

HOUSE OF REPRESENTATIVES—Thursday, May 23, 1996

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 23, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

When we contemplate the wondrous gifts that we have received from Your hand, O God, and marvel in the ways that Your spirit makes us whole, we know that we are not adequate to return the blessing to You. Yet, O gracious God, we understand that in a spirit of thankfulness, we can celebrate Your love to us by serving those about us with deeds of justice and acts of mercy. May we clearly see that in assisting others in their concerns and leading in the ways of security and peace for every person, we are serving You, our God, our Creator, and Redeemer. 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. Will the gentleman from New York [Mr. SCHUMER] come forward and lead the House in the Pledge of Allegiance.

Mr. SCHUMER 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 commu-

nicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute will be held after the close of legislative business on this day.

EMPLOYEE COMMUTING FLEXIBILITY ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the further consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, May 22, 1996, 1 hour of debate remains on the bill. The gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

Since our gentle debate has strayed from the base bill, which is what we were supposed to be debating for these 90 minutes, I suppose I will join the crew and stray also.

I would say that from what I have heard thus far, it would appear that we are following the big lie phenomena: "If you tell the big lie enough times, you will eventually begin to believe it yourself." And then, "If you tell it some more, you eventually get others to believe it."

If we have agreed, or do by the time the day is over, that we should increase the minimum wage, then it seems to me it is time to turn our attention to the whole idea of job loss and what that problem presents to the most vulnerable, the unskilled, the poorly educated, the teens, and the senior citizens.

Now, that gets us to the big lie issue, because we will hear over and over again that raising the minimum wage does not cause unemployment or does not remove the possibility that people with few skills and little education have when they try to get a job. But yet we are told by the Congressional Budget Office that a 90-cent increase could produce unemployment losses from 100,000 to 500,000 people.

A 1995 study by the University of Michigan and an economist there revealed that New Jersey's minimum wage increase led to a 4.6-percent reduction in employment.

A 1995 report from the University of Chicago and Texas A&M University found that with the last increase in the minimum wage, employment of teenage males fell 5 percent while employment of teenage women fell 7 percent.

In 1978, the Minimum Wage Study Commission determined that for every 10 percent increase in the minimum wage, it results in a 1- to 3-percent job loss for teenagers.

A 1995 study by economists from Ohio University found a link between the minimum wage increases and the recessions of 1990-91 and 1974-75. Further, the study determined that higher unemployment rates during the recession of 1990-91 and 1974-75 explained why, over the past two decades, the poverty rate rose in the year after the completion of each minimum wage increase.

So, again, I think it is time to stop indicating that there are no problems for thousands of people in this country when we talk about a minimum wage increase.

So what do we do about that? Well, we do the same thing we have done every time we have had a minimum wage increase, we go back and do what we can possibly do to make sure that those, in this case, 100,000 to 500,000, are not without employment. And so we look at those ways, as we did in the past.

In the past we had a small business exemption. Well, when we talk about a small business exemption we have to understand that every other major workplace policy statute contains an exemption for our Nation's smallest business. Consider the Civil Rights Act of 1964. It exempts businesses with less than 15 employees. The Americans With Disabilities Act exempts businesses with less than 15 employees. The Family and Medical Leave Act exempts those with less than 50 employees.

The overwhelming majority of businesses who have \$500,000 or less in gross annual sales have 10 or less employees. They are a ma-and-pa program. Virtually every Democrat Member of the House have supported exemptions for our Nation's smallest businesses from a wide variety of labor statutes. Remember ADA, FMLA and the Civil Rights Act?

Again, providing an exemption for small business is not a new concept, many of its opponents today have supported that concept in the past. So we

□ 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.

look at that as one possibility to help those who may be unemployed because of the increase.

We continue the tip credit provision which is in the present law; we continue the present laws that relate to computer professionals; and we reinstitute the opportunity wage, but this time we limit it to 90 days; calendar days. We do not have two periods of 60 working days.

So I would hope as we proceed today that we spend a great deal of time talking about facts rather than fantasies, and by the time we are finished, hopefully, we will have helped all Americans, including that 100,000 to 500,000 that could find themselves in real difficulty if we do not make some of the decisions that we have made in the past when dealing with minimum wage increases.

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

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time, and I rise to oppose strongly the Goodling amendment and to talk about its effect on the underlying bill.

Today we were supposed to vote on a bill to increase the minimum wage by 90 cents and to pay working families a living wage. We were going to raise the minimum wage from its lowest level in 40 years. And what do the American people wake to this morning? The Goodling surprise, an amendment which says that any business with annual sales of under \$500,000 is exempted from the Fair Labor Standards Act.

In other words, if an individual happens to be one of the 10.5 million Americans who work in these small businesses, they do not have to get paid overtime; they do not earn the minimum wage. Not the old one or the new one.

In my region, the New York City metropolitan area, over 130,000 businesses will be exempt from fair labor laws and 200,000 workers will be left unprotected.

The minimum wage vote should be called the Gingrich two-step. Take one step forward by raising the minimum wage for some people, take two giant steps back by exempting millions from overtime and minimum wage laws all together.

Why must the GOP continue to gratuitously slap American workers? Why did they break their promise to offer a clean minimum wage increase? The only answer must be, as the gentleman from Texas, Majority Leader DICK ARMEY, stated, that they oppose the minimum wage with every fiber in their being, and they will raise it but they will exact their pound of flesh from American workers.

This mean-spirited assault on those who work every day and barely eke out

a living wage is horrid. These people work in textiles, in retail, on farms. They work hard, they deserve a raise, not to be punished because the gentleman from Georgia, NEWT GINGRICH, will do anything to keep minimum wage from happening.

Now, if the Goodling amendment passes, the President, thankfully, has said he will veto the bill, and I am sure there is a little nefarious plan out here: Goodling will pass, the President vetoes the bill, nothing happens, and the Republicans say we have tried.

But let me assure my colleagues that from this side of the aisle, until there is a minimum wage increase for all Americans, not one out of two or one out of three, we will be on this floor every week and every month to make sure that the minimum wage passes. The Republicans cannot and will not avoid a clean minimum wage increase with this kind of cheap trick.

Mr. GOODLING. Mr. Speaker, I would remind the gentleman from New York that unless we make some changes, New York will face a loss of 29,000 jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas, Congressman HUTCHINSON.

Mr. HUTCHINSON. Mr. Speaker, I just wonder where all of this passion was 2 years ago when Democrats controlled this Chamber, controlled the other Chamber and controlled the White House. Not once, not once, was a minimum wage proposal brought up before the full House, before a committee, or before a subcommittee. What we are seeing now is rhetoric. What we are seeing is election year politics.

I rise to oppose increasing the minimum wage, not because I do not want to help working Americans, but because I do want to help them. We know, we know, that raising the minimum wage will kill jobs. It will take opportunities away from those who we claim we want to help the most.

I point to Melody Rane and her family who own two Burger King franchises in Eureka, CA. A minimum wage hike will force her to lay off four full-time and eight part-time workers at her stores. She will also be forced to raise her prices, which will hurt everyone, especially the working poor, whom we claim that we have compassion for.

According to Melody, raising the minimum wage will hurt teens more than anyone else she employs because she will no longer be able to provide entry-level jobs for them. The young people that she has hired have not stayed on at minimum wage for very long. They learn their jobs and they move up quickly. All her managers started at minimum wage and her top manager today has been with them since he was 16 years old.

We know that raising the minimum wage is a job killer on the most vulnerable people in our society. A 1993 study

by the American Economics Association of over 22,000 economists found that 77 percent of them said that if we raise the minimum wage, there will be significant job loss in our economy.

We know it is inflationary, because if they do not lay them off, they have to raise the price of their goods and services, and that disproportionately impacts poor people who are going to have to pay more for those products that they buy.

Raising the minimum wage is the poorest way to target working poor people. The last time we raised the minimum wage, in 1991, only 17 percent of the new benefits went to people living below the poverty line. Most of them are teenagers living at home with mom and dad. Only 17 percent went to those who are working poor.

Now, I suggest to my colleagues that there is a better way. If we really care about working poor people, there is a better way to do it. I propose that we reform and we refocus and we retarget the earned income tax credit, a program that has enjoyed support from the 1970's on from both sides of the aisle.

□ 0915

This time from GINGRICH to GEPHARDT, they support EITC, but the program is fraught with abuse. It has grown far beyond its original intentions. If we refocus it, as I have proposed, back on working families with children, we can help them in a better way than the negative impacts of raising the minimum wage. Convert that large lump sum to a monthly payment so it is a practical supplement for family income. Deny the credit to undocumented workers, eliminate the credit for childless adults who never were eligible until 1993 when we expanded it, and then increase that credit for working parents, who it was intended to help in the first place.

That single mom with one child, those parents with one child would see their effective wage rate go to \$5.47 an hour under that proposal. With two children it would go to \$6.37 an hour, and 12.7 million families would be the beneficiaries of such a change.

This is what happens when we raise the minimum wage by 9 cents: 21 cents is lost in reduced food stamp benefits; 8 cents is lost because we pay that much more in FICA withholding. If they happen to live in public housing, they lose 27 cents more to that. That leaves that working poor person that you claim you want to help getting 34 cents out of the 90-cent increase in the minimum wage. That is not compassion. If we retarget the earned income tax credit we will help more Americans and help them at 44 cents an hour.

Do not talk about compassion until you are willing to look at good alternatives, and Republicans have put forward good alternatives, compassionate

alternatives. Not only that, they lose more on the EITC as well. It is simply not real compassion to say we want to raise the minimum wage.

Everybody talks about the polls. What is the politically popular thing to do. That is why this thing is before the floor today. That is why Democrats want to raise the minimum wage when they did not do it 2 years ago when they had a chance. It is because we have an election in November.

It is interesting that CNN-USA, in the latest poll, found that while 81 percent of Americans want to raise the minimum wage, that if you go one step further and you ask this question: If you favor raising the minimum wage, what if that raise in wages meant fewer jobs for low-paid workers, and all of a sudden 57 percent of those 81 percent say no, we do not want to raise the minimum wage if it is going to mean a loss of jobs for low-wage earners.

I suggest to those on the other side of the aisle who are so insistent on raising the minimum wage, knowing that CBO says it will cost a half-million jobs, that you come back to my district and explain to that single mom with two children why she loses her job in the name of compassion.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate the passion of the gentleman who was just in the well, who now tells us what we should do is target the earned income tax credit, when a year ago he was leading the fight to slash the earned income tax credit. I appreciate the passion of the gentleman in the well for the family in Eureka example. It is the Congressman from Eureka that is carrying the minimum wage increase so their representative apparently believes that the minimum wage should be increased, the Republican gentleman from Eureka, CA [Mr. RIGGS].

I appreciate the passion of the gentleman suggesting that what the taxpayer ought to do is pay out more money in food stamps, more money in housing, more money in EITC, more money in AFDC to subsidize low wage jobs. He does not want the employer to pay for people to have a livable wage because now he is concerned if the employer pays more money, the taxpayer will pay less. The gentleman is all over the field on these issues. You wanted to slash food stamps. You want to slash AFDC. You wanted to slash the earned income tax credit. But today you want to talk about how it would be better if we paid those moneys instead of the employer paying a livable wage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON], a compassionate individual.

Mr. HUTCHINSON. Mr. Speaker, I would just suggest to the impassioned

gentleman that I, in fact, did not lead the charge, as you have wrongly, inaccurately alleged to cut EITC. In fact, if you check the facts, I was involved in the conference committee. I was involved in working with Senator NICKLES.

In fact, under the Republican proposal on EITC, with the \$500 per child tax credit, as I think you accurately know, not one American would have been worse off. Not one working American would have lost anything in EITC. In fact, they would have been far better off under that proposal.

I would like to note for the record that the State of California will face a loss of 63,100 jobs if the minimum wage is increased and up to 500,000 jobs, according to the Congressional Budget Office, will be eliminated nationwide.

So I would remind my good friend that this unfunded mandate will cost millions of working families and taxpayers over \$13 billion according to the CBO.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would say, the last time California raised its minimum wage, there was no job loss by teenagers or others that you are so concerned about. And second, the fact is when you were going to take away the EITC, you were going to take it away from single working people who were trying to find a livable wage. So you just decided that single people should live in poverty. So you were going to take it away from 14 million people, wonderful.

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

Ms. DELAURO. Mr. Speaker, I believe hardworking Americans deserve a raise, and the people's House should increase the minimum wage. I thought we finally would have a chance to raise the minimum wage, as four out of five Americans want us to do. After calling for hearings, stalling for months, and appalling statements by the majority leader, who said that he would oppose the minimum wage with, and I quote, every fiber of his being, I thought that the Republican leadership would finally allow a clean vote on providing a needed raise for American workers.

But the Republican leadership has chosen to poison the minimum wage increase with the Goodling amendment, a distasteful amendment to repeal the minimum wage for millions of American workers.

The amendment not only repeals the minimum wage guarantee for workers at two-thirds of firms in the United States, 10 million people, it also rolls back the Fair Labor Standards Act, and it opens the door to cruel sweatshops that should have been left behind decades ago.

Mr. Speaker, I know something about sweatshops. My mother, who is 82 years old, worked in a sweatshop for many years. Fortunately, the people of this country rejected such working conditions, and they did that decades ago. I watched her work over that sewing machine with other women and they pumped out those dresses to provide an income for their families. But the extreme agenda of the Gingrich revolution would roll back the clock to those bad old days.

The American people want to move forward to higher wages, to rising living standards, and to better working conditions. They do not want to go backward to a darker time in our past when fair wages and safe workplaces were at the whim of the employer.

Mr. Speaker, I urge my colleagues to support a real and a simple increase in the minimum wage. That is what our job is about today, to help working families in this country realize their dream, to have more change in their pockets, to be able to buy their kids an extra pair of sneakers. That is what we are about.

Mr. GOODLING. Mr. Speaker, I would remind the gentlewoman from Connecticut that Connecticut will face a loss of 4,000 jobs if we do not do something other than just raise the minimum wage.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, let me begin by thanking the chairman of our committee for his leadership on this issue. I think, first and foremost, the reason people get upset with Washington is we ask the wrong questions. This is not a question about whether big brother Government Washington ought to mandate a specific minimum per hour salary all across this country regardless of job, regardless of skill.

What we ought to be asking is how do we provide some kind of an incentive to lift up those in the lower income of the earnings scale in this country and what is the best way to do that. Is it in training? Is it in EITC? Is it in small business incentives to hire more people? Is it in tax policy that allows them to earn more, to pay less to the Government and, therefore, pay more to their employees?

We ought to be asking the bigger question. We do not do that. That is what this debate is not doing either. That is why I would like to sort of bring us all back to what is in front of us, which is a comprehensive package to deal with a whole series of ingredients that ought to provide better incomes for those who are younger, limited experience, or lower skills, or whatever the case might be in America's work force.

I really want to commend our leadership for saying, do not take these issues in isolation anymore. Yesterday

with a vote of 414, we voted to provide a number of small business incentives through the Tax Code. Everybody on a bipartisan basis agreed that those were good, positive things. What we are talking about today is doing the same thing. We are talking about solving this portal to portal issue, where people are allowed to use the company vehicle without having to pay compensation for it. I do not think there is much disagreement in that particular issue.

We are going to talk about the Goodling amendment. What does the Goodling amendment do? It deals with the training wage. We have had training wages before. Who were we talking about, we are talking about those young people, mainly teenagers, who have never had a job. Whether or not they can get a job at the local drug store or grocery store or have no job and no experience at all is probably going to be determined whether or not we give them a first time, one time, no displacement opportunity wage.

We are talking about a tip credit that says, let us put some kind of basic understanding and simplicity in this whole issue of tips.

The third issue I want to talk about, which is an issue that somehow is getting all controversial around here, is this whole issue of the small business exemption. Somehow people are saying we are trying to exclude all of these family businesses from having to pay a minimum wage. We are not trying to do that at all. What we are trying to do is provide equity for all small and family businesses across this country wherever they may be located.

Mr. Speaker, I want Members to look at this map. I represent all of western Wisconsin, the 220 miles along the Mississippi River. I want Members to look at such towns as DeSoto and Genoa and Stoddard and Ferryville and Pepin and Trempealeau and Stockholm and Nelson. All of these are towns under 400 population.

If the mom and pop stores happen to sell something to someone living literally a mile or 2 miles away in the Minnesota or Iowa border, under existing law they do not have the same benefits that that same mom and pop business would have right over here, 60 miles away. All we are saying is, wherever you live, just because you live by a State border, you should not be impacted because of interstate commerce from not having the same benefits as the small family owned business as everybody else. Jerry's grocery store, Carol's catering, Larry's lawn mower service. My colleagues, we are saying just because you are by a state border, you ought not be disadvantaged.

Mr. Speaker, today we address whether or not to increase the minimum wage for the eighth time. Unfortunately, people get mad at Washington because their representatives ask the wrong questions. Too often we get caught in the tiny details of the debate and forget to

look at the big picture. In this case, the issue is not merely whether or not to increase the minimum wage. Instead, the issue is how we can improve the economic well-being of low-income individuals.

To that end, we cannot ask just how much should we increase the minimum wage? We must ask how can we reform tax policies to allow businesses to modernize their equipment and personnel, how should the earned income tax credit be reformed or expanded to lift up those lower income people, how can we modernize workplace laws so that they apply to today's modern workplace, and how can we give people greater opportunities for education and training so that they can compete for high wage jobs. These questions do not have easy answers in terms of policy or politics. Until we honestly address these questions, however, it is all too easy to simply raise the minimum wage without exploring structural solutions which will yield higher incomes and more worker security.

A minimum wage increase taken alone merely masks the defects in current employment law. The Fair Labor Standards Act of 1938, the legislation in which the minimum wage is set, has not been substantially reformed since it first became law. Just think of all the changes that have occurred in society since then. We've gone from radios to television; from party lines to digital telecommunications; from room sized computers to laptops. Despite this monumental progress, we are still trying to apply a 1938 law to a 1990's workplace, and it is not working.

Lets look at a couple of examples. Two-income families demand more flexible scheduling, yet the law remains rigid. Work is arranged in teams as opposed to the assembly lines of the 1930's, and yet employers cannot give incentive bonuses to employee teams without changing their base pay. Increasing the minimum wage without proper steps to address these and other structural problems will ultimately cost all of us in terms of compensation and international competitiveness.

Today, I commend the Republican leadership for producing a package which begins to address some of the structural issues. It is because we are taking steps to address the side effects and structural issues through tax and workplace reform that I will support a minimum wage increase from \$4.25 to \$5.15 over the next year.

The minimum wage increase is a small business issue, pure and simple. Just the other day, I was speaking to a group of big business executives and asked them what the minimum wage increase meant to them. Not surprisingly, their answer was "not much." They all pay above the minimum wage. By contrast, small businesses, such as those throughout western Wisconsin, employ some people at the minimum wage. Any increase in the minimum will likely result in some businesses hiring fewer teens, fewer unskilled workers and fewer seniors. That is why it is important to address the negative effects of a minimum wage increase on small business through tax and pro-employee incentives that account for the realities in today's workplace. We will do this through two package—a tax package which we passed yesterday and an employment policy package which we will pass today.

TAX REFORM

We started yesterday with a tax reform package that offsets the increased cost from the minimum wage increase and encourages further investment in employees. To offset the additional costs from employing people at a higher minimum wage, the tax bill provided for increased expensing of capital assets for small business from \$17,500 to \$25,000. Small business owners and managers will be able to use this credit to invest in the capital assets needed to keep their businesses competitive.

The tax package also included two provisions to help employers invest in their employees. The package included the work opportunity tax credit, a reformed version of the targeted jobs tax credit, which will provide a 35-percent credit for the first \$6,000 in income paid to qualifying low-skilled and low-income individuals. The credit is an important tool to bring people into the work force and give them an opportunity to develop the skills necessary to succeed in life.

Similarly, there have been several references this spring to workers' growing economic anxiety. For that reason, the tax bill will extend retroactively a provision which allows employees who receive reimbursement of educational assistance from their employers to exclude the reimbursement from income. The provision would allow employees to take undergraduate and vocational classes in any subject matter, whether or not job-related. For this reason, it would encourage employees to develop portable skills, a necessity in the changing economy in which we live.

Among its other provisions, the tax package would allow employers with fewer than 100 employees to create a simplified retirement plan and establish 401(k) savings plans. The pension provisions provide the flexibility needed so that employees in small firms have the same opportunity to develop retirement security without the heavy paperwork involved with large plans.

SMALL BUSINESS EMPLOYMENT REFORMS

The second part of the minimum wage package includes several provisions to assist small business with the administration of minimum wage and overtime laws. The centerpiece of the package is the Employee Commuting Flexibility Act. The bill will clarify when employers can allow employees to drive company vehicles from home to the first worksite and from the last worksite home without dropping the work vehicle off at a central location and driving their personal vehicle home. Although this is the current interpretation of the law, there have been some uncertainties resulting from changing Department of Labor policies. Allowing employees to go home rather than drive to a central work location to drop off their work trucks makes sense. It provides flexibility and efficiency for both the employee and the employer.

The employer package also includes an amendment by Representative BILL GOODLING which will help small employers with the administrative burden and the disemployment effect as a result of the minimum wage increase. Several studies have shown that a minimum wage increase will reduce employment opportunities for teenagers, who represent nearly 40 percent of all minimum wage earners.

Opportunity Wage.—The amendment includes a one-time, 90-day training wage at \$4.25 per hour for new employees who are under 20 years of age. This opportunity wage would prohibit employers from displacing current employees either by reducing their hours or by firing them in favor of hiring a younger, inexperienced employee at a lower wage.

Tip Credit.—The amendment includes a freeze of the tip credit, a credit primarily used by restaurants. The law currently allows employers in tipping industries to count 50 percent of the minimum wage requirement in tips. If the employee does not make enough in tips to reach the Federal minimum, the employer must pay the difference to the employee in cash wages. The amendment would freeze the employer share of the minimum at \$2.13 and all existing protections in the current tip credit program would continue. It should also be noted that waiters and waitresses currently make an average of \$7 or more with wages and tips.

Small Business Exemption.—In the 1989 amendments to the Fair Labor Standards Act, Congress passed an exemption for small businesses under \$500,000 in gross sales. However, because of wording problem with the legislative language, only employees not engaged in interstate commerce were considered exempt. Unfortunately, this disparity affects those mom and pop businesses in the Third District that border the Mississippi River and Minnesota disproportionately because their customers are likely to be located on both sides of the river. Businesses located further inland do not suffer this problem. The amendment would put all small businesses on a level playing field by exempting all newly hired employees of small businesses.

Computer Professionals.—The amendment freezes the rate at which certain computer professionals are exempt from the minimum wage at \$27.63 per hour. The current exemption amount is at 6.5 times the minimum wage, or \$27.63 per hour or \$55,000 per year. If the exemption amount was allowed to float with the minimum wage, computer professionals would be able to earn nearly \$70,000 per year in income and yet still be subject to the provisions of the Fair Labor Standards Act. The act was intended to protect those who were underpaid, not highly paid professionals. This provides a good example of why a 60-year-old law needs to be modernized.

As we move toward the 21st century global economy, I believe we have to continue to ask the questions about what is best for America. We have made a good start today by addressing the needs of lower income people while providing incentives to ensure that employment opportunities continue.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would remind the other side that a vote for the Goodling poison pill amendment in the State of Wisconsin would deny 210,757 workers an increase in the minimum wage. In the State of Connecticut, it would be 87,000.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding the time.

I must say this is an issue about values. We are talking about the dignity of work. That is one of the main principles this country has been founded on. Let me tell my colleagues there is no dignity to work if you do not get paid a living wage.

I cannot believe that people are saying this is about politics. It is not about politics. It is about paychecks, paychecks, paychecks.

