle driving records of the pilot from the National Register. None of this information can be released without the pilot's prior written approval.

Over the last 7 years, as a result of airplane accidents involving fatalities, the National Transportation Safety Board has recommended to the FAA, on at least three different occasions, that pilot performance records should be shared.

Since 1987, substandard airline pilots have contributed to several fatal plane crashes, killing hundreds of people.

Among these pilots, one failed three flight tests in 6 years, one had been fired five times for poor performance, two had substance abuse problems, and the list goes on.

The Aviation Subcommittee, of which I chair held 2 days of hearings on this issue just this past December. From those hearings there was general consensus that the sharing of pilot records should be done.

H.R. 3536 provides airlines near total immunity from defamation lawsuits. The only exception would be if the airline knowingly places false information about a pilot in his or her record.

As I have said on several occasions, I believe that 99.9 percent of the pilots who fly today are very good pilots.

But, unfortunately, some poor pilots have fallen through the cracks.

Again, on a bipartisan basis, we worked to craft a bill that I feel confident every Member of the House can support.

H.R. 3536 has several cosponsors from both sides of the aisle. It is also supported by the chairman of the full committee, Mr. SHUSTER, as well as the ranking members of both the full committee and the Aviation Subcommittee, Mr. OBERSTAR and Mr. LIPINSKI.

It is a good bill, a bipartisan bill, and it will help our make our safe aviation system even safer. I urge Members to support its passage.

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

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

Mr. Speaker, I rise in strong support of H.R. 3536, the Airline Pilot Hiring and Safety Act.

This bill will require an airline to obtain the records of a pilot from the pilot's previous employer before hiring that pilot. I think it's clear to all of us why this makes sense. We learned from a 1994 crash in which the pilot flying that aircraft had been forced out by another carrier because of poor performance. At the hearing the Aviation Subcommittee held on this issue that December, there was virtually unanimous agreement that a system needed to be set up for airlines to share pilot records which protected the rights of both the carriers and the pilots.

After considerable effort and through the leadership of Chairman DUNCAN, we have found the appropriate balance. Neither the carriers nor the pilots love this bill. But in the spirit of compromise we have found a middle ground which I believe best serves the interests of the flying public.

I do want to thank Chairman DUNCAN and Chairman SHUSTER for working so closely with our side on this legislation. They have been very receptive to improvements we have suggested and the end result is a bill that we can all support.

Mr. Speaker, I urge support for this important safety legislation.

□ 1300

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEINEMAN], one of the main people in this Congress who is the biggest mover and shaker on this particular piece of legislation. He has been in on this from the very beginning and deserves a great deal of credit for this legislation.

Mr. HEINEMAN. Mr. Speaker, today I rise in strong support of H.R. 3536, the Duncan-Heineman Airline Pilot Hiring Safety Act.

Mr. Speaker, on December 13, 1994, tragedy struck commuter Flight 3379.

What began as a routine commuter flight from Greensboro, NC to the Raleigh-Durham International Airport—in my own congressional district—sadly turned to tragedy.

On that evening, the pilot of Flight 3379 attempted to land his twin engine commuter plane in the fog and rain, but because of a tragic miscalculation, the plane began spinning out of control and crashed on a hillside near the airport.

That disaster took the lives of the pilot, his copilot, and 13 of 20 passengers. Federal investigators learned that the crash was a result of pilot error. To make matters worse, the pilot of Flight 3379 had a history of similar pilot errors, and in fact he had been recommended for dismissal by another airline which previously employed him. His questionable training records from that previous airline were not available to his new employer when he was hired.

As USA Today reported:

"If [the pilot's] training records had been shared, 15 people might not have died on December 13, 1994, when a [commuter] plane crashed near Raleigh-Durham, N.C."

To quote further from the article:

"The FAA does not require airlines to verify flight experience; to check FAA records for accidents, violations, warnings or fines, or to check for criminal records." (USA Today, September 26, 1995).

Mr. Speaker, on the 1-year anniversary of this terrible crash, as the families of the victims struggled to make sense of the tragedy, I introduced legislation to make sure that this kind of accident would never happen again. I testified before the House Aviation Subcommittee, and in the following months, I worked closely with my good friend, Aviation Subcommittee Chairman JOHN DUNCAN, to develop the bipartisan legislation before us today.

This bill, the "Duncan-Heineman Airline Pilot Hiring Safety Act" will require airlines that are preparing to hire a new pilot request certain safety records, some of which are maintained by the FAA, and many of which are maintained by the airlines themselves.

This bill provides some necessary protections from lawsuits for airlines that share safety records as required by law. The bill also gives pilots the opportunity to check the accuracy of any records and requires that pilots give their written approval before records are released.

Mr. Speaker, this is a good bill, a bipartisan bill that will go a long way toward making our airlines even safer. I want to thank Aviation Subcommittee Chairman JOHN DUNCAN and Transportation Committee and Infrastructure Chairman BUD SHUSTER for their invaluable help in developing this critically needed legislation and bringing it to the floor. I also want to commend Representative JIM OBERSTAR, the ranking member of the Transportation

Committee, and Representative WILLIAM LIPINSKI, the ranking member of the Aviation Subcommittee for their hard work in helping to craft this bipartisan bill.

I urge Members to support H.R. 3536.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], Mr. Aviation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for those very kind remarks.

Mindful of Adlai Stevenson's injunction that it is all right to hear praise of oneself as long as they do not inhale it, the two aviation leaders in this Congress are the gentleman from Tennessee, the chairman of the subcommittee, and the gentleman from Illinois [Mr. LIPINSKI], ranking members of the subcommittee, and I am very grateful for the splendid work they have done in carrying on the bipartisan tradition of our subcommittee on aviation.

This legislation plugs a hole in the aviation safety system to insure that we take every step to make that system as safe as it can possibly be. Again our two leaders on this aviation subcommittee have worked in a bipartisan fashion, very carefully and with great legislative craftsmanship to address, as the gentleman from Illinois [Mr. LIPINSKI] well put it, a measure and an issue that does not please either the pilot community or the airline community. It will please, and it should please, the traveling public.

This is an issue that we have dealt with in the aviation subcommittee over a period of 3 or 4 years, drawing upon a recommendation several times issued by the National Transportation Safety Board that the transfer of training and employment records of pilots should be done and should be made available from one airline to another airline when a pilot is being considered for employment, changing employees, and it should seem like a very straightforward and simple action. But in fact it is not. It has taken us quite a long time to get to this point.

It is actually a very thorny thicket of issues that requires a balance of interests while insuring that the safety benefits of transferring those records are achieved, and the issues that have arisen over a period of several years are privacy for the pilots, liability for pilots and for airlines, the employer employee relationship. But I think all of those questions are met very responsibly and very effectively in this legislation.

The National Transportation Safety Board has found in a number of accident investigations that the pilot involved had been dismissed from previous employers for poor performance. But that history, those records, Mr. Speaker, were not known to the current employer. Had it been known, the

pilot who caused or contributed to such accidents would not have been hired, in all likelihood, or at least the airline doing hiring would have been able to know about the background and do further checks and do further investigation of the qualifications of that applicant, and in some situations, very likely, accidents could have been avoided.

I expect that upon enactment and enforcement of this legislation, that another category of accidents will be eliminated, specifically accidents caused by pilots who have previously been judged to be such poor pilots that they had to be terminated by their airline employer.

The chairman has thoroughly described how the bill establishes a system of record sharing with protections for pilots. The gentleman from Illinois [Mr. LIPINSKI] has elaborated on it. But I just want to emphasize how important it is that the pilots have the ability to correct their records, that they will know under this legislation when their record are being transferred and that they will have the ability to seek damages against a person in their former employer airline who may falsify a pilot's records. Those are very important privacy and personal protections for pilots. They were right to be concerned about those matters. Our committee has been right to address those issues and has addressed them very effectively and soundly in this legislation.

Section 3 of the bill directs a rule-making to establish new minimum standards for pilot qualifications, another issue that pilots were concerned about. Hiring in the airline industry is very cyclical, given the economics of aviation. When there is low demand for travel, there is low demand for pilots. Airlines can be choosy about who they select, and they can and do pick pilots with more experience and more training. When demand is high, the airlines, on simple supply and demand purposes, hire pilots for less stringent criteria.

This bill will require the initiation of a regulatory proceeding to determine the appropriate standards, to screen pilots for psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, physical fitness.

The bill will also establish minimum standards for pilot training facilities to ensure that pilots will meet the new preemployment standards.

The bill also requires a study of whether existing minimum flight time requirements are sufficient to ensure safety in today's increasingly sophisticated and complicated aircraft.

This bill is far greater than just transfer of records and the very important issue of one airline knowing a pilot's complete history. It sets standards for a range of issues that I just described, it will elevate the whole quality of airmanship in today's highly

complicated pilot and cockpit environment, and I think this legislation, I say to my two colleagues, does a great service to the traveling public and to all of aviation for the future. It is a quantum leap forward, and I commend both the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] on the splendid job they have done in bringing this matter forward. I urge its enactment, and I hope the other body will act quickly upon it.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers at this time, and I reserve the balance of my time.

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

I am going to conclude here, and I simply want to make a couple of points.

First, when the gentleman from Tennessee [Mr. DUNCAN] and I referred to the gentleman from Minnesota [Mr. OBERSTAR] as Mr. Aviation, there is no jest in that whatsoever. We all sincerely believe that he knows more about aviation than any person we have run into in this country or in any country in the world. So we do not in any way, shape, or form make light of that. We are bestowing upon him a title that we all sincerely believe.

Second, I want to make the point that this bill really was a very difficult bill to work out a reasonable compromise on. We had the pilots on one side, the air carriers on another side, and I salute the chairman for his steady hand in bringing us to an outstanding compromise.

But, in all honesty, on this particular piece of legislation I salute the staff members on both sides who had to put up with the arguments coming forth from the pilots and from the carriers, and I know that that was no easy job listening to them repeatedly, and for the legislation that they developed along with the Members of the committee I strongly salute them.

So once again I say I support this bill enthusiastically, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume to simply echo the remarks of the ranking member, the gentleman from Illinois [Mr. LIPINSKI]. In fact, a few minutes ago I whispered to Dave Schaffer, our very fine staff director for the subcommittee, that I thought many people watching the discussion on the Child Pilot Safety Act and the Airline Pilot Hiring and Safety Act, these 2 bills, would not fully realize that if we had gone too far in either direction on either one of these bills, we could have turned either or both of these bills into something very, very controversial, and instead everyone has worked together in a very bipartisan and a very cordial fashion to fashion legislation that I think merits the support of all of our colleagues. And I, too, like Mr. LI-

PINSKI, want to thank the staff for some outstanding work on these two bills, and also thank once again the gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Minnesota [Mr. OBERSTAR], and I urge passage of this bill.

Mr. TRAFICANT. Mr. Speaker, as a member of the Transportation and Infrastructure Subcommittee on Aviation, I rise in strong support of H.R. 3536.

Over the past 8 years, there have been eight commercial airplane crashes—all but one on small airlines. According to the National Transportation Safety Board, five of these crashes are attributable to pilot error. In at least four of these fatal accidents, the employing airline was not aware that the pilots had documented histories of poor performance with other airlines that had employed them.

One of these crashes occurred on December 13, 1994, when American Eagle flight 3379 on route from Greensboro, NC to Raleigh-Durham crashed four miles short of the runway while attempting an instrument controlled landing in poor weather conditions. Thirteen passengers and the two crew members were killed.

The pilot, Capt. Mike Hillis, was hired by American Eagle just 4 days after he was forced to quit by his previous employer because of poor piloting skills. American Eagle had no knowledge of his prior poor performance ratings.

One of the passengers who died on flight 3379 was William Gibson of Kernersville, NC. Mr. Gibson's mom, Mary Ann Gibson and his sister, Susan Gibson Berson, testified before the Aviation subcommittee last December. The Gibsons are residents of Warren, OH in my congressional district. Mary Ann's husband, Howard Gibson, passed away on January 20. Howard was also here when his wife testified. I can't think of a more fitting tribute to this beautiful family than to get this legislation enacted into law.

According to the NTSB, the probable cause of the American Eagle flight 3379 accident was pilot error. American Eagle failed to identify, document, monitor, and remedy deficiencies in pilot performance and training.

While the FAA requires airlines to conduct security checks of pilot applicants, there is no FAA requirement to verify flight experience, determine an applicant's safety/enforcement history, pilot training and performance in the pilot's previous position, or any criminal or driving history.

H.R. 3536 requires an airline to obtain the records of a pilot from the pilot's previous employer before hiring that pilot. The bill requires airlines to keep pilot records for up to 5 years, and allows pilots full access to their records and notice of whenever records are being provided. The bill also provides immunity to airlines unless the airline knowingly lies about the pilot's record.

I would like to note for the record that the airline pilots have raised some legitimate concerns about this bill. They argue that many pilot training records are subjective, and requiring record sharing and background checks will result in the sanitization of pilot records to protect pilots' careers. This, they argue, would have the effect of making the system less safe.

While I understand the pilots' concerns, I believe the bill before strikes a reasonable balance between safety and privacy. And the bill does directly address another concern the pilot's raised by requiring the FAA to issue a proposed rule within 18 months establishing minimum standards for pilot qualifications.

The airline pilots are right on target when they note that one way to address the safety issue is for the FAA to standardize and tighten pilot hiring standards.

I would also repeat that the bill allows pilots to sue airlines if an airline lied about a pilot. The bill also includes clear language safeguarding the privacy of pilot records.

On balance, this is a good bill and I urge all Members to support it.

Mr. LAZIO of New York. Mr. Speaker, I rise in strong support of the Airline Pilot Hiring and Safety Act, H.R. 3536, which we are considering today. This bill requires an airline to perform a background check on a pilot before that individual can be hired. It also requires the FAA to establish minimum standards for pilot qualifications, and work with the Department of Defense to determine if military pilot records should be available to civilian airlines seeking to hire former military pilots. Privacy safeguards are incorporated into the bill.

Without question, the vast majority of airline pilots are well-qualified individuals with impeccable records. Nevertheless, pilot error occurs and there have been accidents because the pilot's flying history was not known to the current employer. A tragic case in point was the American Eagle flight 3379 crash on December 13, 1994 near Raleigh-Durham Airport. This accident took the lives of the 15 people, including my Long Island constituent, Kelly Ciulla. The National Transportation Safety Board found that pilot error was the probable cause. Disturbingly, the pilot has a history of poor performance with errors similar to those that contributed to this crash and was forced to quit his previous job with another airline because of his poor piloting skills. However, American Eagle was not aware of the pilot's flight record because this information is not traditionally shared among the airlines.

Following investigations involving pilot error, the NTSB has repeatedly recommended that the Federal Aviation Administration require substantive background checks on pilot applicants, but the agency has failed to do so. The consequences have been tragic and needlessly so.

The airlines must know that their pilots are highly qualified, and the flying public deserves no less. At the request of Kelly Ciulla's mother, Maureen Ryan, I cosponsored a similar bill introduced by Congressman HEINEMAN in whose congressional district the flight 3379 crash occurred. H.R. 3536 before us today has evolved from the bill. Requiring pilot background checks is purely common sense and not without precedent in other industries. The railroads, trucking companies, defense contractors, and many school districts follow this practice when they hire an employee.

I commend the leadership for bringing this H.R. 3536 to the floor, and I urge my colleagues to support this long overdue legislation that will save lives.

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 3536, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□ 1315

#### NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3159

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Transportation Safety Board Amendments of 1996".

#### SEC. 2. TERMS OF OFFICE.

(a) IN GENERAL.—Section 1111(d) of title 49, United States Code, is amended by striking the third sentence and inserting the following: "The term of office of the Chairman shall be 4 years and the term of the Vice Chairman shall be 2 years."

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to persons designated as Chairman of the National Transportation Safety Board after the date of the enactment of this Act.

#### SEC. 3. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "(b) and (c)" and inserting "(b), (c), and (e)"; and

(2) by adding at the end the following:

"(e) FOREIGN INVESTIGATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

"(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

"(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

"(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations."

#### SEC. 4. PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.

Section 1114(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information."

#### SEC. 5. TRAINING.

Section 1115 of title 49, United States Code, is amended by adding at the end the following:

"(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigations. The Board may also authorize attendance at courses given under this subsection by other governmental personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the 'National Transportation Safety Board, Salaries and Expenses' as offsetting collections."

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end of the first sentence the following: ", \$42,407,000 for fiscal year 1997, \$44,460,000 for fiscal year 1998, and \$45,040,000 for fiscal year 1999".

#### SEC. 7. REPORTS ON SAFETY RECOMMENDATIONS.

Section 1135(d) of title 49, United States Code, is amended—

(1) by striking "January 1" and inserting "January 31";

(2) by inserting "or any other officer of the Department of Transportation" after "to the Secretary"; and

(3) by inserting "or such officer's" after "the Secretary's".

The SPEAKER pro tempore (Mr. COBLE). Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, the Transportation and Infrastructure Committee, under the outstanding leadership of its chairman, Mr. SHUSTER, reported H.R. 3159 on May 9. The Aviation Subcommittee and the Railroad Subcommittee held a joint hearing on the needs and concerns of the National Transportation Safety Board on March 6.

I must say that I have been very impressed with the work of the NTSB under the leadership of Chairman Jim Hall.

The NTSB has responded extremely well to the recent airline tragedies involving ValuJet and TWA. The professionalism and dedication, in often very

tough and demanding situations, should be heeded by several other Federal agencies and Departments.

H.R. 3159, authorizes appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety.

H.R. 3159 has six components that I will briefly outline. First, the typical NTSB reauthorization has been 3 years and this bill contains a 3-year reauthorization.

Second, for this current fiscal year, the committee had authorized \$45.1 million dollars, however the Appropriations Committee appropriated a level of \$38.8 million. Let me say that the authorization levels in this bill are not those that were reported in the original bill. They have been adjusted to reflect what the House has recently approved in this year's Department of Transportation appropriations bill, H.R. 3675. So, this bill authorizes \$42.4 million for fiscal year 1997, \$44.46 million for fiscal year 1998, and \$45.0 million for fiscal year 1999.

The first year's authorization represents a 9.3 percent increase from the fiscal year 1996 appropriated level, and it provides an adequate increase in the remaining 2 years, which results in a 6.2 percent increase between 1997 and 1999. I think these levels will allow the NTSB to adequately perform its mission.

Third, the bill extends the term of the NTSB chairman from 2-years to 4-years. NTSB argued that it has had rapid turnover in its chairmanship and that a 4-year term would promote leadership stability. Many other agency chairmen have terms of 4 years or more so we are not doing anything out of the ordinary here.

Fourth, we also have a provision in H.R. 3159 that would allow the NTSB to withhold foreign accident information. Currently, many foreign aviation authorities will not give accident information to the NTSB for fear that the Board will have to release it to the public under the Freedom of Information Act. As a result, Board employees must travel to foreign countries or embassies to review data. This is costly and inefficient. We correct this problem in our bill.

Fifth, we also give the NTSB authority to withhold voluntarily provided safety information. At this time, the NTSB learns of safety problems only after there has been an accident. A major initiative in the aviation community is to try to spot trends or unsafe practices before they cause an accident. This initiative could be accomplished by voluntarily sharing data among airlines and with the Government. However, many are reluctant to do this because they fear possible repercussions if the information was released.

Let me say that the Aviation Subcommittee recently held a hearing regarding protections for whistleblowers

in the aviation industry. I think we will continue to look at this issue.

Sixth, and finally, H.R. 3159 allows the NTSB to charge a reasonable fee for courses given to non-Board members. The NTSB conducts safety-related classes and this provision will allow them to recoup some of its cost for conducting these classes.

So, we have a very fine bill which I feel very confident every Member of the House can support.

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

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I join the chairman in expressing my strong support for H.R. 3159, the National Transportation Safety Board Amendments of 1996. This legislation reauthorizes the NTSB for 3 years, and makes a number of changes requested by the NTSB to allow the Board to continue its excellent work.

As this bill moved through the Transportation and Infrastructure Committee, I repeatedly observed that the NTSB is probably the most respected Government entity in the United States. Since the committee reported this legislation, we have witnessed two devastating aircraft crashes that have focused the Nation's attention on the NTSB's work. In the most difficult of circumstances, the NTSB works with local, State, and Federal entities as well as with the families of accident victims. And the Board is not just involved in aviation—the NTSB leads investigations of accidents in every mode of transportation. As we discuss this reauthorization on the floor today, it is important for us to recognize the public service performed by the Board. They are a critical element of our national transportation system.

Mr. Speaker, as requested by the NTSB, H.R. 3159 extends the Chairman's term for future Chairmen from 2 years to 4 in an effort to promote leadership stability. It also enables the Board to fully participate in foreign investigations by providing protection from Freedom of Information Act requests for a 2-year period. Our intention is not to keep information from the public. Rather, the measure simply enhances the NTSB's access to information that will lead to improvements in aviation safety.

The bill also encourages data sharing programs among the FAA, NTSB, and the aviation community by prohibiting the Board from disclosing voluntarily provided safety information. By sharing information before an accident occurs, we can save lives. The legislation establishes a framework which will enable this to occur.

Mr. Speaker, the legislation we are considering today contains higher funding levels than those contained in the introduced bill. This slightly high-

er authorization in the out years, along the lines of an amendment offered by Mr. OBERSTAR during committee markup, will enable the NTSB to increase its workforce by some 20 employees. In recent months, with the ValuJet crash in the Florida Everglades and the TWA crash last week off Long Island, it has become even clearer to me that the NTSB needs every resource it can get. I want to thank the ranking member of the committee, Mr. OBERSTAR, for his leadership on this issue, and both Chairman SHUSTER and Chairman DUNCAN for their willingness to work with us. The higher funding level makes this a better bill for the American people.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Speaker, I strongly support H.R. 3159, to reauthorize the National Transportation Safety Board. I appreciate the very thorough, complete explanations provided by the chairman of the committee, the gentleman from Tennessee [Mr. DUNCAN], and the ranking member, the gentleman from Illinois [Mr. LIPINSKI], on the details of this administration. I just want to address the issue about the NTSB, about which I have had such very deep and strong admiration for many years.

□ 1330

In the end we have worked it out. I am very appreciative of the consideration Chairman SHUSTER has given to this issue, the work that Chairman DUNCAN has done and the digging in of my good colleague from Illinois who has worked so hard to achieve the resolution that we came to in this legislation today that will increase the work force to 370 employees.

If ever there were a question about the value, the significance, the objectivity, and the meticulous workmanship of this small, effective agency, the National Transportation Safety Board, surely any concerns were put to rest by its work on the tragic ValuJet crash in Florida. Although we do not have as yet a probable cause, I am certain that the workmanlike job of the NTSB investigators, that the continuing meticulous metallurgical studies that are being done and other work will lead NTSB to a determination of probable cause from which can come regulatory action to prevent such tragedies in the future.

We gather this afternoon in the aftermath of another unspeakable tragedy. Again we see the professionalism and the integrity of the NTSB managing the investigation of this tragic accident. We have come to rely upon NTSB as the front line of defense in aviation safety. They are the first ones who deal with the families of the victims of tragedies. They are the first ones on

the scene with the expertise to sift through the wreckage and come to an understanding of how it came about, what caused it, and then what should be done to prevent future accidents. I have such enormous respect for all those who are the first on the scene who have to deal with the grisly results of an tragic accident. We should give them our total support. This legislation is a very strong move in the right direction.

I greatly appreciate again the work of Chairman DUNCAN, Ranking Member LIPINSKI, and our staff who on both sides of the aisle have worked together very hard to come to a resolution of issues so that we can bring to this body a truly bipartisan piece of legislation that must be enacted.

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

Mr. Speaker, let me say that I rise to once again thank our two outstanding ranking members, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Illinois [Mr. LIPINSKI]. All three of these bills that we have had on the floor today pertain to aviation safety. We just, of course, have been through two terrible tragedies with the ValuJet crash and the TWA crash. The sympathy of every Member of this body goes out to the family members of the victims of those tragedies. In fact I think on our subcommittee we see that tragedy closer up than almost any other Member of this body because we have heard in just recent weeks from the family members of some of these victims. I think that we are going to produce legislation in the next few weeks or months that will help improve the treatment of family members of victims of these tragedies and hopefully will produce legislation to make our airports even more secure.

These bills today, along with the legislation that we approved in March to reform the FAA, are the first major overhaul of our civil aviation law since 1958, a major step that we took if passed by the Senate. I think the members of the public should know that we are not sitting idly by, that the Members of this body are doing everything possible to make sure that our aviation system becomes even safer.

I think we should note that we have by far the safest aviation system in the world. We have had a little over 12,900 deaths in all U.S. aviation accidents combined since the Wright brothers' flight of 1903. Even one death is too many. We need to work constantly to improve and make it better, especially with air passenger traffic going up as much as it is, and it is going to shoot way up in these next 10 years, possibly to as many as 1 billion passengers a year. So we have got a lot of work to do.

We should note that unfortunately as many people are killed on the highways in this Nation every 4 months as

have been killed in all of these U.S. aviation accidents combined since the Wright brothers' flight. We have an aviation system that the world looks up to and that we should be proud of. We should reassure the flying public that our aviation system in this country is very, very safe, and we are going to do everything we can to make it safer. That is why we can all be so proud not only of our FAA reform legislation but of these bills today.

Mr. Speaker, I urge passage of this final bill, H.R. 3159.

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

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

Mr. Speaker, in conclusion I simply want to say that we have the safest airline system in the world. The gentleman from Minnesota, [Mr. OBERSTAR], Chairman DUNCAN, myself and all other members of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure of the House of Representatives will do and have done everything we possibly can to continue to improve airline safety in this Nation. We are passing 3 bills today that deal with airline safety. There is much more to be done, but I am sure that we are up to the challenge. We will do it.

I want to say that Chairman DUNCAN is a man who I sincerely appreciate working with because he is very easy to work with, he is very understanding, and he is very committed to aviation safety and the improvement of aviation in this Nation and, quite frankly, in this world.

To have a man with the experience of the gentleman from Minnesota, [Mr. OBERSTAR] serving on this subcommittee and, of course, on the full committee has been of enormous help to myself and to Chairman DUNCAN. I want to state publicly I appreciate the work that both of those gentlemen have done in regard to aviation. I ask everyone's support of this bill for the National Transportation Safety Board, particularly because there is another great Tennessean that is the chairman of that board.

Tennessee has sent us outstanding public people: Davy Crockett, Sam Houston, Andrew Jackson, BOB CLEMENT, Jim Hall, and, the most outstanding of all, Chairman DUNCAN.

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

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 3159, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on all three of the bills just considered, H.R. 3267, H.R. 3536, and H.R. 3159.

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

There was no objection.

#### CENSUS OF AGRICULTURE ACT OF 1996

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3665) to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, as amended.

The Clerk read as follows:

H.R. 3665

*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 "Census of Agriculture Act of 1996".

#### SEC. 2. TRANSFER TO THE SECRETARY OF AGRICULTURE OF THE AUTHORITY TO CONDUCT THE CENSUS OF AGRICULTURE

(a) IN GENERAL.—Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by adding at the end the following:

"(c)(1) The Secretary shall, in 1998 and in every 5th year beginning after 1998, take a census of agriculture. In connection with each such census, the Secretary may conduct any survey or other data collection, and employ any sampling or other statistical method, that the Secretary determines is necessary and appropriate.

"(2) The data collected in each census taken under this subsection shall relate to the year immediately preceding the year in which the census is taken.

"(3) Any person who refuses or neglects to answer questions submitted to such person in connection with a census or survey under this subsection, or who answers any such questions falsely, shall be subject to section 221 of title 13, United States Code, to the same extent and in the same manner as if—

"(A) section 142 of such title 13 had remained in effect; and

"(B) the census or survey were a census or survey under such section 142, rather than under this subsection.

The failure or refusal on the part of any person to disclose such person's social security number in response to a request made in connection with any census or other activity under this subsection shall not be a violation under the preceding sentence.

"(4) Each census under this subsection shall include each State, and as may be determined by the Secretary, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Is-

lands, and the Commonwealth of Puerto Rico, and any such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Inclusion of other areas over which the United States exercises jurisdiction, control, or sovereignty shall be subject to the concurrence of the Secretary of State.

"(5) The Secretary of Commerce may, upon written request of the Secretary of Agriculture, furnish any information collected under title 13, United States Code, which the Secretary of Agriculture considers necessary for the taking of a census or survey under this subsection. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.

"(6) The Secretary of Agriculture shall, upon written request of the Secretary of Commerce, furnish any information collected in a census taken under this subsection which the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code. Any information so furnished may not be used for any purpose other than the statistical purposes for which it is supplied.

"(7) Any rules or regulations necessary to carry out this subsection may be prescribed by—

"(A) the Secretary, to the extent that matters within the jurisdiction of the Secretary are involved; and

"(B) the Secretary of Commerce, to the extent that matters within the jurisdiction of the Secretary of Commerce are involved."

(b) CONFORMING AMENDMENTS.—Effective October 1, 1998—

(1) section 142 of title 13, United States Code, and the item relating to section 142 in the table of sections for chapter 5 of such title 13, are repealed; and

(2) section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by inserting "or section 526(c) of the Revised Statutes (7 U.S.C. 2204(c)), as the case may be," before "except".

#### SEC. 3. PROVISIONS RELATING TO CONFIDENTIALITY OF INFORMATION.

(a) INFORMATION FURNISHED TO THE DEPARTMENT OF AGRICULTURE.—

(1) AUTHORITY TO FURNISH INFORMATION.—Section 9(a) of title 13, United States Code, is amended by striking "chapter 10 of this title—" and

(2) CONFIDENTIALITY OF INFORMATION.—Section 1770(d)(5) of the Food Security Act of 1985 (7 U.S.C. 2276(d)(5)) is amended to read as follows:

"(5) subsections (a) and (c) of section 526 of the Revised Statutes (7 U.S.C. 2204(a) and (c));"

(b) INFORMATION FURNISHED TO THE DEPARTMENT OF COMMERCE.—

(1) AUTHORITY TO FURNISH INFORMATION.—Section 1770 of the Food Security Act of 1985 is amended by adding at the end the following:

"(e) Nothing in this section shall be considered to prohibit any release of information under section 526(c)(6) of the Revised Statutes (7 U.S.C. 2204(c)(6))."

(2) CONFIDENTIALITY OF INFORMATION.—Information furnished under section 526(c)(6) of the Revised Statutes shall, for purposes of section 9 and 214 of title 13, United States Code, be treated as if it were information furnished under the provisions of such title 13.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. COMBEST] and the gentleman from Texas [Mr. STENHOLM] each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3665 is a short bill—it simply transfers the authority to conduct the Census on Agriculture from the Secretary of Commerce to the Secretary of Agriculture and eliminates this authority from the Secretary of Commerce as of October 1, 1998.

This census authority change was one that the Senate wanted to include as part of the 1996 farm bill. However, we completed the farm bill conference before we on the House side had a chance to clear this change with the Government Reform Committee.

I, along with Chairman ROBERTS and all the other members of the Agriculture Committee, want to thank all the members and staff of the Government Reform Subcommittee on National Security, International Affairs, and Criminal Justice, Chairman ZELIFF and his ranking member, Mrs. THURMAN, for their help in accommodating this move—everyone worked very hard to get this bill put together very quickly.

In order to cope with the continuing move to streamline and downsize Federal agencies, it has become apparent that moving the authority to conduct the Census on Agriculture from Commerce to USDA makes sense, from both an administrative and cost-effective point of view. In fact, the fiscal year 1997 Agriculture appropriations bill has already shifted the \$17 million in funding for the Census on Agriculture to USDA, rather than the Department of Commerce.

By moving the authority to conduct the census over to USDA, it allows the Department of Commerce to free up the funds otherwise obligated for this census; eliminates the need for a specific line-item in the Commerce Department's appropriation; and locates the census at the agency with the biggest interest in the ag census, without precluding USDA from working with the Commerce Department on actually getting the work done.

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

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

Mr. Speaker, I rise today in support of H.R. 3665, the Census of Agriculture Act of 1996. I would simply like to reiterate to my colleagues what my colleague the gentleman from Texas [Mr. COMBEST] has already said, and that is that this bill does not change the definition of what constitutes a farm nor does it decrease the amount of funding available for other discretionary activities within the Department of Agriculture.

This legislation simply moves the administration of the ag census from the Bureau of the Census within Commerce

to the Department of Agriculture. Secretary Glickman has indicated that he will charge the National Agriculture Statistics Service with continuing to carry out an agricultural census every 5 years. The Ag Statistics Service within USDA is well suited to take over the responsibilities for carrying out the census activities, as they already maintain a network in every state that allows them to put out State by State reports weekly and major reports throughout the year. These reports are utilized by all segments of the agricultural sector in this country and every by our foreign competitors.

I am pleased that Secretary Glickman took the initiative in forging this compromise with the Department of Commerce as well as the Office of Management and Budget to ensure the viability of the ag census for future years. I would also like to thank our colleagues on the Committee on Government Reform and Oversight for their cooperation in ensuring the passage of H.R. 3665 and urge my colleagues to support the passage of this legislation.