Now, look, how long does it take to earn a year's minimum wage. Well, for the minimum wage worker, it takes a year. For the average CEO of a large corporation, it takes about a half a day. This is what we are talking about. This is the country with the largest disparity between wages at the top and wages at the bottom of any other western industrialized world. All we are saying if we are going to have dignity to work, we ought to try and raise the bottom. Do you not think the fat cats at the top are getting enough.

□ 0930

They are getting way more than fat cats at the top of any other country, and what is the Republican proposal? They are trying to pretend they give us the minimum wage while they turn around and knock out two-thirds of the businesses in America from having to pay either the minimum wage or overtime.

They also are going to go after tipped employees. If someone gets tips, they do not get the minimum wage. They can run around with their tin cup from place to place begging for more. Oh, there is dignity.

Please, this is about dignity.

I also hear people saying, "Oh, well, it just goes to teenagers. Teenagers don't need it."

Yes they do.

Have my colleagues looked at college education? I worked my way through college. One cannot do it today on the minimum wage. Tell me where to go to college and put money away.

This is about paychecks.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I listened to what my colleagues from Arkansas and from Wisconsin said on the other side, and I am amazed how little understanding they seem to have about the person who is affected by the minimum wage.

As my colleagues know, I heard statements about how, well, we will deal with the earned income tax credit, or we will make adjustments with food stamps or other government programs.

What are we talking about? A lot of the people that work on minimum wage, they do not even necessarily apply for food stamps. They do not

even necessarily apply for the earned income tax credit. Many of them even do not have the knowhow or ability or even want to get involved with the Government bureaucracy. If we are talking about Washington and thinking about how we do things here, I would venture to say that my colleagues on the other side are too Washington oriented; they do not understand what the average person has to deal with on a daily basis. If they are getting a set salary now based on the minimum wage and we increase that salary somewhat under this very modest proposal, then they will see an actual increase in their wages.

Mr. Speaker, we cannot look at the bureaucratic procedures that they are talking about here. I think the earned income tax credit is great. I think people need food stamps. But a lot of people do not even apply for them who are on minimum wage.

They just do not understand on the other side what it is like for the little guy on a daily basis. And let me tell my colleagues in my own State of New Jersey, because I am afraid that somebody or I think somebody on the other side is going to talk about loss of jobs, let me tell them in New Jersey we had a modest increase in the minimum wage that was similar to what is being proposed here on the Federal level.

The results are that this moderate hike actually increased total employment in the State of New Jersey, and the reason is that minimum wage earners do not have the ability to save. They spend their money on basic necessities.

Raising the minimum wage puts more money into our local economy. The money in New Jersey was used to purchase more goods and eventually an increase in profits for local businesses.

So raising the minimum wage actually increases economic activity; it means more jobs, not less jobs.

Mr. Speaker, this exemption that the gentleman from Pennsylvania [Mr. GOODLING] has proposed, do not listen to what the gentleman from Wisconsin said about how it is not going to affect them. It is a broad exemption that is going to repeal the minimum wage.

Mr. GOODLING. Mr. Speaker, I would remind the gentlewoman from Colorado that that State would lose 8,000 jobs if all we do is raise the minimum wage and nothing else.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Speaker, it is unfortunate that H.R. 1227 has been hijacked, to be a vehicle for a minimum wage increase. Obviously, some on the other side, do not like business, especially small business.

On its face, H.R. 1227 is a good bill designed to allow workers to continue to

use their company-owned vehicles for commuting to and from work.

For example, an electrical company may supply vans to their electricians so that they can respond to service calls. In the past, the time spent driving to and from a service call and back home, was not considered "on the clock" time.

Yet, recent Labor Department decisions have put this long established policy in jeopardy. Now, some companies are requiring their employees to bring the vehicles back to the office, so that the company is not subject to minimum wage and overtime liabilities.

In my rural district, the Labor Department's actions could result in long delays in services; increased costs for employees since they would have to pay for the fuel used to commute to and from work—which may be hundreds of miles in a week's time; and more time spent away from families.

If this bill was considered separately, I have no doubt that it would pass this House overwhelmingly. But, I fear the House may soon make a major mistake in increasing the minimum wage, thereby denying job opportunities and increasing costs, and using this bill to do it.

If my prediction bears fruit, then I regrettably urge my colleagues to vote against H.R. 1227. If a minimum wage increase is attached to this bill, the bad will far outweigh the good.

And that is unfortunate. Common-sense efforts of Mr. FAWELL and others of us who are working to increase and safeguard job opportunities for millions of Americans, will be severely harmed by a minimum wage increase.

I thank the gentleman from Illinois for all his good work.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would remind the other side and the gentleman who just spoke that a vote for the poison pill Goodling amendment would result in the loss of 94,150 individuals in Nebraska who would get an increase in the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, finally, we get the chance to vote on an increase to the Federal minimum wage. Americans have been calling for a vote on increasing the minimum wage for months. In fact, 85 percent of America supports giving minimum wage workers their first raise in five, long years. But instead of a straight up-or down vote, Republicans had to make sure their business buddies got some goodies in the deal.

This should have been a simple bill. Instead, it guts Federal wage protections by attaching two Trojan Horse amendments full of poison. We should

be making work pay. I am truly outraged that Republicans would try to exclude many millions of Americans from being paid a fair wage.

Mr. colleagues should come down from their corporate ivory towers and do the work they were sent here to do. Represent the people who have told us loud and clear that they want a clean minimum wage increase period.

Vote against both Goodling amendments and support a clean increase to the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

From the first day that I took office here in the Congress in 1991 I have been fighting to raise the minimum wage, and I hope very much that my colleagues finally are going to do the right thing on behalf of tens of millions of workers and raise the minimum wage today.

Mr. Speaker, when the minimum wage was first established in the 1930's, the opponents then said that the world was going to come to an end, the economy was going to collapse. And every single time that an effort has been made since then to raise the minimum wage, the same cries have come forward: The world is going to come to an end, we cannot raise the minimum wage.

Mr. Speaker, the fact of the matter is that today, at \$4.25 an hour, the minimum wage is a starvation wage. The minimum wage today, in terms of purchasing power, is 26 percent less than it was 20 years ago. In terms of purchasing power it is at its lowest point in the last 40 years.

Mr. Speaker, there are tens of millions of Americans today who are working hard at \$4.25 an hour, at \$5 an hour, at \$5.25 an hour, and they are unable to take care of the financial needs of their family. They are unable to put away money so that their kids can go to college. They cannot go on a vacation. Every single week, despite 40 or 50 hours of work, they are in as bad shape at the end of the week as they were before the week began.

Mr. Speaker, one of the great economic problems facing our country today is that the richest people are becoming richer, the middle class is shrinking, and most of the new jobs are being created are low-wage jobs.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, earlier, in fact at the beginning of this process, my good friend, the gentleman from Pennsylvania [Mr. GOODLING], reminded us to stick to fact and ignore fiction, and I would say misleading statements are as bad as are fiction, and in this case misleading statements

by Republicans are as attributable to fiction as anything I have ever seen.

The two constant themes that are running through the core argument of the Republicans are that this will cause job loss and that the Democrats did not do it 2 years ago. Mr. Speaker, let me remind my colleagues there were a lot of things we attempted to do, including the EITC 2 years ago, which actually, in effect, was more accommodating to a majority of our friends in our neighborhoods and communities than was the minimum-wage increase.

But let me remind my friends also that every time there has been a minimum-wage increase, and in 1991 there was, my friends on that side of the aisle have worked to dilute it. In fact, in that minimum-wage increase there was what was called a training wage, which gave an exemption to employers to hire people below the minimum wage in order to give them training experience.

What kind of training experience? Cleaning toilets, making beds, washing dishes. I suggest to you that most of us learned that at an early age and do not need any training for it.

Now, in this one we have what is called an opportunity wage, which is another exemption aside from the exemption they give to those people as an exclusion from the Fair Labor Standards Act.

Mr. Speaker, the arguments on that side are more close to fiction than they are to fact. We did not do it because we can see that in 1 year of doing the EITC that we could not very well push through a minimum wage, but there are many of us that since our coming to Congress have always felt the minimum wage is too low.

Now the job loss argument: In California they raised it much before the Federal Government did, and in California there was not one job lost. And so the prognostications of the job losses that are going to occur if this passes I think are totally false.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, what we have here today is the first welfare reform bill in the history of this Congress because all the other welfare reform is a fraud if at the end of the day when someone gets their first job they cannot make it work, they cannot pay the rent, they cannot buy food, they cannot pay for their kids' babysitting while they are working, they cannot pay for their transportation.

Do not get up on this floor and talk about welfare reform and then try to take away the protection of the minimum wage for an additional 10 million people.

This is welfare reform, making work, have a salary sufficient to live on, just barely.

In the last decade 60 percent of Americans have slid backward. It is the first time in American history that we have seen the bottom take it on the chin as badly as they have. The top 20 percent has gone up. The next 20 percent below that has gone up just slightly. But the 60 percent of Americans below those top 40 have actually lost buying power. In the decades before that, everybody moved up.

If my colleagues want welfare reform, vote for real welfare reform. Vote for a living wage for Americans. And this hardly does it. Go try to pay rent and take transportation to work. Try to feed kids and clothe them on the minimum wage.

Do not give me phony speeches about getting people off welfare. Give people the hope and opportunity to work and at least have enough money to almost live in dignity.

□ 0945

This is not enough. Speech after speech about welfare reform, about getting people to work. Sure, get them to work at a wage they cannot make enough money to pay their rent, let alone eat and take care of their children. If we want the American people to value work, to respect work, it has to pay enough to live on.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, listening to the rhetoric last evening and this morning, I have a feeling they really have a dislike for business, and a terrible dislike for small businesses.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. First, as a small businessman, Mr. Speaker, I would like to compliment the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], and the subcommittee chairman, the gentleman from Illinois [Mr. FAWELL], on the actual bill we are discussing here, the portal-to-portal bill.

In my case, in the retail business, we had a number of employees, including our service manager and our warehouse manager, who had vehicles that they drove home. It worked well for them. It was something we could do as a joint employer-employee, and to have the Federal Government, through the courts, who often decide that they are the State and Federal legislators of this country and can make better decisions than Congress and State legislators can, to see that overturned is a tragedy for American workers and small business.

I also want to say, Mr. Speaker, that I am sorry that I cannot vote for that bill, because I cannot support a bill that lays off American workers. I understand it is called a minimum wage bill rather than a layoff bill, but in fact, it is a layoff bill. As the chairman just said, I knew the other side did not

like businesses, but I did not realize how much they disliked small businesses. They use the rhetoric of the dignity of work, but in fact, it is the dignity of not working that this is promoting.

They stand up once in a while and talk about different statistics that have no basis in reality. The truth is, facts are stubborn things, and the fact is every time but one when there was a national minimum wage increase, job layoffs increased. Every time but one. The facts are there. State statistics are interesting. That is why we give options to the States. But federally, only one time did the unemployment not increase.

In fact, Mr. Speaker, jobs will be lost in this country. In fact, kids will lose their jobs, minorities will lose their jobs, senior citizens will lose their jobs. In small towns, in center cities, marginal businesses will be devastated.

I am concerned because I grew up in a town of 700, and spent most of my life in this small town. As I look around the country and see the businesses shuttered in these small towns, and see the businesses shuttered in the central cities, in the suburbs, and the people in Washington who often live in the big houses in the suburbs, where they can do the volume of business with which to pay this, do not seem to have the sensitivity for the many small towns that are losing their little businesses.

Many of those people who want a living wage move to the bigger cities, but some people would prefer to live in those small towns. Those kids who now will not have a place to work, those senior citizens who now will be trapped at home because they cannot take a marginal job, those young kids and middle-aged kids who struggled, who obviously have a special need and can barely hold a job at a minimum wage, who lose their job and are thrown back onto the welfare system because of the policies of this Congress, I wish every Member who voted for this bill had to look those people in the face when they get their pink slips, when they are trapped in their homes, when they are standing on the street corners, when they no longer have the opportunity to work because of the supposed rhetoric of compassion, rather than the real compassion.

It really disappoints me to see this promotion of the Wal-Martization of America, the disdain for the marginal businesses. I have heard Members in this body say, if those businesses cannot give enough money to meet the minimum wage standard, then they should just disappear. That is so insensitive.

We are working in the central city of Fort Wayne to try to get a supermarket back in where the supermarkets have all closed down. You will not only raise the minimum wage but all the bumps up. You increase the

wages 20 percent, and we will not get that supermarket in the central city or central cities in other places.

This is not a matter of rhetoric, this is not a matter of sounding compassionate. The facts are there. The people do not understand because the American people are compassionate. They hear living wage and they want to give a living wage. The truth is that people at the margin are going to be lost. We could have helped the people who needed a living wage through earned income tax credits, through different types of legislation.

I am sorry our party is not even allowing us to vote on a number of those things, because we should have had that opportunity, and we should have been out there leading how to, in a free market economy, make sure that people, through the market system, can get a living wage. This is not the way to do it. I am embarrassed quite frankly that our party, rather than decide to fight and stand on principle and explain the facts to the American people, instead have tried to work at the margins with the minimum wage.

They have done a good job within the confines of trying to save a few jobs, but I reluctantly am still going to have to vote against the good portal-to-portal bill and against some other things that I support, because I cannot have it on my conscience to cost people that I know their jobs: seniors, young people, people who are handicapped, who have struggled to get into the work force, and now because Washington, people have decided that they should lose their jobs, they are going to lose their jobs.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the gentleman from Indiana who just spoke, if he decides to vote for anything, it would probably be the Goodling amendment. If that passes and becomes law, 315,000 people in the State of the gentleman who just spoke, Indiana, would be denied a minimum wage. Ten percent of the people on minimum wage are senior citizens.

The gentleman's point is the point that many people in the minority make, and that is, a higher wage is bad for business and therefore loses jobs. Carrying that conservative argument to its conclusion would lead one to believe, incorrectly, that lowering wages in this country would be good for employment and good for business.

That is the difference between that side of the aisle and this. This side of the aisle believes that as we raise the standard of living in America, America does better economically. That side believes, obviously, that as you reduce the standard of living in this country, it is good for this country economically. Nothing in American history demonstrates that Republicans are correct about that.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, it is time to increase the minimum wage. It is time to make work pay. It's time to make work pay more than welfare.

I know, because over 28 years ago, as a single, working mother, I was earning so little I had to go on welfare to supplement my pay in order to provide my children with the health care, child care and food they needed.

Unfortunately, too many American workers face the same situation today. In fact, most minimum wage earners look a lot like I did 28 years ago: 60 percent of minimum wage earners are women. Of that, 72 percent are over 20 years old. And, one-fifth of minimum wage earners are single parents.

So, yes, my friends, despite what you've heard from the Republican leadership, families struggling to get by on \$4.25 an hour really do exist.

What does not exist, however, is a believable commitment by the majority to boost the wages of working Americans. Now, rather than having a clean up-or-down vote on raising the minimum wage, the Republicans are loading the bill up with amendments that will make an increase meaningless.

Under the Goodling amendment alone, up to 10 million workers could lose their right to any minimum wage.

Mr. Speaker, that's not making work pay. It is taking workers backwards. It is letting businesses off the hook who pay low wages. It is forcing the taxpayers through the welfare system to make up the difference for these low wages.

Mr. Speaker, let us pass a minimum wage. No if's, and's or but's. Let's make work pay.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member, and I hope that this morning we can have a truth in discussion on the floor of the House. This is a \$5 bill, and those who are working and getting minimum wage right now must give back change on this bill. If we do not raise the minimum wage, we will in fact deny 1.1 million workers in the State of Texas an increase.

What I want to talk about is truth in discussion. We support small businesses. In fact, we came to the floor of the House and enthusiastically provided the Small Business Protection Act, giving incentives for small businesses who hire at-risk individuals, giving them a tax incentive to do so, allowing them to spend more money on equipment, providing pension reform, giving them a health deduction provision that we did some months ago. I am for small businesses. But likewise, I have to be for the working public, and 60 percent of those on minimum wage are women with children.

How can you talk about welfare reform when the Republicans are likewise talking about decreasing the earned income tax credit, which would negatively affect over 6.8 million taxpayers who are at the lowest bottom rung?

The American people are fair. We simply want an increase in minimum wage for retail workers, individuals who work every day to stay off welfare. Realize what you do with \$5. What you do with \$5, you pay your rent, you pay the income needs for your children, you pay health care. What you are doing if you deny the increase in the minimum wage for all Americans, you prevent those who would want to have incentives to come off welfare from being able to support their families.

What are we doing here? We are not discussing the facts. The facts are, you cannot survive on \$4.25. Take a \$5 bill and get back change and see if you can survive. We need a vote up-or-down on a clean minimum wage for the American people.

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

Mr. Speaker, I would remind the gentlewoman from California, we would lose 63 million jobs if we do nothing, and in Texas 60,000 jobs, if we do nothing other than raise the minimum wage.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, this debate is about politics, it is not about economics. If this were such a great deal, the socialists over there would have raised the minimum wage in 1993 and 1994, when they had a huge majority and a President that would have signed it. They did not bring it up, they did not hold hearings, and they did not pass it. What a surprise.

Eighty-three percent of the American people want to raise the minimum wage. The problem is, 78 percent of them cannot tell you what the minimum wage is.

I ask the gentleman, did the gentleman coauthor the Small Business Administration exemption? Yes, he did sponsor the small business exemption that the gentleman from Pennsylvania [Mr. GOODLING] is offering right now.

Let me tell the Members how minimum wage affected me. As a child I was making \$1 an hour at the Grand Lake Theater in Oakland. They raised the minimum wage to \$1.25. They told me I was through, they did not have it in their budget. I told them I did not work for government, I worked for them, and I just needed it for my allowance, to supplement my allowance and as experience, because and because as a young person at 16 you cannot get experience. They liked my attitude and paid the minimum wage. But I almost lost my job. I know about minimum wage. It stinks, it is a charlatan game.

There is no constitutional right. It is an unfunded mandate. Vote no, and vote yes for the Goodling amendment.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise today in strong support of the Riggs amendment which would raise the minimum wage and in vehement opposition to the Goodling amendment which would result in millions of Americans earning less than the minimum wage.

Mr. Speaker, there are thousands of parents in my district—in cities like San Diego, National City, Chula Vista and Imperial Beach—that are working two or three minimum wage jobs to raise their families in dignity. These parents are sacrificing valuable time with their children in order to avoid welfare. These parents have not had a raise in over 5 years.

We also have thousands of students working their way through school, and senior citizens working to augment their Social Security. They, too, deserve a raise.

We must do the right thing for these families.

But today's bill is a cruel hoax on these hard-working Americans. On the one hand we tease them with the prospects of the minimum wage increase, and on the other we snatch it away.

That is why I urge my colleagues to vote for the Riggs amendment and against the Goodling exemption, which would allow millions of Americans to be paid less than the minimum wage.

Let's do the right—and moral—thing for American families.

□ 1000

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I simply want to make a point to my colleagues. I very much support this legislation, the Employee Commuting Flexibility Act. It is commonsense legislation clarifying the Department of Labor interpretations of the circumstances under which an employer must pay an employee to drive to work in company-owned vehicles.

But the minimum wage amendment I am going to offer in a few minutes does not belong in this legislation. It belongs on meaningful welfare reform legislation, like the legislation that passed this House, passed the Senate and was twice vetoed by the President.

The folks over on this side of the aisle should walk their talk, put their votes where their rhetoric is, and support real welfare reform, because those two issues, a moderate increase in the minimum wage to keep pace with inflation and real reform of the welfare system, go hand, in hand.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I want to applaud my colleague from California because I agree that a minimum wage should have been with the welfare reform bill. If we want to get people off welfare, we have to provide them with a decent minimum wage. Right now in our country if a person works 40 hours a week for 52 weeks a year, they make \$3,800. They are eligible for food stamps, welfare, whatever it is called. That is why it should have been part of it.

The bills that were sent to the President by this Republican Congress did not have the minimum wage increase in it. It should have been part of the welfare reform bill but it was not. That is not the fault on this side of the aisle. It is the other side. That is why it should be part. I agree with my colleague from California. A minimum wage increase should be part of a welfare reform bill.

The minimum wage increase passed the last time in 1991 with 135 Republicans in the House supporting it. I think that is ironic because we had a Democratic majority in the House and a Republican President that passed the minimum wage increase. Now we have a Democratic President and a Republican majority in the House and the Senate and yet we have waited for 2 months to try and have a vote on the floor today.

What do we have? We have a vote on a bill and an amendment, the bill that has portability which itself could stand alone and be debated, in fact we could probably pass it with some fairness in the portability bill, but, no, we are going to attach a minimum wage increase to it that is going to take away millions of people from coverage under the minimum wage.

We are giving it with one hand and we are going to take it away with the other. That is what the people of the United States have said in 1992 and 1994. They do not want Washington practicing sleight of hand. They want Washington to be up-front and honest with the American people.

By withdrawing the coverage of minimum wage from these interstate small businesses, we are actually lowering the coverage to over 10 million people. That is what is wrong with this bill and the amendment, and that is why when it goes to the Senate, hopefully they will change that if we do not beat it today.

The minimum wage increase passed in 1991 with bipartisan support. Hopefully we will have that again, but it needs to be a real minimum wage increase and not a fake one.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. WELDON], a member of the committee.

Mr. WELDON of Florida. I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of the Employee Commuting Flexibility Act

which is a good piece of legislation that we really should be talking about which allows employees to use the company car to go home, saves fuel, and is good for the environment, but instead we keep talking about the minimum wage.

My colleagues on the other side of the aisle suddenly in this election year have all this compassion for the minimum wage workers. What they do not seem to have compassion for is all of the people that they are going to unemploy by mandating from Washington, that their salary goes up.

The gentleman from Indiana said it previously. Thousands and thousands of people have lost their job every single time the Congress raised the minimum wage. Every economist report except one reports that people have lost their job.

But I do not think you care about them losing their job. You care about getting reelected. You care about who is in control of this body. That is why you are making a big deal out of it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would like to remind the gentleman from Florida that if he votes for the Goodling amendment, this poison pill amendment, what will happen is that 675,928 workers in the State of Florida will be denied an increase in the minimum wage. He should also know, coming from Florida, that 10 percent of minimum wage workers are seniors.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time, and I rise in strong support of the minimum wage. Not a sham minimum wage, a real minimum wage.

Some people say, "Well, is this debate about politics?"

No, it is not about politics. This debate is about the American dream. This debate is about standards of living in America. This debate is about whether people can live in America making \$8,000 a year after working 40 hours a week. It just does not add up. We need to raise the minimum wage so we can raise the standard of living so people can in fact enjoy the American dream.

The leadership on the other side of the aisle does not believe in that and they do not care about whether we raise the standard of living. They want to say people are going to lose jobs. That is not true. One hundred two economists, including three Nobel prize winners, all support raising the minimum wage. But we do not have to go to the intellectuals. Eighty percent of the American public supports raising the minimum wage. I trust the common sense of the American public. But we can even go to the politicians because,

the fact is that there are bipartisan majorities in both houses of this Congress who want to support an increase in the minimum wage. But unfortunately there is a Republican leadership that wants to thwart the will of the American people and bipartisan majorities, because they want to undermine this bill with a poison pill. The poison pill will exempt two-thirds of all businesses from the requirements of the minimum wage. That means 10 million Americans will not be able to raise their standard of living and will not be able to enjoy the American dream. It means that we could see the return of sweatshops where people work long hours for low pay. That is not the American dream. In America we pride ourselves not just on democracy but on the ability to support families and to enjoy the benefits of democracy. The only way that that can happen is when people earn a livable wage. What they are perpetrating today is not a livable wage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, this is not about raising the minimum wage. It is about putting young minority students out of work. Raising the minimum wage will put 1 out of every 4 minority workers between the ages of 17 and 24 who are out of school and working today out of work.

Some of the most eloquent testimony I heard on this issue came from a District of Columbia businessman, Abdul Uqdah. This is Abdul Uqdah. He started a business 16 years ago with \$500 and 3 employees. He now employs 14 people. He appeared before our committee and begged us not to raise the Federal mandate minimum wage. Why? Because it will not work and because it will put minority youth out of work.

He said, and the fact is, raising the minimum wage will put one out of every four young minority workers in America who hold a job today out of work. This is an unemployment act that hurts minority youth, and it is a shame.

Mr. CLAY. Mr. Speaker, I do not know what committee he appeared before, but our committee did not hold any hearings on the minimum wage.

Mr. Speaker, I yield 15 seconds to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, the gentleman from Arizona should be reminded that 200,000 of his workers will be denied an increase in the minimum wage if he votes for the Goodling amendment, and that two-thirds of minimum wage workers are adults; 40 percent are the principal breadwinners in the family. Let us get the facts straight on this issue.

Mr. CLAY. Mr. Speaker, I would like to inquire how much time remains for both sides.

The SPEAKER pro tempore (Mr. WALKER). The Gentleman from Missouri [Mr. CLAY] has 2½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 3 minutes remaining. The gentleman from Pennsylvania is entitled to close.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore. The gentleman from Montana [Mr. WILLIAMS] is recognized for 2½ minutes.

Mr. WILLIAMS. Mr. Speaker, let us close this debate by recalling that America is at its best when it does its best by its workers. After half a century of progress, America's standard of high wages is now in decline. In the 30 years from Harry Truman through Jack Kennedy to Lyndon Baines Johnson, the average income of the American family more than doubled.

Since then it has been in decline, in decline despite the fact that there are now two wage earners in millions of American families. In those 30 years, the percentage of women in the American work force has risen by 180 percent. Today women make up half of America's work force.

If Americans were asked to name a big employer in America just a few years ago, they probably would have said Lee Iacocca but they would not have said Beverly. But Beverly hired more people than did all of auto. Beverly runs nursing homes in America, Beverly's workers work for the minimum wage, and most of them are women.

We have had an evolution, in the lifetime of everyone in this Chamber, in the American work force. America must invest in its human capital as well as its physical capital. Corporations in America must get better at long-term planning and less at short-run gain. Manufacturers in America must do better at focusing on quality rather than quick profits.

Our workers must once again be the best paid workers in the world. Why? To create unemployment? No; to put small business out of work? No; to raise the standard of American living, because our people spend their money on Main Street USA.

As a former small businessman myself who owned restaurants in Montana, I can tell Members that my days were never better than when my workers and Montana's workers were well paid. I never had more profitable years than those years when the minimum wage was raised. Do it for America. Take care of America's workers.

Mr. GOODLING. Mr. Speaker, Montana would only lose 2,800 jobs if we do nothing but raise the minimum wage.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL] to talk a little bit about what we were supposed to be talking about during the last 90 minutes.

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

If this were a court of law, Mr. Speaker, 95 percent of what we have heard would be ruled irrelevant and non-germane to the issue before this body. Because whether one is for the minimum wage or not, all that this bill does is to clarify conflicting DOL opinions, and to make sure that when employers and employees and unions want to get together and agree that an employee can use the employer's vehicle, usually it is a pickup truck or something like that in the construction trades, to go from home to work and from work to home, it will not be in violation of the Fair Labor Standards Act. That is all that we really should be talking about at this time. We should take it one at a time.

No one would be forced to do this. It would be voluntary on the part of the employee, and the commuting distance would be the normal commuting distance as determined by the rules of the Department of Labor.

□ 1015

This is supported by all workers basically, union, nonunion, Republican, Democrat, socialist, communist, whatever. It is a sound piece of legislation.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of the gentlewomen said we ought to get the facts straight, and I think that would be a pretty good idea. They have been throwing around figures like 3 million, 5 million, 10 million, 100 million if, as a matter of fact, my amendment dealing with the small business exemption, which is the law at the present time, would happen to be adopted.

That is pretty interesting. You know where they are getting those figures? They are getting those figures from the Census Bureau of people who are employed by businesses that have an income less than \$500,000.

Well, what they are forgetting to do, first of all, they have to say, well, who is already exempted in that group? Let me tell you who is already exempted in that group: The self-employed, they are already exempted in that group. Then you have the white collar exemptions, doctors, dentists, accountants, and attorneys. They are all exempted in that group. Then you have those who are exempted from the 1989 amendments. They are exempted from overtime requirements. Then you have those who work for individual franchises, such as McDonald's, Burger King, all exempted at the present time. I mean, all do not fit into an exemption at the present time, because they have over \$500,000 in income. Can you tell me how many are exempted by State law?

So when you talk about millions, you are not talking about the true facts, I will guarantee you. You are talking

about some Census Bureau figures that have nothing to do with who is exempted and who is not exempted under current law.

It is very obvious, as I indicated before, that there is a hate passion from the other side of the aisle in relationship to business, and a tremendous hate passion in relationship to small businesses. Well, it is those small businesses that are going to create the jobs in this country, and I hope everyone will remember that.

The SPEAKER pro tempore. It is now in order to consider the amendment printed in part 1 of House Report 104-490.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS: Add at the end the following:

SEC. 3. MINIMUM WAGE INCREASE.

(a) **SHORT TITLE.**—This section may be cited as the "Minimum Wage Increase Act of 1996".

(b) **AMENDMENT.**—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending on June 30, 1996, not less than \$4.75 an hour during the year beginning on July 1, 1996, and not less than \$5.15 an hour after the expiration of such year;"

POINT OF ORDER

Mr. PORTMAN. Mr. Speaker, I rise to a point of order against this amendment.

The SPEAKER pro tempore (Mr. WALKER). The gentleman will state his point of order.

Mr. PORTMAN. Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act, it is not in order for the House to consider any amendment that would increase the direct costs of Federal intergovernmental mandates in excess of \$50 million annually. The precise language in the amendment before us on which this is based is "Paragraph 1 of section 6(a) of the Fair Labor Standards Act of 1938 is amended to read as follows: Not less than \$4.75 an hour during the year beginning July 1, 1996, and not less than \$5.15 an hour after the expiration of such year."

It is upon this basis and the impact this amendment would have on State and local government as estimated by the Congressional Budget Office that I raise this point of order, and ask for a ruling from the Chair.

The SPEAKER pro tempore. The gentleman from Ohio makes a point of order that the amendment violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order.

Under section 426(b)(4) of the act, the gentleman from Ohio and a Member opposed each will control 10 minutes of debate on the point of order.

Pursuant to section 426(b)(3) of the act, after debate on the point of order the Chair will put the question of consideration, to wit: "Will the House now consider the amendment?"

The gentleman from Ohio [Mr. PORTMAN] is recognized for 10 minutes. Is there a Member seeking recognition in opposition?

Mr. BONIOR. Mr. Speaker, I seek time in opposition.

The SPEAKER pro tempore. The gentleman from Michigan will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, as you correctly stated, I do seek control of the 10 minutes of time noted. I also would ask the Speaker if it would be in order for me to yield 5 minutes of that time to the gentleman from California [Mr. RIGGS], and ask unanimous consent that he be allowed to partition his 5 minutes as he deems fit?

The SPEAKER pro tempore. The gentleman may do that by unanimous consent.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. RIGGS] be given 5 minutes of my 10 minutes, and that he be allowed to yield that time as he so desires.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. PORTMAN].

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

Mr. Speaker, last year 394 Members of this House voted to pass the Unfunded Mandates Reform Act of 1995, which, for the first time, ensures that before we vote on measures that impose unfunded mandates on State and local government, that we have three things: First, we have an analysis of what the cost is; second, we have an informed debate on whether the mandate should be imposed; and third, and that is what we are up to today, we have a recorded vote on whether to impose such a mandate.

It does not mean we never mandate, but it means we do so in the full light of day, and that is what this is all about. Having this point of order is about keeping the promise Congress made a year ago to know the cost information, to have a separate debate, and to make a decision in the clear light of day as to whether we impose this additional mandate.

I have a letter here from the Congressional Budget Office which states as follows: "This amendment would impose both an intergovernmental and a private sector mandate, as defined in the Unfunded Mandates Reform Act, that would exceed the \$50 million annual threshold for intergovernmental mandates beginning in fiscal year 1997. For 1998, the first full year in which the minimum wage would be \$5.15, the direct cost of the mandate would total \$310 million for State and local governments, and \$3.7 billion for the private sector." That is from CBO.

Thanks to the Unfunded Mandates Reform Law, we now have the facts, and we now have the opportunity as a Congress to decide, do we want to impose these additional costs on the private sector and also on State and local government?

Mr. Speaker, I just want to remind my colleagues that if you do not believe we should impose these costs, this would be a no vote.

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

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

Mr. Speaker, I have a question that those of us on this side of the aisle have, which is why some of our Republican friends over here will not allow the House to have a clean, simple, up-or-down vote on the minimum wage? If they are opposed to the minimum wage, then fine. Why do they not stand up and vote no, rather than hide behind procedural maneuvers and these parliamentary tactics?

This is a dilatory motion, a dilatory motion. The House will not even be allowed to debate, much less vote, on the Riggs amendment to raise the minimum wage.

This motion, Mr. Speaker, demonstrates in our view an extraordinary double standard. The Committee on Rules routinely, and I want to emphasize that, routinely waives unfunded mandate law for bills supported by the Republican leadership. In fact, they have taken three rollcall votes to waive the unfunded mandate laws in the last 3 months. Our friend on the Republican side voted for all of those waivers. It was okay then when they wanted to move things that they thought were needed or were important. But now they are using that law to block a vote on the minimum wage, a proposal, by the way, supported by 80 percent of the American people. The unfunded mandate law was never intended, never intended, as a tool for the majority to prevent a vote on an issue just because they do not like it.

The question before the House is a simple one: Will the House be allowed, will we be allowed, to consider the Riggs amendment to raise the minimum wage by 90 cents, 50 cents the first year, 40 cents the second year? Stop these procedural games, these delays. Vote "yes" on this issue.

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

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

Mr. Speaker, I want to remind the last speaker, this is part of the Unfunded Mandate Reform Act. It is not a dilatory tactic. It is to decide whether we want to impose a mandate. I think it is great we are having this informed debate. We are going to hear from other speakers now.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, you can get an argument in this body over just about anything, but I think most of us would agree that three strikes, you are out in America's favorite pastime.

I want to talk about the three strikes of the issue at hand, minimum wage. Strike one, it is bad policy. There really is no serious debate that when you increase the cost of labor, you decrease the number of jobs. There really is no serious debate about that anywhere, except here in this Congress.

Strike two, it is bad politics. The people who really take it in the shorts on this are small businessmen. The people that are creating 80 percent of the jobs that we have in this country, they are the ones that are going to take it in the shorts when we increase the minimum wage. There is no debate about that either. That is strike two.

Strike three, it is bad PR. Do you want to know why there is such a high level of cynicism about the way Washington works across this country? It is because Washington continues to say one thing, and do another, and that is exactly what we are about to vote on the Riggs amendment.

Vote "no" on the Riggs amendment.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the distinguished gentleman from Missouri [Mr. CLAY].

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

There was no objection.

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

Mr. Speaker, let me first of all acknowledge that I did support the unfunded mandates reform legislation which passed this House by an overwhelmingly bipartisan margin during the first 100 days of this session of Congress as part of our Contract With America, so I want to make clear at the outset, I support the general principles of unfunded mandates reform.

However, let me see if I can draw a distinction between what I believe was the purpose of that legislation and the minimum wage amendment that I have offered, which is now pending before the House.

We in the Western United States, especially in northwest California, are

pretty familiar with the onerous impact of Federal environmental regulations, as well as other unfunded mandates. Those are mandates that are imposed on State and local governments. In fact, the Unfunded Mandates Review Panel has looked at Federal environmental regulations, such as the Clean Air Act, Endangered Species Act, and others, and have ruled, issued a report, saying that those Federal environmental regulations do in fact constitute an unfunded or underfunded mandate imposed on State and local governments by Washington, by the Federal Government.

But in this instance, what we are talking about doing is modestly increasing the minimum wage to keep pace with inflation and restore some of the purchasing power to the minimum wage that has been eroded over the years by inflation. My belief is that over time, by increasing the minimum wage and by implementing meaningful welfare reform, we will be moving more people from welfare to work, helping those people obtain again full employment, and, in the long term, become taxpaying, contributing members of society.

Mr. Speaker, over the long term, the increase in the minimum wage, again, if coupled with meaningful welfare reform, is going to produce more taxpayers, and that is going to increase Federal tax receipts over the long term, and that will offset the effects of a so-called unfunded mandate.

The whole idea of an unfunded mandate provision in law today is to protect against mandates being imposed on State and local governments that they must then pay for with their own tax receipts. I do not believe that increasing the minimum wage, helping people make that transition from welfare to work, helping them become taxpaying, contributing members of society, does in fact constitute an unfunded mandate.

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

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

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

Mr. Speaker, you know, when we convened this Congress we and the Nation were so proud that we finally gave unfunded mandates relief to America. We now have an opportunity to reaffirm our conviction that America should not have an unfunded mandate of this magnitude foisted on them.

I take exception to all the arguments that say there is no downside to raising the minimum wage. In addition, of course, to the perverse employment effects on the least advantaged workers in America, there is in fact a cost to be borne in the private sector.

Once again we are contemplating a course of action where Washington gets

to feel good about its generosity, while others bear the cost. Once again we get to feign compassion by bleeding our hearts with other people's money.

This is not an acceptable course of action, and I encourage everybody who believes we ought not to be imposing unfunded mandates on the rest of the Nation to vote "no" on imposing this on funded mandate on America.

Mr. CLAY. Mr. Speaker, I yield myself 1 minute.

□ 1030

Mr. Speaker, I urge my colleagues to defeat the point of order so we may proceed on the vote on increasing the minimum wage. Human beings have basic needs; they must eat, they must have shelter, they must have clothes. These needs are universal. They apply equally to employees of State and local governments and the private sector.

If workers are to meet these needs without public assistance, they must be able to earn a living wage for their labor. Increasing the minimum wage is not a true unfunded mandate. The failure to ensure a living wage is ultimately far more expensive to local government, State governments, private businesses, and society as a whole than a modest increase in the minimum wage.

Mr. Speaker, I will gladly and proudly vote to waive the point of order because it would be an outrage for this House to block a vote on the minimum wage.

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

Mr. PORTMAN. Mr. Speaker, may I inquire of the Chair how much time is remaining on this side?

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Ohio [Mr. PORTMAN] has 6 minutes remaining, the gentleman from California [Mr. RIGGS] has 1½ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 2 minutes remaining.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I rise in support of the point of order and want to make two points, one my colleague, the gentleman from Arizona [Mr. SHADEGG], pointed out: That Abdul Ugdah will not be able to give jobs to inner-city youths, and that this unfunded mandate of a minimum-wage increase discriminates against blacks and minorities. And for that reason alone, we should vote against it.

But earlier in this year we passed a Contract With America that said we would not impose a tax increase on local taxpayers, we would not impose an unfunded mandate on those local governments. This vote is a vote of integrity, and I call upon my Republican colleagues and my Democratic colleagues to support that bill, all 340 of us, to vote to sustain this point of

order and show the voters we were not being dishonest, we were not being politicians when we passed the unfunded mandate bill; that we meant to keep our word then, and today we intend to keep our word and sustain this point of order.

If this vote loses, then I think most Americans will know that we did not mean to uphold the Contract With America when we passed it.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the point of order. I remind my colleagues that 1 year ago we did vote overwhelmingly to uphold it, and it is not just the fact we are losing dollars for the States and cities, it is a vote to place a massive \$12.3 billion unfunded Government mandate on private business as well. It is a vote to destroy 620,000 jobs.

And those jobs are jobs that part-time workers, teenagers, welfare recipients, in spite of what my colleague says, and unskilled workers, will never have. Those are the people we ought to be creating jobs for. We ought to be eliminating the costly mandates that we here in Washington shove down the throats of our taxpayers.

This wage increase is bad economics, bad policy, and bad for the American worker. I ask the Congress not to do what is easy but do what is right for America: Vote "no" on this. Americans do not want, do not need, and do not deserve unfunded mandates.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds just to mention that the letter cited by my good friend and colleague, the gentleman from Ohio [Mr. PORTMAN], from June O'Neill of the Congressional Budget Office, opining that the minimum wage constitutes an unfunded mandate does not take into account the possible passage of the Goodling amendment which brought this about.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I urge my colleagues to recognize this as an unfunded mandate and to stand on principle. We are telling governments all across America, cities, States, counties, that they must pay a wage but we are not providing the money to pay that wage.

We are doing what we told the American people in the Contract With America we would not do. This is not rocket science, it is simple and straightforward. It is a matter of keeping our word.

An unfunded mandate imposed upon the States is unfair and it is wrong. It not only will cost the employees of Mr. Ugdah their jobs, but it breaks our faith, and anybody who voted against unfunded mandates has to recognize this is a vote of hypocrisy. We must

vote to sustain this point of order if we voted to ban unfunded mandates.

Mr. CLAY. Mr. Speaker, I yield 2 minutes, the balance of my time, to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the gentleman from Arizona speaks of hypocrisy. Let me point out that he and the gentleman from Ohio and the gentleman from Indiana, who spoke a few moments ago, and the distinguished majority leader, they have voted three times in this Congress to waive the very unfunded mandates rule that they now inject into this debate for the sole purpose of thwarting a minimum-wage increase.

Mr. Speaker, I think the majority leader has at least been candid with the American people with regard to his position on giving America a raise, for he said he would resist that increase in the minimum wage with every fiber in his body. And it was obvious when he spoke here, and he is a fairly fibrous guy, that he has not only done anything that he could to prevent a minimum-wage increase, he has done everything that he could do to prevent a minimum-wage increase. And this is the latest of those tactics.

Our colleague, his right-hand man, the gentleman from Texas [Mr. DELAY], the majority whip, denied there were even families out there that were living on the minimum wage. And, indeed, they are barely living on the minimum wage. And to top it all off, the Chair of the Republican Conference, the gentleman from Ohio [Mr. BOEHNER], said, "I will commit suicide before I vote on a clean minimum-wage bill."

That is what this is all about. It is do anything, do everything possible in order to thwart the desire of the American people for a raise.

There have been three times in this session that they have voted, every single person, including the gentleman that has raised this point of order, every single person who has spoken in favor of this point of order, there have been three times that they were not so concerned about the mandates bill that they were not willing to waive it.

But this morning they have a wave of a different kind. They propose to wave goodbye to the desire of the working people of this country to have a working wage. We believe, in the American economy, that it does not have to all trickle down. It can bubble up. And the idea is to help some of those people at the bottom of the economic ladder rise upward.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume to say quickly to my colleague that both the gentleman from Missouri [Mr. CLAY] and the gentleman from Texas [Mr. DOGGETT] have talked about the Unfunded Mandates Relief Act, as has the gentleman from Michigan [Mr.

BONIOR]. All three of them voted for the act, and I am glad they did. I am glad we are having this debate today.

I would say that the one rule that I know of where we waived a point of order, there were no unfunded mandates in the underlying legislation. And in that case, indeed, Mr. DOGGETT or anyone else could have raised a point of order on the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I rise in support of this point of order. This is an unfunded mandate. One billion to municipalities cost \$13 billion nationwide.

We agreed to live under the same laws as what we passed. We must live under the laws that we have passed in this Congress. That is why we were sent here, that is what makes us different. Do not try to deceive the American people again.

Support the point of order. This is an unfunded mandate.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume to say that, first, with respect to the minimum wage amendment constituting an unfunded mandate imposed on the public sector, I am not aware of any State or local government that has contacted the Congress to express their reservations.

Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. ENGLISH], my good friend and colleague and cosponsor of the minimum wage amendment.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, let me say I come to this Congress as a strong supporter of the restriction on unfunded mandates, and I come to this Congress as a former finance officer.

I am strongly opposed to this point of order because I think it stretches that rule beyond recognition. That rule was never intended to freeze in perpetuity our current minimum wage.

If we sustain this point of order, I think it will open the door to many more unfunded mandates.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, over the last 16 months there has certainly been some disagreement about what we have done in this new Congress. But I have to tell my colleagues that on our side of the aisle, what we have done here on the House floor every day was what we thought was in the best interest of the American people.

We have been honest with the American people and that is why we passed the unfunded mandate legislation. If we are going to continue to uphold our responsibility to the American people, let us be honest with them today.

Let us vote no, not to waive the point of order against this. Let us stand up and do the right thing once again.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, as my colleagues can see from the CBO position, increasing the minimum wage by 90 cents is a monstrous unfunded mandate, more than a billion dollars to the public sector, which clearly much exceeds our \$50 million threshold and more than \$12 billion to the private sector.

When 100 percent of the Republicans and 85 percent of the Democrats in the House agreed on the unfunded mandates issue, the American people had good reason to believe that Washington was changing the way it does business. Now, this Memorial Day weekend, do I have to go home and explain to local officials why Congress ignored the unfunded mandates law? This Memorial Day weekend, do I have to go home and try to reassure my constituents that even though Congress broke its promise, the American people should still believe that Washington is being reformed?

I urge the 394 Members who supported the Unfunded Mandates Act, Public Law 104-4, to support our point of order. Increasing the minimum wage is an unfunded mandate. Vote "no" on the consideration of this unfunded mandate.

Mr. RIGGS. Mr. Speaker, I yield the balance of my time of the gentleman from Connecticut [Mr. SHAYS], another original cosponsor of the minimum wage amendment.

Mr. SHAYS. Mr. Speaker, I encourage my colleagues to vote "yes" and to allow the Riggs amendment to be considered. The Riggs amendment will allow us to vote to increase the minimum wage. Anyone who supports increasing the minimum wage, must vote "yes" on this motion.

The bottom line is we are encouraging a "yes" vote to increase the minimum wage. We need a "yes" vote on this motion.

The bottom line is we are encouraging a "yes" vote to increase the minimum wage. We need a "yes" vote on this motion.

Mr. PORTMAN. Mr. Speaker, I want to say briefly, because there has been some confusion in some of the discussion, that a "no" vote is the right vote if Members do not want to impose additional mandates on State and local government.

There are also huge private sector mandates here which were required to be analyzed by the Unfunded Mandates Relief Act, but a "no" vote is the correct vote if Members do not want to impose these additional mandates.

In closing, I would just say that this is exactly the kind of debate we hoped to have with the Unfunded Mandates Relief Act. We now have it out in the open. This is an unfunded mandate on

State and local government. If Members do not want to impose those mandates, they now have the opportunity to stand up and be counted.