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

Mr. WISE. Mr. Speaker, I thank the gentleman from Texas [Mr. STENHOLM] and I thank the gentleman from Texas [Mr. COMBEST]. This is truly a great Texas piece of legislation, but it is very, very important for West Virginia. Let me just say that I appreciate also the full committee chair of both the Committee on Agriculture and the Committee on Government Reform and Oversight for their efforts as well.

Mr. Speaker, this is a very important bill, particularly for rural States, rural areas, and particularly for States that have farming of the type that West Virginia does.

□ 1345

If this piece of legislation did not go through, West Virginia will be the most seriously affected State of any State in the Nation in terms of losing its definition of family farm and losing a lot of farms that presently benefit from that definition. West Virginia presently has over 17,000 farms that are defined as farms by the Department of Census, that is, they have sales in excess of \$1,000. Raising that to \$10,000 would cause 78 percent of our farms in the State to lose that definition.

What that means then is that we would be greatly impacted, farmers would not be able to receive certain tax, favorable tax treatment, the distribution of research funds for farms would be altered and also for college agricultural programs as well as the allocation of soil conservation efforts. So clearly this is a very, very significant piece of legislation for much of rural West Virginia and much of rural America.

Simply, what it does is to move the census functions from the Bureau of

Census to the United States Department of Agriculture. That is important because the USDA obviously has clear experience with working with farms and farm definitions, not so the Bureau of Census.

Also, the Bureau of Census has seen its budget cut in this particular area 31 percent. That means they are not going to be spending as much time focusing on what it is that makes up farming and what is important to farmers. I believe that this consolidation moving to USDA will also integrate the agriculture statistic programs of the two departments and eliminate duplication and promote efficiency. The Bureau of Census, I am happy to say supports this move as well.

The USDA has indicated that at least in the foreseeable future, the near future, they do not foresee changing the threshold definition of farming, that is changing the threshold definition from the present \$1,000. That means that there would not be an immediate increase to 5- or, even as had been proposed in the Bureau of Census, to \$10,000. If that threshold level is raised to \$10,000, 78 percent of West Virginia farms will no longer be defined as a farm and therefore not be eligible for favorable tax treatments in certain instances nor will they count towards the formula monies for various agriculture programs, including Soil Conservation Service and agricultural research efforts.

I think this is an extremely important piece of legislation. I just want the chairman to know, and the ranking member, that just as recently as this weekend at various functions people were coming up to me and saying what is being done about the farm threshold. Am I going to be a farmer or not? I was happy to tell them that it is on the floor Monday afternoon and that it should be voted on.

Now, of course this bill will go to the Senate, so it is important that the Senate as well, the other body, take this piece of legislation up. There is no controversy that I can see. It seems to be widely supported. The Bureau of Census supports it. The United States Department of Agriculture supports it. We have got the Agriculture Committees, the Government Reform Committees supporting it. So, clearly it ought to be able to move quickly and get to the President and we can end this anxiety that presently a lot of farmers in my State and many other States are undergoing as they wonder whether or not they are going to see their farm continue with the farm status which entitled them to certain preferential tax treatments as well as figuring into the formula monies for agricultural functions such as soil conservation and ag research.

So I thank once again those who made this possible. Let me just say of the 17,020 family farms in West Virginia, 13,274, or 78 percent, are very,

very grateful to us for moving this bill to the floor so quickly.

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

Mr. Speaker, just in conclusion, I might point out that this is an excellent example of cooperation between various agencies, cooperation between various committees that will now allow us to do the most efficient census possible with the least amount of taxpayer resources and the best utilization of all of the talents available in agriculture already there in order to do the job that needs doing for American agriculture.

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

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

Mr. Speaker, I conclude and say I appreciate the cooperation of my colleague, the gentleman from Texas [Mr. STENHOLM], the comments of the gentleman from West Virginia [Mr. WISE], and would urge our colleagues to support this legislation under the suspension.

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

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Texas [Mr. COMBEST] that the House suspend the rules and pass the bill, H.R. 3665, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 365, the bill just passed.

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

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 3 p.m.

Accordingly (at 1 o'clock and 50 minutes p.m.), the House stood in recess until approximately 3 p.m.)

□ 1503

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COBLE) at 3 o'clock and 3 minutes p.m.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, July 18, 1996 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3845.

□ 1504

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, the bill is considered as having been read the first time.

The gentleman from New York [Mr. WALSH] and the gentleman from California [Mr. DIXON] will each control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

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

Mr. Chairman, I am pleased this afternoon to present to the House for its consideration the District of Columbia appropriations bill for fiscal year 1997. Our many months of public hearings, meetings, and negotiations have produced a strong bipartisan agreement that takes the next step toward reduced deficits, reduced borrowing, and a balanced budget.

This is the second budget for the District of Columbia government that I have presented. I am happy to report that the District government, with the help of the Financial Control Board, is making progress, perhaps not as quickly as some of us would like, but progress.

In addition to the Control Board, the independent Chief Financial Officer has been in place now for several months and seems to be getting a handle on the District's finances. In last year's bill, we included language that gave him control over all accounting, budget, and financial management personnel. I believe he is doing an outstanding job. He is bringing accountability to the District's finances. He, of course, works closely with the Control Board so that what he does is within the parameters set by the board.

Mr. Chairman, we have approved over 99 percent of the consensus budget submitted jointly by the Mayor, the City Council, and the Control Board. This bill will provide the District government with a total budget of \$5.155 bil-

lion for fiscal year 1997. That amount includes \$5.108 billion in operating expenses and \$47 million in capital outlay.

In the operating expenses category, the bill includes an additional \$44 million for police and fire protection over last year's appropriation. We also recommend the requested \$8.5 million for increased training of current District employees to improve productivity and management skills.

Public school reform was an important part of our bill last year. One of the major items carried in that reform legislation was the authorization of public charter schools. This bill includes \$2.8 million to fund 5 charter schools in fiscal year 1997 that will enroll 450 to 600 students.

We recommend a total of \$718 million in Federal funds consisting of a Federal payment of \$660 million which is the same as last year, the regular annual Federal contribution to the police, fire, teachers, and judges retirement funds of \$52 million, and \$5.7 million to cover the expenses incurred by the District in connection with the Presidential inaugural activities.

The bill is within our 602(b) allocation of \$718 million in budget authority and outlays.

Mr. Chairman, in order to show continuous progress toward balancing the District's budget, we have included language in section 141 starting on page 45 of the bill that holds the deficit down to \$40 million rather than the \$99 million that was proposed by city officials and the Control Board. I have met separately with the Mayor and the Control Board chairman and I believe this reduction of \$59 million in the deficit projection is eminently achievable without affecting basic city services.

Some concern has been expressed that we are cutting too much in this budget. Some clarification is required as to what is meant by cutting. What we are cutting, Mr. Chairman, is the increase in spending. We are not cutting below last year's spending level. In fact, the budget reflects increases of \$114 million above last year's level. What we are saying to the District in this bill is that it can spend the increase of \$114 million if it has the revenues. The message to the District is do not finish fiscal year 1997 with a deficit of more than \$40 million.

In the financial crisis that the city finds itself in, I believe this is a reasonable approach that will keep the city from going even deeper into debt. This 1-percent reduction pales in comparison to the action taken by the New York City Financial Control Board in its first year. According to testimony we received earlier this month from General Accounting Office officials, New York City's control board in its first year of operation implemented a work force reduction of 13 percent from the previous year's level and it froze

the wages of the remaining city employees for 3 years. Philadelphia's control board in its first year renegotiated all labor agreements which led to a 33-month wage freeze and extensively restructured health benefits, paid holidays, and sick leave.

I wanted to make that point clear. The reduction we are recommending is from the increase requested, not from last year's appropriation or their base.

One of the serious problems with the District's financial management is that it spends up to the appropriated amount regardless of what its revenues are. By doing that, it goes further and further into debt. I do not believe the city can spend itself into prosperity. It must eliminate its deficit spending which amounts to only 1 or 2 percent of the total operating budget.

A major concern of several of our committee members is the city's proposal to finance the operating deficits. By saying that, what we are talking about is further borrowing, both long and short-term. This will divert scarce operating revenues from education, from social programs, from public safety and street repair to interest costs paid to the bondholders. The District is considering submitting a proposal to borrow \$500 million over 15 years to pay off the accumulated debt and finance future deficits. It would require repayments of \$935 million in addition to the \$480 million payback on the fiscal year 1991 deficit borrowing. These paybacks shift over \$600 million from city programs to interest payments for bondholders. This proposal is not good news for current and future District taxpayers and must be restudied with the objective of spending tax dollars on city programs and not on interest costs. Just as the city cannot spend itself into prosperity, it cannot borrow itself into prosperity. Hard decisions must be made.

Mention was made several times last year that our fiscal 1996 bill was a bad bill because we reduced the budget and in effect were telling the District that it could not spend all the revenues it generates. The problem with that criticism is the District's revenue projections were overly optimistic by at least \$116 million and possibly by \$150 million. Had we not made spending reductions and instead had accepted the city's budget, the fiscal 1996 deficit would now be \$270 million rather than the \$116 million projected. So we made the right decision last year by reducing the expenditure level because the revenue collections are nowhere near what they had projected. Had we accepted the Control Board's numbers, the deficit would have been \$245 million. With the spending we agreed to in conference last year, the deficit was estimated at \$20 million, four-tenths of one percent, an amount we thought the city and the Control Board would work with and hopefully eliminate. As we

found out since, the deficit will be higher because of the overly optimistic revenue projections.

Mr. Chairman, it is imperative that the major structural problems facing the city be dealt with in an aggressive and bold manner. The Federal Government, the District government, and our regional partners all share responsibility for our Nation's Capital. We must address in a comprehensive and coordinated manner the city's delivery of services such as health care, corrections, and other State and county functions. I noticed in the press that the City Council is having some difficulty in doing what has to be done regarding a new retirement system for police officers, firefighters, and teachers. I understand that that has been revisited and some progress has been made but it is only temporary and it must be made permanent. We were promised last October that necessary action would be taken last December. This is an issue that must be resolved in a way that does not bankrupt the city. We have confidence in the Mayor, the Chief Financial Officer, the City Council, and the Control Board to accomplish these difficult but absolutely necessary tasks.

In closing, I want to thank all the members of our subcommittee for their assistance in bringing this bill to the House floor—the gentleman from Texas [Mr. BONILLA]; the gentleman from Georgia [Mr. KINGSTON]; the gentleman from New Jersey [Mr. FRELINGHUYSEN]; the gentleman from Wisconsin [Mr. NEUMANN]; the gentleman from Mississippi [Mr. PARKER]; the gentleman from California [Mr. DIXON], the ranking member of our subcommittee who preceded me as chairman; the gentleman from New York [Mr. SERRANO]; and the gentlewoman from Ohio [Ms. KAPTUR]. I especially want to thank the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations; and the gentleman from Wisconsin [Mr. OBEY], our ranking minority member, for their assistance in allowing this bill to come to the floor today.

□ 1515

Also, Mr. Chairman, I want to thank the staff for a job well done: John Simmons of my staff; Mike Fischetti, who is on detail from the GAO; Mary Porter, who is extraordinary in her technical expertise, she is on detail from the District Government; and Migo Miconi, the subcommittee clerk. They make a great team, and I appreciate all the work they do.

Mr. Chairman, I believe the bill we bring to the committee this afternoon is a good bill, one that is fair not only to the city government but also to District taxpayers. I strongly recommend this bill to my colleagues and urge an "aye" vote.

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

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

Mr. Chairman, I rise in support of H.R. 3844. Let me say this year that the gentleman from New York [Mr. WALSH], the chairman of the committee, should be congratulated for reaching out in a bipartisan way in an effort to keep extraneous material and legislative issues off of the District of Columbia appropriation bill.

Let me also commend the chairman of the committee, along with the fine staff that he has, Migo Miconi, John Simmons, Mike Fischetti, and Mary Porter, and take a special time to say that in the minority we do not have the large staff that the majority has. Cheryl Smith, who is an assistant to me, a staff assistant to me on the Subcommittee on the District of Columbia, operates on three other committees and in fact does an excellent job. I appreciate the time and the effort that she gives me.

I think, Mr. Chairman, that this marks a significant turn in the D.C. appropriations bill but also the finances of the District. I would have to point out that the District, under the supervision of the Control Board, is now making arrangements to borrow short term from Wall Street, which I think is an encouraging sign that Wall Street thinks that they are moving in the right direction.

This bill comes to us without controversy for the first time. The District of Columbia, the city council, the Mayor, the Control Board, and we here in Congress, at least our subcommittee, agrees as to what the figures should be, and there is no controversy surrounding that.

I would like to take time to point out two or three issues. The first one is the unfunded liability of the pension plan. As the chairman of the committee indicated, we are providing \$52 million. The President had sent up \$102 million to try to relieve the unfunded liability that the District has in its pension plan. I do not excuse the fact that, since the District took over the pension plan, they have continued the twice-a-year COLA's. As the chairman pointed out, they have been slow to move on the issue of reforming their pension plan.

I must point out that at the time the District took over the pension plan, there was a \$2.7 billion deficit. We move \$2.7 billion of liability from the Federal Government to the District Government. Also, I must point out that it has about doubled. But the point that I would like to make is, no, it is true that the District cannot spend its way out of this financial crisis nor can it entirely cut its way out of this financial crisis.

This body must recognize that we have responsibilities, particularly to that pension plan to come up with a revised program to make it financially

sound. I would also like to point out, Mr. Chairman, two measures, although I do support the bill, that I disagree with. One is the prohibition against any funds for abortion, either Federal or District funds except to save the life of the mother, rape or incest.

It seems to me that we allow all 50 States to make those decisions. The Supreme Court has said that States can promulgate reasonable rules on abortion. I think that we should allow the District to do the same that we do in our independent States.

The second one is the Domestic Partners Act. Some years ago, I think 4, the District of Columbia passed a Domestic Partners Act which basically allowed for insurance programs to carry domestic partners on the District side and on the private side offered a tax incentive to private business to do so. This bill, as usual, carries a prohibition against the implementation of that.

Once again, I think it is certainly appropriate that the District be allowed, as States do, to make up their own decisions on these matters. As many people have pointed out, we have not been elected to be members of the City Council. Certainly, although Members of this House may disagree with a particular rule or regulation of our own city council, we do not have the responsibilities to curtail that; but here, because of the financing situation, we certainly do.

In all, Mr. Chairman, this is a very fine bill. I also would like to thank the gentleman from Virginia [Mr. DAVIS], the chairman of the authorizing committee, and the gentlewoman from the District of Columbia [Ms. NORTON], his ranking member, for their outstanding work. In my view, the next big text for the District is the strategic plan that is developed by the Financial Control Board.

I think that we have to wake up every day and remind ourselves that the Financial Control Board has really stepped in to do a job for Congress, that it is a noncompensated board, it has five District residents who are distinguished Americans in their own right and that they are doing an excellent job. But the next 10 months is going to be a very difficult time for the District, and I think this bill is a step in the right direction.

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

Mr. WALSH. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. DAVIS], the chairman of the subcommittee.

Mr. DAVIS. Mr. Chairman, I thank my friend for yielding me the time. I want to compliment him and the ranking member, the gentleman from California [Mr. DIXON], for their yeoman's work on behalf of the District of Columbia in trying to work through what has been a very, very difficult financial crisis.

As we look at the situation today and compare it to even a year ago, we have really made progress. That is sometimes lost sight of in light of the headlines that come out every day with the continuing problems that the city has. But if we go back a year, we have reduced the number of employees in the city by several thousand over what it was a year ago, and that is total reduction. That is not just moving them off budget into enterprise funds and the like. We find that there is a certain level of stability now to city spending, and we are trying to bring some accountability to the managers in the city in terms of what they spend with the advent of the Control Board and the CFO, both of which I think are doing yeoman's work, as well.

We have brought honest answers to the process, something we have not seen for many years here on Capitol Hill in terms of having some level of confidence in the financial numbers that are offered to the Congress by the District of Columbia. I think this has been borne out by the fact that the city is now able to go out to the private financial markets, at least on short-term borrowing. I think we still have a ways to go over the long term, but we have made this in a year trying to work together on a bipartisan basis.

We have had our disagreements along the way, but I think the bill this year represents a very good effort toward bringing some structure and financial stability to the city and I rise in support of it. As the gentleman from New York [Mr. WALSH] says, we cannot spend our way to prosperity. As the gentleman from California [Mr. DIXON] has said, we cannot cut ourselves out of the financial situation.

I think the current issue that remains before this body as it works its way through conference is, the larger the debt, of course, the more that will have to be financed in the off years. I think that has been the intention of the committee, to try to bring down that annual deficit so it would not have to be financed and paid for in later years when the city will be scarce on money.

I also want to just share my concern that we do this in an appropriate fashion so that needed services are not cut. As we work our way through the process, I know we have the assurances of both the chairman and ranking members that this will be done in a constructive manner to continue to work with the Control Board, continuing to work with the chief financial officer of the city to make sure this is done appropriately.

Having said that, this bill adds some money in some critical places. Public safety money is fully funded. We are including \$2.8 million for public charter schools which were part of the public school reform legislation that passed the Congress last year. We are

restoring salary and overtime pay rollbacks for the police and fire departments, something that is long overdue.

We are spending more on the health of the indigent by increasing the subsidy to District General Hospital. This helps lower the burden across the region, not just in the District of Columbia in terms of the health care costs. Congress has stepped up in the budget this year, I think to try to make sure that we are caring for that in an appropriate manner.

This is important to the region, both Maryland and Virginia, and District residents. We are providing for the repayment to the water and sewer fund of \$91 million borrowed by the general fund to pay for their past operating expenditures. These were in the past paid for in a very general sense by the ratepayers, many of them in the suburbs. It would be paid for, instead of being invested in Blue Plains, were spent for some of the city operating budget deficit. So that is in this as well.

We have reached a regional agreement on the authorizing side to make sure this has happened, and that has already passed this body. So we made progress in this region as well. There is one piece of legislation in this that I have, after extensive discussions with the chairman and ranking member who also support it, and that is extending the powers given to the chief financial officer. That was put in originally last year to hire and fire the executive branch of the accounting, budget and financial management personnel during the control period.

We recognize that personnel changes are going to have to be made, and we know where the buck is stopping. We want to give the chief financial officer and the Control Board the appropriate level of responsibility in doing that. With that responsibility comes the authority in some of these cases to make these changes.

In all, I just want to compliment the chairman and ranking member. I think we have all learned a lot over the last year and a half trying to work together toward a very, very difficult problem for this city, this region, and this country. We are making headway. I am hopeful that this bill will be passed through the House and go on to the Senate.

Mr. DIXON. Mr. Chairman, I yield 9 minutes to the distinguished Delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the ranking member for yielding me the time. I want to thank him and the chairman of the committee for their very hard work and for quickly disposing of this appropriation.

I thank the chairman as well for meeting with the Mayor and the Chairman of the Control Board before his bill came to committee finally. I thank both Members even as I indicate, as

they have not, that I am greatly disappointed in this bill. I am left and the District is left with no alternative, however.

A year ago, Congress established a Financial Authority or control board to help the District move out of insolvency. The Authority here is like the control boards in Philadelphia and New York. By this time, however, those cities have made significantly more progress than D.C. has made. The difference almost entirely is the strategy being used to resuscitate the city's economy. The only strategy the Congress has allowed for D.C. is the downsizing of its government.

New York and Philadelphia returned to solvency through the use of more comprehensive approaches that rebuilt those cities even as they were being downsized. These included new sources of revenue and takeover of functions by their States.

Look now at the first year of the District working with its control board. This first year will be remembered for second-guessing of the board, even after its exhaustive scrubbing of the budget, including deep cuts; a government shutdown of the District requiring the District to pay a full week's salary for locked-out employees; and 7 months delay in receipt of the full Federal payment, driving the District deeper into insolvency.

In these and other actions, the Congress must accept a heavy share of the responsibility for the alarming deterioration of city services and the hastening of taxpayer flight. The District has lost more residents in the first half of the 1990's than it lost in the 1980's with no State to help it out and a Congress that refuses to meet any of its obligations. The city is stranded and it is sinking.

Although this is the Capital of the United States and this body bears constitutional responsibility for this city, Congress has done nothing to help D.C. get back on its feet since the Financial Authority bill was enacted in April 1995. There has been no action whatsoever, even on those matters for which there is 100-percent congressional responsibility. Costs that are the most responsible for bringing the city down, ironically, are not found in the city's dysfunctional bureaucracy but in congressionally mandated State costs. Without action on these congressional responsibilities, the Capital of the United States cannot revive and will not survive.

□ 1530

These include the \$2.7 billion in unfunded pension liability, now more than doubled at \$5 billion, largely because of interest on the original \$2.5 billion. This liability that was incurred exclusively on Congress' watch before home rule.

The District, on the other hand, has been meeting its pension obligations by

fully funding these pensions since they were handed to the District in 1980. Over \$300 million, or 10 percent, of tax raised revenue goes to pay pensions left unfunded by this body. The administration asked for a small additional sum of \$52 million to add to the small \$52 million congressional contribution for the District in this year's budget. Even this nominal amount was removed by the Committee on Appropriations.

Is there to be no end to unfairness to the city? Nor has this House responded any better to what should be done for State responsibilities that no city in the United States has ever carried or could possibly carry today. The District has the lowest contribution for Medicaid and is the only city that must pay for the State and county share while one in four residents are on Medicaid.

Such expenses will doom the city to permanent insolvency. More than two-thirds of the States, 37 of them get a higher Federal contribution to Medicaid than the District of Columbia. Even the GAO in recent testimony questioned the wisdom of leaving these costs off the table while trying to revive the District.

My friends, this body is pretending. The cost of the pretense amounts to a sacrifice of the Capital of the United States.

As if to add insult to multiple injuries, this year's appropriation takes a budget already cut over \$100 million by the control board and the city and cuts it an additional \$60 million.

The cut comes disguised as a \$40 million deficit cap that is tied to the city's declining revenues. The cut ignores budget savings of \$141 million that the city will realize through layoffs, contracting out of services, reductions in Medicaid spending, welfare reform and procurement reform, just to name a few of the structural initiatives contained in the city's consensus budget.

The monolithic downsizing strategy this body has adopted amounts to no strategy at all. In the appropriation process we are abandoning the central strategy we adopted when we authorized the Financial Authority. For very good reason, this Congress gave the city 4 years to return to solvency. Downsizing needs to be planned and precise or it will take down services with it. We are cutting the budget as we must, but in the process we are slaughtering the city.

Residents who remained in the city through years of management problems are giving up and leaving as services dissolve before they can be fixed because of a speedup in downsizing. This appropriation accelerates the downsizing far faster than the Financial Authority recommended in its objective findings.

As the city moved toward insolvency, I never asked this body to spare it downsizing or cuts. They were clearly

necessary. I was the first to step forward to indicate that a control board was necessary. All I have asked is that downsizing be done in a way that is fair to the innocent bystanders. They are my constituents, not the D.C. Government. They are my constituents, our residents, who are second per capita in Federal income taxes. They deserve far better from the city and the Congress than the appropriation before us allows.

Yet I have no choice but to ask Members to approve this appropriation. An appropriation that does harm will do more harm if it is delayed, as it was last year.

However, I take this opportunity to ask my colleagues to make this the last year that the city stands alone, with a Congress that insists, as it should, that the city meet its obligation, while the same Congress ignores its unique responsibilities and the weight of its own heavy hand in keeping the city down. A city left twisting in the wind long enough will fall. If the Capital of the United States falls, the sound will be heard around the world.

Mr. WALSH. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time and the right to close.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. I will be brief in closing.

Mr. Chairman, I would like to thank everyone involved for their support in this process and I certainly want to thank the efforts of the authorizing committee and the subcommittee chair, the gentleman from Virginia [Mr. DAVIS], and the ranking member, the gentlewoman from the District of Columbia [Ms. NORTON]. While they may not agree totally with what we have proposed, they are urging support of the bill, and I thank them for that.

There has been some progress, Mr. Chairman. It is difficult to see at times, but I think we need to stop and look and see how far we have come. The financial control board has begun to put some muscle into new management in the District, especially in the chief financial officer position. The CFO is beginning to make his mark in terms of strengthening the discipline of the financial management of the District of Columbia.

We have much better numbers now. For the first time in a long time we are getting into a range where we can count on the numbers that we are getting from the city. The city is moving toward restructuring some of its non-essential services. The control board is proposing a strategic plan which we all await with great anticipation, because that truly will be the path that we follow to take this city out of its crisis.

The deficits are going down. The receiver of the city housing department

reports progress. Blue Plains is becoming a regional facility. Spending is under control. High government pay-rolls are being reduced.

Have we been tough, Mr. Chairman? Yes, we have. But sometimes tough love is required to get the proper outcome. No doubt that we all love this city greatly, all of us. All of us come at it from a different point of view, but this is our Nation's Capital. It is a marvelous place. It is the seat of democracy. It is the envy of the world. We cannot do any less than be tough to get it back on its road to recovery.

I urge my colleagues to support this bill.

Mr. Chairman, I thank my colleagues for their indulgence, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, July 18, 1996, the bill shall be considered for amendment under the 5-minute rule.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if ordered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

H.R. 3845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1997, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1997, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, Sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

PRESIDENTIAL INAUGURATION

For payment to the District of Columbia in lieu of reimbursement for expenses incurred in connection with Presidential inauguration activities, \$5,702,000, as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 1-1803), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$115,663,000 and 1,440 full-time equivalent positions (including \$98,691,000 and 1,371 full-time equivalent positions from local funds, \$12,192,000 and 8 full-time equivalent positions from Federal funds, and \$4,780,000 and 61 full-time equivalent positions from other funds): *Provided*, That funds expended for the Executive Office of the Mayor are not to exceed \$1,753,000: *Provided further*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$135,704,000 and 1,501 full-time equivalent positions (including \$67,196,000 and 720 full-time equivalent positions from local funds, \$45,708,000 and 524 full-time equivalent positions from Federal funds, and \$22,800,000 and 257 full-time equivalent positions from other funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$1,041,281,000 and 11,842 full-time equivalent positions (including \$1,012,112,000 and 11,726 full-time equivalent positions from local funds, \$19,310,000 and 112 full-time equivalent positions from Federal funds, and \$9,859,000 and 4 full-time equivalent positions from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1997, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided*

further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1997, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$758,815,000 and 11,276 full-time equivalent positions (including \$632,379,000 and 10,045 full-time equivalent positions from local funds, \$98,479,000 and 1,009 full-time equivalent positions from Federal funds, and \$27,957,000 and 222 full-time equivalent positions from other funds), to be allocated as follows: \$573,430,000 and 9,935 full-time equivalent positions (including \$479,679,000 and 9,063 full-time equivalent positions from local funds, \$85,823,000 and 840 full-time equivalent positions from Federal funds, and \$7,928,000 and 32 full-time equivalent positions from other funds), for the public schools of the District of Columbia; \$2,835,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to one or more public charter schools by May 1, 1997, and remains unallocated, the funds will revert to the general fund of the District of Columbia in accordance with section 2403(a)(2)(D) of the District of Columbia School Reform Act of 1995 (Public Law 104-134); \$88,100,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$69,801,000 and 917 full-time equivalent positions (including \$38,479,000 and 572 full-time equivalent positions from local funds, \$11,747,000 and 156 full-time equivalent positions from Federal funds, and \$19,575,000 and 189 full-time equivalent positions from other funds) for the University of the District of Columbia; \$22,429,000 and 415 full-time equivalent positions (including \$21,529,000 and 408 full-time equivalent positions from local funds, \$446,000 and 6 full-time equivalent positions from Federal funds, and \$454,000 and 1 full-time equivalent position from other funds) for the Public Library; \$2,220,000 and 9 full-time equivalent positions (including \$1,757,000 and 2 full-time equivalent positions from local funds and \$463,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: *Provided*, That the public schools of the Dis-

trict of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That not less than \$9,200,000 shall be available from this appropriation for school repairs in a restricted line item: *Provided further*, That not less than \$1,200,000 shall be available for local school allotments in a restricted line item: *Provided further*, That not less than \$4,500,000 shall be available to support kindergarten aides in a restricted line item: *Provided further*, That not less than \$2,800,000 shall be available to support substitute teachers in a restricted line item: *Provided further*, That not less than \$1,788,000 shall be available in a restricted line item for school counselors: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1997, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

#### HUMAN SUPPORT SERVICES

Human support services, \$1,685,707,000 and 6,344 full-time equivalent positions (including \$961,399,000 and 3,814 full-time equivalent positions from local funds, \$676,665,000 and 2,444 full-time equivalent positions from Federal funds, and \$47,643,000 and 86 full-time equivalent positions from other funds): *Provided*, That \$24,793,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$247,967,000 and 1,252 full-time equivalent positions (including \$234,391,000 and 1,149 full-time equivalent positions from local funds, \$3,047,000 and 32 full-time equivalent positions from Federal funds, and \$10,529,000 and 71 full-time equivalent positions from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, \$5,400,000 from local funds.

#### REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$333,710,000 from local funds.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,314,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)(1)).

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$34,461,000 from local funds.

#### PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), \$5,702,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

#### CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,926,000.

#### HUMAN RESOURCES DEVELOPMENT

For human resources development, including costs of increased employee training, administrative reforms, and an executive compensation system, \$12,257,000.

#### COST REDUCTION INITIATIVES

The Chief Financial Officer of the District of Columbia shall, on behalf of the Mayor and under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority, make reductions of \$47,411,000 and 2,411 full-time equivalent positions as follows: \$4,488,000 in real estate initiatives, \$6,317,000 in management information systems, \$2,271,000 in energy cost initiatives, \$12,960,000 in purchasing and procurement initiatives, and workforce reductions of 2,411 full-time positions and \$21,375,000.

**CAPITAL OUTLAY  
(INCLUDING RESCISSIONS)**

For construction projects, an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

**WATER AND SEWER ENTERPRISE FUND**

For the Water and Sewer Enterprise Fund, \$221,362,000 from other funds of which \$41,833,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

**LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND**

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$247,900,000 and 100 full-time equivalent positions (including \$7,850,000 and 100 full-time equivalent positions for administrative expenses and \$240,050,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this

appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

**CABLE TELEVISION ENTERPRISE FUND**

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,511,000 and 8 full-time equivalent positions (including \$2,179,000 and 8 full-time equivalent positions from local funds and \$332,000 from other funds).

**STARPLEX FUND**

For the Starplex Fund, \$3,717,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

**D.C. GENERAL HOSPITAL**

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$112,419,000 of which \$59,735,000 shall be derived by transfer from the general fund and \$52,684,000 shall be derived from other funds.

**D.C. RETIREMENT BOARD**

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$16,667,000 and 13 full-time equivalent positions from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

**CORRECTIONAL INDUSTRIES FUND**

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$3,052,000 and 50 full-time equivalent positions from other funds.

**WASHINGTON CONVENTION CENTER ENTERPRISE FUND**

For the Washington Convention Center Enterprise Fund, \$47,996,000 of which \$5,400,000 shall be derived by transfer from the general fund.

**DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY**

For the District of Columbia Financial Responsibility and Management Assistance Au-

thority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,400,000.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 21, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

**GENERAL PROVISIONS**

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982

(D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform and Oversight, the Subcommittee on Oversight of Government Management and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Pro-*

*vided*, That for the fiscal year ending September 30, 1997 the above shall apply except as modified by Public Law 104-8.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1996 shall be deemed to be the rate of pay payable for that position for September 30, 1996.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), based upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 122. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1997, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1997 revenue estimates as of the end of the first quarter of fiscal year 1997. These estimates shall be used in the budget request

for the fiscal year ending September 30, 1998. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 123. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 124. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 125. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1996, of the required reorganization plans.

SEC. 127. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1997 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 128. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 32, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

The CHAIRMAN. Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON: On page 32, line 7, after "the" insert "Federal".

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes and that that time be equally divided.

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

Mr. DIXON. Mr. Chairman, reserving the right to object, I do not know that we will need 40 minutes on this.

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

Mr. DIXON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, as I understand it, the Delegate had suggested, very graciously, that she would be willing to limit debate to 40 minutes; that was the number arrived at. We do not need that much time, but I am not sure how much time she will need on that side.

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

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

There was no objection.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 20 minutes.

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

Mr. Chairman, several people asked to speak. I may not need the full 20 minutes if they, in fact, do not appear.

My amendment would return us to the policy of this body on abortion that was used throughout President Reagan's administration. During each year of his administration, President Reagan signed a bill that prohibited the use of Federal funds in the District of Columbia for abortion services to low-income women except for risk of the life of the mother, rape, and incest.

This put the District in the same boat with every jurisdiction in the country. "Use your funds, not ours," Congress said.

Only in 1988, at the onset of the Bush administration, did the policy change. Even local funds they could not be used until the 103d Congress, when the President signed a bill exactly like the Reagan bill during all his 8 years.