The SPEAKER pro tempore. The question is, Will the House now consider the amendment offered by the gentleman from California [Mr. RIGGS]?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 267, nays 161, not voting 5, as follows:

[Roll No. 191]

YEAS—267

Abercrombie	English	Klink
Ackerman	Ensign	Klug
Andrews	Eshoo	LaFalce
Bachus	Evans	Lantos
Baessler	Farr	LaTourette
Baldacci	Fattah	Lazio
Barcia	Fazio	Leach
Barrett (WI)	Fields (LA)	Levin
Becerra	Filner	Lewis (CA)
Beilenson	Flake	Lewis (GA)
Bentsen	Flanagan	Lincoln
Bereuter	Foglietta	Lipinski
Berman	Foley	LoBiondo
Bevill	Forbes	Lofgren
Bilbray	Ford	Longley
Billrakis	Fox	Lowe
Bishop	Frank (MA)	Luther
Blute	Franks (NJ)	Maloney
Boehkert	Frisa	Manton
Bonior	Frost	Markey
Borski	Furse	Martinez
Boucher	Gallegly	Martini
Browder	Ganske	Masacra
Brown (CA)	Gejdenson	Matsui
Brown (FL)	Gephardt	McCarthy
Brown (OH)	Gibbons	McDade
Bryant (TX)	Gillmor	McDermott
Bunn	Gilman	McHale
Buyer	Gonzalez	McHugh
Canady	Gordon	McKinney
Cardin	Green (TX)	McNulty
Castle	Greenwood	Meehan
Chapman	Gunderson	Meek
Clay	Gutierrez	Menendez
Clayton	Hall (OH)	Metcalfe
Clement	Hamilton	Millender
Clinger	Harman	McDonald
Clyburn	Hastings (FL)	Miller (CA)
Coleman	Hefner	Minge
Collins (IL)	Hilliard	Mink
Collins (MI)	Hinchee	Moakley
Condit	Hobson	Mollohan
Conyers	Hoke	Moorhead
Costello	Holden	Moran
Coyne	Horn	Morella
Cramer	Houghton	Murtha
Creameans	Hoyer	Nadler
Cummings	Jackson (IL)	Neal
Danner	Jackson-Lee	Neumann
de la Garza	(TX)	Ney
Deal	Jacobs	Oberstar
DeFazio	Jefferson	Obey
DeLauro	Johnson (CT)	Olver
Dellums	Johnson (SD)	Ortiz
Deutsch	Johnson, E. B.	Orton
Diaz-Balart	Johnston	Owens
Dicks	Kanjorski	Pallone
Dingell	Kaptur	Pastor
Dixon	Kelly	Payne (NJ)
Doggett	Kennedy (MA)	Payne (VA)
Dooley	Kennedy (RI)	Pelosi
Doyle	Kennelly	Peterson (FL)
Duncan	Kildee	Peterson (MN)
Durbin	King	Pickett
Edwards	Kleczka	Pomeroy

Poshard	Scott
Quillen	Serrano
Quinn	Shaw
Rahall	Shays
Ramstad	Sisisky
Rangel	Skaggs
Reed	Skelton
Regula	Slaughter
Richardson	Smith (NJ)
Riggs	Smith (WA)
Rivers	Solomon
Roberts	Spratt
Roemer	Stark
Rogers	Stockman
Ros-Lehtinen	Stokes
Rose	Studds
Roukema	Stupak
Royal-Allard	Tanner
Rush	Taylor (MS)
Sabo	Tejeda
Sanders	Thompson
Sawyer	Thornton
Schiff	Thurman
Schroeder	Torkildsen
Schumer	Torres

NAYS—161

Allard	Fields (TX)	Miller (FL)
Archer	Fowler	Montgomery
Army	Frelinghuysen	Myers
Baker (CA)	Funderburk	Myrick
Baker (LA)	Gekas	Nethercutt
Ballenger	Geren	Norwood
Barr	Gilchrest	Nussle
Barrett (NE)	Goodiate	Oxley
Bartlett	Gooding	Packard
Barton	Goss	Parker
Bass	Graham	Paxon
Bateman	Greene (UT)	Petri
Billey	Gutknecht	Pombo
Boehner	Hall (TX)	Porter
Bonilla	Hansen	Portman
Bono	Hastert	Pryce
Brewster	Hastings (WA)	Radanovich
Brownback	Hayes	Rohrabacher
Bryant (TN)	Hayworth	Roth
Bunning	Hefley	Royce
Burr	Heineman	Salmon
Burton	Herger	Sanford
Callahan	Hilleary	Saxton
Calvert	Hoekstra	Scarborough
Camp	Honstettler	Schaefer
Campbell	Hunter	Seastrand
Chabot	Hutchinson	Sensenbrenner
Chamberliss	Hyde	Shadegg
Chenoweth	Inglis	Shuster
Christensen	Istook	Skeen
Chryslers	Johnson, Sam	Smith (MI)
Coble	Jones	Smith (TX)
Coburn	Kasich	Souder
Collins (GA)	Kim	Spence
Combest	Kingston	Stearns
Cooley	Knollenberg	Stenholm
Cox	Kolbe	Stump
Crane	LaHood	Talent
Crapo	Largent	Tate
Cubin	Latham	Tauzin
Cunningham	Laughlin	Taylor (NC)
Davis	Lewis (KY)	Thomas
DeLay	Lightfoot	Thornberry
Dickey	Linder	Tiahrt
Doolittle	Livingston	Vucanovich
Dornan	Lucas	Walker
Dreier	Manzullo	Wamp
Dunn	McCollum	Watts (OK)
Ehlers	McCrery	Weldon (FL)
Ehrlich	McInnis	White
Emerson	McIntosh	Wicker
Everett	McKeon	Wolf
Ewing	Meyers	Zeliff
Fawell	Mica	

NOT VOTING—5

Engel	Hancock	Ward
Franks (CT)	Molinari	

□ 1102

Mr. ROGERS changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HANCOCK. Mr. Speaker, on rollcall No. 191, I voted prior to time and the register failed to record the vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the record of rollcall vote No. 191. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably absent from rollcall vote 191 due to emergency dental work. Had I been present, I would have voted in the affirmative.

The SPEAKER pro tempore (Mr. WALKER). The amendment having been designated, the gentleman from California [Mr. RIGGS] and a Member opposed each will control 45 minutes.

Is there a Member who wishes to be recognized in opposition to the amendment?

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. BALLENGER] will control 45 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Mr. Speaker, I seek the direction of the Chair because I would like to yield 20 of my 45 minutes of time to the other side, to the gentleman from Missouri [Mr. CLAY], and then I would like to further ask if I would be doing that under unanimous consent and ask further unanimous consent that Mr. CLAY be entitled to allocate that 20 minutes as he sees fit?

The SPEAKER pro tempore. The gentleman may make that request by unanimous consent.

Mr. RIGGS. Mr. Speaker, I do so ask unanimous consent.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the gentleman from Missouri [Mr. CLAY] be granted 20 minutes of his 45 minutes, and further that the gentleman from Missouri may be able to control that time and yield time under his 20 minutes.

Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me just explain to our colleagues and to the American people the very straightforward amendment I am offering today.

My amendment would increase the Federal minimum-wage guarantee from the present \$4.25 an hour today by 50 cents to \$4.75 on July 1 of this year and then further increase the minimum wage by 40 cents, from \$4.75 an hour to \$5.15 an hour effective July 1, 1997.

My minimum wage is intended, as I said in my earlier remarks, to increase the minimum wage for inflation, but I want to point out to my colleagues

that my amendment will not adjust the minimum wage to a level that would be commensurate with inflation. In fact, if we go back to January 1, 1978, the date that the Congress first amended a minimum wage guarantee for American workers, and took that initial statutory minimum wage of \$2.65 an hour and adjusted it for inflation using the Consumer Price Index to the present day, the minimum wage today should be more on a par of \$6.64 an hour.

Mr. Speaker, I will yield 3 minutes to the gentleman from New York [Mr. QUINN], at this point, but I would like to point out, Mr. Speaker, before going to Mr. QUINN, that he has been the lead proponent of the minimum-wage increase and he is the primary reason why 76 House Republicans just voted to allow a debate on this floor on the minimum-wage amendment.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Speaker, I would like to thank the gentleman from California [Mr. RIGGS] for yielding me 3 minutes this morning.

Mr. Speaker, I take this opportunity to speak to all of our colleagues on both sides of the aisle today as we move forward to discuss and to vote on eventually the Riggs-Quinn amendment.

Mr. Speaker, for the last 2 months there has been a lot of hard work done on this issue by a lot of Members in the Chamber. For the purposes of our side of the aisle and the Republican side, it is an opportunity for me now to thank our leadership who have worked hard and long with us to finally bring this vote, an up or down vote, on raising the minimum wage to a vote on the floor of the House.

I have said since I began in the last 2 months this is a very simple issue; indeed the bill that the gentleman from California [Mr. RIGGS] and I have put together for our colleagues' consideration today is only 17 lines long; that as we talk about raising the minimum wage for people all across this country and back in our own congressional districts, it is not a complicated matter at all. We have an opportunity right now to talk about the minimum wage not being raised in less than 6 or 7 years, and during that time the cost of living in every other aspect, whether it is gasoline, whether it is food, clothing, sneakers, school books for our kids, the cost of that over these last 6 or 7 years has all gone up, and the minimum wage has stayed the same.

At the same time, in Federal agencies across the country, in statehouses, in counties, everybody is talking about welfare reform, that we should make our best attempt to get people off of welfare and into jobs. I suggest to the membership today, Mr. Speaker, that when someone makes the minimum wage for 40 hours a week, and someone

makes \$3,840 and they are below the poverty level for this country, that is not making an honest wage.

I suggest to our membership that it is time to give Americans a raise, that we have worked long and hard. We will be debating later on this afternoon different amendments, but it is not a complicated matter.

I urge all of our colleagues to vote "yes" on the Riggs-Quinn-English-Martini amendment, and I want to thank all of our colleagues on both sides of the aisle for making us and getting us to this point today where we get a vote.

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

Mr. Speaker, sound public policy frequently takes a back seat to election year politics—and there is no clearer example of this than the current debate on raising the minimum wage. We have all heard the rhetoric from the other side, where day after day my colleagues have taken to the floor to argue that we need to help working families by increasing the minimum wage. They have painted a picture that the average minimum wage worker is a head of a household who is trying to support a family earning the minimum wage, just \$3,840 a year. Well—that picture is phoney—just as phoney as the arguments of those who would vote to increase the minimum wage. According to data from the U.S. Census Bureau, only 11 percent of all workers earning \$5.15 an hour or less are the sole supporters of their families. More than 35 percent of minimum wage earners are teenagers or other workers living with their parents and only 2.8 percent are single parents supporting a family.

Raising the minimum wage is not an effective way to help the working poor. President Clinton said so himself just last year. In fact, minimum wage jobs are often the first rung on the ladder of upward mobility. Increasing the wage to \$5.15 or higher just moves that rung beyond reach, making it harder for those with few skills and training or limited education to get a first job. Research shows that 63 percent of minimum wage workers earn higher wages within 12 months, and some 40 percent will receive their first raise within 4 months. Not too long ago, an article appeared in the Wall Street Journal that clearly illustrated this point. It was written by a manager of the Angus Barn in Raleigh, NC. She was a single mother with two children, barely surviving on welfare. Today, she manages one of the largest and most popular restaurants in North Carolina. The key to her success was a minimum wage job. This starting job taught her the skills she needed to keep moving up the career ladder and opened the door for her to advance to better and higher paying positions. By raising the starting wage—we will be denying opportu-

nities like this to thousands of workers. And consider that at this same time, we're trying to move unskilled people off welfare and into the workforce—we're eliminating the jobs they will need.

It's well known by economists and lawmakers that higher minimum wages lead to job losses. Dozens of studies show that raising the minimum wage costs entry-level job opportunities, and does not help the poor. Even the non-partisan Congressional Budget Office report indicates that an increase in the starting wage could cause employment losses in the range of 100,000 to 500,000 jobs. Other economic studies point to even higher job losses. If the wage rate is hiked up to a new level, my home state of North Carolina will lose an estimated 19,100 jobs. A 90-cent increase in the wage rate is meaningless for the person who no longer has a job.

A minimum wage increase is the modern day "magic potion" of election politics. It makes the political establishment feel good—"see, we've taken care of the problem of low wages" and it pretends to help people who need help. But, in reality it does more harm than good, costing some low-wage workers their jobs and raising the cost of essential goods which make up the biggest part of these families' budgets. But increasing the minimum wage, the Congress is hurting job creation and opting for politics over sound policy.

□ 1115

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

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend, the gentleman from North Carolina, may want to know that if we pass a minimum wage increase that 345,000 workers in North Carolina will see an increase in their wage. That is a pretty good trade-off if those jobs are really lost, but I do not think they will be.

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

Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. RIGGS] for yielding the time to me.

Mr. Speaker, I rise to support the Riggs-Quinn amendment increasing the minimum wage by 90 cents.

Since the minimum wage was last increased on April 1, 1991, inflation has eroded its real value by fifty cents. By the end of this year, the purchasing power of the minimum wage will be at its lowest point in 40 years.

Some of my colleagues on the other side of the aisle claim that it is not important to raise the minimum wage because the only minimum wage workers are high school students earning extra spending money. That is but one of the

many lies and distortions hustled by opponents of the minimum wage. The average minimum wage worker is responsible for one-half of his or her family's income. Half of all minimum wage workers are working full time. Sixty-three percent of all minimum wage workers are at least 20 years old.

The amendment before us will directly impact the wages of 12 million workers; 300,000 people, including 100,000 children, will see their family income raised above the poverty line as a direct result of this amendment. But the benefits of this amendment extend beyond those who will see their wages increased as a direct result of its enactment. As study after study has shown, a modest increase in the minimum wage will strengthen the economy, by increasing the ability of workers to also be consumers.

Finally, this amendment should be adopted as a matter of basic fairness. It is a basic tenet in this country that our citizens should be self-sufficient. Members come to this well time and time again railing against the poor and preaching about self-sufficiency. But how in the world can a person be self-sufficient working full time, earning just \$8,500.00 a year? I urge my colleagues to support this amendment.

Nevertheless, let me caution my colleagues about the Goodling amendments. I strongly oppose his amendment that restores a subminimum wage and robs computer operators and restaurant workers of some of their hard-earned wages. Let me make myself perfectly clear about the other Goodling amendment. As important as it is to increase the minimum wage, I will oppose this legislation on final passage if the Goodling small business exemption is adopted. I will not support a minimum wage bill that excludes millions of workers from Federal minimum wage and overtime protections.

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

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, as an original cosponsor of the minimum wage increase of 1996, I am pleased to rise in support of the minimum wage amendment to the Employee Commuting Flexibility Act. This measure, increasing the minimum wage by 90 cents over a 2-year period, is a proper step in closing the wage gap in our Nation and enabling our working families to make ends meet.

Many of our employers in my region are already paying more than the current minimum wage. I commend the gentleman from New York [Mr. QUINN], the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. ENGLISH], and the gen-

tleman from Connecticut [Mr. SHAYS] for their leadership in this effort, and also the leadership on our side of the aisle for bringing this measure to the floor.

Mr. Speaker, when this body last addressed this issue in 1989, the bipartisan proposal was supported by 80 percent of all Republican legislators. At that time the minimum wage was \$3.35 an hour and increased to \$4.25 an hour. According to the Department of Labor, over 4 million workers are paid the minimum wage, and 40 percent of those workers are their family's only wage earner.

Mr. Speaker, it is inherently wrong for Congress to freeze the minimum wage for working families while at the same time increasing congressional pay. During that same time frame, Mr. Speaker, CEO's who have said that this modest proposal will eliminate jobs have allowed their incomes to increase by leaps and bounds.

It is now time for this body to take the same prudent action that this body took in 1989, and to assist those who work hard for an hourly wage which has remained stagnant since 1989. America's working families need a raise. Accordingly, Mr. Speaker, I strongly urge my colleagues do support this long-needed measure.

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

Mr. Speaker, I would like to note for the record that New York will face the loss of 29,900 jobs if the minimum wage is increased. Up to 500,000 jobs will be eliminated nationwide.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I never thought I would see this day, but I rise in opposition to this amendment offered by my good friend, the gentleman from California [Mr. RIGGS]. Increasing the minimum wage makes minimum sense.

As a former small businessowner, I remember well what intrusive government mandates did to my business. It hurt the bottom line, it hurt productivity, it hurt competitiveness, and more important, it hurt my ability to create jobs. Mr. Speaker, that is what my Democrat colleagues refuse to talk about. They will not talk about the opportunities lost. They will not talk about the jobs that are not created. They will not talk about those people who cannot get off welfare because they cannot get the chance to get a job that was killed by another Washington mandate. But that is the most important part of this debate. The Democrat Party is to job creation what Dr. Kevorkian is to health care, a job-killer cloaked in kindness.

My colleagues on the other side of the aisle have made this debate an argument of fairness. They say that it is unfair for starting workers to make

dramatically less than corporate CEO's. I am not going to respond to that kind of economic mumbo-jumbo. But let me ask this: Is it fair to kill the opportunities of people who want to work but cannot because of this unfunded mandate?

My friend, the gentleman from Texas, will stand up and talk about the number of workers that will not see their wages go up in the State of Texas. How about the number of workers in his own district that will not have a job available for them when they want to go to work? Is it fair to kill jobs in order to cure political headaches? Is it fair to make job creation too expensive for the various small businesses? That is the kind of fairness that liberal Democrats conveniently ignore.

The most amusing aspect of this debate is its timing. When Democrats ran the Congress just 2 years ago and had the White House, not once did they talk about raising the minimum wage. They were too busy raising taxes on middle-class families. But now that they have been thrown out of power, they have seized on this issue as their saving grace. This saving grace for the Democrats is a coup de grace for thousands of entry-level jobs. It is those people who want just a chance to have the opportunity to get a job, a chance to achieve the American dream, who are most victimized by this unfunded mandate.

Mr. Speaker, increasing the minimum wage is the wrong way to provide more opportunities for the American people. It is a political throwaway which will do away with thousands of jobs. For that reason, I urge my colleagues to vote against it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend from Sugarland, TX knows that in Texas 1,100,000 people will get a minimum wage increase.

He knows why the President did not increase the minimum wage. We were trying to provide health care, and we could not do both on small businesses. Since health care reform did not pass, now we have to try a minimum wage increase.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON].

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

Mr. Speaker, I rise in strong support of increasing the minimum wage. The gentleman from Texas [Mr. DELAY] indicated that it hurts the bottom line. The bottom line are the families in this country that are only making \$8,500 to \$8,900 a year, who deserve to be heard and deserve recognition for their work efforts.

Mr. Speaker, two out of every three people who are receiving the minimum

wage are adult workers. Four in 10 are raising entire families. They are breadwinners for their whole family on this amount of money. Over a 2-year period, this will cause their wages to go up \$1,800. Eighteen hundred dollars for someone making less than \$9,000 is substantial. It pays for 7 months' utilities, it can afford a college tuition for a 2-year college, it can bring a family closer together with the American public, who are making much more than any minimum wage efforts.

Mr. Speaker, most important, since 1989 we have not addressed this issue. How many working Americans can say that they have had no raise since 1989?

Mr. Speaker, I rise in strong support of the Riggs amendment to increase the Nation's minimum wage.

Nearly two-thirds of minimum wage workers are adults, and 4 in 10 are the sole breadwinners of their families. I realize it may be difficult for many Members of this body to fully comprehend the practical impacts of life on a mere \$8,500 a year. That's not a lot of money for one person, much less a family struggling to provide basic necessities.

To that family, a 90-cent increase in the minimum wage over the next 2 years for the family breadwinner would generate an additional \$1,800 in potential annual income and \$1,800 could buy: 7 months of groceries; 1 year of health care costs; 9 months' worth of utility bills; more than a full-year's tuition at a 2-year college; and basic housing costs for almost 4 months.

But the purchasing power available to a minimum wage worker will soon fall to its lowest level in more than 40 years. This means less food on the table for hungry children; less medicine for the cold and flu season; no dental checkups; and a higher portion of income going to pay for the rent and utility bills.

Mr. Speaker, we can debate the statistics on the impacts of increasing minimum wage until we're blue in the face. The bottom line is that we're not just talking about numbers. We are talking about families—responsible, working families, who are just getting by. If this body is really serious about reducing spending on welfare and reforming the system to move people into the workplace, we must embrace a livable minimum wage. American workers and families deserve no less.

I strongly urge my colleagues to support the Riggs amendment and oppose the Goodling amendments to eliminate minimum wage protections for millions of American workers.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. ENGLISH], another original cosponsor of the minimum wage amendment.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the Riggs-Quinn-English-Martini amendment to raise the minimum wage. Mr. Speaker, I would like to bring this debate out of the realm of the abstract and frame it in human terms. In my congressional district in western Pennsylvania, I have seen far

too many families supported by one or more members working at minimum wage jobs. These hardworking folks could easily surrender and join the welfare system, but they do not. Instead of taking tax money, they pay it.

We have single mothers who support their kids on a minimum wage job. Some of my district's seniors add a little extra by taking minimum wage jobs. These are not just jobs for teenagers and college kids. Four million Americans work for the minimum wage, and 40 percent of them are their family's only wage earner. That is a lot of hardworking people who need a raise.

The problem facing all of these people is that the minimum wage now buys less, far less than it has at any time in the past 40 years. That means less gas, less groceries, and less rent. It is only fair that at this time we consider a raise. Remember, if the minimum wage is at a 40-year low in buying power, it is at a historic low as a business expense. The reasonable wage increase we offer here today is designed to have a minimal impact on businesses and jobs, and a maximum impact on the working poor.

To our critics, I ask them why they think a reasonable minimum wage hike will cost jobs. We have seen no ill effects in those 15 States that have already raised their minimum wage rates. Pennsylvania's neighbor, New Jersey, appears to have suffered no ill effects in the fast food industry when it raised the minimum wage. To those who still believe we should not raise the minimum wage, I say it is our fundamental responsibility. Remember several things.

□ 1130

The minimum wage provides vital minimum protection for workers, especially those who lack union membership or who have little negotiating strength. Congress serves as the ultimate bargaining representative for those workers.

Let us also look, not only does increasing the minimum wage benefit the employed, it also makes work more attractive to the unemployed, encouraging the transition from welfare to work. This is one of three keys to welfare reform. Let us raise the minimum wage, and in doing so we will guarantee that many on the margins of our economy will have an opportunity through hard work to share in our great bounty.

The SPEAKER pro tempore (Mr. UPTON). The Chair would note the gentleman from California [Mr. RIGGS] has 17 minutes remaining, the gentleman from North Carolina [Mr. BALLENGER] has 38¼ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 16½ minutes remaining.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record that

Pennsylvania will face a loss of 27,400 jobs if the minimum wage is increased.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, the biggest single problem facing lower income Americans, especially those with children, is that they face a crippling array of marginal tax rates that almost completely destroys their incentives to try to earn more income. They are virtually trapped at low incomes.

That same array of taxes on additional income will take away most or all of a minimum wage increase from the very people everyone talks about helping—that is, minimum wage earners supporting children.

Childless people are above the poverty line if they work full time at the current minimum wage. They are not usually the folks we shed tears over when we talk about increasing the minimum. It is family heads we are concerned about. But in virtually all cases, parents earning the minimum wage will also receive food stamps, the earned income tax credit, child care subsidies, Medicaid, and possibly housing subsidies, as well as other benefits like school lunch, Head Start, WIC, and energy assistance.

As earnings go up, many of these benefits go down, effectively canceling out most or all of the earnings gain. That is the marginal tax problem, and it hamstring people all the way up the scale to incomes in the high twenty thousands.

In a forthcoming paper, Gene Steurle and Linda Giannarelli of the Urban Institute show the combined tax effects on a single mother of two children in Pennsylvania, an average State, as her earned income moves through various stages from zero all the way up to 300 percent of the minimum wage. Between full time minimum wage earnings and 150 percent of the minimum wage, she faces a combined tax rate of 101 percent. That is, a 50-percent earnings gain produces a \$58 a year drop in disposable income. If she boosts her earnings from 150 percent of the minimum to twice the minimum, she faces a combined 95 percent tax rate on those additional earnings. She is only \$175 per year better off at twice the minimum as she is at the minimum wage. Even without a housing subsidy, she faces marginal tax rates of about 73 percent.