In 1988, leave aside that our residents in the District were not treated as full and equal American citizens in democratic home rule, in representation in the Congress, and in taxation. Now added was the sensitive and abidingly local issue of choice. Here too inequality with all other Americans was to be the order of the day.

□ 1545

Allowing the District the right of all other local jurisdictions leaves in place the Hyde amendment. It will apply to the District as Hyde applies now and as Hyde applies to every other jurisdiction that flies the American flag.

What a small step this would be. In its financial condition, the District is, after all, unlikely to use little, if any, money on abortions for poor women. It needs the option in the rare case where it might decide that it is in the best interest of the woman and of the District to pay for such an abortion. The District has many women who have AIDS, are on drugs or are in deep distress. With the flight of middle-income taxpayers, this group of low-income women grows ever larger.

There is absolutely no reason to deny the District this right, in the rare case, if it so chooses, where it would feel compelled to spend its own money in this way. It is wrong to single out the District in a way that we do not single out San Diego or Bloomington or Syracuse. It is wrong to find yet another way to say to my constituents—you will not be treated as other Americans.

Choice is the law of the land. Choice is the law equally across the entire

land, except here where the Congress sits, and except for poor women when an abortion must be paid for because there is no personal fund available to do so.

Mr. Chairman, I ask this body to bring democracy home in this instance. The time has finally come in 1996, when it is highly unlikely that the right would be exercised, to give the District, at least in law, the right that every other jurisdiction has: to afford funds for women to make the choice that only they have the right to make.

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

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

I rise in opposition to the gentlewoman's amendment. This bill is different from the other 12 regular appropriations bills in that our bill appropriates all funds for the operations of the District government; all funds, not just Federal funds. That is the way the bill is designed. That is why the abortion language in section 129 of our bill restricts the use of all funds for abortions, except to save the mother's life or in cases of rape or incest. I think that is consistent with our appropriations policies. We are appropriating all funds for this bill.

The abortion language in our bill this year is identical to the language in last year's bill which was signed by the President. It is also identical to the language in the continuing resolutions that the President signed last year.

It is identical to the language in Public Law 104-69 that the President signed on December 22, 1995; to legislation that he signed on January 4, 1996; to legislation that he also signed on January 6, 1996, and to legislation he signed less than 3 months ago on April 26.

While I appreciate the gentlewoman's feelings about home rule, the language in our bill does allow the use of funds for abortions in those cases where the life of the mother is endangered or in the case of rape or incest. I believe it is broad enough to give District officials the discretion they need so that the procedure is not misused.

Mr. Chairman, as I mentioned just a moment ago, the President, less than 3 months ago, signed a bill with language identical to that found in section 129 of this bill. There is no reason for the President to not approve this language which, again, is identical to language he recently approved.

I urge my colleagues to vote "no" on the amendment offered by the gentlewoman from the District of Columbia.

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

Ms. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DIXON], ranking member.

Mr. DIXON. Mr. Chairman, I thank the gentlewoman for yielding me the time.

This issue of abortion in our society is probably one of the most controversial ones that we have faced in many, many years. There are people who believe in being pro-choice, who personally are opposed to abortion. There are the pro-life people that do not believe in abortion under any circumstances. The case of *Roe versus Wade* made very clear that abortion was appropriate in the first trimester. A lot of people did not like that. In fact, another case came to the Supreme Court where, generally speaking, pro-life people had prevailed on a State legislative body to restrict that right.

The Supreme Court said, you are absolutely right. States have a right to restrict abortion as long as we deem it to be reasonable restrictions.

Now, most pro-life people applauded that decision. Here we have the District of Columbia, who had initiated their own abortion procedures. But because they allow abortion by their local statutes, Congress is doing what they cannot do to any other State. That is, abortion procedures in the first trimester are appropriate and legal and States, and in this case I would say the District, have a reasonable right to promulgate regulations.

The chairman of this committee points out that, in fact, the President did sign continuing resolutions, and I believe an appropriation bill. But he signed it with great reservation. This is a clear issue of Congress trying to dictate to the citizens of the District on a very personal and controversial matter which the court, the Supreme Court, has said that States, and in this case the District, have a right to promulgate. But merely because the vehicle that is used to fund the District comes through Congress, we want to restrict that right greater than we have the ability to do with any State.

It is on that basis I would ask my colleagues to reject the amendment.

Mr. WALSH. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank Mr. WALSH for his moral courage and leadership in putting this important language in the underlying bill—the D.C. appropriations bill. The Norton amendment, the pending amendment, would nullify Mr. WALSH's lifesaving legislation and should be defeated.

Let me make it very clear that the only way to ensure Hyde-type protections for the taxpayers is to reject this pro-abortion amendment. The net consequence, the absolutely predictable consequence, if this amendment prevails, is that we will pay for abortions on demand in the District of Columbia.

We have, as a Congress, jurisdiction over the Federal and the congressionally authorized funds and in many parts of this bill that are not being

contested we have taken action to limit how certain funds will be spent. So this is hardly a precedent. Home rule isn't absolute.

A moment or two ago, Mr. DIXON said that the Supreme Court's *Roe versus Wade* permits first trimester abortions in the District of Columbia. That's only part of the tragic holding in *Roe versus Wade* did not just allow first trimester abortion on demand. It also allows the slaughter of unborn babies in the second trimester and in many cases in the third trimester as well.

The bottom line, Mr. Chairman, is that we are talking about children at various stages of their development in the District of Columbia whose death, whose killing would be paid for and subsidized by the taxpayer.

Let me remind Members that the Norton amendment wants to subsidize a deed—the act of aborting a baby. Some will try to sanitize this issue and package it as a freedom or liberty. It is not. Abortion is child abuse. And the so-called right to abortion was forced on us by the Supreme Court of the United States. Some day that gross injustice will be reversed. Because all babies, these unborn children, boys, girls, black, white, Hispanic, and Asian, right now are very precious but today they are construed to be persona non grata. It seems to me that we ought to, as a Congress, if we care, if we believe their lives to be precious, do all that is humanly possible to mitigate the possibility of their death. And it seems to me that if we take away the subsidy that actually buys and administers the chemical poison, the salt solutions and the other kinds of lethal drugs that are used to kill the babies, if we take away the subsidy that kills the baby by way of dismemberment of arms and legs and even sections of the child's fragile body are cut and the baby is removed, this is the reality of the deed that the gentleman's amendment would seek to have us give authorization to pay for. If you really take the time to think about what abortion does to the baby, this amendment becomes more repulsive and wrong.

It seems to me that where we can step in and save the life of even one baby, we ought to do it. I take a back seat to no one in this Chamber when it comes to maternal health care and other kinds of assistance for mothers both domestically and internationally. But when it comes to killing unborn babies, we ought to say "no." This amendment would authorize the killing of unborn babies by way of subsidy.

When we used to pay for abortions on demand in the District of Columbia we paid for over 3,000 child killings per year. In 1988, for example, the number of kids destroyed was 3,139.

Vote down this antichild amendment.

Ms. NORTON. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I inadvertently said that I was opposed to the Norton amendment. I meant to say that I supported the gentlewoman's amendment.

I also point out to my good friend, the gentleman from New Jersey [Mr. SMITH], that the issue of abortion is one that will not be resolved by adopting this amendment. But the issue of allowing the taxpayers of this district to spend their own money should lie in favor of allowing them to do so.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume. I want to close now, seeing none of those who asked for time are here.

Mr. Chairman, there is very little to get excited about when we discuss a choice amendment on the District of Columbia appropriation. No one believes that in the state of its finances, what we are going to see is an epidemic of abortions in the District.

This amendment has largely symbolic importance. It says to the District, you are full Americans, you are full citizens, you can spend your money as you like. You can vote for this bill, even if you oppose abortion, because this bill is almost surely not likely to yield abortions because there is no money for abortions in the District. There is little money even for front-line services in the District.

Yet I would think we would use this opportunity to say to the residents of the District, hey, you are full Americans, it is your money, use it the way we use our money in our cities and counties.

I just want to say that the recitation of the bills the President signed last year, including our own, which contained language like this, ought to be understood in light of the President's statement on this bill. In that statement he has said that he is strongly opposed to this language.

The chairman indicates, and I must say that I appreciate, that the language here is like the language in other bills inasmuch as it incorporates life of the mother, rape, and incest. If that is to be the case and if the chairman is to take note of it, there is no reason not to go the rest of the way and make the language the way the language is for the rest of America. What you do with your money is your business, and especially in this year when you are almost guaranteed not to use your money for abortions for poor women.

The people I represent pay the highest taxes in the United States of America. When you combine their State taxes with their Federal taxes, they are No. 1. Put yourself in the position of the people I represent. Put yourself in the position of people who pay the same taxes and, in almost every case, more taxes than the people you represent and imagine how you would feel if a national body tried to tell you how to spend your local funds.

□ 1600

I guarantee my colleagues that if they put themselves to that test, they will vote for my amendment.

I ask that this body approve my amendment and approve the bill as the chairman has brought it to the floor.

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

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

We have no further requests for time on this amendment, and I would close by saying, as I said earlier, that this is an unusual bill in that we appropriate all the funds, both Federal and local, for the District of Columbia. We did not set it up that way, the Constitution did. Therefore, I think in order to be consistent with the government-stated policy on funding abortions, we should stick to the language in section 189 of the bill that says no funds can be used for abortions except to save the mother's life or in cases of rape or incest. So I would strongly urge defeat of this amendment.

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

Mrs. MORELLA. Mr. Chairman, I rise in support of the Norton amendment.

This amendment would simply allow the District to decide whether to use its own locally raised revenues to pay for Medicaid abortions—while still retaining the ban on the use of Federal funds for abortions, except in cases of rape, incest, or to save the life of the mother.

The amendment would properly restore the right of the District of Columbia to decide how its own revenues should be used, as is the case for the States. The concept of home rule is meaningless if Congress can dictate the allocation of local revenues.

To restrict the use of local District revenues for abortions violates the right of the District Government to make its own public health policy. In doing so, Congress is denying District residents the right of self-determination, a right belonging to every other resident of this country.

I urge my colleagues to support the Dixon amendment.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to H.R. 3845.

I do so not because of the funding amounts specified in the appropriations, although they present difficult questions about the extent to which this Congress is honoring its constitutional and commonsense responsibilities to the District. Rather, my opposition is based on two overreaching and unwarranted interferences by this Congress in the lives of the people of the District. Those are the provisions of sections 129 and 130, which prohibit the use of Federal and local funds for abortion and for domestic partner benefits.

It is time for this Congress to end its unnecessary interference with the District government's arrangements with its employees relating to health and other benefits. H.R. 3845 continues the shortsighted and narrow-minded prohibition on using any funds—even those raised within the District through local taxation—to extend health benefits to the domestic partners of District employees.

The District should be free to pursue, through negotiations with its represented employees or otherwise, the same policies that many other municipal governments and businesses have successfully implemented. Extending the same benefits to domestic partners of employees as are enjoyed by the spouses of employees can be a cost-effective way to retain capable workers.

In my district, the city of Portland, Multnomah County and Portland Public Schools have all negotiated domestic partner benefits packages with their employees. About 2 percent of the work force have enrolled their unmarried domestic partners as beneficiaries under this program, and the modest additional cost was offset by other benefit plan changes. As a result, these public employers, at no cost to the public, have been able to retain highly valued and productive employees to do the public's business.

Gay and lesbian workers know discrimination and bias when they see it. If they are capable, motivated workers, they will look for a workplace that values them for the work they do, rather than penalizing them. Mr. Speaker, if we are operating on the premise that the District needs the best and the brightest to turn this city around, then let us not tie the District government's hands with this regressive, counterproductive and mean-spirited restriction.

To my second point: There is also no sound reason for this Congress to interfere with the fundamental reproductive rights of women. Nonetheless, Congress has interfered prohibiting the use of Federal funds for most categories of abortion. In this measure, this body continues the even more outrageous practice of prohibiting the District government from using its own, locally raised funds to provide medical services that the Supreme Court of the United States has held are constitutionally protected.

The amendment offered by the gentleman from the District would have restored at least some of the ability of the District government to fund necessary abortions for poor women. Its rejection makes the prohibition in this measure an unacceptable limitation upon the reproductive rights of those women. I regret that I must therefore vote to reject the measure as a whole.

I yield back the balance of my time.

Mr. HOYER. First, Mr. Chairman, I rise today in support of the District of Columbia appropriations bill. I want to commend the chairman and Congressman DIXON for working in a bipartisan fashion to craft a good bill. I am pleased that at my request, the bill contains language dealing with two important issues which affect the District and the greater Washington Metropolitan area.

The bill contains report language which expresses Congress' strong intent for the District of Columbia to repay over \$80 million diverted from Blue Plains to other District programs. This substantial loss of funds has led to serious maintenance and plant operations problems at the facility. Moreover, there remains a threat to the sewage ratepayers and residents of the Metropolitan area for having untreated sewage flowing down the Potomac River. There is also a serious threat to the fragile environmental conditions of the waterways. In

order to prevent danger to life or environment, return of the funds is necessary so that the Blue Plains facility can return to safe and efficient operation.

My top priority continues to be protection of human health and ensuring proper clean up and preservation of the waterways and wildlife in the Chesapeake Bay Basin including the Potomac, Anacosta, and Patuxent Rivers. Having sufficient funding for Blue Plains will allow the plant to operate safely and efficiently and eliminate threats to life and the environment. Therefore, the return of the funds is critical.

I believe, as do others, that one of the best ways to resolve the operational and management problems at Blue Plains is to restore the funds taken from the Blue Plains account and prohibit the further transfer of any additional funds. Therefore, at my request, the committee included report language in the fiscal year 1996 District of Columbia appropriations bill which asked the financial responsibility and management assistance authority to address how the District planned to restore funds taken from the Blue Plains budget and the timing for that restoration.

In its fiscal year 1997 budget and financial plan, the District has agreed to pay back \$21.5 million over the next 4 years in order to replenish funds diverted from Blue Plains. This agreement is reflected in the bill and it is our expectation that this agreement will be honored.

Second, I am pleased with the funding for the D.C. fire department in this bill. This funding level consistent with the request of the D.C. City Council and the control board, is sufficient to end the practice of rotated closings of companies which have placed areas throughout the city at risk every day.

This bill will also provide \$4 million for fire-fighting apparatus which will be used to begin the process of modernizing the firefighting fleet in order to provide a sufficient arsenal to protect the residents, workers, and visitors of the District of Columbia.

Mr. Chairman, an issue which continues to plague the fire department is the understaffing of firefighters. I want to commend Chairman WALSH for adding language to this bill, at my request, instructing the District to fill the 87 vacancies that currently exist in the fire department. The city currently ranks last among the 25 largest cities in the United States in on-duty fire suppression, and second in total fire and rescue alarms per 100,000 people.

The understaffing of the department and the rotated closings of up to eight companies a day poses a public safety threat to those who work and reside in the District and is financially irresponsible. This bill is an important step forward in making the District's fire department one of the finest in the Nation and I commend the committee for its efforts.

Again, I want to thank Chairman WALSH and Congressman DIXON for their work and support. I urge my colleagues to support this bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 3845, the Fiscal Year 1997 Appropriations Act for the District of Columbia.

Let me begin by complimenting my subcommittee chairman, Congressman WALSH, on his excellent work on this bill, as well as the ranking member, Mr. DIXON, for all of his work.

Many months of hearings, meetings, and negotiations, have resulted in the strong, bipartisan bill before the House today.

H.R. 3845 appropriates \$717.8 million for the Federal payment to the District of Columbia. The bill's funding levels are identical to last year's appropriation, except for an additional \$5.7 million that the committee provided to reimburse the city for the upcoming 1997 Presidential inauguration.

I do believe that the approach the Appropriations Committee has taken in this bill will move the city toward financial stability. This bill caps the city's fiscal 1997 budget deficit at \$40 million. This represents an amount that is \$60 million less than what the city and the control board forecast. I believe that this deficit cap represents great progress in the District's path toward stability, allowing for responsible spending to meet the needs of city residents without affecting essential services.

H.R. 3845 also approves a budget blueprint for the city that was reached by the Financial Control Board, the D.C. Mayor and City Council and seems like a responsible attempt to control spending. I am pleased that the budget blueprint that H.R. 3845 approves earmarks the full budget request of \$1 billion for local law enforcement, fire, and emergency services personnel along with the judicial and corrections system. While the District needs to control spending, I firmly believe that reductions should not be taken from an already understanding public safety force.

Overall, the priorities reflected in the blueprint promote education, public safety, public works, and economic development. I would urge the control board to continue its close scrutiny of District financial matters to assure that the District adheres to the sound fiscal policy that this bill promotes.

While I strongly support this bill today, I continue to have concerns in two areas not addressed by this appropriations bill. First, I have strong reservations about the control board's recommendation for Congress to authorize long-term deficit borrowing for the District. The city has proposed borrowing \$500 million over 15 years to pay off the accumulated debt and finance future deficits. I continue to be concerned that deficit borrowing would cost current and future taxpayers over \$750 million in interest costs alone.

Second, although a great deal of progress has been made, the 4-year financial control plan has not been approved by the committee. I would urge the completion of this long-term plan so that Congress, city leaders, and control board members may begin review and negotiations for essential structural changes in the city's management that must be made in order to reach long-term stability.

Again, I rise in support of H.R. 3845 and I would urge all of my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, this past March, Mayor Marion Barry appeared at a hearing held by the D.C. Subcommittee and testified that, because of the failure of Congress to enact the District's fiscal year 1996 budget until seven months into that fiscal year, the District was in worse financial shape than in March 1995, when the Congress established the D.C. Financial Control Board to bring about the District's financial recovery.

I found the Mayor's remarks to be distressing news—particularly in light of the fact that the District had, as the Congress directed, successfully cut its spending and achieved significant workforce reductions. The fiscal year 1995 appropriations bill mandated that the District's spending be cut by \$140 million and that 2,000 positions be eliminated from its workforce. A subsequent audit established that both of these requirements had not only been met but had been exceeded. In fact, the District cut a total of 5,600 positions, and reduced spending by \$477 million.

Today, 4 months since the Mayor's bleak assessment, the situation is still very bad, but it appears there is now some prospect for improvement. Even though the District government remains burdened with an accumulated budget deficit of almost \$500 million, and its fiscal year 1996 revenues are \$116 million below what had been expected, last week there was an encouraging development.

District officials traveled to Wall Street where they were able to secure a \$220 million short-term loan from an investment firm to help meet the immediate cash needs. This is significant because it was the decline of the District's credit rating to junk bond status which triggered the need for the Financial Control Board. This loan signals recognition that the District of Columbia has begun to take the steps needed to restore its solvency and that it may soon be able to access the market for debt restructuring and the financing of much needed capital projects.

Further, the bill before us, which incorporates the District's fiscal year 1997 budget and elements of its multi-year financial plan also signals administrative progress which enabled the work on this package to proceed in a more timely and a less contentious manner than last year.

The Mayor, city council, and the Financial Control Board worked closely and cooperatively together until they achieved a consensus package which sets forth a series of revenue initiatives and spending reductions designed to produce a balanced budget by fiscal year 1999. I commend them for their efforts and encourage them to continue tackling the tough problems which lie ahead in this same manner.

Mr. Chairman, it is unfortunate that the good work done by these local officials was not accepted by the chairman of the D.C. Appropriations Subcommittee. Instead, he chose to require an additional \$40 million in cuts, which will unquestionably have a negative impact on city services should it be retained. I sincerely hope that the Senate will support the locally developed consensus budget and that a higher spending mark will be agreed to in conference.

This one reservation notwithstanding, I urge the approval of this appropriations measure because I believe that, overall, it will aid the revitalization of our Nation's Capitol.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read.

The Clerk read as follows:

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 130. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION OF MEMBERS OF JUDICIAL NOMINATION COMMISSION

SEC. 131. (a) IN GENERAL.—Effective as if included in the enactment of the District of Columbia Appropriations Act, 1996, section 434(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) CONFORMING AMENDMENT.—Section 133(b) of the District of Columbia Appropriations Act, 1996 is hereby repealed, and the provision of law amended by such section is hereby restored as if such section had not been enacted into law.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 132. The Board of Education shall submit to the Congress, the Mayor, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**MONTHLY REPORTING REQUIREMENTS**

**UNIVERSITY OF THE DISTRICT OF COLUMBIA**

SEC. 133. The University of the District of Columbia shall submit to the Congress, the Mayor, and the Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

**ANNUAL REPORTING REQUIREMENTS**

SEC. 134. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1996, fiscal year 1997, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its

accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) **SUBMISSION.**—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

**ANNUAL BUDGETS AND BUDGET REVISIONS**

SEC. 135. (a) No later than October 1, 1996, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1997, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

**EDUCATIONAL BUDGET APPROVAL**

SEC. 136. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

**PUBLIC SCHOOL EMPLOYEE EVALUATIONS**

SEC. 137. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

**MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES**

SEC. 138. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Code, sec. 1-601.1 et seq., is amended—

(1) in section 301 (D.C. Code, sec. 1-603.1)—  
(A) by inserting after paragraph (13), the following new paragraph:

“(13A) The term ‘nonschool-based personnel’ means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students.”; and

(B) by inserting after paragraph (15), the following new paragraph:

“(15A) The term ‘school administrators’ means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.”;

(2) in section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)(L))—

(A) by striking “(L) reduction-in-force” and inserting “(L)(i) reduction-in-force”; and  
(B) by inserting after subparagraph (L)(i), the following new clause:

“(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”; and

(3) in section 2402 (D.C. Code, sec. 1-625.2), by adding at the end the following new subsection:

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”.

SEC. 139. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

**MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES**

SEC. 140. (a) Section 2401 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-625.1 et seq.) is amended by amending the third sentence to read as follows: “A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.”.

(b) The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), as amended by section 149 of the District of Columbia Appropriations Act, 1996 (Public Law 104-134), is amended by adding at the end the following new section:

**“SEC. 2407. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1997.**

“(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1997, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

“(b) Prior to February 1, 1997, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

“(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the United States Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 90 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veterans preference under this Act, and

"(2) three years for an employee who qualified for residency preference under this Act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1997, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this Act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1997, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

#### CEILING ON EXPENSES AND DEFICIT

SEC. 141. (a) CEILING ON TOTAL OPERATING EXPENSES AND DEFICIT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1997 under the caption "DIVISION OF EXPENSES" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year and \$40,000,000; or

(B) \$5,108,913,000 (of which \$134,528,000 shall be from intra-District funds).

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 1997.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

#### CHIEF FINANCIAL OFFICER POWERS DURING CONTROL PERIODS

SEC. 142. Notwithstanding any other provision of law, during any control period in effect under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 the following shall apply:

(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.  
The Controller of the District of Columbia.

The Office of the Budget.

The Office of Financial Information Services.

The Department of Finance and Revenue. The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104-8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) The Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 774; Public Law 93-198), as amended, for each fiscal year occurring during a control period in effect under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973, without revision but subject to recommendations. Notwithstanding any other provisions of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

#### POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 143. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1997 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979) to the District of Columbia Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

SEC. 144. (a) Section 451(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code, sec. 1-1130(c)(3)), is amended by striking the word "section" and inserting the word "subsection" in its place.

## DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 145. Section 2204(c)(2) of the District of Columbia School Reform Act of 1995 (Public Law 104-134) is amended to read as follows:

## “(2) TUITION, FEES, AND PAYMENTS.—

“(A) PROHIBITION.—A public charter school may not, with respect to any student other than a nonresident student, charge tuition, impose fees, or otherwise require payment for participation in any program, educational offering, or activity that—

“(i) enrolls students in any grade from kindergarten through grade 12; or

“(ii) is funded in whole or part through an annual local appropriation.

“(B) EXCEPTION.—A public charter school may impose fees or otherwise require payment, at rates established by the Board of Trustees of the school, for any program, educational offering, or activity not described in clause (i) or (ii) of subparagraph (A), including adult education programs, or for field trips or similar activities.”

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 52, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

## AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 52, after line 23, insert the following new section:

SEC. 146. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TRAFICANT. Mr. Speaker, this is an amendment that has been offered to all the appropriation bills, and I am going to thank all the appropriators for, over the years, including this language into the bills. I think it encourages people to whenever possible in utilizing the scarce procurement dollars of the U.S. Government, to attempt to buy wherever possible American-made products.

In addition, anybody who would, in fact, place a false, fraudulent made-in-America label on any product that is sold to our Government through any of these contracted agreements would be prohibited from bidding on further contracts.

So I appreciate the fact the appropriators have included this language. It is that standard language that has been on other appropriation bills.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding. We have examined the amendment, Mr. Chairman, find it to be in perfectly good order, find it to be consistent with the wishes of the subcommittee, and have no objections to the gentleman's amendment.

Mr. TRAFICANT. Mr. Chairman, I appreciate the support of the subcommittee Chair.

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

Mr. TRAFICANT. I yield to the gentleman from California, the distinguished ranking member.

Mr. DIXON. Mr. Chairman, the minority has no objection to this amendment. It is a good amendment.

Mr. TRAFICANT. Mr. Chairman, with that I hope wherever possible when we expend U.S. taxpayer dollars it is on American-made products from American workers who pay our taxes.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the District of Columbia Appropriations Act, 1997.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WALSH)

having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3845), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1731

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GUTKNECHT] at 5 o'clock and 31 minutes p.m.

DISTRICT OF COLUMBIA  
APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 18, 1996, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3845.

□ 1732

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and the bill had been read through page 52, line 25.

Are there further amendments to the bill?

## AMENDMENT OFFERED BY MR. GUTKNECHT

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

The Clerk read as follows:

Amendment offered by Mr. GUTKNECHT: Page 52, after line 23, insert the following new section:

SEC. 146. The amount otherwise provided under the heading “Federal Payment to the

District of Columbia" for the fiscal year ending September 30, 1997, is hereby reduced by 1.9 percent.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT] for 10 minutes.

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

Mr. Chairman, this is the next installment of the amendments that I have been offering to all of the appropriation bills since the House passed the joint budget conference committee report, and as my colleagues will probably recall, under that report this House for the first time in the last 4 years is actually going to allow the deficit of the United States to go up in the next fiscal year, and many of us who were upset upon learning that went back to our offices and tried to figure out what it was that perhaps we could do on a constructive basis to recover that fumble. And what we came up with was the notion that if we offered a 1.9 percent across-the-board reduction on the balance of the appropriation bills that were still out there, we could recover \$4.1 billion in additional Federal spending.

So I offer this amendment in good faith even though I serve in the District of Columbia Oversight Subcommittee, and I appreciate the work that the gentleman from New York [Mr. WALSH] and his subcommittee have done in terms of controlling the level of spending and trying to get the fiscal house in order not only for the District of Columbia, but for all of the taxpayers of the United States.

But, Mr. Chairman, I think, in fairness, if we are going to offer this to one appropriation bill, we have to offer it to all of them. This amendment that I am offering today affects the \$660 million that goes to the District of Columbia in the way of a Federal payment. It does not affect the Federal contributions to employees' retirement accounts, it does not affect the rest of the \$5 billion which flows through the District of Columbia general fund, and it does not unfairly pick on the District of Columbia.

We have offered this same amendment to all appropriation bills since the approval of the joint budget resolution conference committee report. We are asking the District of Columbia government to make the same kind of sacrifice that we have asked the rest of the Federal Government to make, a simple 1.9 percent reduction.

As I said earlier, I serve on the District of Columbia Subcommittee, I ap-

preciate the work that that District of Columbia Subcommittee has done, and I appreciate the work that the financial oversight board has been doing to try and put the District of Columbia back on a financial path toward solvency. But I believe that if we are going to be fair and if we are going to be honest and if we are going to be consistent in what we do around here, I have to offer this amendment in good faith.

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

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. While I know it is with the best of intentions, looking toward reducing our deficit by reducing our Federal spending, I want to assure him that we have made every effort to do so, in fact, have been accused of asking for too many spending cuts of the District of Columbia.

The Federal payment to the District of Columbia is a contribution that is made in lieu of taxes to the District government. The Federal Government occupies roughly 45 percent of the land area of this city. This payment is our contribution to the local community for the police, fire, and other services that are provided not only to Congress, but to the Federal offices and foreign embassies and various groups that have received congressionally chartered tax exemptions, not to mention the millions and millions of tourists and other visitors who come here either to see the beauty of our Nation's Capital or to participate in government or in business.

The second point I want to make is that the amount we are recommending in this bill for fiscal year 1997 is exactly the same amount that was appropriated in each of the last 2 years. In other words, this will make it 3 years in a row with no increase—a flat Federal payment appropriation for the past 3 years for the District of Columbia.

Third, the Constitution places the responsibility for the District under the Congress, and it is our duty to provide a fair contribution for the operation of the seat of our national Government.

Mr. Chairman, the District is in the midst of a financial crisis. In response to that crisis, this Congress last year passed legislation to create a financial control board. That board has been in place a little over a year and is making some progress in grappling with the situation.

I would say to my good friend and colleague from Minnesota that we are appropriating exactly the amount authorized by his committee. The authorizers told us this is the amount that we should spend, and in respect to that committee and in respect to the process, we are appropriating at exactly that level. If the gentleman wishes to

change that authorization, he is on the committee that can make that change.

So, Mr. Chairman, I urge my colleagues to vote "no" on the gentleman's amendment. We should not shirk our responsibility to our Nation's Capital by reducing the Federal payment to a level below what it was 3 years ago.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, first off I want to congratulate the gentleman from New York [Mr. WALSH] and the gentleman from Virginia [Mr. DAVIS] also in the authorizing committee, for their hard work. Washington, DC, is our national Capital. It is seen across this country as a symbol of our Nation, it is seen throughout the world as a symbol of our Nation, and its efforts to try to improve the situation there and to shepherd it are to be commended, and as my colleagues well know, as we go through this amendment process, these amendments are not aimed at any particular committee or any particular approach.

I also serve on the authorizing committee, the Committee on Government Reform and Oversight, and as my colleagues know, authorizing numbers are a cap, they are not the actual amount. That is up to the appropriating committee what they spend, and when we got our authorizing cap, we did not realize that the budget was going to have a bump up in the second year. That came later in the whole negotiating process, and some of the appropriating numbers got bumped up in dealing with the President and with the Senate, and we did not come to Congress to watch the deficit go up our second year here. We made a commitment to the American people that that deficit was going to go down. And we did better than expected last year. Now we have a challenge to meet.

One of our concerns as fellow Republicans is that some of the rhetoric that has been used against our 1.9 percent amendment is potentially digging our party into a trap. Next year our discretionary spending is supposed to go down 4 percent in actual dollars. Non-defense spending is supposed to go down 4 percent in our own budget that we voted for, yet we constantly hear every time we bring up this amendment, "Oh, there's nothing that can be cut, there's nothing that can be reduced." If there is nothing that can be reduced, how in the world are we going to reduce things 4 percent next year?

Every time we bring this up, we hear over and over that, oh, we are going to wipe out this, we are going to wipe out that, and if we are not careful, we are going to hoist ourselves on our own rhetoric and dig ourselves into a hole. The fact is that the budget deficit goes

up, I wish we could target it more precisely, I wish we could have worked it out through the different appropriating committees to be fair and rather than doing a 1.9 percent, but at this point since we do not have a lockbox that works, this is our only way to have the budget deficit not go up the second year.

Any my friends on the Democratic side of the aisle, this is not aimed at the District of Columbia. I commend not only the delegate from the District of Columbia [Ms. NORTON] and many of the others for their efforts, but quite frankly we did not control the House for 40 years. We have a terrible deficit that we have to get control of, that we were making progress, and we are very nervous that this step backward that we are doing, ever so slight a step, but nevertheless a step, is in the wrong direction, and the American people sent many of us here because they were tired of hearing "tomorrow, tomorrow, tomorrow." They want to see it happen now, and this is our only way we have to express our frustration not only with our own leadership, but our frustration with the way Congress works.

Every program has some benefits, every spending has some benefits, but we do not have any money. Even at the extreme it will take 7 years to balance our budget on an annual basis. Households do not have that choice, businesses do not have that choice, State governments do not have that choice, local governments do not have that choice, yet every time we try to reduce it just 1.9 percent it is always too much.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to comment on my colleague's remarks.

We have made, I think, tremendous progress in reducing our deficit spending. This Congress reduced discretionary spending by \$56 billion last year, a remarkable and astounding feat, given past performance, and no one in this body is more committed to reducing deficit spending or reducing our deficits than I. We have, I think, made great effort here to reduce the projected deficit by an additional \$59 million or 60 percent to bring this budget closer to balance. It may take another year before we get there, but we are heading in the right direction.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DIXON], the ranking member of the committee.

Mr. DIXON. Mr. Chairman, I thank the gentleman from New York for yielding this time to me, and I rise in opposition to this amendment.

Every day we open the newspaper or turn on TV we see a problem that needs to be fixed in the District of Columbia. We need to restore the infrastructure to the water system here. Public health, in my personal view, is in a crisis in the District of Columbia. And

public safety, even 60 Minutes is now paying attention to it.