So, Mr. Speaker, raising the minimum wage is a cruel hoax on low-skilled parents. First, it puts their jobs in danger. If they keep their jobs, they wind up with little or no more income, but they will face higher prices for many of the things they have to buy. Instead of trying to score political points through Government price-fixing in the labor market, we should be working to provide economic opportunity to all low income Americans by slashing the extortionate tax rates

that are destroying their ability to improve their lot.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend and colleague from Wisconsin, who serves on the Committee on Economic and Educational Opportunities, would actually see an increase of 210,000 workers who would see a pay increase if we pass the Riggs amendment.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record, Pennsylvania will lose 27,400 jobs.

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

Mr. HUTCHINSON. Mr. Speaker, I appreciate the gentleman yielding me time. I have been perplexed. I have asked and I have asked and I have asked Members of the other side of the aisle why this was not done 2 years ago. If they feel so passionate about it, if this is the great means by which we are going to help poor working people, why, when they held the House, when they held the Senate, when they held the White House, they did not bring this to the floor.

Well, I think I know why, because the President at that time said that raising the minimum wage is the wrong way to help poor working people. That is why they did not do it. They knew that this is not really going to help the working poor of this country. The Democratic Leadership Council said the same thing, and still says the same thing, that raising the minimum wage is the wrong way to do this.

Joseph Stiglitz, the President's own former chairman of the Council of Economic Advisers, when he was an economics professor, this is the man who worked for the President, he said "only about 10 percent of the people in poverty work at jobs that pay at or near the minimum wage," and then he said, as he concluded, "the minimum wage is not a good way of trying to deal with problems of poverty."

That is why it was not done. That is why it should not be done now. The reason this is being done is because there is an election in November. It is the wrong way to help the working poor.

I think Gail Robbins, and here is a picture of Gail, is a good example of why we should not raise the minimum wage. Gail began waitressing at a truck stop when she was 15 years old to escape her abusive parents. She moved on to work at a Howard Johnson's in New Jersey for 47 cents an hour. She is now 55 years old. She is working on her college degree.

She and her husband own a Pizza Inn franchise where she hires disadvantaged individuals at minimum wage. Many of these people are mothers living on food stamps. Gail is adamantly

opposed to an increase in the minimum wage because she will no longer be able to offer minimum wage jobs to the people who need them most.

It is a very poor way of really helping the working poor, if that is what our goal is, and I trust it is. Where does it go? According to the U.S. Census Bureau data, more than 35 percent of employees whose wages would be increased by this proposal to raise the minimum wage by 90 cents live with their parents. Surprisingly, maybe not surprisingly, more than 80 percent either live with their parents, live alone, or have a working spouse. Now listen to this. Only 2.8 percent of those who will get an increase under this minimum wage proposal are single parents with children, only 2.8 percent.

So I suggest to my colleagues there is a better way. We can reform, we can refocus and we can retarget the earned income tax credit. We can in fact raise the take home pay of those who most need it, the working poor, those on minimum wage with children, and we can do it in a way that does not have the negative impact of a minimum wage increase.

That 90-cent increase on the minimum wage, where does it go? Well, that person will find that 21 cents they will lose in a reduction in their food stamp eligibility. They will pay 8 cents more out of that 90 cents in FICA taxes. They will lose as much as 14 cents an hour from their earned income tax credit. If they happen to live in public housing, they will pay 27 cents an hour more in their rent at their public housing. That leaves them, under this scenario, about 20 cents out of the 90 cents that we are increasing the minimum wage.

I suggest to my colleagues that common sense and logic would tell us that is the wrong way, if we really care about the working poor. There are compassionate alternatives. Republicans have come up with compassionate alternatives to show that we can help the working poor without costing a half million jobs among those who need them most.

How can we say we care about those who are working minimum wage and then say we are going to, in a political season, to gain a few political points, rob hundreds of thousands of those who need those jobs most of their employment? Tell that single mom with two children, "You lost your job because we wanted to score political points."

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, let me point out to my colleague from Arkansas that over 50 percent of the people over 25 will receive a minimum wage increase. In fact, in the State of Arkansas 158,000 workers will see a minimum wage increase if this bill is passed and the Riggs amendment is passed.

Mr. RIGGS. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from Massachusetts [Mr. BLUTE], another original co-sponsor of the minimum wage amendment.

Mr. BLUTE. Mr. Speaker, I rise today in strong support of the Quinn-Riggs-Martini-English amendment raising the minimum wage for America's low-income workers, and also in strong support of the Small Business Job Protection Act.

We have an opportunity today to do something that we have never done before in the Federal Government, simultaneously raise the minimum wage while helping small businesses to create jobs, a win-win situation for the American worker.

A minimum wage increase such as the one we proposed today can and should help our low-wage working families, and the tax and regulatory relief proposed by Chairman ARCHER in the Ways and Means Committee can and should create jobs in our country. As we seek, as a matter of national policy, to replace welfare with work, we can make real work pay in the real world, allowing low-wage workers a measure of dignity and self-sufficiency.

While it is very true that a worker needs a job opportunity first and foremost, and it is important that our economic policies reflect that, it is also fundamentally true that a job opportunity must provide sufficient support, lest we create cross pressures and disincentives to work that ultimately will discourage the very work we seek and foster the welfare culture that has been an unmitigated disaster for America and for too many of our fellow citizens. We know our welfare system does not work. We know it creates victimization, dependency, and ultimately despair. The President should sign our welfare reform plan that replaces welfare with work, but we should also today enhance those efforts by making real work pay.

Let us today strike a blow for hope. We can help small businesses create job opportunities, lower their tax burden and allow them to divert more of their resources to job creation rather than to big government. But we can also help America's struggling workers to view an honest day's work as something far more beneficial to them and their families than the dead end of dependency and welfare. Support the Quinn-Riggs-Martini-English amendment.

Mr. BALLENGER. Mr. Speaker, I would like to note that the State of Massachusetts will face a loss of 4,000 jobs if the minimum wage is increased.

Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. GRAHAM], a member of the committee.

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

Mr. Speaker, I think we are detecting a pattern here. Somebody is going to get up and say that X amount of people lose jobs in a congressional district or State, and somebody on the other side is going to get up and say X amount of people get more money. I would like to say this. Why can the greatest Nation in the world with very smart people not increase take-home pay without costing anybody their job?

I have yet to have anybody come down here and deny the fact that we are going to have between 100,000 and 500,000 people lose their job if we raise the minimum wage. Using their own numbers, 37 percent of the people earning minimum wage are under 20. One gentleman said, well, 19,000 people may lose their job, but three hundred and some thousand will get a pay increase. That is not a good trade-off. Go tell it to the 19,000. If you are at a football stadium this year, remember this. If it is a 100,000-seat stadium, everybody sitting in the stadium is going to be some kid without a job.

We are the greatest nation in the world. We should be able to do better. Because President Clinton has the ability to flip-flop with style and grace on an issue that is going to cost people jobs, that is no reason for my party to follow along.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, to my colleague from South Carolina, South Carolina would see an increase of 196,000 workers who would see a pay increase. That is a pretty good size football stadium.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think it is important to recognize that of the 3,660,000 workers in the United States who work for the minimum wage, that 63 percent of that number are women, and 82 percent of that number are white. We are talking about a very large number of women in this country that are going to be affected if we do not do the responsible thing today, and that is to raise the minimum wage.

We have made work an enshrined ethic. As we talk about the debates on welfare reform, we have constantly said the most important thing we can do to reform welfare is to force people to go to work. The Members who oppose raising the minimum wage today are the very first individuals who stand up here and say these individuals on welfare ought to be made to go to work. Surely if Congress is going to force work, it should be at wages that can reasonably support the family. That is what welfare reform is all about.

□ 1145

The reformers talk about self-sufficiency, personal responsibility, and the ability to support your own family. If we do not raise the minimum wage, these workers earn only \$8,840 a year. You cannot support a family on that amount of money.

We have to get real. We have to understand that the wages of these individuals must be raised in order to earn enough to survive. Even at the \$5.15 an hour wage, that is only \$10,712 a year. It is important also to know that we have Earned Income Tax Credit. Again, this is because we want to honor people who work by giving them a refund of the taxes that they pay. If we raise the minimum wage, that public budget cost will be reduced, obviously. So it is a savings on the budget, as well as the right thing to do for our families.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I want to congratulate my colleagues, on both sides of this issue. I am convinced that everyone in this House sincerely wants to see an improvement for those who are at the lower end of the economic spectrum.

The other night I was snuggling up on United Airlines with my U.S. News and World Report and happened to read the letters to the editor, and saw this very thoughtful piece from Ed Grady from St. Paul Park, MN, where he says:

The legislated minimum wage is a classic example of a good intention and a bad idea, the idea being that government, by simple decree, can increase the earning power of all marginal workers. This line of thinking runs counter to the basic principles of a free society. Government edicts do not make wages rise; they rearrange and redistribute existing wealth. Wages rise in response to the creation of new wealth through greater productivity. Government cannot create or produce anything.

Mr. Speaker, we should in fact reject this. We should improve the standards of those at the lower end of the economic spectrum by decreasing the tax and regulatory burden imposed on the private sector. Let us proceed as quickly as possible with a responsible measure.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, to my colleague from California, 1.3 million workers will see a pay increase if the minimum wage is passed. The gentleman's quote from U.S. News and World Report is straight out of Adam Smith, but it is more like the Addams Family.

Mr. BALLENGER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. CAMPBELL].

(Mr. CAMPBELL asked and was given permission to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, we have a tradeoff between losing jobs and

increasing the earnings of those who still have their jobs. I think that is an honest way of putting this debate. I do not think there is any economic disagreement that if you increase the minimum wage, you do actually lose jobs, and I do not think there is any disagreement that for those who keep their jobs, they will have higher income. So it is a tradeoff between the two.

I have been taking notes on today's debate, and I suspect that my colleague from Texas will say that there are 1.3 million Californians who would benefit from an increase in the minimum wage, and I suspect my colleague from North Carolina would point out there are 63,000 jobs that would be lost in California if there is an increase in the minimum wage. So assuming both numbers are right, I just ask you, does this tradeoff make good sense? Does it make good sense?

If you want to increase the earnings of those people at the bottom of the income level, the way to do it is by an increase in the earned income tax credit, which means all of us pay for it. But if you increase the earnings of the people at the bottom of the income level by increasing the minimum wage, you make those people who offer jobs to those most in need of them pay the freight. You increase the tax on those whose only sin is that they have actually done something to give somebody a job.

People lose jobs with the increase in the minimum wage, but it is not across the board. The increase in the minimum wage has a peculiarly deleterious effect on those starting out, particularly on the young, particularly on minorities. We have heard from Professor Joe Stiglitz, my colleague on the Stanford faculty and now chairman of the Council of Economic Advisors. In his textbook he pointed out, "In the United States, perhaps the major unemployment effect of minimum wages is on teenagers."

He is quite right. This was shown in the 1981 Congressional Minimum Wage Commission study that pointed out that what you have is about a 1 to 3 decrease in employment for every 10 percent increase in the minimum wage. So if we look at this as a 21-percent increase in the minimum wage over two years, we would see employment falling between 2 and 6 percent as a conservative estimate among teenagers, among those getting their start in the job force.

Now, what of the poor? It is essential that we show compassion, that we do all we can to help the poor, and it just makes no sense to tell a poor person you do not have a job; but if you did, it would be at a higher wage. Does it?

What makes sense is to say we will keep you employed, and, through the tax base, supported by all of us, as opposed to using a penalty on those who

offer the job, we will help your earnings increase.

The numbers that I have are that 214,000 American workers support their families on the minimum wage. Obviously I would like that to be zero. But the question is, are you prepared to benefit the 214,000, by costing others, estimated as more than 500,000, their jobs? Realize that there will not even be the 214,000 benefited after you have increased the minimum wage, there will be fewer left to benefit, because of those who will lose their jobs?

To me, the argument is very clear. We mean to do good, but we are using a very dangerous means to do good. There are better means to do good.

I want to close by a comment to my colleagues who, like myself, consider the title "moderate" as a compliment. Moderate Republicans particularly like to pride ourselves on saying that we do not go with the knee-jerk process of thinking; that we try to address each issue on its merits, whether it is gun control, or a woman's right to choose, or the environment. Please, apply your independent, moderate Republican thinking.

And to my Blue Dog Democrat colleagues, apply your independent economic thinking, as well, to realize it is wrong to cost a person a job.

Mr. RIGGS. Mr. Speaker, let me note that the time to raise the minimum wage is during the period of relatively low unemployment and inflation, as we are currently experiencing.

Mr. Speaker, I yield myself 1½ minutes for the purpose of engaging in a colloquy with the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I rise in support of this important legislation to increase the minimum wage.

I am well aware of the likely impact of this increase on the Medicaid program, of which nursing home services are the largest part of that spending. Nursing homes employ large numbers of minimum wage workers. Since most nursing home funding is reliant on government-set payment rates, minimum wage increases will have a direct and significant impact on nursing facilities.

Mr. Speaker, I am concerned there will be adequate funding to maintain the level of quality we fought so hard for. Current Medicaid law requires that rates which States pay to nursing homes be reasonable and adequate to meet their costs and to be in conformity with applicable State and Federal laws. Certainly the Fair Labor Standards Act is an applicable Federal law.

I feel we should reaffirm for the record that current law requires States to adjust their nursing home reimbursement rates to take into account

the increased costs that nursing homes incur in complying with the increase in the minimum wage.

I would like to ask the gentleman if he agrees with this position.

Mr. RIGGS. I appreciate the gentleman's concern and would like to say, while the increase in the minimum wage will help in the retention of quality care givers, it is important to me it not be a source of financial strain which may negatively impact on the ability of facilities to provide care to the frail, elderly and the Medicaid program.

We must work together to ensure adequate funding for the States to maintain nursing home standards.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I am deeply concerned with the stagnant wages that are making life more difficult for so many working Americans. I believe that Congress should best address this problem by cutting taxes, balancing the budget, and spurring economic growth. Increasing the minimum wage is an unfunded mandate on American businesses, on the States and the local governments. It is not the way to go.

Mr. Speaker, this is not the right way to get the money to the people who need it. Already those minimum wage earners who have families are eligible for food stamps and the earned income tax credit. All government supplements consider the very least a family of four can earn is currently \$7.40 an hour. So the question we hear from the Democrats when they say no one can afford to raise a family on minimum wage, frankly, my colleagues, no one actually is.

I would like to conclude, Mr. Speaker, by saying many of us have sponsored a bill by the gentleman from Iowa [Mr. LIGHTFOOT] in which we decided the best way to handle this issue is let each State decide if they are going to increase their minimum wage and not have it on a Federal level. That is the proposal we should be voting on.

Mr. Speaker, I rise today to voice my concerns about the proposal to mandate an increase in the minimum wage and to support the Goodling amendments.

The Democrats have pushed and pushed this political issue, and today they're finally going to finally get what they want: increased unemployment, a multi-billion dollar mandate on the State and local governments, more welfare dependency, higher unemployment and inflationary price increases. All in the name of class warfare. They want to compare the salary of Bill Gates to that of a 18 year old. But they forget that Bill Gates worked for minimum wage too and was glad to get that first job.

This is not the right way to get money to those who need it. Already, those minimum wage earners who have families are eligible

for food stamps and the earned income tax credit. All government supplements considered, the very least a family of four can earn is almost double the minimum wage. Why aren't the Democrats acknowledging this? So when you hear Democrats say no one can afford to raise a family on minimum wage, frankly, no one actually has to.

If the Democrats truly want to increase family earnings, if they truly want to help those who need assistance, then I suggest that we do just that—that instead of passing unfunded mandates, we better target the EITC, we reform welfare, and we enact legislation with incentives that encourage job creation, not discourage it.

At least we have a compromise in the Goodling amendment, which offers small businesses incentives and opportunities so that they may offer workers jobs at competitive prices. This, coupled with H.R. 1227 and H.R. 3448 will work to create jobs and help Americans, not hurt them like the unqualified mandated increase in the minimum wage.

As Teddy Roosevelt once said, "the most practical kind of politics is the politics of decency." I urge my colleagues, do not hurt the people that we were elected to help. Oppose the effort to eliminate thousands of jobs, the effort to create inflation, and the effort to worsen our Nation's welfare problem.

Support the Goodling amendment.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, this amendment being offered by the Republican Member from California, Mr. RIGGS, is a fine example of what Democrats can do when we are persistent in our demands for justice for workers. The Republican leadership resisted and resisted and resisted. Finally, some Republicans, such as Mr. RIGGS, who have heard from their low wage working families, have been brave enough to say no to NEWT GINGRICH and DICK ARMEY.

Mr. Speaker, I would now like to ask all of those Republicans who support this Democratic initiative to stay the course, stay in this fight, and resist the Goodling amendment that will come after this vote. In particular, the Goodling amendment will undermine the minimum wage increase and exclude some 10.5 million workers in certain businesses.

Members cannot give with one hand and then take back with the other hand. Those who claim they are now in support of the minimum wage increase must stay this course if they are to have any credibility.

I sincerely thank the gentleman from California [Mr. RIGGS], and his allies in this effort for joining the Democrats on this most important initiative to increase the minimum wage for those low wage earners who are so deserving of a little bit of support from the Members of Congress.

Mr. Speaker, for those who ask the question why was it not done early, let us get rid of that rhetoric. Then was then, and now is now. Let us do what we can do for American workers. For those who say why do they want it, I would ask my colleagues, have any of my colleagues in their lifetime ever turned down an increase in wages? If offered an increase, if offered one, have my colleagues ever said no, that will not be good for the economy; no, that will not be good for business; no, that will not be good for the American public?

Mr. Speaker, I do not think so. I think all of our lives we have taken whatever increases have come our way. Do not ask anything less of low wage workers in America. Let them have this little bit of a 90-cent increase in wages.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record that California will face a loss of 63,100 jobs if the minimum wage is increased.

Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOBLE. Mr. Speaker, I rise today in strong opposition to this amendment that would raise the minimum wage.

Simply put, a wage is a price—the price of labor's services. When we talk about establishing or raising the minimum wage, we are talking about price fixing. And we all should know what price fixing leads to—a distorted marketplace.

So, practically speaking, what will it mean?

Economists may disagree about how many jobs would be lost by raising the minimum wage. But they don't disagree that jobs will be lost. Estimates of the job loss range from 350,000 to 850,000. Whatever the number, one thing is certain: the low-income group that proponents claim this increase would help will surely be the ones to lose their jobs.

I think of the kid working at my corner Texaco station after school to help pay for college. He pumps gas and cleans up while higher paid mechanics work on cars. But his service is marginal, at best. Now, he's likely to be laid off and the mechanics will interrupt their work long enough to take care of other tasks.

I think of the single mother who works at the tailor shop I use at home. It's a second job for her, but it helps pay the rent and food bills. She hasn't done seamstress work for long; her productivity isn't as great as the other women who have been there for years. Will she keep her job when the owner has to increase her wage by 25 percent? Probably not.

Ultimately, my question on this issue is this: If 5 dollars and fifteen cents an hour would reduce poverty, wouldn't \$20 an hour eliminate it altogether?

Better yet, why not make everyone rich by making it \$50 an hour? We know how foolish that would be. So why do we think legislating a wage of \$5.15 an hour makes sense? We should really be looking at things like capital gains tax reductions, and reduced regulations on businesses that more surely and swiftly will increase both employment and wages.

I urge my colleagues to oppose the minimum wage increase.

□ 1200

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI], an original cosponsor of the minimum wage amendment and a gentleman who has worked hard to bring this measure to the House floor.

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

Mr. Speaker, I rise today in support of the American worker and in strong support of raising the minimum wage. As an original cosponsor of the bill to raise the minimum wage, I am pleased that today we are bringing this matter to the floor for a debate and a vote.

To me this is not an issue of politics, but rather simply an issue of fairness. I do not believe this should be a partisan issue, but it is not a coincidence that this issue was raised in an election year; that, despite the fact that for 2 years they, my colleagues on the other side, had every opportunity to pass a minimum wage increase when they controlled both Congress and the White House, they did not.

Nevertheless, we need to stop playing political games and give hard working men and women a raise. Too often these individuals work long hours and often take second jobs, yet they feel like they are running in place. If we really want people to move from welfare to work, as have to make work worthwhile. Americans deserve a fair wage for a hard day's work. Raising the minimum wage will reward those able-bodied individuals who choose to work over welfare by improving their quality of life. Ultimately, that is what this debate is all about.

Mr. Speaker, I believe in raising the minimum wage, but I also believe we have an obligation to our small businesses, our mom and pop shops throughout America, to ease the Federal tax and regulatory burden placed on them. True, small businesses are often the most vulnerable and have extremely high rates of failure. Increasing the minimum wage, coupled with real small business relief, will ultimately help Americans earn more and keep more of what they earn.

I am pleased that today we will do the right thing by providing millions of American workers a living wage and restore some dignity to the workplace. I urge my colleagues to support the Quinn-Riggs-English-Martini amendment to raise the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mr. Speaker, I want to say that I stand in strong support for increasing the minimum wage. We have an opportunity today in America, both Democrats and Republicans, to do something meaningful for millions of working Americans.

I think it is important to note that both Republicans and Democrats are voting for this. This is not a new precedent. My understanding is that in 1990 they also voted together. So we are united in responding to the needs of the American people.

Some who are in opposition, if we would listen to them carefully, we would think they are arguing for the continuation of welfare. They say if indeed we increase the minimum wage, people will lose these benefits. It seems to me that is a counterargument that they have been advocating all the time. We want to make work pay so that people are self-sustaining and not being dependent on the government itself.

Some also say, well, raising the minimum wage certainly is not the only way. I would agree with them, raising the minimum wage is not the only way of raising people out of poverty, but it is one way.

I want to suggest what my colleague, the gentlewoman from California, Representative WATERS, said, and that is, "That was then and now is now." Now we have an opportunity to do something that is meaningful. We also can add to that a combination of things, raising the minimum wage as we do the earned income tax credit.

My friend from California says this is a debate between who will lose and who will win. I hope for no adjustment at all, but in my State 300,000 people who are struggling just to put food on the table, to take care of their children, will know the benefit of making work pay because they would indeed have that as a livable wage.

Never do we want anyone to lose their job, but adjustments are made all the time. All the time. Why not make the adjustment for those who make the least in our economy, so that we can say something about the American economy; that America's economy is strong enough that those who make the least can have a livable wage.

Indeed, I know my colleague from North Carolina will say how many people will lose their jobs, but I want to tell him that thousands of people will increase their wages.

Mr. BALLENGER. Mr. Speaker, for the gentlewoman's benefit, I want to note that North Carolina will lose about 19,100 jobs, probably from the eastern part of the State.

Mrs. CLAYTON. They would also gain 300,000; 300,000 will gain.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from North Carolina controls the time.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise in opposition to the minimum wage increase. We have heard all about the conflicting numbers and the studies, but what were we being told in the election of 1994? What was the Contract With America all about?

Was it not the message the people were sending this Congress that less government is better government? Were they not saying we do not want any more unfunded mandates? And yet this is an unfunded mandate. Did they not say let us get government out of our lives?

We need to lower taxes so that people have more to spend and more to pay and so that the economy will be better. The capital gains tax, for instance, affects 60 percent of the people in America. The minimum wage affects 1 percent. Major regulatory reform would reduce the cost of labor.

It is obvious what this is all about. It is about political election year pandering. Vote "no" against the minimum wage amendment.

PARLIAMENTARY INQUIRY

Mr. CLAY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the inquiry.

Mr. CLAY. Mr. Speaker, I notice that over and over the gentleman from North Carolina has been responding to speakers without seeking time.

The SPEAKER pro tempore. The Chair would note the gentleman has been docked for the time.

Mr. CLAY. I thank the Chair.

Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN, which I am sure will be docked.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the ranking member on my committee for yielding the time.