The gentleman from Minnesota seems to say that because he offered this amendment on 12 other bills that he must offer it on this bill. I would suggest to the body that we respond to him the same way that we did on the other 12 bills and reject this amendment.

□ 1745

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

Mr. Chairman, as I said earlier, I do have some regrets about having to offer this amendment, but I think it needs to be put in perspective in terms of how much money is actually spent here in the District of Columbia.

The per capita total spending, for example, in States like Nevada, is \$4,900. Here in the District it is \$9,954. There is waste. They could reduce spending by 1.9 percent without dramatically affecting public safety and the waterworks and so forth.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Ms. HOSTETTLER], my freshman colleague.

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to the fiscal year 1997 District of Columbia appropriations bill to decrease funding in the bill by 1.9 percent across the board. I believe that this is the seventh time we have come to the floor to offer this amendment. While we have not been successful with our previous efforts, we are not discouraged. When it comes to protect the financial future of this country's children, we must be tireless.

While many come to the Chamber and criticized the budget resolution for increasing the deficit, few of us supported these efforts to regain that extra spending. Before we decide that we just can't resist the temptation to spend these few extra dollars—those few extra dollars that represent the thousands of hours of hard work performed by hard working folks in my district—we should think about the financial burden we are placing on our children.

This amendment will trim less than 2 percent—just two pennies from every dollar of discretionary spending in this appropriations bill. The District receives approximately \$717 million in the form of a Federal payment, a payment to the teachers', firefighters', police, and judges' retirement fund, and a payment for this 1997 inauguration. Included among the reasons that the District receives the Federal payment is the notion that a large percentage of the city's land is owned by the Federal Government. In actuality, just over 26 percent of the city's property is owned by the Federal Government. However, 68 percent of Alaska is owned by the Federal Government, 64 percent of

Utah is owned by the Federal Government, and a whopping 83 percent of the State of Nevada is owned by the Federal Government. At the same time, Alaskans receive \$1,755 per capita in Federal revenues; Utah residents receive \$634 in per capita Federal revenues; and Nevada residents receive just \$547. District residents, on the other hand, receive \$3,898 per capita in Federal revenues. When we consider these facts, a 1.9 percent decrease in the Federal payment seems like a small amount to ask for. I can assure you, Mr. Chairman, that I do not believe this is the most perfect solution for cutting \$4 billion from the appropriations bills, and I can assure you that this is not being done to target any specific appropriations bill or any specific program—but this is a solution that will be shared by all. I asked everybody in this body—from both sides of the aisle—who is serious about staying on that real path toward a balanced budget to support our amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time to me.

I am inclined to simply say, "Enough already." Mr. Chairman, look at this week's U.S. News and World Report. The National Capital, the gentleman's capital, has become a national daily controversy. You cannot separate yourself from that.

There is a reason why the chairman of the committee on which you serve and the chairman of the subcommittee of the Committee on Appropriations oppose this bill. This is not an appropriation we are dealing with; this is a city we are dealing with. It is a city that is insolvent.

These across-the-board cuts have been offered before in the Congress, but never for the District of Columbia appropriation. There is a reason for it. It is a complicated organism we are dealing with here. It is down on its knees, going, going, gone.

The Federal payment has not increased in 5 years. For the third year in a row the chairman has required a cut in the District's payment. Mr. Chairman, the PILOT we have here, PILOT, the payment in lieu of taxes, keeps us from building on the most valuable and most useful land in the city, right in the middle of the city.

Let me tell the Members something: Congress has not paid its taxes recently, because the PILOT has not been increased in 5 years. Before that, until 1991, it had not been increased in 5 years.

Mr. Chairman, we have been using a monolithic strategy to downsize the District of Columbia. We have been using that even before the 104th Congress came into place. It is going down so fast that the taxpayers are picking up and leaving at a rate that should make your hair stand on end.

I have not called for an end of downsizing or an end of cuts, but after a control board and a Committee on Appropriations have looked closely at a city that is on the verge of dying and cut and said no more cuts, it ill behooves any of us to come to this floor and, shall we say, third-guess them on what should be done.

The 1.9-percent cut, you are not selling anything, I do not know why you do not say 2 percent cut and round off this figure, the 2-percent cut I think is sincerely offered, and it is sincerely received.

I ask Members to note the difference between an ordinary appropriation and a city in the deepest possible trouble. I ask Members to realize that the 2-percent cut has more than been made by, first, the control board, then the subcommittee, then the Committee on Appropriations, and now, it would appear, by the full body here. Please vote against this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Wisconsin [Mr. NEUMANN].

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

Mr. Chairman, I serve on this committee, and I have the greatest respect for our committee chairman and for the ranking minority member and for all the work that has been done here. However, when we get done looking at all of these priorities individually, we have to come back to the fact that we have a higher priority, and that is to do what is right for the future of our country.

We are \$5.2 trillion in debt. The time has come for us to do what is right for future generations of Americans and get to a balanced budget. This is simply a small step in the right direction for the future of this great country of ours. That is what this is all about.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

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

Mr. Chairman, I particularly praise the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations and the chairman of the authorizing committee, the gentleman from Virginia [Mr. DAVIS]. Both are doing an outstanding job, and are the hardest workers in this Congress.

I have a high regard for my friend, the gentleman from Minnesota [Mr. GUTKNECHT], on the committee on which I serve, but I must oppose his amendment. I think enough. We have cut budgets as much as we reasonably can.

Washington must remain a beautiful world capital. It is a beautiful world capital, but there are a couple of things I would like to ask a question of the

chairman about, to see if we could change. That is, driving around town yesterday, I found numerous stoplights never replaced, crossing walk lights never replaced, potholes never filled. I think that is the impression every single visitor to Washington gets.

If we are going to put in this Federal contribution, can we at least get the District Department of Public Works to do something about simple matters like that, that do affect life and death?

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

Mr. HORN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, in response to the gentleman's questions, we are all very much aware of all of these problems in the city. I would remind my colleague that these did not just happen overnight. The bridges and roads and infrastructure and police cars and fire engines have been running on basically empty for years. There has been no investment in the schools. The city's capital program basically does not exist.

The fact is, the District of Columbia's budget is over \$5 billion for a city of 550,000 people. The State of South Carolina, with 3½ million people, has a budget of \$4 billion. So it would seem that there is enough money.

We have discussed this with the city officials and have urged them to spend money on these public works projects. Basically the funds in this bill are at their discretion to spend, but we do strongly urge them to make these structural repairs and changes to turn the District around from its downward spiral.

Mr. HORN. If I might suggest to the chairman of the Committee, if he would condition the Federal payment, I think they would move a lot faster.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance on my time.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 1½ minutes.

Mr. GUTKNECHT. Mr. Chairman, I will end this debate the way I began. I do respect the work that is done on the Subcommittee on the District of Columbia of Committee on Appropriations for the District of Columbia. This is a very serious problem. But I would have to agree with my colleague, the gentleman from Indiana [Mr. HOSTETTLER], who spoke earlier. The problem is not necessarily that there is not enough tax money flowing through the District of Columbia.

On a per capita basis, if we compare the schools, for example, how much we spend back in Minnesota on our public schools, something like \$5,600. Here in the District of Columbia, by some estimates, it is almost \$10,000. The problem is not that we are not spending enough money, but the District and the Federal Government, as oversight, have not been ensuring that those moneys are spent properly.

Mr. Chairman, what this amendment is really about is keeping our promises of last year. As the gentleman from Indiana [Mr. SOUDER] said, if we cannot cut 1.9 percent this year, how are we going to cut 4 percent next year? Balancing the budget is not what you do next year, it is not what you do 2 years from now, it is what you do this year.

I think we have to keep faith with what we told the voters 2 years ago. I think we have to keep faith with our children. This is about generational equity, it is not about whether potholes are going to be filled in Washington, DC. They have not been filled in the past and perhaps they will not be filled in the future. But we can balance the Federal budget, if everybody is willing to tighten their belts just a little bit.

If we take 1.9 percent across-the-board and we compare it to a haircut, and what we are talking about is giving the bureaucracy a slight haircut, it is like cutting your hair about one-eighth of an inch. Most people would not even notice the difference.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. WALSH] is recognized for 1 minute.

Mr. WALSH. Mr. Chairman, just to sum up, we certainly have worked very hard to try to get this bill to where it is today. Basically it is a bipartisan bill. Not everyone is happy with it.

Is it the right amount of Federal funds? I believe it is. If we were to reduce another \$12 million, \$13 million, the District could take that from wherever they decide to take it. We just put \$15 million back in for the fire department. I would hate to think that is where it would come from.

The fact is this \$660 million Federal payment is the amount that was authorized, and is the amount included in our 602(b) allocation. I think it is the right amount, and I would strongly urge a "no" vote on the Gutknecht amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

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

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

Are there further amendments?

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 18, 1996, proceedings will now resume on those amendments on which further

proceedings were postponed in the following order: First, the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON], followed by the amendment offered by the gentleman from Minnesota, [Mr. GUTKNECHT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 223, not voting 34, as follows:

[Roll No. 332]

AYES—176

Abercrombie	Fawell	McDermott
Ackerman	Fields (LA)	McHale
Andrews	Filner	McKinney
Baesler	Foglietta	Meehan
Baldacci	Franks (CT)	Meek
Balenger	Franks (NJ)	Menendez
Barrett (WI)	Frelinghuysen	Meyers
Bass	Frost	Millender-
Bateman	Furse	McDonald
Becerra	Gejdenson	Miller (CA)
Beilenson	Gibbons	Minge
Bentsen	Gilchrest	Moakley
Berman	Gilman	Molinari
Bilbray	Gonzalez	Moran
Bishop	Gordon	Nadler
Blumenauer	Green (TX)	Obey
Boehlert	Greenwood	Oliver
Bonilla	Harman	Pallone
Boucher	Hastings (FL)	Pastor
Brown (CA)	Hefner	Payne (NJ)
Brown (OH)	Hilliard	Payne (VA)
Bryant (TX)	Hinchee	Pelosi
Campbell	Hobson	Peterson (FL)
Cardin	Horn	Pickett
Castle	Houghton	Pomeroy
Chapman	Hoyer	Ramstad
Clay	Jackson (IL)	Rangel
Clayton	Jackson-Lee	Reed
Clyburn	(TX)	Regula
Coleman	Jacobs	Richardson
Collins (IL)	Johnson (CT)	Rivers
Collins (MI)	Johnson (SD)	Rose
Condit	Johnson, E. B.	Roukema
Conyers	Johnston	Roybal-Allard
Coyne	Kaptur	Sabo
Cramer	Kelly	Sanders
Cummings	Kennedy (MA)	Sawyer
Davis	Kennedy (RI)	Schiff
DeFazio	Kennelly	Schroeder
DeLauro	Klecicka	Schumer
Dellums	Klug	Scott
Deutsch	Kolbe	Serrano
Dicks	Lantos	Shays
Dingell	Lazio	Sisisky
Dixon	Levin	Skaggs
Doggett	Lewis (GA)	Slaughter
Dooley	Lofgren	Spratt
Dunn	Lowey	Stark
Edwards	Luther	Stokes
Engel	Maloney	Studds
Eshoo	Markey	Tanner
Evans	Martinez	Thompson
Farr	Martini	Thurman
Fattah	McCarthy	Torkildsen

Torres  
Traficant  
Velazquez  
Vento  
Visclosky  
Ward

Waters  
Watt (NC)  
Waxman  
White  
Williams  
Wise

Woolsey  
Wynn  
Yates  
Zimmer

Smith (MI)  
Thornton

Torricelli  
Towns

Wilson  
Young (FL)

□ 1818

This Clerk announced the following pair: On this vote:

Mrs. Morella for, with Mr. Everett against.

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

Messrs. VENTO, BASS, and BOEHLERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 229, not voting 34, as follows:

[Roll No. 333]

AYES—170

Archer	English	Lewis (KY)
Bachus	Ensign	Linder
Baker (CA)	Ewing	LoBiondo
Barcia	Foley	Lofgren
Barr	Fowler	Lucas
Barrett (WI)	Fox	Luther
Bartlett	Funderburk	Martini
Barton	Ganske	Mascara
Bilbray	Geren	McCollum
Bishop	Gillmor	McHale
Blumenauer	Goodlatte	McInnis
Boehlert	Gordon	McIntosh
Bonilla	Goss	Metcalf
Boucher	Graham	Meyers
Brown (CA)	Green (TX)	Mica
Brown (OH)	Gutknecht	Miller (FL)
Bryant (TX)	Hamilton	Minge
Campbell	Hancock	Molinari
Cardin	Hansen	Montgomery
Castle	Harman	Moorhead
Chapman	Hastert	Myrick
Clay	Hastings (WA)	Neumann
Clayton	Hayes	Ney
Clyburn	Hayworth	Nussle
Coleman	Hefley	Orton
Collins (IL)	Hergert	Paxon
Collins (MI)	Hillery	Peterson (MN)
Condit	Hobson	Petri
Conyers	Hoekstra	Pombo
Coyne	Hoke	Portman
Cramer	Holden	Radanovich
Cummings	Hostettler	Ramstad
Davis	Hutchinson	Richardson
DeFazio	Inglis	Roberts
DeLauro	Istook	Roemer
Dellums	Jacobs	Rohrabacher
Deutsch	Johnson, Sam	Ros-Lehtinen
Dicks	Jones	Roth
Dingell	Kasich	Roukema
Dixon	Kelly	Royce
Doggett	Kim	Salmon
Dooley	Klecicka	Sanford
Dunn	Klug	Saxton
Edwards	LaHood	Schaefer
Engel	Largent	Schroeder
Eshoo	Latham	Schumer
Evans	Laughlin	Seastrand
Farr	Leach	Sensenbrenner
Fattah		

NOT VOTING—34

Allard  
Brown (FL)  
Brownback  
Clement  
de la Garza  
Durbin  
Everett  
Fazio  
Fields (TX)  
Flake

Ford  
Frank (MA)  
Gephardt  
Gutierrez  
Jefferson  
Lincoln  
Manzullo  
Matsui  
McDade  
Mink

Morella  
Nethercutt  
Norwood  
Owens  
Pryce  
Quillen  
Rush

Archer  
Bachus  
Baker (CA)  
Barcia  
Barr  
Barrett (WI)  
Bartlett  
Barton  
Bilbray  
Bishop  
Blumenauer  
Boehlert  
Bonilla  
Boucher  
Brown (CA)  
Brown (OH)  
Bryant (TX)  
Campbell  
Cardin  
Castle  
Chapman  
Clay  
Clayton  
Clyburn  
Coleman  
Collins (IL)  
Collins (MI)  
Condit  
Conyers  
Coyne  
Cramer  
Cummings  
Davis  
DeFazio  
DeLauro  
Dellums  
Deutsch  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Dunn  
Edwards  
Engel  
Eshoo  
Evans  
Farr  
Fattah

Archer  
Bachus  
Baker (CA)  
Barcia  
Barr  
Barrett (WI)  
Bartlett  
Barton  
Bilbray  
Bishop  
Blumenauer  
Boehlert  
Bonilla  
Boucher  
Brown (CA)  
Brown (OH)  
Bryant (TX)  
Campbell  
Cardin  
Castle  
Chapman  
Clay  
Clayton  
Clyburn  
Coleman  
Collins (IL)  
Collins (MI)  
Condit  
Conyers  
Coyne  
Cramer  
Cummings  
Davis  
DeFazio  
DeLauro  
Dellums  
Deutsch  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Dunn  
Edwards  
Engel  
Eshoo  
Evans  
Farr  
Fattah

English  
Ensign  
Ewing  
Foley  
Fowler  
Fox  
Funderburk  
Ganske  
Geren  
Gillmor  
Goodlatte  
Gordon  
Goss  
Graham  
Green (TX)  
Gutknecht  
Hamilton  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hergert  
Hillery  
Hobson  
Hoekstra  
Hoke  
Holden  
Hostettler  
Hutchinson  
Inglis  
Istook  
Jacobs  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
Klecicka  
Klug  
LaHood  
Largent  
Latham  
Laughlin  
Leach

Shadegg	Stearns	Tiahrt
Shays	Stenholm	Upton
Skelton	Stockman	Watts (OK)
Smith (NJ)	Stump	Weldon (FL)
Smith (TX)	Talent	Weller
Smith (WA)	Tate	White
Solomon	Taylor (MS)	Whitfield
Souder	Taylor (NC)	Zimmer
Spence	Thornberry	

## NOES—229

Abercrombie	Frost	Nadler
Ackerman	Furse	Oberstar
Andrews	Gallegly	Obeys
Army	Gejdenson	Oliver
Baessler	Gekas	Ortiz
Baker (LA)	Gibbons	Oxley
Baldacci	Gilchrest	Packard
Ballenger	Gilman	Pallone
Barrett (NE)	Gonzalez	Parker
Bass	Goodling	Pastor
Bateman	Greene (UT)	Payne (NJ)
Becerra	Greenwood	Payne (VA)
Beilenson	Gunderson	Pelosi
Bentsen	Hall (OH)	Peterson (FL)
Bereuter	Hall (TX)	Pickett
Berman	Hastings (FL)	Pomeroy
Bevill	Hefner	Porter
Bishop	Heineman	Poshard
Bliley	Hilliard	Quinn
Blumenauer	Hinchee	Rahall
Boehrlert	Horn	Rangel
Boehner	Houghton	Reed
Bonilla	Hoyer	Regula
Bonior	Hunter	Riggs
Bono	Hyde	Rivers
Borski	Jackson (IL)	Rogers
Boucher	Jackson-Lee	Rose
Brown (CA)	(TX)	Roybal-Allard
Brown (OH)	Johnson (CT)	Sabo
Bryant (TX)	Johnson (SD)	Sanders
Bunn	Johnson, E. B.	Sawyer
Burr	Johnston	Scarborough
Calvert	Kanjorski	Schiff
Cardin	Kaptur	Scott
Castle	Kennedy (MA)	Serrano
Chapman	Kennedy (RI)	Shaw
Clay	Kennelly	Shuster
Clayton	Kildee	Sisisky
Clinger	King	Skaggs
Clyburn	Kingston	Skeen
Coleman	Klink	Slaughter
Collins (IL)	Knollenberg	Spratt
Collins (MI)	Kolbe	Stark
Conyers	LaFalce	Stokes
Costello	Lantos	Studds
Coyne	LaTourette	Stupak
Cummings	Lazio	Tanner
Danner	Levin	Tauzin
Davis	Lewis (CA)	Tejeda
DeLauro	Lewis (GA)	Thomas
DeLay	Lightfoot	Thompson
Dellums	Lipinski	Thurman
Deutsch	Livingston	Torkildsen
Dicks	Longley	Torres
Dingell	Lowe	Trafiacant
Dixon	Maloney	Velazquez
Doggett	Manton	Vento
Dooley	Markey	Visclosky
Doolittle	Martinez	Volkmer
Dunn	McCarthy	Vucanovich
Ehlers	McCrery	Walker
Ehrlich	McDermott	Walsh
Engel	McHugh	Wamp
Eshoo	McKeon	Ward
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meehan	Waxman
Fawell	Meek	Weldon (PA)
Fields (LA)	Menendez	Wicker
Filner	Millender	Williams
Flanagan	McDonald	Wise
Foglietta	Miller (CA)	Wolf
Forbes	Moakley	Woolsey
Franks (CT)	Mollohan	Wynn
Franks (NJ)	Moran	Yates
Frelinghuysen	Murtha	Young (AK)
Frisa	Myers	Zeliff

## NOT VOTING—34

Allard	Durbin	Ford
Brown (FL)	Everett	Frank (MA)
Brownback	Fazio	Gephardt
Clement	Fields (TX)	Gutierrez
de la Garza	Flake	Jefferson

Lincoln	Nethercatt	Thornton
Manzullo	Norwood	Torricelli
Matsui	Owens	Towns
McDade	Pryce	Wilson
Mink	Quillen	Young (FL)
Morella	Rush	
Neal	Smith (MI)	

## □ 1827

The Clerk announced the following pair:

On this vote:

Mr. Everett for, with Mrs. Morella against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no other amendments, under the previous order of the House of July 18, 1996, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EWING) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3845), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1997, and for other purposes, and pursuant to the order of the House of Thursday, July 18, 1996, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

Pursuant to that order of the House of July 18, 1996, the previous question is ordered.

## □ 1830

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that if proceedings resume on the three postponed questions on agreeing to motions to suspend the rules immediately after an electronic vote on the question of passing H.R. 3845, then the Speaker may reduce to 5 minutes the minimum time for electronic voting on each of the postponed questions.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 332, nays 68, not voting 33, as follows:

[Roll No. 334]

YEAS—332

Abercrombie	Edwards	Largent
Ackerman	Ehlers	Latham
Andrews	Ehrlich	LaTourette
Archer	Engel	Levin
Army	English	Lewis (CA)
Bachus	Ensign	Lewis (GA)
Baker (LA)	Eshoo	Lewis (KY)
Baldacci	Evans	Lightfoot
Ballenger	Ewing	Linder
Barcia	Farr	Lipinski
Barrett (NE)	Fattah	Livingston
Barrett (WI)	Fawell	LoBiondo
Bartlett	Fields (LA)	Longley
Bass	Filner	Lowe
Bateman	Flanagan	Lucas
Becerra	Foglietta	Luther
Beilenson	Foley	Manton
Bentsen	Forbes	Markey
Bereuter	Fox	Martinez
Berman	Franks (CT)	Martini
Bevill	Franks (NJ)	Mascara
Bilbray	Frelinghuysen	McCarthy
Bilirakis	Frisa	McCullum
Bishop	Frost	McCrery
Bliley	Furse	McDermott
Blumenauer	Gallegly	McHale
Blute	Ganske	McHugh
Boehrlert	Gejdenson	McInnis
Boehner	Gekas	McKeon
Bonilla	Geran	McKinney
Bonior	Gibbons	McNulty
Bono	Gilchrest	Meehan
Borski	Gonzalez	Meek
Boucher	Goodlatte	Menendez
Browder	Goodling	Metcalf
Brown (CA)	Gordon	Millender
Brown (FL)	Graham	McDonald
Brown (OH)	Green (TX)	Miller (CA)
Bryant (TN)	Greene (UT)	Miller (FL)
Bryant (TX)	Greenwood	Minge
Bunn	Gunderson	Moakley
Bunning	Gutknecht	Molinari
Burr	Hall (OH)	Mollohan
Burton	Harman	Montgomery
Buyer	Hastert	Moran
Callahan	Hastings (FL)	Murtha
Calvert	Hastings (WA)	Myers
Camp	Hayes	Myrick
Canady	Hayworth	Ney
Cardin	Hefner	Nussle
Castle	Heineman	Oberstar
Chabot	Hilliard	Obeys
Chambliss	Hinchee	Oliver
Chapman	Hobson	Ortiz
Christensen	Hoke	Orton
Chrysler	Holden	Oxley
Clay	Horn	Packard
Clayton	Hostettler	Pallone
Clyburn	Houghton	Parker
Coburn	Hoyer	Pastor
Coleman	Hunter	Paxon
Collins (GA)	Hutchinson	Payne (NJ)
Collins (IL)	Hyde	Payne (VA)
Collins (MI)	Inglis	Pelosi
Conyers	Istook	Peterson (FL)
Costello	Jackson (IL)	Pombo
Cox	Jackson-Lee	Pomeroy
Coyne	(TX)	Porter
Crane	Jacobs	Portman
Creameans	Johnson (CT)	Poshard
Cubin	Johnson (SD)	Quinn
Cummings	Johnson, E. B.	Radanovich
Cunningham	Johnson, Sam	Rahall
Danner	Johnston	Rangel
Davis	Jones	Reed
Deal	Kanjorski	Regula
DeFazio	Kaptur	Richardson
DeLauro	Kasich	Riggs
DeLay	Kelly	Rivers
Dellums	Kennedy (MA)	Rogers
Deutsch	Kennedy (RI)	Rohrabacher
Diaz-Balart	Kennelly	Ros-Lehtinen
Dickey	Kildee	Rose
Dicks	Kim	Roth
Dingell	King	Roybal-Allard
Dixon	Kingston	Sabo
Doggett	Kiecicka	Salmon
Dooley	Klink	Sanders
Doolittle	Klug	Sawyer
Doyle	Knollenberg	Saxton
Dreier	Kolbe	Schiff
Dunn	LaFalce	Schumer
Durbin	Lantos	Scott

Seastrand	Tanner	Ward
Serrano	Tate	Waters
Shadegg	Tauzin	Watts (OK)
Shaw	Taylor (NC)	Waxman
Shuster	Tejeda	Weldon (FL)
Sisisky	Thomas	Weldon (PA)
Skaggs	Thompson	White
Skeen	Thornberry	Whitfield
Skelton	Thurman	Wicker
Slaughter	Torres	Williams
Smith (NJ)	Trafficant	Wise
Smith (TX)	Velazquez	Wolf
Smith (WA)	Vento	Woolsey
Souder	Visclosky	Wynn
Spence	Volkmer	Yates
Spratt	Vucanovich	Young (AK)
Stark	Walker	Zeliff
Stokes	Walsh	
Stupak	Wamp	

NAYS—68

Baessler	Hansen	Roukema
Baker (CA)	Hefley	Royce
Barr	Herger	Sanford
Barton	Hilleary	Scarborough
Brewster	Hoekstra	Schaefer
Campbell	LaHood	Schroeder
Chenoweth	Laughlin	Sensenbrenner
Coble	Lazio	Shays
Combust	Leach	Solomon
Condit	Loftgren	Stearns
Cooley	Maloney	Stenholm
Cramer	McIntosh	Stockman
Crapo	Meyers	Studds
Dornan	Mica	Stump
Duncan	Moorhead	Talent
Fowler	Nadler	Taylor (MS)
Funderburk	Neumann	Tiahrt
Gillmor	Peterson (MN)	Torkildsen
Gilman	Petri	Upton
Goss	Pickett	Watt (NC)
Hall (TX)	Ramstad	Weller
Hamilton	Roberts	Zimmer
Hancock	Roemer	

NOT VOTING—33

Allard	Gephardt	Norwood
Brownback	Gutierrez	Owens
Clement	Jefferson	Pryce
Clinger	Lincoln	Quillen
de la Garza	Manzullo	Rush
Everett	Matsui	Smith (MI)
Fazio	McDade	Thornton
Fields (TX)	Mink	Torricelli
Flake	Morella	Towns
Ford	Neal	Wilson
Frank (MA)	Nethercutt	Young (FL)

□ 1846

Mrs. MALONEY and Mr. HEFLEY changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Monday, July 22, I was unavoidably detained and missed rollcall vote 334.

Had I been present, I would have voted "aye" on rollcall vote 334 during consideration of H.R. 3845, a bill making appropriations for the District of Columbia for fiscal year 1997.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today

in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3267, by the yeas and nays;

H.R. 3536, by the yeas and nays;

H.R. 3159, by the yeas and nays.

Pursuant to the order of the House today, the Chair will reduce to 5 minutes the time for all electronic vote in this series.

CHILD PILOT SAFETY ACT

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 3267, on which the yeas and nays were ordered. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 5, not voting 33, as follows:

[Roll No. 335]

YEAS—395

Abercrombie	Christensen	Flanagan
Ackerman	Chrysler	Foglietta
Andrews	Foley	Fox
Archer	Clayton	Forbes
Army	Clinger	Fowler
Bachus	Clyburn	Fox
Baessler	Coble	Franks (CT)
Baker (CA)	Coburn	Franks (NJ)
Baker (LA)	Coleman	Frelinghuysen
Balducci	Collins (GA)	Frisa
Ballenger	Collins (IL)	Frost
Barcia	Collins (MI)	Funderburk
Barr	Combust	Furse
Barrett (NE)	Condit	Gallegly
Barrett (WI)	Conyers	Ganske
Bartlett	Costello	Gejdenson
Barton	Cox	Gekas
Bass	Coyne	Geren
Bateman	Cramer	Gibbons
Becerra	Crane	Gilchrest
Beilenson	Crapo	Gillmor
Bentsen	Creameans	Gilman
Bereuter	Cubin	Gonzalez
Berman	Cummings	Goodlatte
Bevill	Cunningham	Goodling
Bilbray	Danner	Gordon
Bilirakis	Davis	Goss
Bishop	Deal	Graham
Bliley	DeFazio	Green (TX)
Blumenauer	DeLauro	Greene (UT)
Blute	DeLay	Greenwood
Boehert	Dellums	Gunderson
Boehner	Deutsch	Gutknecht
Bonilla	Diaz-Balart	Hall (OH)
Bonior	Dickey	Hall (TX)
Bono	Dicks	Hamilton
Borski	Dingell	Hancock
Boucher	Dixon	Hansen
Brewster	Doggett	Harman
Browder	Dooley	Hastert
Brown (CA)	Doolittle	Hastings (FL)
Brown (FL)	Dornan	Hastings (WA)
Brown (OH)	Doyle	Hayes
Bryant (TN)	Dreier	Hayworth
Bryant (TX)	Duncan	Hefley
Bunn	Dunn	Hefner
Bunning	Durbin	Heineman
Burr	Edwards	Herger
Burton	Ehlers	Hilleary
Buyer	Ehrlich	Hilliard
Callahan	Engel	Hinchee
Calvert	English	Hobson
Camp	Ensign	Hoekstra
Campbell	Eshoo	Hoke
Canady	Evans	Holden
Cardin	Ewing	Horn
Castle	Farr	Hostettler
Chabot	Fattah	Houghton
Chambliss	Fawell	Hoyer
Chapman	Fields (LA)	Hunter
Chenoweth	Filner	Hutchinson

Hyde	Meyers	Seastrand
Inglis	Mica	Sensenbrenner
Istook	Millender-	Serrano
Jackson (IL)	McDonald	Shadegg
Jackson-Lee	Miller (CA)	Shaw
(TX)	Miller (FL)	Shays
Jacobs	Minge	Shuster
Johnson (CT)	Moakley	Sisisky
Johnson (SD)	Molinari	Skaggs
Johnson, E. B.	Montgomery	Skeen
Johnson, Sam	Moorhead	Skelton
Johnston	Moran	Slaughter
Jones	Murtha	Smith (NJ)
Kanjorski	Myers	Smith (TX)
Kaptur	Myrick	Smith (WA)
Kasich	Nadler	Solomon
Kelly	Neumann	Souder
Kennedy (MA)	Ney	Spence
Kennedy (RI)	Nussle	Spratt
Kennelly	Oberstar	Stark
Kildee	Obey	Stearns
Kim	Oliver	Stenholm
King	Ortiz	Stockman
Kingston	Orton	Stokes
Klecza	Oxley	Studds
Klink	Packard	Stupak
Klug	Pallone	Talent
Knollenberg	Parker	Tanner
Kolbe	Pastor	Tate
LaFalce	Paxon	Tauzin
LaHood	Payne (NJ)	Taylor (MS)
Lantos	Payne (VA)	Taylor (NC)
Largent	Pelosi	Tejeda
Latham	Peterson (FL)	Thomas
LaTourette	Peterson (MN)	Thompson
Lazio	Petri	Thornberry
Leach	Pickett	Thurman
Levin	Pombo	Tiahrt
Lewis (CA)	Pomeroy	Torkildsen
Lewis (GA)	Porter	Torres
Lewis (KY)	Portman	Trafficant
Lightfoot	Poshard	Upton
Linder	Quinn	Velazquez
Lipinski	Radanovich	Vento
Livingston	Rahall	Visclosky
LoBiondo	Ramstad	Volkmer
Lofgren	Rangel	Vucanovich
Longley	Reed	Walker
Lowe	Regula	Walsh
Lucas	Richardson	Wamp
Luther	Riggs	Ward
Maloney	Rivers	Waters
Manton	Roberts	Watt (NC)
Markey	Roemer	Watts (OK)
Martinez	Rogers	Waxman
Martini	Rohrabacher	Weldon (FL)
Mascara	Ros-Lehtinen	Weldon (PA)
McCarthy	Rose	Weller
McCollum	Roth	White
McCrery	Roukema	Whitfield
McDermott	Roybal-Allard	Wicker
McHale	Royce	Williams
McHugh	Sabo	Wise
McInnis	Salmon	Wolf
McIntosh	Sanders	Woolsey
McKeon	Sanford	Wynn
McKinney	Sawyer	Yates
McNulty	Saxton	Young (AK)
Meehan	Schiff	Zeliff
Meek	Schroeder	Zimmer
Menendez	Schumer	
Metcalfe	Scott	

NAYS—5

Cooley	Scarborough	Stump
Laughlin	Schaefer	

NOT VOTING—33

Allard	Gutierrez	Norwood
Brownback	Jefferson	Owens
Clement	Lincoln	Pryce
de la Garza	Manzullo	Quillen
Everett	Matsui	Rush
Fazio	McDade	Smith (MI)
Fields (TX)	Mink	Thornton
Flake	Mollohan	Torricelli
Ford	Morella	Towns
Frank (MA)	Neal	Wilson
Gephardt	Nethercutt	Young (FL)

□ 1855

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.



Holden	McNulty	Schiff
Horn	Meehan	Schroeder
Hostettler	Meek	Schumer
Houghton	Menendez	Scott
Hoyer	Metcalfe	Seastrand
Hunter	Meyers	Sensenbrenner
Hutchinson	Mica	Serrano
Hyde	Millender-	Shadeeg
Inglis	McDonald	Shaw
Istook	Miller (CA)	Shays
Jackson (IL)	Miller (FL)	Shuster
Jackson-Lee	Minge	Sisisky
(TX)	Moakley	Skaggs
Jacobs	Molinari	Skeen
Johnson (CT)	Montgomery	Skelton
Johnson (SD)	Moorhead	Slaughter
Johnson, E. B.	Moran	Smith (NJ)
Johnson, Sam	Murtha	Smith (TX)
Johnston	Myers	Smith (WA)
Jones	Myrick	Solomon
Kanjorski	Nadler	Souder
Kaptur	Neumann	Spence
Kasich	Ney	Spratt
Kelly	Nussle	Stark
Kennedy (MA)	Oberstar	Stearns
Kennedy (RI)	Obey	Stenholm
Kennelly	Oliver	Stockman
Kildee	Ortiz	Stokes
Kim	Orton	Studds
King	Oxley	Stump
Kingston	Packard	Stupak
Kleczka	Pallone	Talent
Klink	Parker	Tanner
Klug	Pastor	Tate
Knollenberg	Paxon	Tauzin
Kolbe	Payne (NJ)	Taylor (MS)
LaFalce	Payne (VA)	Taylor (NC)
LaHood	Pelosi	Tejeda
Lantos	Peterson (FL)	Thomas
Largent	Peterson (MN)	Thompson
Latham	Petri	Thornberry
LaTourrette	Pickett	Thurman
Laughlin	Pombo	Tiahrt
Lazio	Pomeroy	Torkildsen
Leach	Porter	Torres
Levin	Portman	Trafficant
Lewis (CA)	Poshard	Upton
Lewis (GA)	Quinn	Velazquez
Lewis (KY)	Radanovich	Vento
Lightfoot	Rahall	Visclosky
Linder	Ramstad	Volkmer
Lipinski	Rangel	Vucanovich
Livingston	Reed	Walker
LoBiondo	Regula	Walsh
LoFgren	Richardson	Wamp
Longley	Riggs	Ward
Lowe	Rivers	Waters
Lucas	Roberts	Watt (NC)
Luther	Roemer	Watts (OK)
Maloney	Rogers	Waxman
Manton	Rohrabacher	Weldon (FL)
Markey	Ros-Lehtinen	Weldon (PA)
Martinez	Rose	Weller
Martini	Roth	White
Mascara	Roukema	Whitfield
McCarthy	Roybal-Allard	Wicker
McCollum	Royce	Williams
McCrery	Sabo	Wise
McDermott	Salmon	Wolf
McHale	Sanders	Woolsey
McHugh	Sanford	Wynn
McInnis	Sawyer	Yates
McIntosh	Saxton	Young (AK)
McKeon	Scarborough	Zeliff
McKinney	Schaefer	Zimmer

NOT VOTING—33

Allard	Gutierrez	Norwood
Brownback	Jefferson	Owens
Clement	Lincoln	Pryce
de la Garza	Manzullo	Quillen
Everett	Matsui	Rush
Fazio	McDade	Smith (MI)
Fields (TX)	Mink	Thornton
Flake	Mollohan	Torricelli
Ford	Morella	Towns
Frank (MA)	Neal	Wilson
Gephardt	Nethercutt	Young (FL)

□ 1912

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWNBACK. Mr. Speaker, earlier today I was unavoidably detained because of surgery on my son. The surgery went very well, but I was not able to be in town; therefore, I missed votes.

If I had been here, I would have voted "nay" on rollcall vote 332, I would have voted "yea" on rollcall vote 333, I would have voted "yea" on rollcall vote 334, I would have voted "yea" on rollcall vote 335, I would have voted "yea" on rollcall vote 336 and, I would have voted "yea" on rollcall vote 337.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, due to a family emergency, I missed rollcall votes 332 through 337. Had I been present, I would have voted "no" on rollcall vote 332 and "yes" on rollcall votes 333, 334, 335, 336, and 337.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 2391, WORKING FAMILIES FLEXIBILITY ACT

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

Ms. GREENE of Utah. Mr. Speaker, the Committee on Rules is planning to meet this Wednesday, July 24, to grant a rule which may limit the kinds of amendments which may be offered to H.R. 2391, the Working Families Flexibility Act, also known as the comp time bill.

The rule may, at the request of the Committee on Economic and Educational Opportunities, include a provision requiring amendments be preprinted in the amendment section of the CONGRESSIONAL RECORD.

Amendments to be preprinted should be signed by the Member and submitted at the Speaker's table. The bill may be considered for amendment under the 5-minute rule, with a possible overall time limitation on the amendment process. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the office of the Parliamentarian to be certain their amendments comply with the rules of the House. It is not necessary to submit amendments to the Committee on Rules or to testify.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3467

Ms. DANNER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3467.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MICA. Mr. Speaker, I offer a resolution (H. Res. 485) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 485

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight; Mr. Klug of Wisconsin.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE DEATH OF CAPTAIN KEVORKIAN IN CRASH OF TWA FLIGHT 800

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I had the last special order on Thursday, or maybe it was the next to the last. I had just been told that I had a constituent from my district that had died on TWA flight 800. I stood at this very microphone at the Speaker's desk and said that sometime over the weekend I would find out if it was a baby, a young child with his mom and dad, or traveling alone, maybe; a teenager; whether it might be a stewardess, one of the crew. I said the tragic news might be someone that lived in Anaheim or Santa Ana, CA, one of the small parts of about 10 other cities that I have, like Orange or Tuscan or Westminster, or I said it could be from my own town of Garden Grove.

Mr. Speaker, about 24 hours after I spoke, I found out that my constituent who died in that terrible, horrific accident was a male. He was from my hometown of Garden Grove, and he was the pilot, Captain Kevorkian. I remember being on a TWA flight and this captain coming back during the short

break at altitude, coming back to say hello to me, tell me that he was a neighbor just a few blocks away, and I teased him about his name, because of the infamous Dr. Kevorkian.

I could not have been more shocked. There are towns like Montoursville, PA, that have been just shattered by this, but I will now proceed to find out if Captain Kevorkian was a military pilot or if he learned to fly as a young man, hanging around what we used to call the gas pit flyers. They would beg rides until they got enough money up to take some pilot training lessons, and then find somebody that would sponsor them. More and more of our pilots, as we downsize our military, are coming from such programs.

But this was a sharp pilot that would have gotten on the radio immediately if a small device had caught fire on the aircraft, as happened with ValuJet down in Florida, that crashed into the Everglades. This was just such a catastrophic accident that the odds are narrowing almost to zero that a plane of the size of a 747 and with its excellent flight safety record could possibly have had some juxtaposition of events to cause this massive explosion.

Just as I left the news to come out here, they have located what they think is the fuselage, four more bodies. They still have not reached the halfway point of 115 remains out of 230. I think what we are going to have to do to play our constitutional role is have Mr. Clinton come up here, close these doors, as we did once on Nicaragua, and once on a story that a nation had gotten nuclear weapons, and we are still not sure about the story, and that we have to have a closed session, with all the guards guarding all the exits, and have the Senators come over here and have the Commander-in-Chief take the well, and with 534, now with Bill Emerson's tragic passing, with 534 Members, decide a course of action, a direct course of action; that if our FBI and our international investigators narrow it down to a few mass serial assassins, as we did with the two people that Qadhafi is still hiding in Libya, that this Congress will talk it down with Mr. Clinton and give him the go-ahead that we will support him for the type of direct action that Ronald Reagan took against Libya shortly after the LaBelle disco bombing on April 5, 1986.

We have to pull together as a country and we cannot let these people flounder the way the families from Pan American 103 have suffered over these years since that ghastly Christmas week. And we cannot do to these people what we did to my friend, David Jacobson, one of the hostages in the Iranian Embassy, excuse me, in the Lebanon hostage crisis, or what we did to the 52 people that it finally came down to in Iran, held in our embassy. We cannot try to cut deals behind the scenes to give them American taxpayer money

out of our Treasury to make them shut up so they will not pursue legal redress in the international courts of this dangerous Earth.

I think it is time for all of us to come together and take direct action against this type of ghastly terrorist atrocity.

#### TEENAGE PREGNANCY PREVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we care about our young people, and contrary to what some believe, they care about themselves.

Most of our young people want to be positive and want to be productive.

Most of our young people want to join in the effort to begin to end the cycle of teenage pregnancy.

How can we begin to end the cycle of teenage pregnancy?

By insuring that our young people can get an education, can get a job, can have a career, can have a chance, and have confidence in themselves.

And, one of the best ways to achieve these important goals is to make sure that young people learn about the impact premature pregnancy has on the lives of those who face that problem.

Learning about the impact of premature pregnancy is important for boys too, not just girls.

All teenagers must take responsibility to prevent adolescent pregnancies.

Young people need to learn about school-based health clinics, health departments and other places where they and their parents can seek help and advice.

They need information on the physical and social effects of premature pregnancy.

Most importantly, our young people must learn about choices, how to make them, where they can lead and why it is important to postpone sexual involvement.

Congress has a responsibility to make sure our young people have real choices and a real chance.

There is currently a National Campaign to Prevent Teenage Pregnancy. The goal of the campaign is to reduce the rate of teenage pregnancy by one-third in 10 years.

That is an achievable goal.

That is a reasonable goal.

It is a campaign we can win.

It is a campaign we must win.

It is a campaign that all of us should join—young and old, male and female, rich and not so rich, Democrats, Republicans, and Independents.

Every 60 seconds in America, a child is born to a teen mother. The increase in teenage childbearing is alarming.

More than 30 percent of all out-of-wedlock births is to teenagers, below age 20.

We can not and must not ignore the reality that many young men and women are increasingly delaying marriage until their mid-twenties and beyond—but not sexual activity.

Because young men and women are becoming sexually experienced at younger ages without the benefit of marriage and sex education, there are proportionally more teenagers exposed to the risk of unmarried pregnancy and related health problems.

Sadly, according to a recent report to Congress, the young women and men who become teen parents have few expectations, few ties to community institutions, few adult mentors and role models, and too much spare time.

Too many live in communities where crime and drug use are common, where dropping out of school and chronic unemployment are even more common.

In my opinion these causes can be reduced to the lack of hope and confidence in the future by our teenagers.

Yet, our society can not endure this human burden.

We must, therefore, implement pregnancy prevention programs that educate and support school age youths and their family members, particularly those in high risk situations.

And, we must implement comprehensive social and health services, with an emphasis on pregnancy prevention.

Recently, this House refused to spend \$30 million, requested by the President, to help control and prevent the alarming growth of teenage pregnancies. Yet, we spend \$6.4 billion annually on programs once teenagers are pregnant and have children.

We will not spend one-half of 1 percent to prevent a problem that costs us more than 200 times that amount in the long run.

And what did this House do when faced with this illogical spending?

In the welfare reform bill that passed just last week, families that have additional children will be denied cash welfare payments.

And, unmarried children under the age of 18 who have a child will be denied cash welfare payments under certain conditions.

Why are some insisting upon punishing children rather than preventing pregnancies, especially among our adolescents?

Teen pregnancy is a near-certain predictor of poverty.

There is a connection with the fact that every 32 seconds a baby is born in poverty.

If all of the teenage mothers had been able to delay becoming pregnant until they were older and financially able to take care of a baby, the resources we use on them could be used in other productive ways—for education, for recreation programs, for jobs and job training, for housing, and for health services.

And, we should not forget that teen pregnancy is also a strong predictor of a new generation of disadvantage.

It should trouble each of us that America is first in the world in health technology, yet 18th in infant mortality.

This Nation is first in the world in defense expenditures, yet 19th in low-birthweight babies.

The actions and inactions of Congress in the weeks and months ahead will reflect the choice we have made for the future.

A choice between what is good for the many or good for a few—between communities that are average and those that are exceptional—between going forward or falling backwards—between individual comfort and functioning families.

And if our children are not able to contribute and are not able to properly and fully develop as adults, it will cost us more to respond to their dysfunctions than it will cost us to prevent them.

We can pay less now, Mr. Speaker, or we can pay more later.

We can construct a budget with a vision for the future, or we can destroy a budget with blindfolds of the past.

I urge my colleagues to look to the future.

□ 1930

#### WELFARE REFORM

The SPEAKER pro tempore (Mr. EWING). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, there have been comments made in the last few days about the proposed reforms that the House passed and the Republicans have promoted. The comments have also dealt with the welfare reforms that we have passed might hurt children, and we have heard comments about some of our reforms in welfare that may in fact, the opinion of some folks, say that we may hurt children.

Mr. Speaker, I would not support legislation that would hurt our Nation's children. But I would submit, Mr. Speaker, that our current welfare system is in fact destroying the lives of millions and millions of children. Welfare which in fact was designed to create a safety net has in fact trapped millions of children in a pitiful web and their families in a pitiful web.

Let us just look at it for a second. Our current system of welfare has destroyed in fact the traditional family structure, so that children do not even know the meaning of a home and a family. Our current system of welfare has in fact destroyed our children's sense of values. Our current system of welfare has kept our children from understanding the work ethic, the work ethic that in fact has built this Nation.

In fact, our current welfare system has kept our children from seeing a parent work. Our current system of

welfare makes a joke of a \$5.15 minimum wage that this Congress passed, when we in fact pay people in my State in Florida the equivalent of \$8.75 an hour for not working.

Our current system of welfare has in fact bred crime, crime that has destroyed our neighborhoods, crime that in fact kills our children in this city, has killed thousands of children over the years, young people also trapped in a welfare web. They force our senior citizens and all Americans to live in fear and behind bars.

Welfare in fact has served and this current system has served as a magnet to attract illegal aliens into the United States. Our current system of welfare pays better benefits to those who really refuse to work, and pays better benefits to illegal aliens than we in fact pay to some of our senior citizens or to our veterans who served this country.

I think that if we really care about the welfare of our children, Mr. Speaker, if we really care about our senior citizens and if we really care about our veterans and we care about the future of this country, we should care about passing meaningful welfare reform.

In fact, we passed a welfare reform that says that welfare should not be a way of life, that in fact it should be limited to 2 years and a 5-year lifetime maximum. It is not severe. We said that they should work for some of their benefits, for example, food stamps, put in at least 20 hours' work.

We are not talking about disabled or elderly or infirm. We are talking about able-bodied Americans. We think we should return power to the States and restore a sense of personal responsibility when in fact the President's proposal has no real time limits, no real work requirements, non-citizens and felons will continue to receive welfare and we will have maximum control here in Washington. This is the system we have created.

I ask, what helps children and what hurts children? We have an opportunity to help children, to change welfare as we know it, and to make a dramatic change in the lives of millions and millions of citizens of our country and children in our country who deserve much better than the welfare system that they currently have.

Mr. Speaker, I urge that we adopt our plan, that the President in fact not veto this plan for the third time, and that it become in fact the law of our land to help our children, not hurt our children.

#### TAXES AND THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to speak very briefly about two unrelated topics.

First, a few days ago we passed a resolution here in this House designating July 3 as Cost of Government Day. This resolution noted that the average person now spends 50.4 percent of his or her income in taxes of all types, Federal, State and local, 50.4 percent. In other words, the average person now works until July 3 just to pay the cost of government at all levels. That is taking into account the taxes of all types, like income, Social Security, sales, property, excise, gas, all the different types of taxes, and then the taxes that we pay in the form of hidden taxes in the form of higher prices and so forth. Even worse, President Clinton's 1994 budget said the young people born that year would pay average lifetime tax rates of an incredible 82 percent. Paul Tsongas, the former Congressman and Senator from Massachusetts who was a liberal Democrat when he was in Congress wrote a column about that and he said that we were going to turn the young people into indentured servants for the government unless dramatic changes were made. I do not think we should allow that to happen, Mr. Speaker. But the reason I mention this tonight is this: I am not for increasing our tax burden at all. In fact, we need to strive to lower our tax burden. But I can say that what we need to do is lower the tax burden on the average people and on the people of middle and lower incomes and to do that and to balance it out, we need to drastically raise the taxes on those movie stars and athletes and CEOs who are making these multimillion-dollar salaries. I think that would be only fair.

What really stirred me into this is hearing last week that one basketball player had signed a contract for 7 years for \$123 million and then the Washington Post a few days ago printed what they called a Free Agent Tote Board and they have these other contracts for NBA players: 5 years for \$55 million, 1 year for \$30 million, 7 years for \$98 million, 7 years for \$105 million, 6 years for \$24 million, 7 years for \$42 million, 4 years for \$28 million, on and on. They reported about one player for the Washington Bullets who was a substitute who did not even play well last year and he is holding out for \$45 million for 7 years.

Mr. Speaker, I would say that things have gotten totally out of whack. I remember telling my two sons last December when I heard that one baseball player had signed an \$18 million 3-year contract that could they imagine how much was \$6 million a year. In my district, an average person makes between 21 and \$22,000 a year. A person making \$25,000 a year would have to work 40 years to make \$1 million. To make \$6 million in 1 year, you would have to average \$150,000 a year. This is ridiculous. This is sickening how much these athletes are being paid for playing a

game 6 or 7 months out of the year. It has gotten totally ridiculous. I say that we should drastically lower the taxes on the lower- and middle-income people and raise them on these people that are getting these totally exorbitant, unjustified salaries. I realize it will not be done, but we should boycott the NBA and these other leagues and organizations that are paying these totally ridiculous salaries and totally undeserved.

#### FOREIGN AFFAIRS

The other topic that I wanted to mention tonight, Mr. Speaker, and like I say, it is two totally unrelated things but it does pertain to the spending of government money. We have spent \$4 billion so far in Haiti, and the Washington Post a few months ago reported on the front page that we have got our troops there picking up garbage and settling domestic disputes. We have spent billions more in Rwanda, Somalia, and now Bosnia where there is no vital United States interest and no threat to our national security.

Last week Georgie Anne Geyer, the very respected foreign affairs columnist, wrote this about Bosnia. She said:

For 4 years and 2 Presidents, the top military brass in Washington essentially lied about Serb capacities. They built a bunch of thugs and rustic mountain Serbs, dependent on that pitiful weaponry I saw, into super-Serbs.

She told about seeing this weaponry. She said:

There it stands, all the terror that American and European military men trembled before: old tanks, their sides packed with sand; antique mortars nearly falling off the mountainsides; artillery pieces out in the open, without even trees to hide them. One could be forgiven for thinking oneself back in World War I instead of the nuclear age.

The military exaggerated the capabilities of Saddam Hussein. Now they have exaggerated the capabilities of their opponents in Bosnia, and I think back to the time when President Eisenhower warned about the military-industrial complex and I wonder if these things are being done to somehow justify higher and unjustified appropriations. I think if they are, that is very sad and very unfortunate, Mr. Speaker.

#### MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am in the well tonight because I feel very strongly that myself, the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Pennsylvania [Mr. KLINK] and others that are going to be joining us here tonight, Democrats, spent a lot of time last year as well as

this year as part of basically an effort to try to make the point, and I believe successfully made the point that the Republican leadership in this Congress was trying to destroy Medicare as we know it.

Democrats basically started Medicare over 30 years ago, Democratic Presidents, Democratic Congresses, because they were concerned that so many senior citizens did not have health care, either were not able to afford health insurance or found themselves unable to obtain health insurance as they became senior citizens. Over the last 30 years, Medicare has been very successful as a program in guaranteeing that almost all, almost 100 percent of the senior citizens in this country get health care and get good health care.

It is not only a question of the fact that they are covered by Medicare but they have a choice of physicians, they have a choice of hospitals and the level of coverage, what is included in their coverage, as well as the quality of care that they receive generally is pretty good. That is a dramatic change from the situation before Medicare existed.

Well, as my colleagues know, we faced a new Congress back in January of 1995 under the Republican leadership. One of the first things, and I have to admit I was very surprised, one of the first things that happened was that a budget was presented which essentially cut Medicare as well as Medicaid drastically, primarily to pay for tax cuts for tax breaks, if you will, mostly for wealthy Americans.

But the proposals that came from the Republican leadership did not just cut Medicare, did not just cut the amount of money that was going into Medicare, they also tried to change the system dramatically so that senior citizens would not have a choice of doctors. Many would be pushed into managed care, many would also find that they had to pay higher out-of-pocket costs because their part B premiums would go up or because they would have to pay more as a copayment to their physician.

What we saw is, as I said, a dramatic change in the structure of Medicare as well as drastic cuts in the amount of money that would go into the program. We fought hard against these Republican proposals, and we were successful. The Medicare program is today still the way it was 2 years ago. The dramatic cuts have not been implemented, and I suppose not surprisingly, because the Republican leadership realized at some point over the last 18 months that this was not working and that we were getting the message across, if you will, to the American public that this is what the Republican leadership wanted to do.

All of a sudden, we see where the Republicans do not want to talk about Medicare anymore. They sort of pre-

tend like all these debates and all these votes, these many times when they tried to cut it and change it, never occurred. So I was not surprised that last week 3 House Republican leaders held a press conference, last Wednesday, to basically discuss the new ads that the AFL-CIO has been putting on the air in various parts of the country where they point out that Speaker GINGRICH and other Republican leaders were pushing for these Medicare cuts and basically changing, I would say actually destroying Medicare as we know it.

□ 1945

The Republican leaders basically got up and said, oh, those things are not true, we never tried to do that. Well, let me tell Members that they did and regardless of their rhetoric, the old statement "Actions speak louder than words," well, the fact is the actions do speak louder than words in this case.

Whatever the Republicans say now, the bottom line is that after taking control of Congress, NEWT GINGRICH and the Republicans set themselves to the task of slashing Medicare by \$270 billion. If this Congress had passed and the President had signed, which we did not, their Medicare bill, seniors would have been forced out of traditional Medicare by making it prohibitively expensive to stay in the program. They would have been forced. Basically, they would have lost the choice, I should say, of their doctors and hospitals because essentially they would have been forced into managed care where they did not have the choice of doctors and hospitals.

I do not think anybody really should be surprised by this because we know well that it took something like 13 years for Democrats to overcome Republican opposition and enact the Medicare Program on July 30, 1965. And in 1965, 93 percent of the House Republicans, including then Representative Bob Dole, now the Republican candidate for President, voted for a substitute that would have killed Medicare as we know it. Over 60 percent of Republican Senators voted for a similar substitute.

So we know historically the Republicans were opposed to Medicare, they continued that effort when they took back the majority in this Congress, and regardless of what the Speaker or the now Presidential candidate Bob Dole says, the bottom line is that they have over the years consistently tried to either stop Medicare from becoming law or change it dramatically in a most negative way.

I would like to now yield to the gentlewoman from Connecticut [Ms. DELAURO] who really has been outspoken on this issue from the very beginning and really led the whole battle to make sure that we retain Medicare as it is and not make the drastic changes that the Republican leadership proposed.

Ms. DELAURO. Mr. Speaker, I want to thank my colleague from New Jersey for taking the special order tonight because in fact the whole issue of Medicare is critically important to this Nation. I think, and I know my colleague from New Jersey feels this way and our other colleagues who are here tonight, the gentleman from Pennsylvania [Mr. KLINK] and the gentleman from Illinois [Mr. DURBIN], also feel the same way, that Medicare represents not a program but in fact what our values are in this country, in that it says to people who have worked hard all of their lives, who have played by the rules, who have raised their families, who have contributed to the successful economy of this Nation, that when you retire and when you are a senior citizen that you will have a safe and a dignified and a decent retirement and that you will be able to have health care.

I thank my colleague from New Jersey for his efforts in talking about Medicare and also about health care for seniors in this country. He has led the fight on that issue and I thank him for laying out the fact that it used to be in 1946, or before Medicare that we did not have the opportunity for seniors to have health care. That meant that families had to take in their mothers or fathers or their loved ones and somehow work out health care and was not clear how that was going to get paid for. With the advent of Medicare and today in 1996, we are looking at 99 percent of seniors who are covered.

Let me just go back for a second because it was not 1946, but before Medicare only 46 percent of seniors had health care coverage. So Medicare has meant a difference in the lives of seniors today, and it is something they come to count on, and not as a handout but something that they have paid for and that is there for them now.

But I think it is very interesting that in this Congress, as has been pointed out, that there is a war that is being waged on Medicare. The Republican leadership, with the House Speaker NEWT GINGRICH at the helm, is truly bent on dismantling Medicare, and I think it is worth repeating the quote that the Speaker made some months ago that, and this is what he said: "Now we don't want to get rid of it in round one because we don't think that that is the right way to go through a transition, but we believe it is going to wither on the vine because we think people are voluntarily going to leave it."

Now, after the wither on the vine quote appeared in various media accounts, Mr. GINGRICH's spokesman, Tony Blankley, was questioned on the accuracy of the quote, which they are now trying to run away from. They cannot move away from the quote fast enough. But NEWT GINGRICH's spokesman, Tony Blankley, was questioned on the accuracy of the quote. On Octo-

ber 26, 1995, Gingrich spokesman Tony Blankley confirmed GINGRICH's statement to the Los Angeles Times. Blankley said that GINGRICH's comments were "consistent with the Republican belief that most seniors would voluntarily choose to leave the traditional Medicare fee-for-service system in favor of health maintenance organizations and other managed care networks. It will mean the end of the system as most seniors know it."

These are words that are not made up. This is a direct quote from Tony Blankley. And yet the Republican leadership, the Republican National Committee, are currently objecting to a hard-hitting ad campaign, and I concur it is a hard-hitting campaign, as it should be, which is running across the country that highlights their position on cutting Medicare, and they are running as fast as they can away from these quotes.

I just point out what my colleague said about the then representative Dole. He prides himself on being 1 of 12 to have voted against Medicare and has said within recent months how proud he is of that vote. Well, I will tell you, people can run but they cannot hide. You cannot hide from the record and quite frankly, the record stinks. It really does.

I will make one point on what has been said about now in his revisionist history on this quote about withering on the vine that in fact he did not mean Medicare, but something called the Health Care Financing Administration. But it is hard to understand how individuals, except perhaps the employees, could leave an agency. This is ridiculous, people do not do that. If the employees of the agency leave, what has been implied all along, that it was the Medicare system that people were going to leave, that is what this is about. These are individuals who have a record, truly a record of being opposed to Medicare, and now they ask for the country to put their faith and their trust in people who had been willing to dismantle this operation.

I just make a final point, I know my other colleagues want to get into the discussion, the 1997 Republican budget reflects the fact that they do in fact want to see Medicare dismantled and turned into something else with a proposal of \$168 billion in Medicare cuts over the next 6 years. We have been through this time and time again, and when we look at what they want to do with the \$168 billion, this year it is \$168 billion, last year it was \$270 billion, they talk about having moderated. But if you take a look at this, the \$270 billion cut would have been a 19 percent cut from Medicare; this time it is a 17 percent cut. So it is really the same numbers, if you will, and it is no coincidence that what they want to try to do with this money is to pay for tax breaks for the wealthiest Americans.

Last year it was \$245 billion in tax cuts, this year it is \$176 or \$180 billion in tax breaks for the wealthy.

As I said, they can run but they cannot hide from the comments that they have made in the past past and in the most recent past about how they want to see this system go away and take away from seniors in this country something that they have come to recognize as helpful to them in being able to truly survive in their older years and something that they deserve, a sacred trust if you will, that we committed to when this system was put in place.

Mr. Speaker, I thank the gentleman from New Jersey for allowing me to participate in this effort this evening.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman and just, if I could, briefly comment on what the gentlewoman said when she raised again the quote from Speaker GINGRICH about Medicare withering on the vine. It is amazing to me how he can now suggest that somehow that statement was only meant to be applicable to the fact that they were changing Medicare to force people into managed care, as opposed to the traditional fee-for-service system, because it seems to me that is exactly the context in which the program would wither on the vine.

If you take away a lot of the money from Medicare and make the significant cuts that the Republicans have proposed, then the quality of care has to suffer because there is not going to be the money available to provide the level of services and the quality of services that Medicare now provides. If you force everyone into managed care, or you make managed care cheaper than the traditional fee-for-service system where you can choose your own doctor and then so many people do not have a choice of doctor anymore, then the reality is that Medicare has changed and does begin to wither on the vine. More and more people will find it necessary to supplement the program if they can afford it, which a lot of them cannot, in order to be able to have their own doctor.

So it does wither on the vine. That is exactly what the quote was meant to say, and that is exactly what they were doing.

Mr. Speaker, I would like to yield now to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank my friend from New Jersey [Mr. PALLONE]. A lot has been made about whether or not this ad has been taken out of context, and some letters from the Republicans to various television station managers have threatened them that there was going to be a libel suit, there was going to be legal action if they did not pull these ads that are being run by the AFL-CIO.

Now why, you might ask, Mr. Speaker, is the AFL-CIO being involved?

Well, they are involved because they represent the labor unions that represent the working people of this Nation, people who have played by the rules, working men and women who get up early every morning, they go to work, they perform a task, they pay into pension funds, they pay their taxes, and they are told Medicare will be there for you when you retire. Medicaid will be there if you need to go to a nursing home and you fall within the earning abilities to have Medicaid pay for that nursing home care. But now they are seeing that there is a majority party, the Republicans, who want to see this wither on the vine.

So the AFL-CIO said, look, the corporate interests of this country and their PAC's have spent hundreds of millions of dollars in promoting the Republican line. Let labor weigh in with a \$35 million buy-in and let us inform the voters what our position is on this. The Republicans have said, no, we do not want this. They are running away, as my colleagues have said, from the NEWT GINGRICH quote saying that no, he was talking about HCFA, the Federal Health Care Finance Administration that administers Medicare and Medicaid. Well, let me read the quote, Mr. Speaker, and let Members and let everyone else in the shot of my voice decide what is taken out of context.

The Speaker said: "Now let me talk a little bit about Medicare. Let me start at the vision level so you understand how radically different we are and why it's so hard for the press corps to cover us."

Speaker GINGRICH continued as he was speaking to an audience from Blue Cross and Blue Shield. He said: "Medicare is the 1964 Blue Cross plan codified into law by Lyndon Johnson and it is about what you'd—I mean, if you went out into the marketplace tomorrow morning and said 'Hi, I've got a 1964 Blue Cross plan.' I'll let you decide how competitive you'd be. But I don't think very."

Speaker GINGRICH continued to say: "So what we're trying to do, first of all, is say, O.K., here is a Government monopoly plan. We're designing a free-market plan," he says and he is obviously referring to Medicare and Medicaid because that is all he has talked about so far, has not mentioned HCFA."

Then the Speaker continues: "Now they're very different models. You know, we tell Boris Yeltsin, 'Get rid of centralized command bureaucracies. Go to the marketplace.'"

And then finally Speaker GINGRICH does refer to the Health Care Financing Administration. He says: "O.K., what do you think the Health Care Financing Administration is? It is a centralized command bureaucracy. It is everything we are telling Boris Yeltsin to get rid of. Now, we don't get rid of it in round one because we don't think

that's politically smart and we don't think that's the right way to go through a transition, but we believe it's going to wither on the vine because we think people are voluntarily going to leave it—voluntarily."

Now, voluntary leave HCFA or voluntarily leave Medicare?

□ 2000

You cannot leave HCFA unless you work for the agency. And on this assumption the Republican leadership is going out with their lawyers writing to television stations and saying pull those ads. How dare the AFL-CIO tell the people of this country what the Republican Congressmen have been voting to do?

How dare they not? It is their duty. When people play by the rules, it is our duty to tell them that we have changed the rules or that we have one party or the other that wants to change the rules, and that party is the majority party.

Now, we understand in this country, and we hear on the floor of the House a lot of talk about Christian morals. We hear a lot of talk about patriotism. I am reminded of a quote by John Foster Dulles, who once said, and I will paraphrase but I am very close, he said something about this country would be in very poor condition if we only saved for the battlefield the strongest human qualities.

I think he was talking about the qualities of selflessness, of patriotism and caring and bravery, all of the things that we view as important on the battlefield to somebody who is a patriot.

But what he said is we do not use those qualities only on the battlefield, we are to use them in our everyday life. How patriotic it would be, how Christian it would be to take care of our parents and our grandparents. How patriotic it would be and how Christian it would be to make sure that we did not punish children because their parents happened to be on welfare too long.

So we talk on one side of the Republican side about being patriotic and about having Christian values, and on the other hand the legislation that we attempt to cram down the throats of this Chamber and the people of this country is a completely different kind of legislation.

It is very clear to me that Speaker GINGRICH was talking about leaving Medicare wither and die on the vine, not the Health Care Financing Administration. The handful of people who work over there might leave voluntarily, I do not know that they are going to quit their jobs.

We are talking about a health care system designed in 1964 when 30 percent of our senior citizens were living in poverty because they had no health care. The corporations of this Nation

did not voluntarily take care of people in their old age. They did not provide health care for them. They did not provide pensions for them in many instances. So we developed in 1934 a Social Security system to take care of people in their old age and to give them some money coming in.