The gentleman from Colorado [Mr. HEFLEY] is honest about opposing a minimum wage, but in Colorado 145,000 workers will see a pay increase if the Riggs amendment is adopted.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds to point out to my very good friend, the gentleman from Colorado [Mr. HEFLEY], that according to a poll published in yesterday's USA Today newspaper, 83 percent of the American people support raising the minimum wage; and to my Democratic colleagues that same poll indicates that 83 percent of the American people support the balanced budget amendment and 71 percent of the American people support a 2-year cutoff for welfare without work.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Riggs-Quinn amendment to increase the minimum wage by 90 cents over 2 years.

This is a commonsense proposal that is long overdue. It's been 7 years since we last raised the minimum wage, and its purchasing power, adjusted for inflation, has sunk to its lowest level in 40 years.

May I ask my colleagues a simple question? I thought we wanted to move people off welfare? Raising the minimum wage does that by making work more attractive than welfare—allowing the minimum wage to remain stuck where it is provides a strong incentive for someone to remain on welfare instead of joining the work force.

Furthermore, as documented in the often-mentioned Card/Krueger Princeton study on New Jersey's increase in the minimum wage to \$5.05, none of the dire predictions of either job loss or job flight ever came to pass—so much for the proverbial "chicken littles" of New Jersey who predicted the economic equivalent of "sky will fall" if we raised our minimum wage! It didn't. There was no job loss!

With our State's experience still fresh in my mind, I simply do not believe that the national economy will be stifled by the modest minimum wage increase proposed by our colleagues, Mr. RIGGS and Mr. QUINN.

Professors Card and Krueger are highly respected empirical economists, and opponents of raising the minimum wage should refrain from impugning their credentials.

Why's that? Because roughly 20 other economic studies by numerous other economists have all reached the same conclusion as professors Card and Krueger: namely, raising the minimum wage does not have a significantly negative impact on job growth.

But more important than even which economic study supports this claim or that one, I urge my colleagues to remember that 40 percent of all minimum wage workers are the sole wage earned in their household.

These people are working harder and harder, and falling further behind each year as the purchasing power of their minimum wage continues to decline. These people need our help, and they need it now.

Two-thirds of the teenagers earning the minimum wage live in households with below-average income—please don't lose sight of the human aspect to the debate over increasing the minimum wage.

I would also like to express my support for the underlying legislation which amends the Portal to Portal Act to clarify when an employer is obligated to compensate an employee for using an employer-owned vehicle to travel both to and from work.

As a member of the Economic and Educational Opportunities Committee which reported out this legislation by voice vote, I want to commend both Subcommittee Chairman

FAWELL and Chairman GOODLING for recognizing the need for a clarification to the current statute. I strongly support the provision establishing an opportunity wage, really a training wage.

This training wage, as it was called back in 1989, is vital to employers, and particularly small businesses, who would otherwise struggle to meet the minimum wage increase.

Unfortunately, as many of my colleagues know, the extremely burdensome reporting requirements of the 1989 training wage led virtually no employers to utilize it, rendering its application useless.

Plain and simple, the training wage will protect both employers and employees. Those individuals just entering the workforce will have the training they need to successfully carry out their new responsibilities, and their employers will have workers whose contributions will enhance company productivity and competitiveness.

Moreover, this training wage will help prevent disruptions in the workplace. This provision puts to rest the red herring, namely that fewer low-skilled workers will be hired while current employees are laid-off.

Fortunately, there will be two separate votes, one on the small business exemption and one on the remaining Goodling package.

The small business exemption, if adopted, will be a poison pill and effectively kill the minimum wage bill. In my opinion, the small business exemption completely nullifies the increase in the minimum wage. It will create a huge loophole so that millions of American workers will not receive a higher minimum wage. Limited data shows that close to 11 million workers are employed by business, that would be covered by this exemption. So, it is quite clear that a significant number of minimum wage workers will not be entitled to the increase being proposed.

And, while I have stated my strong support for the training wage, I cannot support it when attached to the tip credit and computer professional provisions. Regardless of how much money someone is making, if his required pay is determined based on the current minimum wage, then it should be based on the current minimum wage. The law says that the wage has to be adjusted, and it should be!

I want to endorse those provisions of H.R. 3448, the small business tax incentive package, which will be merged with the Portal-to-Portal bill after House passage and sent to the Senate.

There are several very important tax incentives for small businesses contained within H.R. 3448—increased expensing for investing in new plant and equipment; pension simplification proposals; and an expanded tip credit for certain food service employees; are important components of the save and invest in America agenda I have been advocating for years.

Enacting a save and invest in America agenda is essential if the Congress and President are to provide enough economic growth to create good jobs and good wages. Those provisions in H.R. 3448 represent a small, first step in this direction!

But, I am standing here to support the Riggs-Quinn amendment to increase the minimum wage, and would urge my colleagues to do the same.

Mr. BALLENGER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the Card and Krueger study is inaccurate and unreliable. It has just been referenced, and we have to set the record straight. Nobel prize winning economist Gary Becker, on the Card and Krueger New Jersey study, concluded that: "The Card-Krueger studies are flawed and cannot justify going against the accumulated evidence from many past and present studies that find sizable negative effects of higher minimums [wages] on employment."

Card and Krueger did a telephone study. They did not follow it up. Subsequent studies have followed it up and have totally rebutted the wrong implications of that study. We should not be basing our judgment on erroneous data.

Mr. RIGGS. Mr. Speaker, I yield 15 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I want to point out that there are 20 other studies, at least, by eminent economists that substantiate the Princeton study.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Speaker, we know this is not really about helping working families. If increasing the minimum wage was such a great idea, why did we not do this back in 1993? I guess the leadership at that time did not think it was important when they were too busy raising taxes on seniors, on businesses.

In fact, let me share with my colleagues the President's words in those days. I know this does not mean much to some, but, in fact, he said then, on February 6, 1993, "The minimum wage is the wrong way to raise incomes of low-wage earners."

If my friends think 90 cents per hour is going to save working families, they are only looking at half the story. What we need to provide, of course, is tax relief to our families, not 90 cents an hour.

Let me just add that for every one person this helps, it is going to hurt many more; many more in jobs lost by first-time, inexperienced workers which will increase costs and burdens for our small businesses and finally higher prices to consumers.

If we want to help our working families, increase their income and get the Government out of their wallets. A minimum wage increase may be well intended, but it is wrong-headed. It is a recipe for losing jobs and opportunities and increasing unemployment. Vote "no" on the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, in the State of Michigan, 420,000 workers would see an increase in the minimum wage.

And I would say to my colleague who just spoke, he knows that in 1993 and 1994 we were working on health care and not a minimum wage to try to provide for raising the standard of living, and that is why minimum wage was not increased in 1993 and 1994.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in strong support of the Riggs amendment to increase the minimum wage and against the Goodling amendment which would gut our efforts to help working families.

There are perhaps many areas of this Nation where the transition from a blue-collar to a high-technology work force has been accomplished fairly easily. But I represent parts of central and southern Illinois where the loss of jobs in manufacturing and the coal mines has been hard on our people. Good-paying jobs which could sustain a family of four have evaporated right before our eyes, and we are still working to diversify our economy and provide the new jobs which will replace those that have been lost. But for the time being, when you leave a job in the mines and try to support your job on the current minimum wage, you just can't make ends meet.

If we want people to work, if we want to move people from welfare into the work force, if we want families to stay together and more closely resemble the collective unit which we remember from our childhoods, then we have to provide jobs upon which they can sustain their families. This modest increase in the minimum wage will help their purchasing power and increase their staying power in the job market.

Let me be clear—in my district we are blessed to have some of the most progressive and profitable companies in the world and a vibrant small business community providing good jobs with good paychecks and benefits. We are thankful for those jobs, and are trying to do everything we can to create more of them. And we are thankful for the minimum wage jobs which provide people access to the work force, a chance to save money for college, or a second job to stretch the family budget. And where necessary, we need these jobs for people who are the primary source of support for their families.

But the purchasing power of the minimum wage has been stunted by inflation and the rising cost of living, and it's time to help folks working at the minimum wage recover their ability to make a living. When we raise the minimum wage, we help people support their families, we help them take part in the local economy with the ability to buy goods and services, and we give them an incentive to work.

Support this increase in the minimum wage on behalf of the working families of this Nation.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

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

The bottom line is that \$170 gross per week is not enough money for anyone to live on. And when we have a minimum wage that is, in fact, at a 40-year, all-time low, it is a point of fact that economically it holds down all wages across this country. It lowers the quality of life for working people all across this Nation and it hurts business because these people cannot be the consumers that they want to be.

When wages fall, buying power drops, and all these Adam Smith economists would then come to use and say, well, we have social problems now. So Federal Government, give us money for more police officers; Federal Government, give us more money for courts; Federal Government, give us more money to build prisons.

We have a better idea before us today, and that is to pay workers a more livable wage. Empower the family unit to sustain and to provide for itself when a member of that family goes out and puts in 40 hours worth of work each week.

It was Henry Ford, that capitalist, who understood he had to pay his workers enough money so that they could buy the cars that he was making in order for this great country to work.

Mr. RIGGS. Mr. Speaker, may I inquire how much time the floor managers have remaining?

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] has 9¼ minutes remaining; the gentleman from North Carolina [Mr. BALLENGER] has 20½ minutes remaining; and the gentleman from Missouri [Mr. CLAY] has 8 minutes remaining.

□ 1215

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman for yielding time.

I rise in strong support of this modest increase in the minimum wage and for the Small Business Protection Act which passed last night. I am proud to be an original cosponsor of the Quinn bill, Republican legislation that would go beyond President Clinton's and the minority party's election year two-step. I applaud the gentlemen from California, from New York, from New Jersey and Pennsylvania for their efforts to bring this amendment to the floor.

Like millions of Americans, I have held several minimum wage jobs. As one of 10 children, I would not have been able to afford to attend UMass Amherst without working at McDonald's and department stores like Lechmere and Filene's. But the minimum wage is much more important to families trying to put food on the table and a roof over their heads.

Over half of the minimum wage workers are women, many are their family's only wage earner and must

work one minimum wage job just to make ends meet. For them, a 90-cent increase will mean an additional \$1,800 per year, \$1,800 more for groceries, clothing and rent.

We must replace the failed welfare system in this country. Real incentives to work must exist for people to free themselves from welfare and support their children. Keeping the minimum wage current with inflation as the Riggs-Quinn-English-Martini amendment does will help.

Mr. Speaker, raising the minimum wage provides a reasonable floor for struggling Americans already working at the minimum wage and those seeking to break free from the trap of welfare to join the work force.

I urge my colleagues to vote for opportunity over stagnation. Vote for freedom over dependency and vote for work over welfare.

Mr. BALLENGER. Mr. Speaker, I yield 5 minutes and 30 seconds to the gentleman from New Jersey [Mr. SAXTON], who is vice chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I would like to just say to my colleagues that the last time we had a vote on the minimum wage, which was 5 years ago, I voted to increase the minimum wage. I thought I was doing the right thing, and it sure made me feel good. In the intervening years, as I became vice chairman of the Joint Economic Committee and began to pursue a variety of subjects that had to do with our economy and the welfare of our workers, I have come across information which I would like to share with my colleagues today because today I am not going to vote in support of the minimum wage as I did 5 years ago; I think for good reason.

For example, early in my tenure as vice chair, I came across a study that was done in 1983 by the Joint Economic Committee. There as referenced in this Wall Street Journal article which was published in April of this year, an article written by Bruce Bartlett, a renowned economist, and let me quote one line from this article. It says: "A survey of earlier studies by the General Accounting Office in 1983, for example, found virtually total agreement that employment is lower than it would have been if no minimum wage existed."

Mr. Speaker, this is important. It was important to me as I began to look at why we should or should not support a mandated increase in the minimum wage. In the meantime, our committee put this study together. It finds no, zero, zilch, no credible evidence, not one credible piece of evidence that increasing the minimum wage is a benefit to the working people of this country. Not one single study.

The Card-Krueger study has been referenced here on a number of occasions. Let me share with my colleagues that

after having hearings on the Card-Krueger study, after consideration of their results and after looking at studies that were done pursuant to it, it was a telephone survey, folks. They called on the telephone to fast food restaurants, and they said to whoever answered the telephone: How many part-time and full-time workers do you have? And the responses were quite astonishing.

As a matter of fact, on one occasion the results point out that the answer was, we have 35 employees. On a follow-up telephone call, which they also recorded, the response from the same restaurant was, just a few months later: We have 35 full-time employees and 30 part-time employees. Their employment had doubled. Everyone knows that that did not happen.

So as we looked at the Card-Krueger study, we became convinced, particularly pursuant to a followup study that was done by economists Neumark and Wascher from Michigan State University, that this study simply is not credible. And as I point to these issues, I would like to quote the President from his 1995 State of the Union Address. He said: I believe the weight of the evidence, the weight of the evidence, he said, is that a modest increase does not cost jobs.

We have proven that is not true. Over the years, over the last 50 years there have been more than 100 studies that have concluded unanimously, unanimously that mandating an increase in the minimum wage puts people out of work.

Let me tell my colleagues about these studies. Beginning in 1957 and ending in 1993, there were five studies; all concluded that the minimum wage reduces employment. Beginning in 1973 and ending in 1992, there were 14 studies that concluded the minimum wage reduces employment among teenagers more than it reduces employment among adults.

Beginning in 1971 and ending in 1980, there were seven studies that were done that concluded that the minimum wage reduces employment among black teenage males. There were two studies that were done in the meantime that concluded that the minimum wage hurts blacks generally. There were three studies that concluded that the minimum wage hurts low-wage earners. There were five studies that were done that concluded that the minimum wage reduces employment in low-wage industries such as retailing. There were three studies that were done that concluded that the minimum wage hurts low-wage regions such as the South and in rural areas.

There were six studies that were done that concluded that the minimum wage does little to reduce poverty. There were five studies, four studies that were done that concluded that the minimum wage has reduced employment in foreign countries as well as here.

We found not one credible piece of evidence, we found not one credible piece of evidence anywhere, from academia, from the world of economics that concludes that increasing the minimum wage helps anyone. That is why the gentleman from North Carolina is correct on each occasion that he has stood up and said, in your State, this bill will cost a number of jobs. He is absolutely correct. The empirical evidence is unanimous, not questionable, unanimous in support of the gentleman's position.

Mr. RIGGS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, raising the minimum wage appeals to people's sense of fairness because it is the right and the equitable and the timely thing to do. Let me share some facts that lead to that conclusion.

It is a fact that the last time that this Congress voted to raise the minimum wage was 1989. It is a fact that the last time we had an increase in the minimum wage was 1991. It is a fact that 63 percent of the people earning minimum wage are adults 20 or older. It is a fact that the present \$4.25 minimum wage is at an historic 40-year low in terms of purchasing power.

What does an increase in the minimum wage do, the previous speaker said. It does not do anything for anyone. Well, an increase in the minimum wage would add \$1,800 to a wage earner's income. That is significant.

I urge support of the Quinn-Riggs amendment.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I called Joseph Stiglitz over at the White House the other night. Mr. Stiglitz is chairman of the Council of Economic Advisers for the President. I called him because I was reading his textbook where he said, there is danger in increasing the minimum wage. That textbook that he published a couple years earlier, it said wherever there is a group of people demographically or wherever there are parts of the country in particular distress, whenever the minimum wage is above the equilibrium wage, there is going to be unemployment.

Mr. Speaker, so I asked him: Do you not, do you still agree with that concept? He said: Well, we talked about how much unemployment would result, and we concluded that the unemployment that is going to result from the minimum wage increase is not going to be that significant. The fact is that he agrees, everybody agrees that it causes unemployment.

We seem to be on a trend of saying, since 82 percent of the people think wages should be higher, let us have Government do it. Do we really think

that Government control can determine markets, can determine productivity, can ultimately determine the wages of people? I think the answer is no.

Mr. Speaker, George Washington asked the question, and I quote: "If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work?" I wish he were here today to save Congress from doing what really most of us know is wrong: telling our citizens that they cannot work unless the Government approves the salary they make.

If the question to the American people were put such, do you believe that Government should make it illegal for you to work unless you receive \$5.15 an hour, do you think that is a good idea for that kind of Government intrusion or not, I think most of the people would say, keep Government out of our lives.

We are telling seniors that want to work in a nursing home overnight they cannot do it anymore unless they get the wage we require. I think it is a bad idea. I think it is a shame we are doing this.

We will be telling teenagers that they cannot get work experience unless the Government approves of their wage.

In effect, Government is saying that people are too stupid to know what their minimal wage requirements are.

My constituents want the Federal Government to stop trying to run their lives. Raising the minimum wage is Government meddling in their lives which could cost them their job.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, we have heard a lot about studies today. Let me give my colleagues the benefit of my own study. Years past, I owned a small business. We employed up to eight people. They all received the minimum wage. Those who were with us longer received much more. We paid the Social Security tax, unemployment insurance, the workmen's compensation. At the end of the day, we still made a profit, in fact paid off the business in record time.

So, all the woes we are hearing today, I know from personal experience, are not necessarily true. My Republican friends and their inconsistency boggles my mind. On one hand we are told, if we increase the minimum wage, poor people in the country are going to lose food stamps, they are going to lose earned income tax credit. On the other hand, these same Republicans are for cutting food stamps. Last year they tried to take \$20 billion out of earned income tax credit. So to the poor I say: You just cannot win for losing with the Republicans. It is amazing.

Last, let me encourage my friends like the gentleman from California [Mr. RIGGS], the author of the amend-

ment, when it comes time for the Goodling amendments, I ask you to join me in opposing them. We can see ourselves this afternoon raising the minimum wage on one hand and talking it away with two amendments on the other hand.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. BALLENGER], who is representing the committee position, has the right to close.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I strongly support increasing the minimum wage. I have many reasons for doing so. I do not need to go into them all. But some Members of the majority Republican Party are opposing the minimum wage because they say that, if you reform the earned income tax credit, it is a better way to help the working poor.

□ 1230

I say to my colleagues that that is not true. They seem to have forgotten that last week they voted for a budget resolution which cuts the EITC by \$20 billion. Last week they also asked for a \$20 billion increase on almost 7 million hard-working Americans, and those are the people who will have higher taxes under the Republican budget, which they have already passed.

If my colleagues will notice, 2.7 million of our hard-working people, these are people who get up early in the morning and go to bed late at night; from zero to \$10,000 a year, that is all they make. Look at the cut on these people, and the 1.8 million who make from \$10,000 to \$20,000 a year, 1.8 million of those will be affected by this cut, 1.9 million of them in the \$20,000 or \$30,000 a year will be hurt.

If my colleagues notice the chart, the higher one's pay scale is, the less they will be affected by the EITC. Mr. Speaker, that is not fair.

Second, do not let anyone say that minimum wage will not help the average worker. Even with the \$500 child tax credit which the Republicans have placed in the budget, it is not going to get them out of this malaise here because even at that they are going to have to pay at least \$29 more per year than they were paying now.

My premise to my colleagues is that please do not try to balance out their dislike of the minimum wage by saying, "Let's correct it with the earned income tax credit." The people need both the minimum wage and the earned income tax.

This is a picture of people working hard. Let us not try to hurt them.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Connecticut [Mr. SHAYS], one of the leading proponents of the minimum wage.

Mr. SHAYS. Mr. Speaker, I thank my colleagues for yielding this time to me.

In Psalms we read, "I would have fainted unless I believed to see the goodness of the Lord in the land of the living." This is an excellent debate, and we are having the opportunity on both sides of the aisle and within both parties to debate this issue and speak from our hearts. From my heart I believe in the Riggs-Quinn-English-Martini amendment to increase the minimum wage 50 cents in July and again 40 cents a year later. In my heart I believe that we have got to have a minimum base for a worker so they are not exploited. In my heart I believe this is the right thing to do.

Now, the debate we have, this is historic because two-thirds of Congress wants to increase the minimum wage, but two-thirds of the majority party does not. What a credit to the majority party that they have brought out a fair bill, and I just have nothing but admiration from my leadership on both sides of the aisle that they have offered this kind of debate.

Now, there is a tradeoff. My colleague from California is right. When we increase the minimum wage, we affect jobs and we affect prices. The issue is how significant is that increase? If we did what the gentleman from New Jersey [Mr. SAXTON] did and raised it \$20, of course we would increase prices and cause large unemployment. But when we do what we did in 1989 and raise the minimum wage 45 cents, and again a year later 45 cents, unemployment went down, maybe it would have gone down even more, prices were basically stabilized. It was a modest increase.

We are at an all-time low in 40 years. The minimum wage in 1968, if it had been indexed for inflation, would be \$7.08 today. We are not asking it to be \$7.08. We are asking that over a period of 18 months it will be increased by 90 cents.

I just have to say that I am proud of my Republicans, I appreciate the Democrats for pushing this issue. The bottom line is we have the best of both worlds. We have an economic engine, we have the Small Business Protection Act, we have \$7.5 billion in this bill for tax writeoffs for small business, for expensing, for targeted tax credits, to hire the least employable, the ones who are on welfare. This is a better bill than just standing alone on the minimum wage. I salute both sides in this debate.

Let us vote this out. Let us increase the minimum wage.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I appreciate my colleague giving me just a brief moment to respond.

We ought to recognize the tradeoff and put some numbers on it. I think all reasonable commentators have said,

"You lose jobs if you increase the minimum wage, but if you're lucky enough still to have a job, you will do better."

What are the numbers? The Bureau of Labor Statistics tells us that 214,000 wage earners support families on a minimum wage, which is less than 2 tenths of 1 percent of all wage earners. So the number that we keep hearing, the 4.7 million who make the minimum wage, is not right. It is rather how many are supporting families on it. Less than 2 tenths of 1 percent benefited. And how many would lose jobs? The best estimates that we have seen are between 500,000 and 700,000.

And so here is the tradeoff. Do we for the political opportunity of this moment sacrifice the employment of half a million in order to increase earnings for the 214,000? I say "no."

Mr. BALLENGER. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, as I said earlier in this debate, over the last 16 months the Republicans in Congress have had the courage to come to the floor of the House today and every day over those 16 months to do what we thought was right for the American people. We have had the courage to look past politics and had the courage to bring real change to this floor, real change in this Government to try to help all Americans.

Now, I know today's debate on this minimum wage is a serious debate. It is a debate that is certainly strongly felt by people on both sides of this issue. But I would suggest to all of my colleagues here that everyone in this Congress wants to help low-wage workers. We all want every American's boat to be lifted, but especially those at the bottom of the economic ladder, we all sincerely believe and want to do what we can to help them. But the question is how.

The proponents today bring a government-mandated minimum wage to the floor. What this is going to do, in my view, is going to hurt the very people we are trying to help. It is going to hurt small businesses that are the engine of new job growth in America, and I have to ask myself why would we want to do that when there is another way to help low-wage workers, and that other way is to help the private sector, help them in a strong growing economy so that they can provide more jobs and better wages for the American people because in the end low-wage workers will be much better off by allowing the private sector to do this rather than more government mandates, more government regulations.

Now, Republicans over those last 16 months, we have tried to do this, and we have passed a \$500 per child tax credit to help all workers in America. Unfortunately, it was vetoed by the President. We have passed a balanced budget plan in the House and Senate,

and it was also vetoed, that would help all workers, especially low-wage workers who are hit with high interest payments on their car loans, their mortgages, if they have them. We could really help. A capital gains tax reduction; yes, capital gains tax rate reduction that would help the economy grow, help small businesses invest more in their business, more in equipment, and guess what would happen? We would have more jobs and we would have higher wages for low-wage workers.

Now, over the last couple of days my friends on the other side of the aisle have had a lot of fun using a quote that was attributed to me that said I would commit suicide before I would vote to artificially raise the minimum wage. Now, why would I make such a quote? Well, I would like to tell all of my colleagues I grew up in Cincinnati with 11 brothers and sisters. I have had about every low-wage, sub-minimum wage job there is, and it was those jobs that were available that allowed me to learn the skills, allowed me the opportunity to learn how to get along in life, and yes, also taught me that maybe I ought to go back to school to improve myself if I were going to improve my lot in life. And, yes, it was because those low-wage jobs were there that, quite frankly, I am here today.