In 1964, again in 1965, we created an insurance company and we called it Medicare. We also added Medicaid. And we said let us take care of the disabled and let us take care of the poor children and let us take care of these folks, also.

Now, 30 years later, the Republicans get control of the House. Very proud is Bob Dole, as my colleagues have said tonight, that he was 1 of 12 that did not vote for it. He was proud that he did not like Medicare back then. But why was Medicare created? Why was Social Security created? Why was the public school system created? It was created because the corporations and the robber barons were not educating the children of their workers.

All of these programs, the reason that we have all of this Government is because the corporations did not do these things voluntarily. So we the people of the United States, in order to form a more perfect Union and to have domestic tranquility and to provide for other generations, both those who have passed and those who are coming up, have created programs of social safety nets.

I know that is an oft-used term we throw around, but it is true; it is what it is. We have these social safety nets, and they are there for a reason. Now the AFL-CIO, that represents roughly one in every five working people and is responsible for the fact that the workers of America today have many of the things they do have, is under attack.

We have various subcommittee chairmen and committee chairmen from the Republican side putting out press releases and holding hearings that are intimating that, if you belong to a labor union, you are either, A, Communist or, B, you must belong to the mob. One or the other: You are either a Communist or you belong to the mob.

This gives me a problem. Now all of a sudden, and I will tell you, Mr. Speaker, I come from having been in broadcasting for 24 years. I worked for more than one or two radio and television stations. Now they are threatening the radio and television stations of this Nation, saying, if you carry this ad by the AFL-CIO, that which, by the way, does not have an actor reading Speaker GINGRICH's words, it takes Speaker GINGRICH saying his own words about what he wants to see Medicare do, and that is to wither on the vine and to die. There is no question.

This is not something that is up for debate. For the leadership of the Republican Party to hold a press conference last week to try to create some

kind of smoke screen is nothing more than that, it is a smoke screen and a very poor one. And the American people, Mr. Speaker, will see through it.

I yield back to my friend from New Jersey.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I want to say briefly I am so glad he pointed out how the Republican leadership is really trying to gag this whole issue and trying to go after the media and those stations that cover these ads. From the very beginning, and we have the gentleman from Michigan, Congressman STUPAK, and the gentleman from Pennsylvania, Congressman KLINK, who are also members of the Committee on Commerce with myself, and we can remember when Medicare, when this Republican Medicare proposal came before our committee, there was only one hearing. The Republican leadership did not want their proposed cuts and the changes in Medicare that they were proposing to be aired with the public. When the senior citizens showed up at the hearing, they were actually arrested.

Mr. KLINK. If the gentleman would yield on that point.

Mr. PALLONE. Certainly.

Mr. KLINK. I thank the gentleman for mentioning that, because 1 week earlier, in the same Committee on Commerce, the Committee on Commerce is a very important committee of the House of Representatives. We say it is the oldest committee in the Congress, and we are very proud to be there. We try to work on many issues and have worked on many issues in this committee: Telecommunications Act, securities reform. On many things we have worked in a bipartisan manner. The committee has traditionally worked in that respect.

A week earlier, if memory serves me, we had a senior citizens group come in that were in favor, supposedly, of the Republican changes to gut Medicare. They had bags of mail. They interrupted the committee hearing and dumped the bags of mail in support of the Republican Medicare, I call it the Medicare rape and pillage, but that is probably my own words; and nothing was said. Nothing was done.

However, when another group of senior citizens who were from the Washington, D.C., Virginia, Maryland area came in, the committee chairman ordered them to be arrested. The gentleman from Michigan, Mr. STUPAK, myself, the gentleman from Illinois Mr. RUSH, and the gentleman from Ohio, Mr. SHERROD BROWN, went with them. We said, if they were going to be arrested, we are going to go with them.

I want the gentleman to understand some of these people were in walkers, some in wheelchairs. Some had canes. And they were going to arrest them? They did not disrupt as much as the previous group that had dumped the

mail. But, see, they were in favor of what the chairman and the Republican majority wanted to do, and so we did not worry about that.

By the way, I might mention that a vast amount of the mail from the previous week that was dumped by the first group that was allowed to participate because they were in favor of what the Republicans were doing, we found out, was coming from people that either did not exist or were dead. So I guess dead people are in favor of what the Republicans want to do with Medicare because they do not need it anymore.

Mr. Speaker, I yield back.

Mr. PALLONE. And every one of you, I certainly know the gentlewoman from Connecticut and everyone else here, I believe, we were forced, because we could not get a hearing in order to tell the truth about what the Republicans were doing, we were forced to go out in the lawn in the rain, which was a memorable day to have a hearing, to tell the truth. So I see this almost as a first amendment issue.

The Republicans do not want the truth to be told. So they are now threatening the media, the way they threatened and tried to gag the people that came and tried to testify at the hearing. They just do not want the truth to come out.

I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for convening this special order and for yielding. The gentleman is undoubtedly aware, as all of us are, that we are 15 weeks away from the last day of campaigning in this election. Many of us are counting the days as they approach. I am sure many ordinary American citizens are counting for those days to end as well, but it is a significant election we now face in 1996.

I think, despite the fact that I am a candidate in the election, as all of us are, I think it is significant far beyond our personal involvement. I really believe this may be the starkest contrast, the clearest choice that American voters have faced since Franklin Delano Roosevelt ran against Herbert Hoover in 1932. I do not think there has been a time in our history beyond that year that we have had such a sharp contrast.

It is curious that 4 years ago, when there was a choice at the Presidential level, the American people were told they could continue the policies of George Bush or take a chance with the policies of Bill Clinton. Certainly Mr. Perot was in the race, but those were the two major candidates. There was a bit of risk-taking involved because those voting for Bill Clinton, Governor of Arkansas, really had to accept his platform and his promise. They did not know what he would actually do as President of the United States.

It took a leap of faith for them to elect Bill Clinton as President of the

United States and give him a chance to govern as the highest elected leader in this great Nation.

But it is a much different choice we face in 15 weeks. There is no leap of faith involved. We know exactly what the choices will be. We know what Bill Clinton and AL GORE have fought for. We know what the Democratic Party stands for. And we know very clearly on the issue of Medicare what the Republican leadership stands for.

If Bob Dole ends up being the nominee of his party, and there is some speculation he may not be, but I suspect he will be, if he ends up being the nominee of his party, can the voters trust Medicare with Bob Dole? Well, look back 31 years ago when Bob Dole sat on this very floor as a Member of the House of Representatives and in his judgment decided that the enactment of Medicare was a bad idea.

Now, many of us cast votes years ago that we would like to have over again and perhaps change, but Bob Dole is consistent. He recently said, when asked, it was the right vote to vote against Medicare. He knew it was not going to work.

So, here we have an unrepentant Bob Dole, voted against Medicare, who is seeking to become President of the United States and have the primary responsibility as President for the future of Medicare. Should this cause some concern and caution and pause among voters who worry about the future of Medicare? Well, I think so.

Let us assume for a moment that the gentleman from Georgia, Mr. NEWT GINGRICH, continues to be the putative leader of the Republican Party and asks to be Speaker again, if he has that opportunity at the 1996 election. Is there any question in anyone's mind on what he will do to Medicare? Well, we already know his game plan. He was totally unrepentant and said it was wither on the vine. He would cut \$270 billion out of Medicare in order to provide tax breaks for wealthy American people.

So those who are looking for a protector of Medicare in NEWT GINGRICH and the House Republicans had better keep looking. Unfortunately, on the other side of the rotunda, in the Senate, the Republican leadership is in lockstep with Mr. GINGRICH and his thinking.

So in 15 weeks the voters will have their last night and their last day and hour of deliberation before making what I think will be the most important choice, political choice in this half century, in this 1996 election. They will know what they can choose from: Bill Clinton, running for President, who vetoed the Gingrich-Dole cuts in Medicare, or the Gingrich-Dole team, which will come in and change Medicare and allow it to wither on the vine, as Mr. GINGRICH has said.

They will have a choice between Bill Clinton and his support for Medicaid,

which is so important for poor children, disabled people, and elderly folks in nursing homes, or they can turn to the Dole and Gingrich team which wanted to make massive cuts in Medicaid, cuts that really would have endangered the future of a lot of young people and elderly alike.

They can vote for Bill Clinton and AL GORE, who have supported college student loans, who are talking now about creative ways to help working families pay for college education, talking about the opportunities of education and training, or the Dole-Gingrich team.

And what did they propose? They continue to suggest cutting college student loans, making them more expensive for kids from middle-income families, make it more difficult for kids from families like my own to ever have a chance to go to college.

And finally they can look at the environmental protection. They know what Bill Clinton's record has been. They know what the Democrats have stood for in Congress. And they know very clearly what we are going to have if it is a Dole-Gingrich leadership on Capitol Hill and in Washington, DC, the same NEWT GINGRICH who proposed eliminating 14 environmental protection laws endangering the safety of the air we breathe and the water that we drink.

□ 2015

This is a stark contrast. Republicans are very proud of what they stand for. I admire their tenacity. They are going to stick with this no matter what. But I think the voters, and particularly moderate Republicans and independent voters, see through the Dole-Gingrich agenda.

I thank the gentleman from New Jersey for bringing up the issue of Medicare tonight. I think he focuses us on what our decision as a Nation will be in 15 weeks. It will be the most important decision of my lifetime, and I sincerely hope that the people of this country will stick the Clinton-Gore leadership and the Democratic leadership on Capitol Hill, to bring about the right kind of change, to not go too far, as Mr. Dole and Mr. GINGRICH have gone in their last year and a half together as a team here on Capitol Hill. I thank the gentleman for yielding this time.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut, Ms. DELAURO.

Ms. DELAURO. Mr. Speaker, I want to just add onto something that my colleague from Illinois spoke about. That is, whom do you trust? Do you trust Bob Dole and his commentary about being proud to have voted against Medicare, and NEWT GINGRICH wanting it to wither on the vine?

Most recently in the publication "Roll Call" Morton Kondracke, a journalist, wrote in his column: "Asked

whether Republicans will come back with a different agenda in 1997, the House majority whip, TOM DELAY, who was a Republican from Texas, told Morton Kondracke, this is a gentleman who is third in charge of the House of Representatives," said, again, "We wouldn't change a thing, including the plan to reduce Medicare growth by \$270 billion over 6 years."

So the entire leadership, the entire leadership is bound and determined to see Medicare turned into something other than what it is now and the kinds of protections that it provides to seniors. This is not a passing moment, a past moment. This is a current moment, when we have the Gingrich-Dole leadership of this Congress in lockstep opposed to the Medicare system. Then they ask the American public to trust them with this program. How can it be?

I thank my colleague from Illinois for laying that out.

Mr. PALLONE. I think the gentlewoman is right. Just from talking to my own constituents, particularly this weekend, I think people understand that that is why they wanted President Clinton where he is, because they are concerned about the hurt that this Congress is doing, if you will, to the average American, particularly on the Medicare issue.

I yield to the gentleman from Michigan, Mr. STUPAK.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

I would like to take special note of the work he has done in this area, in bringing this health care and health issue to the attention of the American public, and also Ms. DELAURO, who has been here night after night helping raise the level of consciousness of what is really going on in this country and in this Congress.

As I sat in my office tonight, I heard you speak of what the Speaker had said about trying to get Medicare, "We will let it wither on the vine," and Mr. Dole bragging about how in 1965, he fought against Medicare. Then I was pleased to come down tonight to join you and Mr. KLINK. We sit on the Committee on Energy and Commerce and the Subcommittee on Health and the Environment, which has jurisdiction over Medicare and Medicaid. Again, Mr. DURBIN, who was here tonight, had many, many words to speak on this subject.

We were just talking about trust here a few minutes ago. Who do they trust to look after the health care needs of this Nation? Is it going to be the President or citizen Bob Dole?

As we take a look at it, I think more than just words we should look beyond the words. Let us look at some of the proposals that have been brought forth before the Committee on Commerce, the Subcommittee on Health and Environment which both of us sit on now.

Who do the children and the seniors of this country trust to provide for their needs? If we take a look at Medicaid, and we talked about Medicare, I guess is the most popular, but Medicaid and the drastic reductions proposed in Medicaid, Medicaid takes care of children, but also two-thirds of our seniors rely on Medicaid for nursing home care.

But the so-called Medicaid reform proposal that was put forth in early June here before the Committee on Energy and Commerce, the Subcommittee on Health and Environment, Democrats insisted on a couple things. First of all, we insisted to ensure that there is a safety net for elderly, the disabled and for impoverished children. The Democrats also insisted that Medicaid be a joint Federal-State partnership which would work together to provide critical health care needs for those who really truly need it in this country.

What did the Republican bill do? It removed the guarantee of health care for the elderly and disabled and replaced it with the hope of Governors across this country. I have no problem with Governors. I think they do a good job. But what my Republican friends forgot and they did not add was, we give it to the Governors, the reason why we have a Medicaid Program in the first place is because the States could not and did not provide for those people who needed care.

So the GOP bill, while it allows the States to define the scope, the amount and duration of any Medicaid benefit, and in that bill it states the Governors need to provide a nursing home benefit, it would allow the States to limit that nursing home benefit to just 5 days. People do not go to the nursing home because they only need care for 5 days.

So they would have 5 days a year, that is what the bill said, 5 days every calendar year. The average care for a person in a nursing home is \$38,000. So we are going to help with 5 days' worth and after that they are on their own.

Where does that money go? For all the populations that this bill, the Republican bill, purported to protect, the elderly, disabled, children and low-income families, it did not even guarantee that they would receive quality care, let alone adequate care, when the nursing home benefit is defined as 5 days.

I received a letter from the Michigan Health and Hospital Association on this block grant, Medicaid block grant proposal. Here is what they said, and I quote:

We fear that under the Republican Medicaid block grant program, health care services for our most vulnerable population, the elderly living in nursing homes, the poor and children, may be jeopardized as hospitals who continue to bear a disproportionate share of the burden of caring for these individuals face reduced payments.

In other words, they are going to cut, for those who provide the care, even further.

Here is what else the Republican bill did. Currently, under current law, we have a prohibition against spousal and family impoverishment. That is current law. You cannot put a family into poverty while they are trying to provide for their parent in a nursing home. Unlike current law, the proposal does not prohibit States from charging high copayments for Medicaid or contributions associated with long-term care.

Another troubling aspect of the proposal, and I asked the drafters of the bill when it came before the committee, I said this legislation does not require the benefits provided by the program to be provided equally across a State. I am from Michigan. I represent northern Michigan, a very rural area.

So, for instance, if Michigan chose to provide for long-term care in Grand Rapids, would they deny that same long-term care benefit to the folks in the upper peninsula of Michigan? The drafters of the bill said they could do that. So even in the State they are not even going to get equal treatment if it is left to this Republican bill on Medicaid.

Medicaid recipients and their families cannot afford substantial cuts in State spending and the Federal Government, and we cannot afford to shift it all from the Federal Government to the State because neither one can do it standing alone.

But I want to balance the budget. I know Mr. PALLONE wants to, and Mr. DOGGETT and Mr. DURBIN, but there is a right way and there is a wrong way to do it. So to try to fix things, Democrats offered a number of amendments on Medicaid. Let me just hit 12 of them, if I can, briefly.

Let us have an amendment in there would effectively prohibit fraud and abuse in Medicaid. That was rejected. That was Mr. DINGELL who brought up that amendment.

So we said, Ms. ESHOO from California brought up an amendment that said, let us have a guarantee of coverage for children, make sure the kids are taken care of under Medicaid. Rejected.

Well, then let us take care of the elderly who need nursing home care. That is what Medicare, that is what we spend two-thirds of the money for. Let us do that. That was your amendment and Mr. MARKEY from Massachusetts. That amendment was rejected.

We said, surely there has to be some compassion here. So let us provide coverage for the elderly who have Alzheimer's disease. That was Mr. DEUTSCH of Florida. He offered that amendment. Rejected.

So we said, surely we are going to take care of our veterans who need nursing home care. Remember that one? Mr. GORDON of Tennessee brought up that amendment. They will not even take care of veterans. That was rejected under the Medicaid bill.

So we said, all right, can we at least take care of the seniors who are in a nursing home now receiving Medicaid benefits. Can we take care of that one? Mr. KLINK brought up that amendment. That was rejected.

Well, how about one of the Republicans, Mr. GANSKE. He is a doctor on the committee. He brought up, let us just guarantee current law to take care of the kids. That was rejected.

Well, Mr. RICHARDSON, he brought up the amendment that said, let us guarantee coverage for native Americans, Indians. I have seven tribes in my district, great amendment. That was rejected by the majority party.

How about just allowing, this was Mr. ENGEL of New York and Mr. SHERROD BROWN of Ohio, how about just allowing the right of the elderly to choose their own nursing home. If you are going to go on Medicaid, you go to a nursing home, seniors, you get to choose which one you want to go to. Rejected.

How about Ms. FURSE of Oregon, who said, how about if we take care of pregnant women and infants, kids under 2. That was rejected 14 to 25.

We said, all right, how about current law, we provide for women with cancer, breast cancer and cervical cancer. Can we keep that coverage going under Medicaid. No, that was rejected, 17 to 23. We lost that one.

I said, hey, I am concerned about rural areas. We are treated different than urban areas. Pay us the same, whether you live in Escanaba, MI in the Upper Peninsula or in Grand Rapids, if you are in a nursing home you should get paid the same. That was rejected. That way my amendment.

How about just restoring the minimum payment standards for hospital and nursing homes and managed care plans, restore the current minimum funding for them. That your amendment, Mr. PALLONE. That was rejected 16 to 24.

So the point is, it is more than just words. We offered commonsense amendment for breast cancer, veterans, to let seniors choose their nursing homes, take care of children, infants, help them out, come together in a partnership, that is what this trust issue is all about. Every one of our proposals were rejected.

So more than just the words of citizen Bob Dole or more than just the words of Speaker NEWT GINGRICH, look at what their legislation really does. As we move into this election year, I do hope we have debates. And I hope they are not about just the words of what someone said but, rather, the legislation they are proposing, because I think when you look at the legislation that is proposed and what we as Democrats have tried to stand up for, that safety net for seniors, for veterans, for children, and see it being cut away, torn away by votes of 16 to 24, where

we lose commonsense amendments, then I think the trust will be with the Democratic Party. The trust will be with more than just words but, rather, with what the legislation proposes.

Again, I thank the gentleman from New Jersey for his leadership on this issue. It is always a pleasure to work with you on the Energy and Commerce Committee, especially the Health and Environment Subcommittee, as we continue to bring common sense to this area.

Mr. PALLONE. Mr. Speaker, I thank the gentleman.

I am really pleased that the gentleman pointed out the relationship between Medicaid and Medicare, because I think many people think that Medicaid is a program that is primarily for the poor. Of course, it is. But the bottom line is that two-thirds of the money under Medicaid pays for nursing home care. It is very easy for someone who is middle class or someone who is fairly wealthy after a few months or a few years, in some cases, in a nursing home to find themselves on Medicaid. That is why so much of the Medicaid dollars in fact go for senior citizens.

It is interesting, I want to yield, but I just wanted to say that we started out the year, I think, certainly last year where the Republican leadership was trying to cut and change dramatically Medicare. I think as they realized politically that that was not working too well with the American people, they started to talk about it less and less. Now they do not want us to remind them about it.

Then they started going to Medicaid, because they figured, well, maybe we can cut that and we can change that and people will not worry about it so much because it only affects poor people. Then they realized that these senior citizens, in particular, who are impacted by changes in Medicaid, who objected to it, we brought it out. So now we do not hear much talk about changes in Medicaid anymore either.

I think we can be sure that if the Republican leadership were to continue into the next Congress and if we did not have President Clinton out there threatening to veto these changes in Medicare and Medicaid, we would see both the drastic changes in Medicare and Medicaid come up once again.

□ 2030

Mr. STUPAK. I mean look, if the partnership that I spoke of is no longer there, that we are in Medicaid which pays for nursing home care, and it is \$38,000 a year, and you are only there for 5 days and they pull the rug out from underneath you, who pays for it? If the senior citizen cannot, it goes to the family. It is an indirect tax on the families of this country. You are not going to throw your parents out on the street for 360 days and get 5 days next year and then throw them out again.

You are going to pick up that cost, that \$30,000 a year. Who is going to be able to afford that?

Mr. PALLONE. Exactly; thank you.

I yield to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank the gentleman, and, you know, as I have listened to your comments this evening and those of our other colleagues, I think there are several conclusions that can be drawn about this Medicare debate, and as important as Medicaid and Medicare are themselves, some of the most important programs ever set up in this Congress, I think the first conclusion is even more important than Medicare, and that is the conclusion that, as you listen to this debate, and you listen to the way the Republican leadership has run away from Medicare, it is because the American people are paying attention, and most of the people who are informed, who have followed this debate, understand what the Republican majority, the first time they got a majority in this Congress, the first thing they went after was Medicare and Medicaid. They set out to undermine and dismantle those systems, and the American people understand that.

All of the excuses and the subterfuges that have been brought up here, when you get right down to it, the American people all over this country who have followed this debate, they understand it, and they know that Speaker GINGRICH set out to cut Medicare and that he is still committed to that program.

And I think the second conclusion that is very apparent from this debate is there is no doubt what Speaker GINGRICH was talking about, and I know in the course of this special order you had the speech, almost his entire speech, given again for him by our colleague from Pennsylvania, but I want to emphasize that it is not only the words of that speech, but as some of our other colleagues pointed out, and I am quoting from a story in the New York Times 2 days after he gave the speech, he was at a town meeting down in his district near Atlanta, and the Atlanta Journal and Constitution reported that, quote, Gingrich said he was referring to the fee-for-service portion of Medicare which he believed that seniors would leave. That is what he said about "wither on the vine." And 2 days after that, the Los Angeles Times referred to his press secretary, Mr. Blankley, who said here in Washington that what he was referring to in saying he wanted it to wither on the vine, that Mr. Blankley said Mr. GINGRICH's comments were consistent with the Republican belief that seniors would voluntarily leave the traditional Medicare system.

Now, that is one of the few times Mr. Blankley has said anything that I, frankly, have agreed with. I agree with

him completely that the Speaker's comment that he wanted Medicare to wither on the vine was consistent with the overall strategy. Indeed this was occurring at the same time that our Republican colleagues, as you may already have pointed out on Medicaid, came before the same committee that our colleagues from Michigan was talking about, and they said, "Let's just totally eliminate, terminate forever, any Federal health and safety standards for those who are in nursing homes."

Now, I think that is the kind of extremism that the American people reject. They realize that too often our nursing homes, though there are many fine ones, some of them have kind of gone along from crisis to crisis, and to say we will just totally abolish any kind of health and safety standard for those who are not able to protect themselves in nursing homes was part of the same strategies that was going on at the same time. It was consistent with that.

But I would draw a third conclusion from your comments, and that would be a contrast between the Dole-Gingrich ticket with reference to Medicare because, you know, as coincidence would have it, or maybe it was not a coincidence, the same day that Speaker GINGRICH gave his speech, October 24, 1995, last fall when they were going gung ho, shut the Government down, we do not care how many billions of dollars it costs the taxpayers, close it down, which is what they did, and it came up to about a billion and a half dollars that were squandered of taxpayer money, but the very same day that Speaker GINGRICH made his comments Senator Dole was speaking the same day to a different group, and he said, and I quote, I was there fighting the fight, 1 of 12 voting against Medicare in 1965 because we knew it would not work.

It may not be expected in this election year for a Democrat to compliment a Republican, but I would tell my colleague from New Jersey that I do compliment Senator Dole, not on the substance of what he said about Medicare; indeed I could not disagree with him more on that, but at least, unlike the Speaker and the House Republicans, Senator Dole has not tried to run away from his comments. You do not see him going around and saying, "Well, when I was talking about voting against Medicare, I was only talking about the Health Care Financing Administration." He has stood by his statement. Indeed, he has taken pride in the fact that he has a record here. Just as Speaker GINGRICH and these Republican followers of him who wanted to let Medicare wither on the vine, Senator Dole has at least been willing to stand by his belief that Medicare was a mistake.

And I think that is where this debate should be. It should be about whether

in the future of this country, and there is, no doubt, some need for some restructuring and some improvement and some strengthening of the Medicare and Medicaid system, but whether we will trust those who believe in the value of insuring all of our seniors and protecting them after all they have done for this country or whether we will turn it over to someone who said I was proud 30 years ago that I voted against Medicare at a time when well over half of the seniors had no health insurance program at all, whether you are going to turn it over to someone like that as well as someone who says, well, let us just let Medicare wither on the vine, instead of standing by their statements, as has so often happened here in the House on a variety of subjects.

Our Republican colleagues here in the House have, when caught and when the American people have realized what has occurred here, they have reacted by having their lawyers attempt to intimidate those who would spread the word. They would like to distract the American people and wait until after November to continue with letting Medicare wither on the vine and to intimidate anyone who would remind the American people, as our colleague from Pennsylvania pointed out, who would dare to put on television the Speaker saying this in his own words, who would dare to repeat those words to Americans who might not have heard the speech, to Americans who may, in their struggle to make ends meet, have forgotten what an outrageous comment and what an outrageous plan this was.

And I know that the gentleman from New Jersey will remember that when we were trying to get the details to find out how much they were going to hike the premiums, how much they were going to hike the deductibles, how much they were going to hike the copayments, all things that were in the secret plan originally, that the first plan that was laid out in public was not a plan about how Medicare could be restructured. It was a public relations plan. It was the one the gentleman will recall that talked about kind of the herd mentality among our seniors and that they could be led around by their nose basically and that they would not realize what was being done to them in this instance.

History in the recent months has certainly demonstrated that that public relations adviser, I think he is the same fellow involved in this so-called Contract on America, was all off because the American people are more intelligent than that. They realized what was happening here, and as I have discussed with some of our folks down there in Texas, you know if you have got a gardener that says, "Let it wither, let your plants wither on the vine,"

most people have the good sense to realize that what you need is a new gardener because that is not the kind of gardener you want tending to your plants, and it is certainly not the kind of gardener that you want tending to something that is important and is vital to people as Medicare.

And to all of those who say that this campaign with reference to Medicare and making American people aware of it is too hard hitting, I would just submit that they need to consider how hard hitting this plan was on seniors, on individuals with disabilities. If this plan, as originally envisioned, has gone into effect, the consequences would have been dramatic, and if this election passes and there are not more people here willing to stand up and fight against these Medicare cuts, there is no doubt they will be back with the same secret plans that they had in the past.

Mr. PALLONE. I would just add to the gentleman: You know, I think that that is what elections should be all about: issues. That is what we are talking about here. I would like to see less emphasis on personality, which is what so many campaigns are about, and just talk about issues. That is what we are talking about here, Medicare. It is an issue, and to the extent that there are ads running that point out where one side stands or the other on an issue as important as Medicare to the American people, that is what this should be all about, a public debate on the issues, and that is what the Democrats have been doing essentially for the last 18 months, trying to point out what the Republican leadership has been proposing on Medicare.

And I really think, as you said, Mr. DOGGETT, that most of my constituents are aware of it. Over the weekend I had a lot of people, I can just think of one woman in particular who came up to me when I was at church on Sunday and said, "You know, I don't want to lose my doctor." She was not even concerned about the level of funding. She just did not like the idea that she was going to be pushed into managed care, which is essentially what this Republican plan would propose to do.

So, I want to thank the gentleman for joining us tonight. We had a lot of participants here tonight, but we are not going to let this die, because I think we all realize that if this Republican leadership were allowed to have its way, we would see drastic changes in Medicare and cuts that ultimately would have it wither on the vine and cases to exist as a program that benefits seniors and provides for quality care and the level of services that they now have. So I want to thank the gentleman.

#### GETTING OUR FINANCIAL HOUSE IN ORDER

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, it is a privilege to be here tonight to address this Chamber and to have you be the acting Speaker, and I thank you for your willingness to take the time to do this.

I was particularly motivated to come tonight because I listened to the presentation of my colleagues and I would like to give you the other side of the story.

I would also like to say without any hesitation that I believe when you tell the American people the truth, they will have you do the right thing, and I feel very strongly that what this new Republican majority tried to do last year and what we are trying to do this year will make our children better off than we, this generation, find ourselves, and that if we fail, I think they will be worse off. I believe that with all my heart and soul.

I believe that what we tried to do last year was to get our financial house in order and balance the Federal budget. I believe we tried to save our trust funds from bankruptcy, particularly Medicare, and I believe we tried and are still trying to transform our caretaking society into a caring society, our caretaking social and corporate and agricultural welfare state into a caring opportunity society, and in the process we are trying to bring power, money and influence out of this city back to local communities, back to our local communities, back in some cases to our State governments, but closer to home. That is what we are trying to do.

Now, I know that getting our financial house in order and balancing the Federal budget is not the end all and be all. There is no logic to saying that just balancing the budget is what we have to do and then we can walk away. Balancing the budget is what I view as just creating a strong foundation in which to build the many things that we need to build, but if we have a weak foundation, everything on top of it just crumbles away.

I do not know how my colleagues on the other side of the aisle feel comfortable when we know that we are spending over \$233 billion just on interest on the national debt. It seems to me we would not want to spend \$233 billion interest on the national debt. It would seem to me we would want to spend it on meaningful programs that help make individuals more self-sufficient.

But when we balance the Federal budget, we know logical things happen. We have a strong financial foundation in which to then do meaningful pro-

grams, not a lot, but meaningful programs. But we also know that interest rates come down. There is no question in anyone's mind that our interest rates have been high for many years and has slowed the productivity of this country and that we need to get interest rates down by balancing our Federal budget and getting our financial house in order.

□ 2045

Getting interest rates down does some significant things. It lowers the mortgages people pay on their houses, it lowers the amounts they pay on their cars, it lowers student loans. It seems kind of logical that we would want to do all those things simply by getting our financial house in order and balancing the Federal budget.

Mr. Speaker, we did that by basically cutting some programs. We cut Government programs. We made Government smaller. We did not want Government to keep growing, we wanted it to be smaller, so we eliminated a plethora of individual commissions and boards that were created by some Member of Congress so he could go out and have a press release and tell people that he created this new program that had a wonderful sounding name.

So what we did was we eliminated a lot of that. I do not know if many people know that almost 52 percent of all education programs do not even belong, are not even in the Department of Education. We have a Department of Education that has 48 percent of all education programs. Why?

Because there are a whole group of individuals here who wanted to make sure their committee had jurisdiction over an education program, so they made sure it came out of their committee. They did not oversee the Department of Education, so they made sure it came out of HUD or Labor or Veterans' Affairs or the Defense Department.

We have all these programs with great sounding names that we simply started to eliminate. We cut discretionary spending, and I know, Mr. Speaker, that you are on the Committee on Appropriations. When you came in this year, or last year, we were already halfway into our budget, or almost halfway. I guess we were about 4 months into our budget. You and the committee members made a decision to have a rescission package. You decided to cut \$20 billion out of the existing budget. Now, there were cuts. You cut some programs. You saved \$20 billion. That meant that taxpayers saved \$20 billion.

Then this year the President wanted, the year we are in, and we had Government shutdowns, and we have 13 individual appropriations bills, and as some bills came out he signed some of them that we wanted that reduced the amount of Government spending, and

he vetoed others. We had Government shutdowns. Those various parts of the budget, if it was HUD or Health and Human Services and he vetoed that budget, then we had Government shutdown. We had no budget.

Ultimately, though, we had an agreement. The agreement was pretty interesting. He wanted to spend \$7 billion more than the previous year, and we ultimately had an agreement with him that we spent \$23 billion less. So we spent \$20 billion in the existing budget, that 1995 budget, and then we spent \$23 billion less in the budget we are in right now. We have an agreement. We got the President to agree to slow growth by \$23 billion.

He wanted us to spend some of that money differently and we had an agreement. That was a compromise. That is the way the system should work. But ultimately, we saved \$20 billion last year, \$23 billion this year; \$43 billion less in the bottom line of the deficits. Each year the difference between the spending and the revenue is the deficit, and it is added to the national debt, so we made that national debt not grow as high.

So we cut what we call discretionary spending that came out of the Committee on Appropriations, and we made Government smaller, and it was what we said we would do before we were elected, and that is exactly what we did.

When we came to the defense spending, we froze defense spending. We did not increase it, we did not cut it. We froze it. Some would probably say, and I am one who would like to have seen a reduction in defense, and others of my colleagues would have wanted to see an increase. But what we need to understand is that we are oversubscribed in defense budgets. We have so many programs, procurement programs for weapons systems, that funded out, they will be higher than what we even have in the budget.

So we are going to have significant cuts in defense, even with a freeze in defense spending, because we are going to have to pare down some of these programs. So we cut discretionary spending out of appropriations, we froze defense spending.