I am a product of the private sector. I started a small business and spend 15 years building it before I came here. Fortunately, I did not have to pay any of my workers the minimum wage. I was successful enough to be able to pay them a good wage, but it was because we had a successful company.

But a lot of small businesses do not have that, and on behalf of myself and my 11 brothers and sisters who had opportunities in America because these jobs were here, I from the bottom of my soul believe that we can help low-wage workers by providing and expanding the economy and help all workers.

Let us do the right thing today and veto and vote "no" on this artificial minimum wage increase.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in full support of raising the minimum wage. It has been over 5 years since working Americans have had a raise. Since April of 1991, the minimum wage has been fixed at \$4.25. If left unchanged, the minimum wage will be at its lowest in more than 40 years in real inflation-adjusted terms. Nearly three-fourths of the workers affected by the increase are adults over the age of 20. Between 1981-88, President Reagan adamantly opposed an increase in the Federal minimum wage, the longest period of time for it to remain stagnant. It lost 25 percent of its purchasing power during that time. The purchasing power has dropped 15 percent since the last increase in 1991. Adjusted for inflation, that is nearly 50 cents. The average minimum wage worker must work 3½ days

more in order to pay rent than in 1981, now totalling 17 days.

The average minimum wage worker has to work more than full time, 15 hours more, to stay out of poverty. Forty percent of minimum wage earners are sole breadwinners. Minimum wage workers' earnings account for almost half, 45 percent, of a families total earnings. The Department of Health and Human Services estimates that the minimum wage increase could lift 300,000 families out of poverty, including 100,000 children living in poverty.

At \$4.25 an hour, a full-time employee working 40 hours a week, 52 weeks a year earns \$8,840. Fifty-nine percent of all minimum wage workers are women. Many of these women are single parents. Ten million Americans working for minimum wage would take home another \$1,800.00 a year if a 90-cent increase were enacted.

This 90 cent increase could enable a single mother to pay: for 7 months of groceries, rent or mortgage payments for 4 months, a full year of health coverage, 9 months worth of utilities, and more than a full year's tuition at a 2-year college.

In Louisiana, 313,605 workers, 20 percent of the total work force, are minimum wage earners.

Before working for me, one of my own employees, a divorced mother, with no support from her child's father, had to work three part-time jobs to keep her head above water. Because she was also in college trying to obtain a degree, she was unable to work 8 straight hours a day and go to classes and take care of a child. Not only that, but many employers will not hire a minimum-wage earner for 40 hours a week to keep from having to pay benefits. She is a prime example of a minimum wage earner bringing home \$8,840 a year. With a monthly income of less than \$700 after taxes, she was in the red every pay period and forced to rely on food stamps and Medicaid to get by.

Expenditures taken from that \$700 a month: rent, \$225.00; utilities, \$60.00; child care, \$300.00; telephone, \$29.00; incidentals (toiletries, diapers, household items, etc.), \$50.00; transportation, \$30.00.

Total remaining: \$6.00

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, the great crisis facing this country today is the decline in real wages for American workers and the proliferation of low-wage jobs. We have millions and millions of workers today who are trying to survive on \$4.25 an hour, \$5 an hour. They are not making it. Raising the minimum wage is long overdue, and we must do it today.

The situation is so bad and the Federal Government has so much failed to stand up to its responsibility that 10 States in this country on their own, including the State of Vermont, have raised the minimum wage. Now, if the minimum wage is so bad, tell the Republican Governor of New Jersey, who supports their increase in the minimum wage, to roll it back. She will not

do it because she knows, as every other Governor knows, that it is vital to raise the minimum wage today.

Lastly, it is incomprehensible to me that I am hearing people talk about abolishing the minimum wage. They really want to see workers in America earning a dollar an hour, \$2 an hour, competing against the workers in China who make 20 cents an hour. That is not the future of America.

Mr. RIGGS. Mr. Speaker, I yield myself 30 seconds to point out to the gentleman from Vermont [Mr. SANDERS] and my very good friend, fellow Gang of 7 member, the gentleman from Ohio [Mr. BOEHNER], that the legislation which passed yesterday on an overwhelmingly bipartisan measure, I think it had actually or more than 300 votes for final passage, will provide tax incentives to entrepreneurs to start and to grow a business. And that combined with the minimum wage is good policy for America.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I support the motion and the amendment. I support it not because it is going to change the world, but it is a gesture by this Congress to the fact that this Congress has done things that have been counterproductive to the working class, and I wish my colleagues on this side of the aisle that say they care about the entry-level jobs were as compassionate about the competition that American workers have to have every day against illegal immigration, uncontrolled immigration that the old Congress not only allowed but practically mandated and encouraged, and I just ask my colleagues to be as compassionate about the entry-level jobs, Americans who are waiting for good jobs, I wish they would care as much about the causes for driving down the fair market value of labor in this country that they have allowed along with some Members on this side to be able to do this.

So this is a gesture of saying we have not only not done the right thing, we have consciously caused the fair market value of labor in this country to be depressed by cheap illegal imported labor, and I ask both parties now that say they care about the economy let us take care of that problem, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

□ 1245

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, to understand this debate today and what has happened in this Congress in the last 18 months, we have to consider the case of an individual who owns a building, and that

woman who cleans his building at night and is working for minimum wage. Here is what we have done for those two people or to those two people in the last 18 months.

For the person who owns the building we have said, if you have a pension plan and you have what you consider to be surplus income in the plan, you can keep it and spend it on yourself. We have said that when you sell the building, we will give you a tax break or a tax reduction on your profit when you sell the building, and if you choose to move out of the country, renounce your citizenship, and no longer be an American for the purposes of evading taxes, we will let you do it. That is the policy we are following here.

On the other hand, when the woman who cleans the building at night tries to get a 90-cent increase per hour in her wages, that is a great risk to the American economy and a great diversion of public policy that makes no sense.

What makes no sense is that we are even having a serious question about this. The people who sweep our floors, cook our meals, and work in the child care centers in this country need a raise. They have earned it, they deserve it.

Mr. Speaker, I support the increase in the minimum wage. I oppose the amendment that will follow this, which will eviscerate and defeat the increase in the minimum wage. I would urge my colleagues to vote for the amendment of the gentleman from California [Mr. RIGGS] and against the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Montana [Mr. WILLIAMS] is recognized for 2½ minutes.

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

Mr. Speaker, let me begin a moment of nonpartisanship by recognizing the small band of our Republican colleagues who have abandoned the position of their party and support the minimum wage. I commend them, because I know their leadership is 100 percent against their position. I encourage all Republicans to join this small band of courageous and correct Republicans. I encourage all Republicans to join the Democrats that are in favor of the minimum wage.

I encourage all Republicans in the House to understand that today the value of the minimum wage is \$3.70, not \$4.25, but \$3.70 in purchase power. But even if it was \$4.25, I would remind all of my colleagues that we earn more every 15 days than those workers earn all year. That is, we earn in 15 days on our congressional salaries what minimum wage workers, going to work

every day, earn all year long. Surely the Congressional Republicans can come down here and help to increase the wage of those low-income Americans.

Mr. Speaker, today in this country one child out of four lives in poverty. Yet 60 percent of those kids live in a household where one or the other parent works. We should raise their mom's minimum wage. If we want mom and dad off of welfare, make the job worth going to. Raise the minimum wage. That is one, only one way, but that is one good way that we could help to reform welfare.

Mr. Speaker, I encourage all our Republican colleagues to join this small band of Republicans here that understands that raising the standard of living for America's workers, not lowering it, is the way to increase employment in this country, is the way to help small business in this country.

Most of our Republican friends seem to think that if we could just lower wages enough, we could create more employment in this country. That has been their debate here. That has been their argument. We have all heard it. In fact, we have heard it for 60 years. It has been six decades now that the vast majority of Republicans, in a kind of political stone-age opposition to minimum wage, have opposed it. Again, I commend this small band of Republicans and encourage all the rest of you to join them.

Mr. RIGGS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] is recognized for 2¼ minutes.

Mr. RIGGS. Mr. Speaker, this has been, I think, an enlightening and constructive debate. I want to point out that I expect the vote that will occur on this floor will be very much a bipartisan vote. About an hour ago we had a procedural vote, with 76 Republicans joining 190 Democrats to support that motion, so I anticipate the vote for the minimum wage will also be equally bipartisan.

In the spirit of bipartisanship, I want to remind my Democrat colleagues again of yesterday's USA Today Gallop poll indicating that 83 percent of the American people support the balanced budget amendment and 83 percent of the American people support raising the minimum wage. Seventy-one percent support a 2-year cutoff for welfare without work.

I would ask the Members, in the same spirit of bipartisanship, to stop fighting us tooth and nail in our efforts to balance the budget and reform welfare, and join us in a bipartisan manner to help us pass those critical legislative reforms in the waning days of this session of Congress.

In just a moment, Mr. Speaker, we are going to hear a very distinguished economist, who himself happens to be

an extraordinarily capable majority leader, speak to close the debate. A few moments ago he spoke about the perverse employment effect of raising the minimum wage. But I want to respectfully suggest that raising the minimum wage allows us to address the perverse incentive that we have in American society today that makes welfare more attractive than work.

Let us raise the minimum wage to help lift people out of poverty, particularly those single mothers who struggle against heroic odds to move from welfare to work. Let us make sure that that entry-level job for a welfare recipient pays more than welfare. We can do this together. We can send a strong message to the American people that we can put partisanship aside and we can get things done in the name of the public good.

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

Mr. BALLENGER. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. ARMEY], our majority leader.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 8 minutes.

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

Mr. Speaker, here I am, with every fiber in my being, doing what I thought I would not have to do in this Congress: Speaking on behalf of the most beleaguered, least advantaged, least trained, least skilled, least experienced job aspirants in America, against the folly of raising the minimum wage, which, irrespective of the impact it might have on their incentive to work, I might point out to my colleague, the gentleman from California, creates an enormous reduction in the opportunities for them to find the job; because as we raise the price of unskilled work, we provide a greater incentive to substitute other ways of achieving the task without the employment: Golf carts instead of caddies, dishwashing machines instead of dish washers; any number of events we have seen in the past.

The facts are clear, Mr. Speaker. Study after study after study demonstrates that we have these perverse employment effects where that entry-level job for the most needy worker in America just goes away. It is documented. There is no doubt about that. It is the standard treatment of this subject in every economic principles textbook in America, including the 1993 edition of the President's own chairman of the Council of Economic Advisors' textbook on page 131.

I have said this before, and I am afraid it seems harsh, but if a college freshman does not grasp this, he is not likely to pass the course. But it is not just an academic question, it is a question of real lives.

I had my first job at less than what is today's minimum wage, at a lower

wage. I was sacking groceries for Joe Torson at the age of 14. Joe Torson taught me I had to be to work on time, I had to be clean and neat and orderly, and I had to be well mannered, and I had to do my job and I had to achieve some degree of proficiency. When I did that, he gave me a raise. Then I moved on. I started another job at another time, with another firm, doing another thing. I started at the minimum wage.

They taught me what was the difference between a coffin hoist and a come-along. They taught me how to put on my equipment and climb a pole, and after I could do it I got a raise, and I worked my way through college in the summer.

Then after that, while in school, during the school year when I wanted that supplement for my income that I needed as a young college student, I washed dishes at minimum wage. I could have been replaced with a new Hobart dishwashing machine, and all of us knew that. So nobody stays, or very few people stay.

What if you do stay at the minimum wage and have a child? With the earned income tax credit, with aid to dependent children, with the other benefits that are available to you, nobody is asked to raise a family in America today, with all that we do to supplement the income of the low-wage worker at minimum wage.

This debate has been a fascinating exercise for me. I have often said that Washington harbors a great many people that cannot be trusted with words or numbers. That point has never been more thoroughly well demonstrated than listening to all of the misinformation I have seen around here.

We were approached by our Members and we were asked by a minority of our majority, would we put this vote on the floor. Out of respect for our Members, we said yes, we will do that, but we will do it after a time in which we have been able to study it, prepare for it, and put it in with the proper safeguards and protections. One of the protections we put in here against the loss of job opportunities for the inexperienced worker is a small business exemption, something that was petitioned to the Democrat majority in 1991 by then-Congressman Espy, had 67 Democrat cosponsors, 150 sponsors, and they would not allow it on the floor.

A larger share of their conference when they were in the majority that petitioned them for this exemption asked, why was the gentleman from California [Mr. SERRANO] so much in favor of this in 1991; why was the gentleman from New York [Mr. OWENS] so much in favor of this in 1991; Why was the then-Democrat chairman of the Committee on Small Business in favor of that in 1991? Because they knew the harm that was happening in the inner city. They petitioned their leadership.

Now we have brought it out in exactly the same language, with the only

change being two protections for those already on minimum wage in those jobs that would get the exemption. The two protections were if you are now receiving it, you cannot be denied it, and you cannot lose your job as a method of avoidance of it; a better amendment than even Congressman Espy had, we brought it on the floor, and we hear all of this noise from the same Democrat leadership that denied their own membership the fundamental right to air their views and have a vote on the floor in 1991, this big panic of rhetoric going up.

I have to tell the Members, I am embarrassed by it. This is a serious business in the lives of real people. We may in fact entertain ourselves, console ourselves that somehow or another we will never see those people who become the broken eggs in the omelet of self-satisfaction that we make for ourselves as we appease the pressures of American union leaders in Washington, DC, in total disregard for real people in their real lives in the real world.

We will probably vote this thing in, but if in fact we end up doing this, I implore my colleagues, have an ounce of decency and consideration for the most beleaguered victims of minimum wage increases, those youngsters caught in inner cities where the jobs are lost, and vote the small business exemption and give them the protection they have. Many of you will not do that. You will make your votes, and you will be satisfied that you have done good.

But let me leave you with this thought. When you walk into the city in the middle of July and you see that youngster that is standing idle because the job they thought they were going to have is not there for them this summer, and you look in the face of that young high school or college student and you say, "I feel your pain," that is only just. You caused it.

Mr. RUSH. Mr. Speaker, the minimum wage and efforts to increase it, have been the focus of many inaccurate comments by Members in the Republican majority. Some have said that there are no heads of households supporting families on a minimum wage. Others have proclaimed, an increase in the minimum wage would cause jobs to decrease for low-skilled workers.

Mr. Speaker, the truth is an increase in the minimum wage is the only way working Americans will be able to sustain decent living for themselves. The truth is that 12 million Americans, most of them women, would benefit from the minimum wage increase. The truth is that a raise in the minimum wage is the least this Congress can do for Americans, after cuts in education, Medicare, school lunches, and environmental protections.

The fact that we are even having a debate on the merits of a minimum wage increase shows that the majority cares little for those who are struggling. The majority feels the need to debate the merits of a bill that will provide extra pay that would mean 7 months of

groceries, a year of health care costs, 9 months of utility bills, or 4 months of housing.

We must stand strong for those who have the least. We must fight for those who are trying to better their situations through good, honest, hard work. We must be sure that a minimum wage is truly a living wage. Since businesses are enjoying record profits, we must ensure that profits are shared with the persons who made the records possible.

Mr. RADANOVICH. Mr. Speaker, I don't favor an increase in the minimum wage. In fact, I am opposed to the whole concept of a minimum wage.

In the private sector, the minimum wage is an interference with employer-employee contractual relations. Big brothers in the Federal bureaucracy aren't happy unless they can control conduct throughout the workplace.

And, recalling my own experience as a county supervisor, I know the minimum wage is just another unfunded mandate. It represents Washington's dictating to States and local governments what they must pay without providing the dollars to accomplish it.

There are economists from coast to coast who have exposed the minimum wage, showing that it doesn't lift people from poverty. Instead, it denies realistic opportunity for first-time workers and those with little experience as well as impairing small businesses.

Minimums, whether in wages or freedoms, are not American ideals. As a society, we should strive for maximums, gained by hard work, not by regulation and restriction.

Mr. BORSKI. Mr. Speaker, I rise today in strong support of an increase in the minimum wage from \$4.25 to \$5.15 over the next 2 years. This increase in the minimum wage is an essential step toward ensuring that American workers are properly rewarded for their efforts to achieve the American dream.

While a bipartisan majority in the Congress stands ready to give minimum wage earners a raise the House Republican leadership instead wishes to deprive potentially millions of American workers of any minimum wage increase. In what should have been a simple, widely-supported victory for millions of hard working Americans, the Republican majority has demonstrated not only its aversion to any increase in pay for American workers, but also its intention to eliminate, entirely, the protections of the minimum wage for millions of low-income earners. In fact, quoting Speaker GINGRICH's right-hand man, Majority Leader DICK ARMEY, the Republican majority will not only fight any minimum wage increase "with every fiber of his being," a majority of the Republicans would like to do away with the minimum wage altogether.

This is yet another example of the extremist agenda of the Republican leadership. While the average American worker labors day in and day out just to support his or her family, the new congressional leadership has worked just as hard to prevent these Americans from earning a fair, liveable wage. Should Speaker GINGRICH and his foot soldiers be successful in their efforts to prevent a pay raise for American workers, the real purchasing power of the minimum wage will soon be at the lowest it has been in over 40 years.

Mr. Speaker, far too many hard-working Americans are not adequately rewarded for

their efforts. In recent years, many middle- and low-income American families have faced an incredible economic squeeze. Since 1979, the wealthiest 20 percent of this country has seen its incomes grow by roughly \$767 billion. During the same period, middle-income families have seen their wages stagnate, and in certain cases decrease. But the last 10 years of wage stagnation has had a particularly hard impact on the lives of the low-income working families. Since 1979, the value of the current minimum wage for lower-income, working-class families has dropped by almost 29 percent, and, in fact, has declined over 50 cents alone in constant value since its last bipartisan increase only 5 years ago.

Today, the majority of working American families are struggling to provide their families with a decent standard of living. This living-wage increase of over \$1,800 in additional earnings per year is an essential, first step in assisting many of the most vulnerable American families obtain the ability to provide their families with proper homes, a good education, and a chance to improve their economic situation.

I am very disappointed that the majority leadership chose to exact a price for the consideration of the most important and widely accepted issue for millions of American workers, by attaching amendments which would not only deny many Americans the benefit of a pay raise, but also completely eliminate the protections of the minimum wage for millions of small business workers.

The first of the Republican majority's proposed amendments would repeal the protections of the minimum wage for small businesses. This amendment to the minimum wage increase would be a dramatic leap backward from current law, effectively exempting virtually all new employees of two-thirds of all firms from major worker protection provisions of the Fair Labor Standards Act, including minimum wage and overtime pay. Millions of workers who are employed by businesses with gross annual sales under \$500,000, would be completely exempted from the protections of the minimum wage law. Mr. Speaker, it is not bad enough that many hard-working Americans would be denied a well-deserved pay raise under the Republican minimum wage proposal, but this proposal goes even further, exempting millions of American workers from any minimum wage standard, effectively allowing employers to pay their employees whatever wage they desire.

The GOP's second proposal would go further in undermining worker protections, by resurrecting and making permanent a youth subminimum, so-called opportunity wage. This subminimum training wage likely result in age discrimination in hiring practices and could lead to America's youngest workers undermining older workers for subminimum, entry-level positions. Under the Republican proposal, American employers would be able to hire young people for a training period at a subminimum wage, only to replace them with additional young people before they would be required to pay the full minimum wage amount.

Mr. Speaker, we should be passing a simple, clean, minimum wage increase for every American worker. Despite the unbelievable claims of House Republican Whip TOM DELAY,

who states that "working families trying to get by on \$4.25 an hour . . . don't really exist," a clean raise in the minimum wage would benefit millions of workers across the country, including over 490,000 workers in Pennsylvania alone. Let's justly reward the American workers for their labors and raise the minimum wage for all American workers.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of an increase in the minimum wage. The 90-cent increase that is being considered today by the House of Representatives will begin to address the erosion in American workers' purchasing power. If the minimum wage is not increased, it will fall to its lowest level in 40 years.

Mr. Speaker, this is essential legislation that directly impacts millions of American workers. Over 500,000 of these workers are in Illinois. Because the majority of American workers who are paid the minimum wage are over 20 years old, the increase will aid these workers in supporting themselves and their families. As we encourage people to find jobs instead of relying on public welfare, we must work to ensure that the minimum wage is a living wage. As a result of the reduction in turnover, the employer's costs of recruiting and retraining are lower.

Raising the minimum wage is expected to immediately lift 300,000 families out of poverty. My colleagues who charge that a 90-cent increase is nominal and unnecessary probably are not aware that a 90-cent increase in the minimum wage could pay for 7 months of groceries, rent or mortgage payments for 4 months, or a full year of health costs. These are real expenses that working people have and that can be addressed by a minimum wage increase.

Many of my colleagues also charge that the minimum wage increase will result in lost jobs. However, many economists dispute this claim. In addition, according to the Bureau of Labor Statistics, 10 million jobs have been created since the last increase in the minimum wage.

These are among the reasons why I strongly support a 90-cent increase in the minimum wage and urge my colleagues to join me in voting for the increase.

Mrs. COLLINS of Illinois. Mr. Speaker, I would like to say that I am pleased to announce that it appears the Democrats and the Republicans have come to an agreement on one thing in the debate about raising the minimum wage: there is agreement that no one can support a family working in a job that pays the current minimum wage. The problem is that to the Republicans, the glass is half full; to the Democrats, the glass is half empty.

For the minimum wage worker, a 90-cent an hour pay increase means a great deal. It could mean the difference in having a roof over your head—or living in extraordinarily substandard housing. It could mean the difference between providing a healthy, balanced diet for their family—or waiting in line at a soup kitchen so your children could have a square meal. It could mean the difference between having a telephone or being isolated. It could mean the difference between acquiring a second-hand car or relying on expensive public transportation to get to your job, to the doctors, or to the grocery. That's a glass that's fuller than it is without a raise in the minimum wage.

Raising the minimum wage is not just a Democrat or Republican issue, and it is not only a labor issue. It is a women's issue. It is an education issue. It is a social and a welfare reform issue.

The Democrats and the Republicans agree that there are no working families living on a minimum wage, because you just can't do it. The Republicans have said that the "minimum wage families don't really exist." They're right. How can they? No one can fully rely on a salary from a minimum wage job at the current rate to buy food, pay rent, travel to work, pay child care and taxes—and still survive.

The Democrats and the Republicans agree that the difference between \$4.25 and \$5.15 per hour is not a lot. A mere 90 cents an hour difference. The Republicans position is that a mere 90 cents an hour raise won't make that much difference in the life of the minimum wage earner, but the Republicans also say it is a lot if it's coming out of the business owners' profits. What hypocrisy! The worker would have about \$36.00 a week extra; the business owner would have about \$36.00 less profit. The glass is half empty.

To reiterate, raising the minimum wage is a labor issue. The current minimum wage, \$4.25 an hour, is pocket change for many working Americans. In Illinois, nearly 11 percent of the wage earners are paid only \$4.25 an hour. There are over 12 million Americans nationally who are currently working in jobs that pay the minimum wage.

Raising the minimum wage is a women's issue. Women's wages still remain below those of their male counterparts, even for comparable jobs. At the bottom of the job ladder, at least there is an opportunity for equality—equality in receiving the minimum wage. According to the Bureau of the Census, women make up 46 percent of the work force, and 40 percent of those women are working mothers. A single mother working at a minimum wage job who has to pay for child care has a substandard existence. She often cannot pay her bills and needs the additional help of food stamps, and so forth.

President Clinton recently declared a "National Pay Inequality Awareness Day" and in his statement he provided information that last year American women earned only 75 cents for every \$1 a man brought home, with African-American women and Hispanic women collecting just 66 cents and 57 cents respectively, when compared to the majority male wage earner.