Then what we did is we came to entitlements. Entitlements are 50 percent of the budget. What is alarming about entitlements is that they are growing at 10 percent and 11 percent and 12 percent, so you have half the budget that is doubling every 5 to 6 to 7 years, and they are programs like Medicare, a very important program; programs like Medicaid; programs like our Federal and military retirement; food stamps; veterans' benefits; AFDC, which is welfare for mothers and children; the earned income tax credit, which is a program that goes to the working poor, so instead of their paying taxes, they actually get money back from the Gov-

ernment. It also includes student loan programs.

What did we do with entitlements? First off, I just want to say when I came from out of the State government where I voted for 100 percent of the budget, when I came here I found I only voted on a third of the budget, and I tried to control spending when I voted on a third of the budget. I only vote on the 13 budgets that came out of the Committee on Appropriations. I do not vote on interest on the national debt, about 30 percent of the budget, and I do not vote on 50 percent of the budget, which are entitlements. I did not have that opportunity. You fit the title on Medicare, Medicaid, student loan, agricultural subsidy, you fit the title, you get the money. You get the money. I do not vote on it.

What did we do with these very important programs, that are all very, very important programs? What did we do to these programs? We slowed their growth. Mr. Speaker, Medicare was going to grow at 10 percent a year. We decided, for instance, that we would allow it to grow at 7 percent a year.

I notice a colleague of mine is here. What I would like to do is just spend about 5 more minutes; then I would like to ask the gentleman from Iowa [Mr. GANSKE] to respond to the whole issue of health care. What I heard that preceded this special order just boggled my mind. I think my colleague can shed some light on it.

But this is what we did with some of these entitlements. We allowed the earned income tax credit, which is a payment to the poor who are working, to grow from \$19.9 billion to \$25 billion. That is an increase in spending. But in this place here, in Washington, in Congress, in the Senate, down here, people call it a cut. I am hard-pressed to know how going from \$19 billion to \$25 billion is a cut. In fact the only place I know that is called a cut is right here, and where the virus is spreading.

The Student Loan Program. I think of the Student Loan Program and I remember how outraged I was when I saw the President go to a school and basically tell the students that they would have no Student Loan Program, or excuse me, School Lunch Program, because Republicans were going to take it away. When I got back from the weekend, I went to my colleagues and said, how could we have done something so stupid? And they said, CHRIS tell me something; if it goes from \$5.2 billion to \$6.8 billion, is that a cut? It is not a cut. "But the President said we were cutting, we were going to spend less."

That is not true. It is simply not true. It is not factually correct. Our programs, percentagewise, instead of growing at 5.2 percent, we said it could grow at 4.5 percent a year, and then we said that 20 percent of it could be allocated to the students that really need-

ed it, because every student in this country is subsidized 13 cents in a school lunch program. My daughter is subsidized. I make a good salary. My wife makes a good salary. Why is my daughter's lunch subsidized?

We, under our program, said that we could take that money, the State could decide to take that money and give it to an urban area that might want to have a breakfast program or a lunch program or a meal in the evening for a kid who simply may need that meal.

Then the Student Loan Program, this is the one that really gets me, it grows from \$24 billion to \$36 billion. That was our plan last year. That was referred to as a cut. If it is \$24 billion and we are adding \$12 billion more in the seventh year, in the seventh year we are going to spend \$12 billion more than we spend today, and it is \$24 billion more than we spend today, and it is \$24 billion, I am hard pressed to know how that is a cut. It seems to me it is a 15-percent increase in spending. It is simply not a cut, it is an increase in spending.

Now we get to the health care issues. In the health care, under our plan last year it was to grow at \$89 billion to \$127 billion. Again, in this place, that is called a cut. Back in my home when you spend \$89 billion in the last year, and in the seventh year, in the year 2002, you are going to spend \$127 billion on Medicaid, health care for the poor and nursing care for the elderly who are poor, I call it an increase in spending. I think most rational people do.

Now we come to Medicare. This is where I would like to really engage my colleague. We learned from the trustees last year it was going to go bankrupt, Medicare part B, by the year 2002. Then we learned this year, as we suspected, because the fund actually started to go insolvent this last year, so we knew it was going to ultimately become insolvent totally and completely sooner than they said, and they said at the beginning of the year 2001, and the beginning of the year 2001 is really the end of the year 2000, it is going bankrupt.

What did Republicans do? We said that Medicare could grow from \$178 billion to \$289 billion, a 60-percent increase in the total amount we spend, and people said, yes, yes, but you have a lot more seniors in the program. True, we have more. On a per person basis it went from \$4,800 last year to \$7,100, a 50-percent increase per beneficiary. We slowed the growth and saved \$240 billion. Yet, we are still allowing the program to grow from \$4,800 to \$7,100. That is called a cut? No, it is called an increase of 60 percent in terms of total dollars, 50 percent per beneficiary in total dollars.

Before I call on my colleague, I would just point out, we did it without increasing the copayment, without increasing the deductible, without increasing the premium. Seniors paid

last year 31½ percent and the taxpayers paid 68.5 percent. We said freeze it. Do not increase it, do not subtract from it, freeze it.

We were able to save \$240 billion for the taxpayers, and in this program, the reason we were able to save it was we were able to bring in the private sector, that said if you allow Medicare to grow at 7 percent, we can make money and we can offer a whole host of new services: eye care, dental care, a rebate and a copayment of the deductible; maybe even pay the premium, maybe even pay MediGap. We had some providers who said if you allow it to grow at 7 percent, which is very generous, we can provide a whole host of programs and we can save you money, because it does not have to grow at 10 percent a year.

Then the seniors said, what happens if I do not like the program? Then the gentleman from Iowa [Mr. GANSKE], for instance argued they should be allowed to go back each and every month for the next 24 months. The gentleman from Iowa worked on this program with others, but he was a leader in this area, and he created a better program and saved money. I am just really grateful that he is here. I would love to give him the opportunity to just kind of express his concerns about what we did.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. I appreciate the gentleman sharing some of his time with me, Mr. Speaker, I, too, was watching the previous colleagues who were having a discussion on some of the important programs, including Medicare. I felt stimulated to come to the floor, as the gentleman did.

Mr. Speaker, I think that the gentleman hit upon the appropriate word, and that was "better." The General Accounting Office, the Inspector General, has looked at the way the current Medicare Program is working and has found significant areas of fraud and waste and abuse in the current program, the way it is currently working.

There was recently an editorial in the Washington Post that outlined some of the abuses that occur in the home health care industry, where, for instance, care is provided at \$125 an hour or a visit. Total care for home health care is under no competitive bidding. There is no prospect of a payment system in the current plan. There is no effort to control abuses in that area like there is in some of the ways Medicare has worked on preventing abuses in hospital billing.

So there are lots of ways that we can make the Medicare system work better. I think that is a crucial point, because let me just read a letter to the editor from the Des Moines Register: "Congressman GANSKE has voted for increased spending in Medicare." This is a letter by James Winger, president of

the Iowa Federation of Labor AFL-CIO on Friday, July 19: "Congressman GANSKE has voted for increased spending in Medicare. However, this increase is not enough to provide Medicare recipients with the same coverage they have today."

Now, it is the second part of that statement that is incorrect. Because the assumption is that you cannot do it better than it is being done today. I think that I just do not accept that. I think we can do it better. We can devise a system where, in my home State of Iowa, quite frankly by equalizing funding formulas to make rural areas comparable to urban areas, we can actually improve benefits for senior citizens.

Mr. SHAYS. Mr. Speaker, I remember being the chairman of the task force, on the Committee on the Budget, on Medicare and Medicaid, and I remember the fact that the gentleman was not going to vote for the plan unless we realized that urban areas were treated in a much more beneficial way than a number of your communities. I remember you having a dialog with me, and more particularly the Speaker, and convincing him to put more money into the rural areas so they would in fact get more.

Mr. GANSKE. We have a situation, as you mentioned before, where in some parts of the country senior citizens can sign up for health plans where they get practically free prescription drugs, eyeglasses, hearing aids, trips to and from the doctor's office, and even memberships in health fitness clubs; that is, New York City, Florida, Los Angeles.

But there is nothing like that available for senior citizens in some of the rural areas, or even in urban areas that have done a very good job with controlling their utilization. That is not fair. That is the way the current system is working. It is not fair, because people in every part of the country are paying the same into Medicare as they are in other parts of the country.

So we equalize that. We did not decrease the amount in those areas that are high now. We simply said you will have to grow at a slower rate than the areas that are not at such a high average. We will move those up faster and we will equalize it. We will make it more fair across the country. That is one way that you can make the system work better.

But you know, I want to go back to a little broader concept. I think all of us want to have a cleaner environment. All of us would like to see education emphasized. We all want to see safe streets. We all want to see secure borders. All of those items are in what is called the discretionary part of the budget.

□ 2100

The other part of the budget is the entitlement part, the nondiscretionary

part. These are things like Medicare, Medicaid, welfare and interest payments on the debt.

Mr. SHAYS. If the gentleman would just allow me to make the point that entitlements are 50 percent of the budget, and when we add interest payments, we are talking about two-thirds of the budget and the discretionary is only one-third of the budget.

Mr. GANSKE. The gentleman is correct. But in 1965, the discretionary part of the budget was two-thirds of the budget, that is, things like education, safe streets, drug prevention, crime prevention, environmental things. In 1965 that was two-thirds of the budget. Today it is one-third of the budget. Because in 1965 the entitlements plus interest were one-third of the budget and today they are two-thirds of the budget.

So all of those people who, like you and I, are concerned about those important things, need to be concerned about being able to control the rate of growth in the entitlements. It is estimated that in 10 years, the entitlements plus interest will consume all of the revenues from the Federal Government. That means that there will be nothing else left for the important things that we need to do.

So what we are talking about in terms of addressing the problem that Medicare is going to go bankrupt in 5 years is trying to devise a system that works better than it does now so that we can reduce the rate of growth and, therefore, allow the Federal budget to function in the other important areas, like education, the environment, drug prevention, and securing our borders that we all think are important.

I should point out, the bill that we passed had about a 7-percent annual rate of growth. That far exceeds the numbers of senior citizens that are coming in. If we look at the private sector, the amount of health care inflation has been close to 1 percent or less for the last several years. What we want to do is we want to learn for the Government programs how the private sector has been able to make things work more efficiently. The Government in effect has been growing at over 10 percent. We need to learn how to be able to offer benefits in a more efficient way. It is not just in health care, it is also in areas like welfare and other areas.

Mr. SHAYS. I would love to just illustrate, if the colleague would allow me, a real-life example of what the gentleman is talking about with the growth of entitlements. Entitlements are 50 percent of the budget and doubling every 5 to 6 years, crowding out the discretionary part of the budget.

I have had constituents who come and say, "We need to spend more for this education program," or more for this child care program that comes out of the discretionary budget. I say, "Yes, we do need to do that."

Then they say, "And, by the way, don't cut Medicare and Medicaid."

I say, "Well, I don't want to cut Medicare and Medicaid, but let me understand something. If we allow Medicare and Medicaid to continue to grow at 10 percent a year, how will we be able to do all those things you want?"

It is a concept of opportunity cost. If you spend your money here, you give up the opportunity to spend it here.

If we can make savings in Medicare and Medicaid, allow it to grow much faster than any other part of the budget, we then have some resources to spend on some good programs that come out of what we call the appropriations side of the budget.

Mr. GANSKE. If I may jump in here, many would criticize our specific plans, either to balance the budget or to reform and preserve and protect Medicare. I am sure that there are some things in all of those areas that the gentleman and I might prefer to see changed in some respects, too. We cannot have legislation that is this big and agree with every single thing. But the overall thrust is responsibility.

I would say this: I think the American public feels very strongly that there should be a sense of fairness. So if the opposition criticizes our plan to save Medicare in 5 years, and we all know, everyone agrees that the trust fund will be empty and there will be insufficient funds to pay the bills in 5 years. We all know that. This is a given.

Mr. SHAYS. We have wasted a year already.

Mr. GANSKE. If that is a given and the opposition criticizes our plan, then does the opposition not have a responsibility to offer their plans? Some of the moderate and conservation Democrats on the other side of the aisle did offer a plan. The fact of the matter is that we just passed another budget bill that basically took into consideration some of the proposals that they had made and the level of savings and, in fact, what we are currently dealing with today are savings of about \$160 billion. That is very, very close to what the moderate and conservative Democrats have been for and it is not all that far from what President Clinton has proposed for savings in Medicare.

Mr. SHAYS. The difference is that when he refers to it, he calls it a savings. When he refers to ours, he calls it a cut.

But before we leave Medicare, I do not want to leave it without just summarizing the fact that we allow Medicare to grow from \$178 billion to \$289 billion, a 60-percent increase in Government spending on Medicare. On a per-person basis, we allowed it last year to grow from \$4,800 to \$7,100, a 50-percent increase per beneficiary.

Mr. GANSKE. I think we ought to emphasize this: In order to achieve those savings, we cannot just leave the

program exactly as it is, because in the current program there are areas of waste, fraud, and abuse that administration, there are a number of areas that we can improve the plan. If we put the structural changes in there, then we can effect some savings and yet we can still maintain good quality.

Mr. SHAYS. To illustrate, we did not increase the copayment to the seniors or the deductible and we kept the premiums the same, but what we allowed them is the opportunity to have what you and I have as Federal employees, we get choice in health care. We are going to allow seniors to choose different health care plans. Because of your instance and a wise one, we allowed seniors to go back, it they did not like that private plan, and just go back to the traditional fee-for-service Medicare system that we have had since 1960.

So we left the existing plan in place, but we gave choices. To me, the choice was the most exciting part. In part of our plan we said if a senior discovered something that was a waste in the program, we would allow them to receive some of the benefit if they reported it. It is even in our health bill that Senator KENNEDY is holding up right now by not allowing for a conference committee between the House and the Senate.

We passed a health care bill dealing with portability in health care and allowing people if they have an illness to go to another health care plan, if they have been in a health care plan, and that is being held up. But in that bill is the same thing we had in our Medicare plan, allowing seniors to report programs that they thought were abused.

I would like to talk about one abuse because I am on a committee that oversees HCFA, which was the agency that the gentleman from Georgia [Mr. GINGRICH] was referring to when he talked about it withering on the vine, not Medicare, which our colleagues like to distort.

Mr. GANSKE. If I may interject, am I not correct in that, I believe it was in 1992, President Clinton, at that time running for office, made a statement very, very close to Speaker GINGRICH, where he basically said the Health Care Financing Administration, HCFA, the bureaucracy, not Medicare, not the program but the bureaucracy, was not working as good as it should be and something should be done about that?

Mr. SHAYS. The bottom line is that the bureaucracy was working terribly. I started to talk about some of the abuses. I sit on a committee where we see a number of different abuses.

Medicare cannot buy a particular health service, let us say an oxygen concentrator, and reprice it at the market rate. It has to buy it at whatever the market cost is on the chart. If they want to reassign the cost, they have to go through a 2 to 3-year pro-

cess. So the inspector general came in and looked at this process and said that Medicare was overpaying for a lot of goods, like an oxygen concentrator. The oxygen concentrator for the Veterans Department, if we paid the same price they paid, in 5 years we would save \$4 billion. But we cannot reprice it without this long, laborious process.

Mr. GANSKE. If the gentleman would yield for a minute, one of the mechanisms that we had in our reform bill that would help address this problem of abuse in the system was that we set up a mechanism whereby if a Medicare recipient identified areas of fraud, waste and abuse, reported that to the government program and then savings were utilized, then that recipient would get to keep part of the savings.

This was a real carrot in order to encourage senior citizens to look carefully at their bills and help the program work better for the benefit of everybody. But without that type of incentive, then it is like, "Well, somebody else is paying for it, and I guess, you know, it doesn't matter to me." So there was a real incentive system built into our reform bill that would help address some of those areas of abuse that the gentleman is talking about.

Mr. SHAYS. Exactly. That was one. The other area was that we made health care fraud a Federal offense in terms of Medicare and Medicaid so that you would not have to find someone guilty because of wire or mail fraud but you could find them guilty for the actual offense. We all know that fraud, waste and abuse in our Medicare system is about 10 percent, if not more. That alone is a \$17 billion savings.

Mr. GANSKE. If the gentleman would yield again, we both know that we can effect savings in that area. We do not want to give, I think, the inaccurate representation that by addressing that area alone one could effect enough savings to save the trust fund. But it is one of the many important steps that we took in the reform bill to make the system work better.

Mr. SHAYS. Let me ask the gentleman, why would they call it a cut, our colleagues on the other side of the aisle, when we spend 60 percent more and 50 percent more per beneficiary? I am trying to understand, and I have to say I thought President Clinton would do a number of things. I did not think he would veto our Medicare plan. I honestly did not think he would do it.

I described it this way to my daughter. I do not have the resources to give my daughter \$20,000, but if I had \$20,000 and I said to my daughter, "I want you to buy a particular automobile but of course you can't afford to have leather seats and other nice features in the automobile. I can't give you more than \$20,000 this is what I have. And so I want you to go buy that automobile." And she comes back to me and she says, "Dad, I bought that automobile

you talked about but I didn't spend \$20,000. By the way, I got leather seats and a sun roof." I said, "Honey, I told you you could not do that. I only had \$20,000." She said, "Dad, I bought it for \$18,000." I would not call that a cut. I would say she got a better car and she saved \$2,000.

Mr. GANSKE. If the gentleman would yield, one of the reforms that we passed at the beginning of the Congress last year was the issue of baseline budgeting, and this is what we are talking about.

In Washington if your salary is \$20,000 this year but next year it is \$22,000, that could be called a cut because it is not \$23,000. This is the only place in the country where we do budgeting like that.

Let me just give the gentleman an example. I have a little boy who is almost 8 years old, his name is Carl. Sometimes Carl accompanies me on some of my meetings around the district. I have a chart. The chart shows that in the last 7 years, we spent about \$925 billion on Medicare. We voted for a plan where in the next 7 years we would spend about \$1,685 billion. I look at my little 7-year-old boy and I say, "Carl, which of these is bigger, \$1,685 billion or \$925 billion? I tell you, a third-grader knows the difference. If you factor into that the fact that this is more than twice the rate of inflation, it more than accounts for new seniors coming into the system, it still provides excellent benefits, there is no increase in copayments, no increase in deductibles, seniors would pay the same percentage of their premium as they have in the past, then I think that it is not accurate to represent our plan as a cut.

Mr. SHAYS. And they get a choice. They get to choose a plan that could be better or a number of plans that could be better and in the end if they did not like those plans they could go back to the traditional system.

Mr. GANSKE. And for large areas of our country, we would also have an equalization in the funding that would be very important as well.

Mr. SHAYS. This Republican majority is trying to get our financial house in order and balance the Federal budget. My colleague knows that just balancing the budget is not the end all and be all. It is just the logical realization that we would rather spend our money on real programs rather than interest on the national debt. We want a strong foundation in which to build.

The second thing is we are trying to save our trust funds from bankruptcy, particularly Medicare, and last year when we were trying to save it, when we did our Medicare plan we saved about \$240 billion that could be used directly to save Medicare part A and Medicare part B. To save it from bankruptcy we extended the program out from the year 2001 to basically 2010. We

are going to have another problem that we are not going to get into right now, but it is going to be a mammoth issue of how do we deal with the baby boomers.

□ 2115

But we did the responsible thing of slowing the growth of programs, still allowing them to grow 60 percent more total dollars and 50 percent more per beneficiary, but saving about \$240 billion that could be used to then make sure the program was solvent for the next 15 years. And the President vetoed that plan.

Mr. GANSKE. If I may interject, what are the alternatives? I want to go back to this. If someone does not like our program, then I think they have a responsibility to offer their own specific plan to save the program, which will be insolvent in 5 years. That is only fair. It is a very, very important issue.

We either effect some reductions in the rate of growth or, in order to keep the system solvent, what is the alternative? The alternative is the same alternative that we have seen from Congresses for the last 30 years, and that is very simple: A doubling or a tripling of Medicare taxes.

As both of you and I know, the effect of that would be very transitory. That could probably extend the life of the trust fund for 3 years, and then what would we do? We would go back there, if we return to the way that it has been done before, and we would double or triple those Medicare taxes again. I tell you what, I cannot do that to the working families in my district.

If we look at an average income working family in 1950, and adjust the amount of taxes they were paying to the government to 1990 dollars, so that we are going to compare the same dollars for 1950 in taxes to the dollars in 1995, an average income family, not the rich and the wealthy, in 1950 was spending about \$7,000 to the government in 1990 dollars. Today the average income family, 1995, is sending about \$21,000 to the Federal Government.

The amounts are not so important, although they are getting so high. What is important is to recognize the fact that in the last 30 years, for the average working family, taxes, government taxes have tripled. What that means today is that couples are no longer afforded the luxury of one or the other of the spouses staying home with the kids.

It means that in 1950 one of the spouses could work, the other could take care of the children, if they so chose. Today what it means is that one is working to put food on the table, to pay the expenses for the rest of their family, and the other spouse is working for the government.

Now, this is not rocket science. If we are going to keep the trust fund sol-

vent, we are either going to have to reduce the rate of growth in a responsible way to make the system work better, or else we are going to have to raise taxes, and raise taxes a lot and raise them again and again, and I just cannot do that.

I know how hard the working families in my district are working, and they are pushed. They have been running harder and harder on that treadmill just to stay in the same spot. So I think it is our responsibility to address this in the way that we have addressed this, a responsible way, a way to make the program work better.

But I think maybe it would be useful to turn to another topic. I was very interested in your comments on the earned income tax credit, because I think both the gentleman and I would agree that this is a useful program. It was designed originally and still functions to help people who are just above the poverty level to have benefits, slowly work their way out and get a helping hand away from poverty.

The gentleman pointed out that we funded the EITC at \$19 billion and increased it to \$25 billion, but what he neglected to mention, and I am sure that he just did not get to it, was the fact that the General Accounting Office did a study and showed, or possibly it was the IRS, the IRS did a study and showed that there was about 30 to 35 percent abuse, in some cases outright fraud in people taking the earned income tax credit when they should not.

The program was designed to help families, that is, families with children, and it was designed to help people that were just above the poverty level. There were lots of cases, as much as 30 to 35 percent of abuse, so what did we do? We addressed some corrections in the way the system is supposed to work. That is what we are supposed to be doing here in Congress. We are supposed to be helping this Government work more efficiently and better, and yet when we have a good idea, we will keep it. I would be happy to yield back.

Mr. SHAYS. I was thinking, as my colleague was talking, that it was quite difficult during the fall when we started to get this program through the House and the Senate, present it to the President, when he called the earned income tax credit a cut when we went from \$19 billion to \$25 billion; in the School Lunch Program when we went from \$5.2 to \$6.8. The Student Loan Program he is calling a cut when we went from \$24 billion to \$36 billion.

I really believe in the earned income tax credit, because this gets to the third effort. We are trying to balance the budget, get our financial house in order. The second thing is we are trying to save our trust funds for future generations, so we are not the only ones that enjoy the trust funds but they are there for our kids and our kids' kids. The third thing is we are

trying to transform our caretaking society into a caring society, to transform our caretaking social and corporate and welfare state—we just do not have welfare for individuals, we have it for corporations, and we even have it in the farming communities to some extent as well—and to try and move it into a caring opportunity society.

We know that one of the better programs is the earned income tax credit for someone who is at the level of welfare but making money, working, not getting something from the Government, but really not enough to survive. They actually get a cash payment of \$1,000 or \$2,000, in some cases it could be \$3,000. Instead of paying taxes, they get back \$2,000 or \$3,000.

But what we found was that some people simply were not reporting their income. Well, they were reporting it, saying they were not going to make money when they actually made money. We found that a lot of single people were able to get some of the benefits when it was not intended for individuals, it was intended for families.

So we are going to spend lots more, but we just want it to go for the people it was designed to help. It gets to this whole issue that is something I have had to wrestle with as what I view as a moderate Republican. I think I am pretty much down the center in terms of the political ideology.

I believe that what we have done for too many of our young people, and we see the result of it, I see too many young kids who are pregnant, I see too many young children that are selling drugs. I see too many young children who are literally killing each other. We have 18-year-olds who cannot read their diplomas.

The thing that gets me is when I see a 20-year-old or 22-year-old who has never had a job, not because jobs do not exist. I would acknowledge if everyone who wanted a job sought one, there might not be. But we have too many people who are not answering the opportunity to work because they say it is a dead-end job.

If I ever said to my dad, "I do not want that job, it is dead-end," my dad would have said to me, "Son, how many hours are you working there?" I would have said 10. He would have said it just doubled to 20. He would have known that so-called dead-end job would have taught me to get up in the morning, it would have taught me that for that work I earned something, that I was of service, instead of taking something from someone else.

That is what welfare does. It is taking something that someone else earned, and getting it without having to earn it but it was given to them. There are people who have needs, and we have to make sure their needs are met, but we do not want the system to

be perpetual so that we now have 30-year-old grandparents who literally, they are on welfare, their kids are on welfare, and their kids' kid is on welfare, three generations.

Mr. GANSKE. If the gentleman would yield, we just passed last week I think really landmark legislation. That was a welfare reform bill that is a very, very good bill, that emphasizes exactly the direction that we think our country should move in terms of responsibility and in terms of opportunities, because it does have strong requirements for work and it does have strong requirements for responsibility for the fathers of children who abandon those children and leave those young mothers to an awfully hard row to hoe.

There were significant corrections in the reform bill in terms of food stamps. Nutrition is very important. I grew up working in my dad's grocery store.

Mr. SHAYS. You did not tell your dad you did not want to do it because it was a dead-end job?

Mr. GANSKE. I think working in that grocery store was one of the best training periods of my entire life.

Mr. SHAYS. I bet it was.

Mr. GANSKE. You get to meet people from every walk of life, and I thank my dad every time I see him for that, although at the time as a younger kid there were times when I probably would have preferred on those Saturdays to be playing golf or something else.

Mr. SHAYS. Or watching a football game.

Mr. GANSKE. But the point that I wanted to pursue is that even back when I was working in the store—my dad just recently retired from managing a grocery store—there is a significant and a growing problem with abuse in the Food Stamp Program.

It is not that food stamps should not be there for the people who need them. Both the gentleman and I know that they should. It is that there has been a growing problem with people abusing the system, and we know that food stamps have been used as a form of currency for drugs, to help fund drug abuse, that able-bodied people who should be working have been getting food stamps.

So what we did in our reform bill was we addressed that. We set up encouragement for electronic billing to try to cut down on the technical problems with food stamp waste and fraud.

I just am very optimistic. I believe that there is a role for government. I happen to believe that government can work a lot better than we have seen it work. But every time we try to change something, we run up against special interest groups that have a vested interest in seeing no change, and it is a real battle.

Mr. SHAYS. No one said it would be easy, did they?

Mr. GANSKE. Nobody ever said it would be easy, and in the political

process, our Founding Fathers devised a system that requires multiple steps and it requires eternal vigilance. As one of our Founding Fathers said, that is the price of democracy.

Mr. SHAYS. I just wanted to emphasize that one of the things that we are doing with welfare is we are giving it back to the States with resources. We are not just saying "It is your responsibility." We are giving significant resources for day care, for the actual payment to the recipient but also for day care and jobs, because we know that a caring bill has got to provide someone the opportunity for training and a place to have your child so that you can get that training and ultimately get that job.

But what we do know is that a lot of the traditional job training programs have been basically make-work, not really teaching someone for a job that exists but just giving them some kind of program that in the end does not serve any value to them in terms of actually getting a job. So the day care and job training kind of programs that we are seeing now are quite significantly different.

Mr. GANSKE. If I may add to that, in the welfare reform bill there are some significant other items that reinforce the fact that citizens need to be responsible. When a citizen sponsors an immigrant to come into the country, they basically are promising that they will help that new immigrant for 5 years.

Mr. SHAYS. Yes.

Mr. GANSKE. That is current law. However, there has never been any teeth in that current law, and we even have examples where in Chinese newspapers from the west coast, Dear Abby columns, you will have somebody writing in, "My relative just came, got off the boat. How can I get them on to SSI?" I would submit to you that we have hundreds of millions of people around the world that would love the opportunity to come to this country to work hard, to achieve the American dream that are not interested in coming to this country and immediately getting on welfare, and we have corrected that in this welfare reform bill.

Mr. SHAYS. But see, some people would call that a cut in the program. That is what is ludicrous about the description. If we save money in the program, therefore, do not have to spend as much because we eliminate an abuse like this, it is referred to as a cut, and that is just simply an inaccurate way to describe what we did.

Mr. GANSKE. But to interject, this goes back to the point that we have made several times before, and that is that the people who are always talking about cuts, cutting this, that you are cutting that, they are the people who, in essence, are arguing not to change anything. If you are interested in, in education, the environment, preventing crime, in order to take care of

those problems, we have to change the programs to make them work better than they are working now.

Mr. SHAYS. I was making reference to the fact as a moderate Republican I voted for a number of programs that I have had to look at and say in some ways what that has allowed me to do is it has allowed me to go back to some of my constituents and say, you know I care because I voted for that program. But as I have seen the program unfold, some of them, not all of them, I have had to go back and say you know, really what I have been is a caretaker and I have done something the exact opposite of what you would do for someone you love.

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What I started to do about 3 years ago is I asked anyone who really started up in a lower echelon economically who now is a very successful person, far more successful than I would be, and I would say, what happened? Why are you so successful? When you were there in a development, in poverty, happened to have been a minority, so you had the laws against you and so on, and you had racial prejudice; and yet you succeeded?

Yet in every instance, in every instance it was, I had someone who took an interest in me, I had someone who sometimes kicked me in the butt. I had someone who did not always give me what I wanted. I had someone who did not let me get away with the excuse I do not want that because it is a dead-end job. I had someone would taught me to dream.

There were a lot of things they had, but they did not have someone just giving them something.

When I was growing up, my dad would commute from Darien, CT, for an hour commute into New York. He would get to read three papers in the morning and three at night because he had an hour on the train. He would read, and he would come back, and he would be filled with information. We would have a wonderful dialog at the dining room table.

He would invariably make some reference to something written in Ann Landers, and Ann Landers would write something back, and it would be kind of a crazy story.

I found myself looking at these calendars. I had these calendars with the thought of the day. I noticed the calendar for April 3. It was a Wednesday. I looked at it, and it was Ann Landers. And I thought, oh, my gosh, there is Ann. And I read it. And in a sense I thought this summarizes a lot about how I think about what we have to do in government. She wrote, "In the final analysis it is not what you do for your children, but what you have taught them to do for themselves that will make them successful human beings."

Now, we want our constituents to be successful human beings. We do not

want them just used to handouts. We want them to be basically creators. We want them to be contributors to society. I was thinking about the true love that I think our society has shown and the true caring for making sure that people in our society are truly learning to do things for themselves, to be independent.

It is really great. I have gone to some programs where welfare recipients have taken meaningful job training programs, had the day care they needed, and then they have a mentor who follows them for a year or so in the job to make sure they do get up in the morning, make sure when they have an excuse not to go to work, help them sort out that that excuse will not be very helpful in their job. And what they do in these graduations a year later is they hold up a check and say: "You know what I like about my job? I earned this."

We had to encourage everyone to have that same kind of feeling of accomplishment and contribution because it is there in the heart of every American citizen. Every person wants to add and to be of contribution.

They also then make reference to the fact that not only did they earn it and how proud they are but how proud their kids are of them because mom is making a contribution to society and helping to support the family without having to turn to someone else.

Before yielding to my colleague, if I could say this. I proactively went out looking for some people to work in my office who, frankly, were not white, who were maybe Hispanic or black; and I guess I would call that affirmative action. One person that we ended up hiring was someone who had gone through a job training program. She is a very valued member of my office. But I had a program that I was trying to help people understand how they could buy a home, and she did not want to come to this program as a staff person on a Saturday, but we needed her. She was happy to come based on that. And she came. And a month later I found out that she had just bought a home.

She had gone to this program, learned how she could own a home. She and her brother and her sister bought this home and live in a beautiful home in the city of Bridgeport, now realizing all the pluses and minuses of home ownership. But a few years ago she was on welfare. She had job training. She had day care.

She had tremendous initiative. She is a very important person in our office, someone who is making a wonderful contribution and someone who we receive a lot of compliments on because of the way she treats people and the way she is able to help people.

To me, it is just a very satisfying thing, and this can be repeated time and time again. That should be our goal.

I would love to yield to my colleague. Mr. GANSKE. I appreciate that and agree with what my colleague has been saying.

I have to smile because when he was talking about his father coming home and discussing the three or six newspapers that he had read that day with you and all of the ideas, I remembered that usually my dad and I discussed the sports page.

But to return to welfare, I think there are principles in our welfare reform bill that are very, very important. The first one is the able-bodied should work. The second one is that there should be time limits. We do not want to see one generation after another generation, four or five generations, caught in welfare.

Another idea that is very important is that for those welfare recipients who are under the age of 18, there should be strong incentives for them to continue and stay in school. You do not receive benefits unless you are living with an adult and unless you are in school because, if you do not stay in school, there is very little chance that you are ever going to get out of the trap of the welfare system.

So I think there are a lot of good things that we have been trying to do. I would like to go to one thing, though, and that relates to what we are talking about in terms of cuts. An example is the most recent HHS appropriations bill, where for the Department of Education we increased funding this year by roughly \$2.4 billion. That was somewhere between a 4- and a 5-percent increase.

Now, within that we shifted some of the funds around. We took it out of the Washington bureaucracy and we gave it back to the States and the local areas. That is crucial because, when we talk about education, I want to see an increased teacher-student ratio, and I want to see a decreased bureaucrat-teacher or bureaucrat-student ratio. And that is what we are trying to do here. We are trying to get power back to the States, to the local areas.

People can do jobs better when government is closest to them. We want to do it in a responsible way, and I think that I am very optimistic with the progress we have made.

I will just yield back to the gentleman for a final closing statement.

Mr. SHAYS. This Republican majority is working to get our financial house in order and balance the Federal budget. We are looking to save our trust funds for future generations, and we are also looking to transform our caretaking social, corporate and agricultural welfare state into a caring opportunity society. In the process we are looking to bring power, money and influence out of Washington and bring it back to local communities.

In the process we are looking to empower people who are in our communities. So it is an effort that we are

working hard at. Very candidly, we are not looking at the polls. If Abraham Lincoln had looked at the polls, we would not be one Nation, under God, indivisible. We would be two nations very much divided. For us the polls simply do not matter. What matters is our kids.

Mr. Rabin, the former prime minister of Israel, said you and I, politicians, are elected by adults to represent the children. And frankly that is what this is all about, representing the children.

Mr. GANSKE. I am happy to join the gentleman I think on some of the principles that we want to accomplish. We want to accomplish an opportunity society. We want to help make government smaller and more responsive to the citizens. And we basically want safer and sounder families. I am happy to join my colleague in his work.

Mr. SHAYS. I appreciate my colleague for that and thank you, Mr. Speaker, for taking the time to listen to us. With than we yield back the balance of our time however short it may be.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Mr. EVERETT (at the request of Mr. ARMEY), for today, on account of official business.

Mr. MANZULLO (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mrs. MORELLA (at the request of Mr. ARMEY), for today, on account of personal reasons.

Mr. NETHERCUTT (at the request of Mr. ARMEY), for today, on account of attending a funeral.

Mrs. LINCOLN (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. STOCKMAN, for 5 minutes on July 24.

Mr. BURTON of Indiana, for 5 minutes each day, on today and July 23, 24, 25, and 26.

Mr. MCINTOSH, for 5 minutes on July 25.

Mr. MICA, for 5 minutes each day, on today and July 25.

Mr. DUNCAN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,033.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Ms. HARMON.

Mr. FRANK of Massachusetts.

Mr. MANTON.

Mr. MILLER of California.

Mr. STOKES.

Mr. HILLIARD.

(The following Members (at the request of Mr. MICA) and to include extraneous matter:)

Mr. QUINN.

Mr. FORBES.

Mr. DUNCAN.

Mr. WOLF.

Mr. PORTER.

Mr. SPENCE.

Mr. PACKARD.

(The following Members (at the request of Mr. GANSKE) and to include extraneous material:)

Mr. MOAKLEY.

Mrs. COLLINS of Illinois.

Mr. GOODLING.

Mr. TRAFICANT.

Ms. FURSE.

Mr. BARCIA.

#### BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On July 18, 1996:

H.R. 743. An act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

#### ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 41 minutes p.m.), under its previous order, the

House adjourned until Tuesday, July 23, 1996, at 9 a.m. for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4217. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and Fresh Peaches Grown in California; Assessment Rate [Docket No. FV96-916-1 IFR] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4218. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—United States Standards for Grades of Frozen Green and Frozen Wax Beans [FV-95-326] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4219. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Assessment Rate [Docket No. FY96-906-1 IFR] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4220. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the annual report to the Administration for calendar year 1995, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

4221. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Comprehensive Subcontracting Plans [DFARS Case 96-D304] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4222. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Sale of HUD-Held Multifamily Mortgages [Docket No. FR-3970-F-02] (RIN: 2502-AG59) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4223. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant (CDBG) Program: Small Cities and Insular Areas; Final Rule [Docket No. FR-4048-F-1] (RIN: 2506-AB81) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4224. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Management Assessment Program—Conforming Change [Docket No. FR-3447-F-02] (RIN: 2577-AA89) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4225. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Indian HOME Program Streamlining [Docket No. FR-3567-I-1] (RIN: 2577-AB35) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4226. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final

rule—Single Family Miscellaneous Amendments, Clarifications, and Corrections [Docket No. FR-3977-F-01] (RIN: 2501-AG61) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4227. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development [Docket No. FR-3331-F-01] (RIN: 2501-AB55, 3209-AA15) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4228. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining Mortgage Requirements, [Docket No. FR-3957-F-02] (RIN: 2502-AG57) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4229. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Work Study Program; Amendments [Docket No. FR-3902-F-01] (RIN: 2528-AA05) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4230. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of HUD Regulations Governing the Protection of Human Subjects [Docket No. FR-4069-F-01] (RIN: 2501-AC26) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4231. A letter from Chairman, Federal Reserve System, Transmitting the Board's mid-year monetary policy report to the Congress, pursuant to 12 U.S.C. 225a; to the Committee on Banking and Financial Services.

4232. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "Older Americans Home Security Act 1996"; to the Committee on Banking and Financial Services.

4233. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Carbon Monoxide Implementation Plan for the State of Washington: Puget Sound Attainment Demonstration [FRL-5538-3] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4234. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Revised Confidentiality Provisions; Approval and Disapproval of Minor New Source Permit Provisions [FRL-5534-4] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4235. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation Plans; Illinois [FRL-5540-5] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4236. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final/Interim

Authorization of State Hazardous Waste Management Program Revisions; South Dakota [FRL-5534-2] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4237. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Louisiana State Implementation Plan Revision; Major Source Definition Corrections for Reasonably Available Control Technology (RACT) Rules; Volatile Organic Compounds (VOC) RACT Catch-ups [FRL-5525-8] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4238. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan for Carbon Monoxide [Region II Docket No. 142; SIPTRAX NJ15-2-6920] [FRL-5524-3] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4239. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan for Carbon Monoxide; Determination of Length of Control Period for New York-Northern New Jersey-Long Island Consolidated Metropolitan Statistical Area [Region II Docket No. 151; SIPTRAX NY12-2-6920] [FRL-5524-5] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee; Approval of Revision to the Tennessee SIP and the Nashville/Davidson County Portion of the Tennessee SIP Regarding Nitrogen Oxides [FRL-5529-5] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4241. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Placer County Air Pollution Control District, Ventura County Air Pollution Control District, and San Joaquin Valley Unified Air Pollution Control District [FRL-5527-6] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4242. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Inspection/Maintenance Flexibility Amendment (Ozone Transport Region) [FRL-5541-3] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4243. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [FRL-5539-1] received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4244. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 11-298, "Vending Site Lottery Assignment Amendment Temporary Act of 1996" (received July 22, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4245. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-300, "Telecommunications Competition Act of 1996" (received July 22, 1996), pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

4246. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of the Authority's resolution disapproving D.C. Act 11-281, "Revised Fiscal Year 1997 Budget Request Act," pursuant to Public Law 104-8, section 202(c)(5)(C)(i)(II) (109 Stat. 112); to the Committee on Government Reform and Oversight.

4247. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 90-40; Introduction (48 CFR Chapter 1) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4248. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Contingent Fee Representation [FAC 90-40; FAR Case 93-009; Item I] (RIN: 9000-AG83) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4249. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Simplified Acquisition Threshold/Federal Acquisition Computer Network; and Micro-Purchase Procedures [FAC 90-40; FAR Cases 94-770 and 94-771; Item II] (RIN: 9000-AG18/9000-AG26) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4250. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Gratuities [FAC 90-40; FAR Case 96-300; Item III] (RIN 9000-AH11) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4251. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Disaster Relief Act [FAC 90-40; FAR Case 93-303; Item IV] (RIN 9000-AG77) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4252. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Responsibility Determinations [FAC 90-40; FAR Case 95-007; Item V] (RIN 9000-AG66) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4253. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Task and Delivery Orders [FAC 90-40; FAR Case 94-711; Item VI]

(RIN: 9000-AG50) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4254. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Multiyear Contracting [FAC 90-40; FAR Case 94-712; Item VII] (RIN: 9000-AG72) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4255. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Business/Simplified Acquisition Threshold [FAC 90-40; FAR Case 94-782; Item VIII] (RIN: 9000-AH08) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4256. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Indian-Owned Economic Enterprises [FAC 90-40; FAR Case 91-028; Item IX] (RIN: 9000-AE52) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4257. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; General Agreement on Tariffs and Trade Patent Authorization [FAC 90-40; FAR Case 95-308; Item X] (RIN: 9000-AH09) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4258. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Performance and Payment Bonds [FAC 90-40; FAR Case 91-027; Item XI] (RIN: 9000-AE47) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4259. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Employee Compensation Costs [FAC 90-40; FAR Case 93-005; Item XII] (RIN: 9000-AF97) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4260. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Agency Procurement Protests [FAC 90-40; FAR Case 95-309; Item XIII] (RIN: 9000-AH10) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4261. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Value Engineering [FAC 90-40; FAR Case 96-315; Item XIV] (RIN: 9000-AH12) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4262. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting

the Administration's final rule—Federal Acquisition Regulation; Termination Inventory Schedules [FAC 90-40; FAR Case 94-003; Item XV] (RIN: 9000-AG13) received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4263. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide [FAC 90-40; received July 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4264. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's study report on the American Discovery Trail, pursuant to 16 U.S.C. 1244(b); to the Committee on Resources.

4265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce, plc RB211 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 94-ANE-39; Amendment 39-9672; AD 96-13-04] (RIN: 2120-AA64) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-10; Amendment 39-9676; AD 96-13-08] (RIN: 2120-AA64) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4267. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Model S-76B Helicopters (Federal Aviation Administration) [Docket No. 96-SW-16-AD; Amendment 39-9696; AD 96-15-03] (RIN: 2120-AA64) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4268. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28625; Amdt. No. 1740] (RIN: 2120-AA65) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4269. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28627; Amdt. No. 1742] (RIN: 2120-AA65) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28626; Amdt. No. 1741] (RIN: 2120-AA65) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Excess Flow Valve—Performance Standards (Research and Special Programs Administration)

[Docket No. PS-118; Amendment 192-79] (RIN: 2137-AB97) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Excess Flow Valve—Customer Notification (Research and Special Programs Administration) [Docket No. PS-118A; Notice 1] (RIN: 2137-AC55) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulatory Review; Gas Pipeline Safety Standards; Correction (Research and Special Programs Administration) [Docket No. PS-124; Amdt. 192078] (RIN: 2137-AC25) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4274. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualification of Pipeline Control (Research and Special Programs Administration) [Docket No. PS-94; Notice 5] (RIN: 2137-AB38) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4275. A letter from the Administrator, Small Business Administration, transmitting the annual report on minority small business and capital ownership development for fiscal year 1995, pursuant to Public Law 100-656, section 408 (102 Stat. 3877); to the Committee on Small Business.

4276. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter No. 29-83, Change 3—received July 19, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4277. A letter from the Chief, Regulations Unit, U.S. Customs Service, transmitting the Service's final rule—Rules of Origin for Textile and Apparel Products (19 CFR Part 102) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4278. A communication from the President of the United States, transmitting notification for DOD to make purchases and purchase commitments, and to enter into cost sharing arrangements for equipment to develop manufacturing processes under the Defense Production Act of 1950, as amended, pursuant to 50 U.S.C. app. 2093(a)(6)(A) (H. Doc. No. 104-249); jointly, to the Committees on Appropriations and Banking and Financial Services, and ordered to be printed.

4279. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of May 13, 1954, Public Law 358 (33 U.S.C. 981, et seq.), as amended, to improve the operation, maintenance, and safety of the St. Lawrence Seaway, within the territorial limits of the United States, by establishing the Saint Lawrence Seaway Development Corporation as a performance based organization in the Department of Transportation, and for other purposes; jointly, to the Committees on Transportation and Infrastructure, Government Reform and Oversight, and the Budget.

4280. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the "Forfeiture Act of 1996"; jointly, to the Committees on the Judiciary, Ways and Means, Commerce, Resources, and Banking and Financial Services.

**REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 740. A bill to confer jurisdiction on the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe (Rept. 104-694). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3592. A bill to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 104-695). Referred to the Committee of the Whole House on the State of the Union.

**TIME LIMITATION OF REFERRED BILL**

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

*[Omitted from the Record of July 18, 1996]*

H.R. 2145. Referral to the Committee on Banking and Financial Services extended for a period ending not later than September 6, 1996.

**PUBLIC BILLS AND RESOLUTIONS**

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CHENOWETH (for herself, Mr. POMBO, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. SMITH of Texas, Mr. CALVERT, Mr. STOCKMAN, Mr. BREWSTER, Mr. COOLEY, Mr. STUMP, Mrs. CUBIN, Mr. RADANOVICH, Mr. TAUZIN, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. DORNAN, Mr. HASTINGS of Washington, Mrs. VUCANOVICH, Mrs. SEASTRAND, Mr. FIELDS of Texas, Mr. BARTON of Texas, Mr. STENHOLM, Mr. ROHRBACHER, Mr. BAKER of Louisiana, Mr. SOLOMON, Mr. LAUGHLIN, Mr. HUNTER, Mr. HERGER, Mrs. MYRICK, Mr. DICKEY, Mr. CRAPO, Mr. ISTOOK, Mr. MCKEON, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. COMBEST, Mr. FUNDERBURK, Mr. BARR, Mr. MCINTOSH, Mr. METCALF, Mr. COX, Mr. LUCAS, Mr. RIGGS, Mr. SAM JOHNSON, and Mr. HANSEN):

H.R. 3862. A bill to amend the Endangered Species Act of 1973 to clarify the intent of Congress and ensure that any person having any economic interest that is directly or indirectly harmed by a designation of critical habitat may bring a citizen's suit under that act; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. GREENWOOD, Mr. MCKEON, Mr. FATTAH, Mr. FAWELL, Mr. CLINGER, and Mr. GEKAS):

H.R. 3863. A bill to amend the Higher Education Act of 1965 to permit lenders under the unsubsidized Federal Family Education Loan Program to pay origination fees on behalf of borrowers; to the Committee on Economic and Educational Opportunities.

By Mr. LATOURETTE (for himself, Mr. CLINGER, Mr. HORN, and Mr. FLANAGAN):

H.R. 3864. A bill to reform the management practices of the General Accounting Office, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. TORRICELLI:

H.R. 3865. A bill to require the Secretary of Housing and Urban Development to withhold public housing funding from public housing agencies in States that prevent or impede the eviction of a public housing tenant upon the initial violation of the terms of the tenant's lease; to the Committee on Banking and Financial Services.

By Mr. TOWNS (for himself, Mr. GREENWOOD, and Mr. FRANKS of Connecticut):

H.R. 3866. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organization; to the Committee on Commerce.

By Mr. MICA:

H. Res. 485. Resolution electing Representative KLUG of Wisconsin, to the Committee on Government Reform and Oversight; considered and agreed to.

By Mr. DOOLITTLE (for himself, Mr. DELAY, and Mr. RADANOVICH):

H. Res. 486. Resolution amending the Rules of the House of Representatives to require witnesses at committee hearings to submit statements identifying Federal grants or contracts received during the current and previous 2 fiscal years; to the Committee on Rules.

By Mr. HILLIARD (for himself, Miss COLLINS of Michigan, Mr. FLAKE, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STOKES, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Mr. WYNN, Mr. RANGEL, Mr. PAYNE of New Jersey, Mr. CONYERS, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. JACKSON, Mr. JEFFERSON, Ms. WATERS, Mr. TOWNS, Mr. THOMPSON, Mr. OWENS, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. SCOTT, Mr. FORD, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Ms. NORTON, Mr. CUMMINGS, Mr. RUSH, Mr. FATTAH, Ms. MCKINNEY, and Mr. BISHOP):

H. Res. 487. Resolution recognizing Brown Chapel African Methodist Episcopal Church in Selma, AL, as a symbol of the struggle for and achievement of voting rights for African-Americans; to the Committee on Resources.

**ADDITIONAL SPONSORS**

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 26: Mr. STEARNS.
- H.R. 104: Mr. EVANS.
- H.R. 218: Mr. NEUMANN and Mr. LIPINSKI.
- H.R. 312: Mr. STEARNS.
- H.R. 721: Mr. STEARNS.
- H.R. 878: Ms. PRYCE.
- H.R. 1100: Ms. SLAUGHTER.
- H.R. 1281: Mr. OWENS and Mr. WAXMAN.
- H.R. 1916: Mr. BARR.
- H.R. 2011: Mr. NEAL of Massachusetts, Mr. BORSKI, Mr. MARTINEZ, Mr. SKAGGS, Mr. OBERSTAR, Ms. NORTON, and Mr. VISCLOSKEY.
- H.R. 2019: Mrs. CHENOWETH.
- H.R. 2090: Mr. SANFORD.
- H.R. 2240: Mr. HASTERT.
- H.R. 2246: Ms. FURSE.
- H.R. 2421: Mr. ZELIFF.
- H.R. 2480: Mr. WALSH.

- H.R. 2655: Mr. SHAYS.
- H.R. 2748: Mr. BARRETT of Wisconsin and Mr. LEWIS of Georgia.
- H.R. 2827: Mr. BOUCHER.
- H.R. 2912: Mr. FRAZER, Mr. BALDACCI, and Mr. LAFALCE.
- H.R. 2962: Mr. DELLUMS and Mr. GREEN of Texas.

- H.R. 2963: Mr. VENTO and Ms. RIVERS.
- H.R. 3024: Mr. DE LA GARZA, Mr. HANSEN, Mr. FATTAH, Mr. LIVINGSTON, Mr. SKEEN, Mr. TORKILDSEN, Ms. PELOSI, Mr. MONTGOMERY, Mr. THOMPSON, Mr. FUNDERBURK, and Mr. FLANAGAN.

- H.R. 3207: Mr. GOODLATTE.
- H.R. 3262: Mrs. CHENOWETH.
- H.R. 3393: Mr. DIXON.
- H.R. 3424: Mr. BRYANT of Texas.
- H.R. 3456: Mr. HEINEMAN.
- H.R. 3460: Mr. LAHOOD.
- H.R. 3469: Mr. PAYNE of Virginia.
- H.R. 3477: Mr. MANTON, Mr. DEUTSCH, Mr. GONZALEZ, Mr. FRAZER, and Mr. EVANS.
- H.R. 3518: Mr. CUNNINGHAM and Mr. CALVERT.

- H.R. 3556: Mr. EVANS, Mr. CALVERT, Mr. MARTINEZ, and Mr. GREEN of Texas.

- H.R. 3558: Mr. RICHARDSON, Mr. GREEN of Texas, Mr. STARK, Mr. FROST, Mr. MILLER of California, Ms. LOFGREN, Mr. BRYANT of Texas, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. PETE GEREN of Texas, Mr. FOGLIETTA, Mrs. MALONEY, Mr. COLEMAN, Mrs. THURMAN, and Mr. KENNEDY of Massachusetts.
- H.R. 3564: Mr. DURBIN, Mr. DINGELL, and Mr. SHAYS.

- H.R. 3580: Mr. JONES, Mr. CALVERT, Mr. WICKER, Mr. LIVINGSTON, and Mr. COOLEY.
- H.R. 3627: Mr. HANSEN.

- H.R. 3645: Mr. ENSIGN, Mr. HORN, Mr. GILMAN, Mr. WARD, Mr. PORTER, and Mr. BOEHLERT.

- H.R. 3647: Mr. STOCKMAN.
- H.R. 3654: Mr. PETERSON of Florida, Mr. BAESLER, Mr. MANTON, Mr. SOLOMON, Mr. SANFORD, and Mr. WICKER.

- H.R. 3710: Mr. DELLUMS, Mr. STARK, Mr. OWENS, Mr. EVANS, Mr. BONIOR, Mr. FAZIO of California, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. POSHARD, Mr. MONTGOMERY, and Mr. HORN.
- H.R. 3714: Mr. TORRES, Mr. ACKERMAN, Mr. YATES, and Mr. MASCARA.

- H.R. 3724: Mr. STARK and Mrs. LOWEY.
- H.R. 3729: Ms. SLAUGHTER and Mr. HASTINGS of Florida.
- H.R. 3746: Mr. CUMMINGS.

- H.R. 3753: Mr. DEFazio, Mr. GANSKE, Mr. GUTKNECHT, Mr. MINGE, and Mr. NETHERCUTT.

- H.R. 3775: Mrs. THURMAN, Mr. WELDON of Florida, and Mr. ROSE.
- H.R. 3778: Mr. STOCKMAN.

- H.R. 3792: Mr. BROWNBACK and Mr. SANFORD.

- H.R. 3794: Mr. SANDERS.
- H.R. 3839: Mr. TORKILDSEN, Ms. BROWN of Florida, and Mr. JACKSON of Illinois.

- H.R. 3856: Mr. PAYNE of Virginia.
- H.J. Res. 173: Mr. HORN and Ms. GREENE of Utah.

- H.J. Res. 174: Mr. HORN, Ms. GREENE of Utah, and Mr. STUMP.

- H. Con. Res. 175: Mr. TOWNS.
- H. Con. Res. 191: Mr. SMITH of New Jersey, Mr. QUINN, Mr. SPENCE, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. DOOLEY, and Ms. ROYBAL-ALLARD.
- H. Con. Res. 196: Mr. HUTCHINSON.

**DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS**

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3467: Ms. DANNER.

### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3814

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 20: Page 56, line 11, after the dollar amount insert "(reduced by 44,099,000)".

Page 56, line 12, after the dollar amount insert "(increased by \$4,099,000)".

Page 56, beginning at line 12, after "National Weather Service," insert "including \$429,715,000 for Operations and Research, Local Warnings and Forecasts".

Page 56, line 15, after the period add the following: "No funds made available under this heading may be used for the Great Lakes sea lampicide eradication program administered by the Department of State or the Regional Climate Centers of the National Weather Service."

H.R. 3814

OFFERED BY: MR. DEUTSCH

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—state and local law enforcement assistance", not more than ninety percent of the amount to be allocated to a State under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to a State when it is made known to the Federal official having authority to obligate or expend such funds that such State or units of local government in such State do not provide a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and safe Streets Act of 1968) who is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty (in response to an emergency situation or a hot pursuit as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by such State or unit of local government at time of separation.

H.R. 3814

OFFERED BY: Ms. FURSE

AMENDMENT NO. 22: Page 55, line 4, after the dollar amount insert the following: "(increased by \$19,350,000)".

Page 55, line 14, after the dollar amount insert the following: "(increased by \$19,350,000)".

Page 56, line 4, after the dollar amount insert the following: "(increased by \$19,350,000)".

Page 56, line 5, after the dollar amount insert the following: "(increased by \$19,350,000)".

Page 56, line 9, after the dollar amount insert the following: "(increased by \$4,000,000)".

Page 56, line 10, after the dollar amount insert the following: "(increased by \$15,350,000)".

Page 84, line 21, after the dollar amount insert the following: "(reduced by \$19,750,000)".

Page 103, line 12, after the dollar amount insert the following: "(increased by \$400,000)".

H.R. 3814

OFFERED BY: Ms. FURSE

AMENDMENT NO. 23: Page 55, line 4, after the dollar amount insert the following: "(increased by \$6,000,000)".

Page 55, line 14, after the dollar amount insert the following: "(increased by \$6,000,000)".

Page 56, line 4, after the dollar amount insert the following: "(increased by \$6,000,000)".

Page 56, line 5, after the dollar amount insert the following: "(increased by \$6,000,000)".

Page 56, line 10, after the dollar amount insert the following: "(increased by \$6,000,000)".

Page 84, line 21, after the dollar amount insert the following: "(reduced by \$6,000,000)".

H.R. 3814

OFFERED BY: MR. GOSS

AMENDMENT NO. 24: In title I, in the item relating to "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", after each of the first and seventh dollar amounts, insert the following: "(increased by \$339,500,000)".

In title II, in the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS", after the dollar amount, insert the following: "(reduced by \$328,500,000)".

In title II, in the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert the following: "(reduced by \$11,000,000)".

H.R. 3814

OFFERED BY: MR. GOSS

AMENDMENT NO. 25: In title I, in the item relating to "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", after each of the first and seventh dollar amounts, insert the following: "(increased by \$174,250,000)".

In title II, in the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS", after the dollar amount, insert the following: "(reduced by \$328,500,000)".

In title II, in the item relating to "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES", after the dollar amount, insert the following: "(reduced by \$20,000,000)".

H.R. 3814

OFFERED BY: MR. GOSS

AMENDMENT NO. 26: After title II, insert the following new title:

TITLE II—A—REVISIONS OF AMOUNTS FOR DEPARTMENTS OF JUSTICE AND COMMERCE

ADDITIONAL AMOUNTS FOR STATE PRISON GRANTS AND REDUCTION OF AMOUNTS FOR ECONOMIC DEVELOPMENT ADMINISTRATION

The amount provided in title I for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased, the portion of such amount for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" that is specified under such heading to be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is increased, the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC

DEVELOPMENT ASSISTANCE PROGRAMS" is reduced, and the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES" is reduced, by \$339,500,000, \$339,500,000, \$328,500,000, and \$11,000,000, respectively.

H.R. 3814

OFFERED BY: MR. GOSS

AMENDMENT NO. 27: After title II, insert the following new title:

TITLE II—A—REVISIONS OF AMOUNTS FOR DEPARTMENTS OF JUSTICE AND COMMERCE

ADDITIONAL AMOUNTS FOR STATE PRISON GRANTS AND REDUCTION OF AMOUNTS FOR ECONOMIC DEVELOPMENT ADMINISTRATION

The amount provided in title I for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased, the portion of such amount for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" that is specified under such heading to be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is increased, the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" is reduced, and the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES" is reduced, by \$174,250,000, \$174,250,000, \$328,500,000, and \$20,000,000, respectively.

H.R. 3814

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 28: Page 116, after line 2, insert the following new section:

SEC. 615. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3814

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 29: After title II, insert the following new title:

TITLE II—A—REVISIONS OF AMOUNTS FOR DEPARTMENTS OF JUSTICE AND COMMERCE

ADDITIONAL AMOUNTS FOR STATE PRISON GRANTS AND REDUCTION OF AMOUNTS FOR ECONOMIC DEVELOPMENT ADMINISTRATION

The amount provided in title I for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased, the portion of such amount for "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" that is specified under such heading to be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is increased, the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" is reduced, and the amount provided in title II for "DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—SALARIES AND EXPENSES" is reduced, by

\$100,000,000, \$100,000,000, \$164,250,000, and \$10,000,000, respectively.

H.R. 3814

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 30: In title I, in the item relating to "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", AFTER "OF WHICH \$170,000,000 SHALL BE AVAILABLE FOR PAYMENTS TO STATES FOR INCARCERATION OF CRIMINAL ALIENS," INSERT THE FOLLOWING:

of which \$42,000,000 shall be available for Federal, State, and local drug testing initiatives,

H.R. 3814

OFFERED BY: MS. MOLINARI

Amendment No. 31: In title I, at the end of the item relating to "GENERAL PROVISIONS—DEPARTMENT OF JUSTICE", insert the following new section:

SEC. . It is the sense of the Congress that the Drug Enforcement Administration, together with other appropriate Federal agencies, should take such actions as may be necessary to end the illegal importation into the United States of Rohypnol (flunitrazepam), a drug frequently distributed with the intent to facilitate sexual assault and rape.

H.R. 3814

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 32: On page 12, line 21, after the dollar amount, insert the following: "(reduced by \$14,000,000)".

On page 21, line 9, after the dollar amount, insert the following: "(reduced by \$45,000,000)".

On page 53, line 6, after the dollar amount, insert the following: "(reduced by \$33,748,000)".

On page 66, line 23, after the dollar amount, insert the following: "(reduced by \$12,000,000)".

On page 73, line 1, after the dollar amount, insert the following: "(reduced by \$14,000,000)".

On page 99, line 14, after the dollar amount, insert the following: "(increased by \$109,000,000)".

On page 99, line 15, after the dollar amount, insert the following: "(increased by \$109,000,000)".

On page 103, line 17, after the dollar amount, insert the following: "(reduced by \$10,000)".

On page 103, line 25, after the dollar amount, insert the following: "(reduced by \$25,000,000)".

On page 106, line 7, after the dollar amount, insert the following: "(reduced by \$25,000,000)".

H.R. 3814

OFFERED BY: MS. NORTON

AMENDMENT NO. 33: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amount provided in this Act for "Equal Employment Opportunity Commission—Salaries and Expenses" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by \$13,000,000 and 0.06 percent, respectively.

H.R. 3814

OFFERED BY: MR. PORTER

AMENDMENT NO. 34: Page 73, line 1, after the dollar amount, insert the following: "(reduced by \$5,000,000)".

Page 87, line 13, after the dollar amount, insert the following: "(increased by \$5,000,000)".

H.R. 3814

OFFERED BY: MR. ROEMER

AMENDMENT NO. 35: Page 14, line 16, after the dollar amount, insert "(reduced by \$4,000,000)".

Page 14, line 21, after the dollar amount, insert "(reduced by \$4,000,000)".

Page 20, line 10, after the dollar amount, insert "(reduced by \$6,000,000)".

Page 20, line 12, after the dollar amount, insert "(reduced by \$6,000,000)".

Page 20, line 25, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 23, line 18, after the dollar amount, insert "(reduced by \$6,600,000)".

Page 55, lines 4 and 14, after the dollar amount, insert "(increased by \$16,000,000)".

Page 56, line 12, after the dollar amount, insert "(increased by \$16,000,000)".

Page 56, line 13, after the dollar amount, insert "(increased by \$4,600,000)".

Page 59, line 11, after the dollar amount, insert "(reduced by \$2,000,000)".

H.R. 3814

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 36: Page 25, line 17, after the dollar amount, insert the following: "(increased by \$10,000,000)".

Page 48, line 7, after the dollar amount, insert the following: "(reduced by \$10,000,000)".

H.R. 3814

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 37: Page 25, line 17, after the dollar amount, insert the following: "(increased by \$10,000,000)".

Page 50, line 20, after the dollar amount, insert the following: "(reduced by \$5,000,000)".

Page 50, line 24, after the dollar amount, insert the following: "(reduced by \$5,000,000)".

H.R. 3814

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 38: Page 21, line 9, after the dollar amount, insert the following: "(reduced by \$14,000,000)".

Page 95, line 25, after the dollar amount, insert the following: "(increased by \$13,000,000)".

H.R. 3814

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 39: Page 116, after line 2, insert the following new section:

SEC. 615. The amounts otherwise provided by this Act are revised by increasing the amount made available for "EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—SALARIES AND EXPENSES", and reducing the amount made available for "DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM—SALARIES AND EXPENSES", by \$13,000,000 and \$14,000,000, respectively.

H.R. 3814

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 40: In the item relating to "DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE"—

(1) after each of the first and second dollar amounts, insert the following: "(reduced by \$5,000,000)"; and

(2) at the end of such item, insert the following:

In addition, for local firefighter and emergency services training grants authorized by section 819 of the Antiterrorism and Effec-

tive Death Penalty Act of 1996 (Pub. L. 104-132; 110 Stat. 1316), \$5,000,000.

H.R. 3814

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 41: Page 26, line 20, after the dollar amount, insert the following: "(reduced by \$20,000,000)".

Page 26, line 23, after the dollar amount, insert the following: "(reduced by \$20,000,000)".

Page 30, after line 18, insert the following: In addition, (1) for the provision of counterterrorism technology assistance authorized by section 820 of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132), \$10,000,000; and (2) for counterterrorism technology research and development activities authorized by section 821 of such Act, \$10,000,000.

H.R. 3816

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 42: Page 34, after line 24, insert the following:

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court of Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 3816

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 5: Page 36, after line 10, insert the following new section:

SEC. 506. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3816

OFFERED BY: MR. KLUG

AMENDMENT NO. 6: Page 30, line 3, after the dollar amount, insert the following: "(reduced by \$28,500,000)".

H.R. 3816

OFFERED BY: MR. KLUG

AMENDMENT NO. 7: Page 34, line 2, after the dollar amount, insert the following: "(reduced by \$16,000,000)".

Page 34, line 9, strike the colon and all that follow through "activities" on line 12.

H.R. 3816

OFFERED BY: MR. ROEMER

AMENDMENT NO. 8: Page 17, line 21, strike "\$2,648,000,000" and insert in lieu thereof "\$2,638,000,000".

H.R. 3816

OFFERED BY: MR. ROEMER

AMENDMENT NO. 9: Page 17, line 21, strike "\$2,638,000,000" and insert in lieu thereof "\$2,638,400,000".

H.R. 3816

OFFERED BY: MR. ROHRBACHER

AMENDMENT NO. 10: Page 17, line 21, after the dollar amount, insert the following: "(reduced by \$1,000)".

Page 17, line 23, after the dollar amount, insert the following: "(reduced by \$5,200,000)".