Raising the minimum wage is an education issue. Students are a large population of minimum wage earners. Students who are supplementing their family's income by working are not a thing of the past—they are the foundation of many communities. In 1980, the minimum wage was raised from \$2.90 to a whopping \$3.10 and since then it has only gone up to \$4.25 where it has stayed since 1991. Since 1980, the cost of college has gone up 260 percent but the minimum wage for earners trying to pay their way through school only went up by about 30 percent.

Raising the minimum wage is a social and a welfare reform issue. People have little incentive to work when they have no hope of earning a wage that will allow them to make a decent living and take care of their family.

The current minimum wage of only \$4.25 an hour means a gross weekly salary for 40 hours of only \$170—and that's before taxes and other mandatory deductions.

The Republicans continue to ignore the fact that the current minimum wage of \$4.25 an hour makes it easier to perpetuate dependence on social welfare programs like aid to families with dependent children, Medicaid, subsidized child care, and job training.

Yes, my colleagues, the glass is half empty! Raising the minimum wage will not fill the glass, nor will it fill the pockets of the American workers, but it will help change lives. I urge my colleagues to put a little more in the glass and the pockets of the American worker and raise the minimum wage.

Mr. RAHALL. Mr. Speaker, I rise in support of the Riggs amendment to increase the minimum wage by 90 cents, to \$5.15 per hour. I do so for many reasons, mainly because it is only fair to hard-working Americans who are working harder and longer with no gain. I do so because it is the right thing to do, to keep working Americans from having to ask for public assistance because \$4.25 won't raise a family and provide for daily necessities and health care—just won't do it.

I vote for an increase in the minimum wage because it will let American workers to share in the gains of rising economies—such as some of the highest profits ever noted for corporate America, at a time when CEO's make 300 percent more in annual income than their highest paid employee, and at a time when the stock market is on an ever increasing upward trend. Let working Americans in on the act.

But one of my very biggest reasons for voting for this minimum wage increase is because we said that we would bring it to a vote, and 84 percent of Americans polled said: Do it. It may startle you to know that 71 percent of Republicans polled also support an increase in the minimum wage.

Early on in this debate, when Democrats said they would demand and insist on this up or down vote to increase the minimum wage, the Republican leadership was quoted as saying many things. The majority leader said I will resist increasing the minimum wage with every fiber of my being. Another in the leadership said: I'll commit suicide first. But we persevered and we have brought the proposal to a vote today.

But the Republicans who oppose this increase also did something else besides threaten to commit suicide or to resist with every fiber of their being. They went to their Ways and Means pharmacy and they concocted an antidote to the Democrats poison pill of a bill to increase the minimum wage.

They met in the dark of night under a full Moon, no doubt, and using potent herbs and verbs, and using the eye of NEWT, and hair and nail clippings from known Democrats who use the House barber shop—they developed their antidote and they called it the Small Business Job Protection Act, and cried out that if it was not enacted and administered immediately after enactment of a minimum wage hike, then small business would die.

Well, guess what? Democrats are all for helping small businesses—the backbone of our Nation, and its number one source of job

creation. We had no problem with the small business job protection antidote. So we nearly all voted for it—it passed by a vote of 414 to 10 on May 22.

Was that sufficient, then, to sway our Republican friends across the aisle to come over to us and help us increase the minimum wage? In other words—did they seek us out to help us create a win-win situation—a situation where Representatives were willing to represent their constituencies—by honoring the efforts of the workers and by honoring the commitment and investment of small businesses in strengthening the economy of the entire country? All at the same time?

No indeed. I have in my office two communications from the National Federation of Independent Businesses [NFIB]—one which says: If you are going to raise the minimum wage, first enact the Small Business Job Protection Act. The other one says, if you vote for the minimum wage, it will be used against you when we report it to constituents in your district—or words to that effect.

Well, you can't have it both ways. I voted for the Small Business Job Protection Act because I do not want a single small business in my district or yours, my colleagues, to suffer. And I am proud to vote for this modest increase in the minimum wage for proud, working Americans who are struggling to stay off welfare and to live lives of dignity and self-respect by working for minimum wage.

I want to reward all that hard work that is taking place across this country—work and productivity by millions of employees of businesses, large and small—I want to honor any work achieved, as the Bible directs us—by the sweat of our brows.

I am ashamed at the betrayal by Republicans to hold out the small business antidote for raising the minimum wage—but once they got our support and our votes—to jerk the rug by fighting the rise in the minimum wage.

Shame, shame, shame on you who vote against this amendment raising the minimum wage after voting for the small business job protection antidote last evening.

Mrs. LOWEY. Mr. Speaker, I must say I sympathize with my moderate Republican colleagues on the other side of the aisle. After months of urging your leadership to allow a straight up-or-down vote on increasing the minimum wage, you thought you had finally won that most basic opportunity. But at the 11th hour, Speaker GINGRICH unleashed a killer amendment that would repeal the minimum wage and overtime pay requirements for up to 10 million Americans.

I continue to be amazed by the Republican leadership's policies that seek to bring us back to the days when workers were routinely exploited, polluters fouled our air and water with abandon, and college was only an option for the privileged few. But today with the Goodling amendment they are at it again, turning the clock back to a darker day.

Make no mistake about it, the Republican leadership doesn't believe hardworking Americans deserve a raise. The record of the Gingrich gang on the minimum wage is undeniable: delay, distort, and derail.

Inflation has been chipping away at the value of the minimum wage since it was last

raised 5 years ago. Its value is now at its lowest level in 40 years. Forty years, Mr. Speaker. Americans who work full-time simply cannot live on \$8,800 a year.

Making the minimum wage a liveable wage through two 50-cent increases will lift 300,000 families out of poverty, including 100,000 children, and help people move from welfare to work.

An increase in the minimum wage won't solve all of our Nation's economic and social ills. But it is clearly an overdue step in the right direction. Mr. Speaker, let's end the double talk and get a clean, up-or-down vote to give American workers a raise.

Ms. FURSE. Mr. Speaker, I rise today in support of raising the minimum wage, and helping reward the millions of Americans who work hard everyday. It has been 5 years since Congress last increased the minimum wage—5 years with less purchase power to pay for groceries, hospital bills, and car payments. Members of Congress who oppose the minimum wage are simply out of touch. Members of Congress make more money in 1 month with taxpayer dollars than people on minimum wage make in an entire year.

There are thousands of hardworking families in my district in Oregon, and across the country, who deserve this overdue increase in their take home pay. I am proud that Oregon's minimum wage is already higher than the national level. The bill before us today would raise the minimum wage to \$5.15 by July, 1997, which would represent a 40-cent increase to Oregon workers. I find it disturbing that amendments have been introduced to repeal minimum wage coverage for 10 million American workers. We must not go backward; we must reward people who work hard with good wages. I urge my colleagues to oppose these amendments.

It is a remarkable fact that almost two-thirds of minimum wage workers are adults. In addition, almost 4 in 10 are the sole breadwinners for their family. In light of these facts, I believe that increasing minimum wage is the best welfare reform because it makes work pay. In 1993, I was proud to support an expansion of the earned income tax credit [EITC] which gave tax breaks to low-income families who were working hard. The minimum wage bill before the House today builds on the expansion of the EITC in 1993—which was opposed by every single Republican—and puts more money in the pockets of people who work.

Increasing the minimum wage is the right thing. It will help millions of American families, and I urge all my colleagues to support this legislation.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of an increase in the minimum wage so that we can give American workers a decent living wage, and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, as a member of the House Committee on Economic and Educational Opportunities, I rise in strong support of an increase in the minimum wage.

I had the privilege of serving on the conference committee for the last minimum wage proposal, which was signed into law in 1989, under a Democratic-controlled Congress. It was the right thing to do then, and it is the right thing to do now—in this positive cycle of

our economy. Under President Clinton's leadership, we have developed very strong economic indicators. The deficit is down, new jobs have been created, and inflation is under control. The working people of this country deserve to enjoy the benefits of the economic good news.

Let me share with my colleagues our experience in my home State of New Jersey. I am proud that we have led the Nation in giving workers a livable wage. Despite the predictions of gloom and doom in some quarters, economists at Princeton University surveyed businesses in New Jersey and Pennsylvania in the spring of 1992, after New Jersey raised the minimum wage from \$4.25 to \$5.05. The results indicated that businesses in New Jersey actually added employees while in Pennsylvania, hiring remained stagnant.

We hear a lot of talk about family values, but what does it say when we fail to pay workers enough to support their families? Despite all the talk about welfare, the fact is that most poor people in this country work. They just cannot make ends meet in low wage jobs.

Let's help lift the standard of living for working families in this Nation, so that they can educate their children, buy their home, and fulfill the American dream. I urge my colleagues to support an increase in the minimum wage.

Mr. COX of California. Mr. Speaker, House Republicans are committed to higher take-home pay and better job opportunities for low-income Americans. We strongly support policies to give low-income Americans increased wages and improved chances to find work. But we are against Government-mandated wage and price controls that destroy jobs and hurt the economy.

President Nixon concluded, after leaving the Presidency, that the wage and price controls initiated during his administration were a serious mistake. During much of the 1970's, the President and Congress imposed harsh wage and price controls on most sectors of the economy. These policies were disastrous for the long-term economy and failed to meet even short-term goals, instead contributing to the "stagflation"—economic stagnation coupled with runaway inflation—for which the Carter era is known. By destroying economic opportunity, these policies dimmed the American dream for millions.

All this changed in 1981, when, as one of his first actions as President, Ronald Reagan ended the remaining Carter price controls. His action became the first element of a coordinated economic program of deregulation, the end of price and wage controls, elimination of trade barriers, an inflation-fighting monetary policy, and tax cuts to encourage economic growth and increase the take-home pay of all Americans. Ronald Reagan's economic policy ushered in the longest peacetime economic expansion in American history.

Echoing Ronald Reagan, Candidate Bill Clinton promised in 1992 to balance the budget, cut taxes for the middle class, and grow the economy. But once in office, he signed into law the largest tax increase in American history, stifling economic growth. In 1995, the economy grew at a sickly 1.5 percent. Clinton's vetoes of spending cuts insure continued deficits well into the 21st century. Then, having succeeded in implementing this tax-and-

spend agenda—without a single Republican vote in the House or Senate—he sought to nationalize our health care system by placing a bureaucrat in nearly every health care decision, levying taxes on excessive health care benefits, and imposing price controls to ration health care for every American.

Republicans strongly opposed Clinton's effort to impose price controls on one-seventh of our national economy. That principled opposition to Government controls on the health care system contributed measurably to the 1994 election of the first Republican Congress in 40 years.

Government should not—indeed, cannot—rationally determine the prices of labor, goods, or services for health care, energy, or any other industry in a free market economy. In the 1970's, when the Federal Government imposed price controls on gasoline, the result was shortages and long lines. By attempting artificially to fix the price of gasoline, Government ensured we got less of it. Wage controls have precisely the same effect. "Raise the legal minimum price of labor above the productivity of the least skilled workers," the New York Times editorialized when the Democrats controlled Congress, "and fewer will be hired." Their editorial was headlined, "The Right Minimum Wage: \$0.00." The politically liberal editorial policy of the New York Times caused them to ask: "If a higher minimum means fewer jobs, why does it remain on the agenda of some liberals?" Their answer: the liberal arguments aren't convincing—particularly since "those at greatest risk from a higher minimum would be young, poor workers, who already face formidable barriers to getting and keeping jobs."

Because in so many cases the minimum wage jobs that will be lost are the all-important first jobs—the jobs that give young Americans the experience, the discipline, and the references they need to move to better, higher-paying jobs in the future—an imprudent increase in the minimum wage would contribute to cycles of poverty and dependence. Such Government focus on starting wages is especially misguided since low paying, entry-level jobs usually yield rapid pay increases. According to data compiled by the Labor Department, 40 percent of those who start work at the minimum wage will receive a raise within only 4 months. Almost two-thirds will receive a raise within a year. After 12 months' work at the minimum wage, the average pay these workers earn jumps to more than \$5.50 an hour—a 31 percent increase.

In a very real sense, the minimum wage is really a starting wage—the pay an unskilled, inexperienced worker can expect on first entering the work force. Once these workers have a foot on the employment ladder, their hard work and abilities are quickly rewarded. But these rewards can only be earned if workers can find that all-important first job. Consider who earns the minimum wage. According to the Labor Department, half are under 25 years of age, often high school or college students. Some 63 percent work part-time, 62 percent are second-income earners. And fully 80 percent live in households with incomes above the poverty level. Even Labor Secretary Robert Reich, in a 1993 memorandum to now-Treasury Secretary Robert Rubin, admitted

that "most minimum wage earners are not poor." But while undue increases in the minimum wage do little to help the poor, curtailing unskilled employment opportunities will exacerbate poverty.

Bill Clinton himself has argued against raising the minimum wage. In 1993, he called it "the wrong way to raise the incomes of low-income workers." He was right: according to Labor Department statistics, half a million jobs were lost in the 2 years following the last increase in the minimum wage. In the year after the minimum wage was increased, 15.6 percent fewer young men (aged 15-19), and 13 percent fewer women, had jobs. Over three-fourths of the 22,000 members of the American Economics Association believe a minimum wage increase would lead to a loss in jobs. Many estimates of the cost of raising the minimum wage exceed one half of a million jobs lost. One such study, by Michigan State University Professor David Neumark and Federal Reserve economist William Wascher, estimates a loss between 500,000 and 680,000 jobs.

"The primary consequence of the minimum wage law is not an increase in the incomes of the least skilled workers," liberal economists William Bumble and Clinton Federal Reserve appointee Alan Blinder recently wrote, "but a restriction of their employment opportunities." An increase would also be an unfunded mandate on every State and locality in America. According to the Congressional Budget Office, the minimum wage increase will cost State and local governments, that is, taxpayers, \$1.4 billion over 5 years.

President Clinton did not raise the issue of the minimum wage publicly during 1993 or 1994, when the Democrats controlled the Congress. Congressional Democrats, likewise, failed to hold even a single hearing on the minimum wage during that same period. The Democratic devotion to this issue in 1996 is entirely political—and, as the New York Times editorialized, inexplicable for liberals who care about the working poor.

The snare and delusion of wage and price controls must not distract us from the fundamental economic and fiscal policy reforms necessary to expand our economy and create good job opportunities for all Americans. A balanced budget, tax relief for workers and small business, and regulatory relief from unnecessary Government red tape offer the surest means of steering our economy toward lasting growth. Comprehensive welfare reform that promotes work and breaks the cycle of dependency can go far toward restoring the natural incentives for individual responsibility and personal growth. And redoubled efforts to focus our educational resources in the classroom—where educators, parents, and students exercise control over learning rather than taking dictation from Federal and State governments—can pave the way for a better trained and more employable workforce for the future.

These solid Republican policies will lead us to a better, stronger America. Wage and price controls, in contrast, are premised on the notion that Government fiat can raise wages without cost—a notion that fails both in theory and in fact. It is individual initiative rather than government beneficence that creates wealth,

jobs, and a higher standard of living for all Americans.

Mr. FAZIO of California. Mr. Speaker, America needs a raise.

And it's about time—in the 5 years since the last minimum wage increase, its purchasing power has sunk to a 40 year low.

But rather than schedule a straight up or down vote on a minimum wage increase, the Republican leadership has loaded down this bill with provisions which renew their attacks on working families.

This bill would include a lower required wage for tipped restaurant workers, an overtime exemption for computer workers, and a subminimum training wage for new hires.

Our Republican colleagues just don't seem to get it. They don't seem to understand that a 90-cent increase in the minimum wage means 7 months of groceries, a year of health care costs, 9 months of utility bills, or 4 months of housing.

This is another example of how the other party has lost touch with what most Americans are thinking about the minimum wage. Over 80 percent of Americans not only believe in the minimum wage, but think that it should be raised.

My colleagues, this proposal is one more example of the do-nothing GOP Congress creating more legislative gridlock.

Let's not bury the minimum wage increase in a tangle of legislative language which would result in denying minimum wage protections to millions of working men and women. Let's honor America's working families by increasing the minimum wage.

Vote "no" on the Goodling amendment and "yes" on a clean minimum wage increase.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the amendment and ask unanimous consent that I be allowed to revise and extend my remarks in the CONGRESSIONAL RECORD.

About 12 million people will benefit from a 90 cent increase in the minimum wage according to the Economic Policy Institute, many of whom are my constituents.

An increase in the minimum wage would enable thousands of my constituents to move out of poverty and into the world of work and self-sufficiency. America's working class has been doing without for long enough.

Seventy-eight percent of the American people favor the plan by President Clinton reflected in the Riggs amendment to raise the minimum wage by 90 cents over 2 years.

The minimum wage directly rewards hard work. An increase in the minimum wage would send a signal to millions of Americans that we have not forgotten them, we appreciate and support them.

Mr. SKAGGS. Mr. Speaker, I rise in strong support of increasing the minimum wage for this Nation's working poor. The minimum wage law is designed to help ensure working Americans earn enough to live on. Under the current minimum wage, a full-time worker earns \$8,840 a year, well below the poverty level for a single-parent family of three. No person working full-time should have to live in poverty.

The entire country benefits when we encourage self-sufficiency and reduce dependency on welfare. We want work to be more at-

tractive than welfare—increasing the minimum wage helps accomplish that. And while the earned income tax credit would be another good way to help low-income workers, the Republican majority wants to cut the credit, not increase it. That is one reason it is so important that we raise the minimum wage.

Despite the claims of the Republicans who oppose increasing the minimum wage, the minimum wage is not a wage only for teenagers who have part-time jobs and live with their parents. Of those earning minimum wage, 70 percent are adults 20 years old or older. Under the current minimum wage, these Americans are trying to support themselves on \$4.25 per hour.

An increase in the minimum wage is also a pay raise for women. Even though there are fewer women in the workforce than men as a percentage, 63 percent of those earning minimum wage are women. Allowing the current minimum wage, which is at a 40-year low when adjusted for inflation, to remain at an historically low value disproportionately hurts America's working women.

It is time to give working Americans a raise—it's time to increase the minimum wage.

Ms. GREENE of Utah. Mr. Chairman, I share in the desire of many of my colleagues to help the working poor. However, I voted against the Riggs amendment to increase the minimum wage because I believe it will have negative consequences—particularly for those it portends to help.

First, I believe that increasing the minimum wage will result in the loss of hundreds of thousands of entry-level and low-wage jobs, which are needed not only by young people but also by those who are seeking to reenter the workforce.

Raising the minimum wage is a tax on an employer who is offering someone a job. It is not paid by all Americans, but only by those who seek to employ others. The natural result is that there will be fewer jobs available. Any freshman economics student knows that if you raise the price of something, in this case labor, then demand for it, in this case by employers, will fall.

History indisputably shows that raising the minimum wage costs jobs. In fact, since 1973, Congress has increased the minimum wage 9 times, over 2-year periods. In each case, except one, unemployment increased. The one exception was during the period 1977-79, when the economy was growing robustly at over 5 percent annually. We are not now enjoying such growth.

Second, I believe that increasing the minimum wage will have an inflationary effect, as widespread increases in wage costs necessitate higher prices for goods and services. According to the Progressive Policy Institute, 80 percent of the cost of an increased minimum wage are passed through to consumers in the form of higher prices.

This means that all workers who do not gain from an increase in the minimum wage will lose some of their buying power. This includes the very poorest of Americans, those without jobs on fixed incomes, who will see the value of their benefits diminish. Thus, the poorest of Americans, the unemployed, are in effect taxed to pay higher wages for union workers and those minimum wage workers who are able to keep their jobs.

Third, I believe that a higher minimum wage will be a barrier for individuals trying to move from welfare to work, because employers will refuse to hire inexperienced and/or low-skilled workers at even higher wages. Further, if the intent of those who would increase the minimum wage is to make working more attractive than welfare, their strategy is doomed to failure. The majority of welfare recipients receive a package of benefits that far exceeds the value of even a \$5.15 an hour job. In my own State of Utah, the pretax wage equivalent of welfare is \$9.42 an hour, or \$19,600 a year. Moreover, a recent University of Wisconsin study found that the average time on welfare among States that raised the minimum wage was 44 percent higher than in States that did not.

Instead of a minimum wage hike which carries such a negative consequences, I believe that the needs of the working poor would be better served by a more focused effort aimed at creating jobs and increasing take-home pay. Such a program would be consistent with my belief that reducing the tax burden on working Americans and expanding economic opportunity is the best way to win the war on poverty. It was for this reason that I supported the Tax Fairness and Deficit Reduction Act—first passed by the House in April 1995 and then again in November as part of the Balanced Budget Act that was subsequently vetoed by President Clinton. The Tax Fairness and Deficit Reduction Act provisions offered tax relief to senior citizens, families, small business owners, and many others. It would have promoted savings and investment in business, and resulted in the creation of more than 1.5 million new jobs by the year 2000.

A number of plans have emerged that would assist the working poor without costing jobs, including our fiscal year 1997 budget resolution that would provide \$121 billion in net tax relief, fully funding a permanent \$500 per child tax credit, permanent capital gains tax relief, and other pro-job tax incentives.

Representatives TIM HUTCHINSON [R-AR] and CASS BALLENGER [R-NC] have introduced The Minimum Wage for Families Act which would change the earned income tax credit program from a yearly lump sum into monthly payments so it could serve as a supplement to a low wage salary. And Representative DAVID MCINTOSH [R-IN] has proposed that individuals making between \$4.25 and \$5.15 an hour be relieved from having any Social Security or Federal income taxes withheld from their paychecks, while still protecting the Social Security system and the retirement benefits of those workers.

These proposals, while imperfect, at least focus on the right goal: Increasing the take-home pay of working Americans while, promoting, not restricting, new job creation. We should build on these proposals to find a new approach to helping the working poor instead of fueling inflation and costing jobs.

The starting wage is the best paying on-the-job education and training program America has ever seen. Changing it doesn't make sense, particularly where there is overwhelming evidence that the effect of such a change would be to victimize the lowest-skilled workers in our society.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, Noes 162, not voting 5, as follows:

[Roll No. 192]

AYES—266

Abercrombie	Foglietta	Markey
Ackerman	Foley	Martinez
Andrews	Forbes	Martini
Bachus	Ford	Mascara
Baessler	Fox	Matsui
Baldacci	Frank (MA)	McCarthy
Barrett (WI)	Franks (NJ)	McDade
Beilenson	Frisa	McDermott
Bentsen	Frost	McHale
Bereuter	Furse	McHugh
Berman	Ganske	McKinney
Bevill	Gejdenson	McNulty
Bilbray	Gephardt	Meehan
Bilirakis	Gibbons	Meek
Bishop	Gillmor	Menendez
Blute	Gilman	Menclaf
Boehert	Gonzalez	Millender-
Bonior	Gordon	McDonald
Bono	Green (TX)	Miller (CA)
Borski	Greenwood	Minge
Boucher	Gunderson	Mink
Browder	Gutierrez	Moakley
Brown (CA)	Hall (OH)	Mollohan
Brown (FL)	Hamilton	Moran
Brown (OH)	Harman	Morella
Bryant (TX)	Hastings (FL)	Murtha
Bunn	Hayes	Nadler
Buyer	Hefner	Neal
Canady	Heineman	Neumann
Cardin	Hilleary	Ney
Castle	Hilliard	Oberstar
Chapman	Hinchee	Obey
Clay	Hobson	Olver
Clayton	Hoke	Ortiz
Clement	Holden	Orton
Clyburn	Houghton	Owens
Coleman	Hoyer	Pallone
Collins (IL)	Jackson (IL)	Pastor
Collins (MI)	Jackson-Lee	Payne (NJ)
Condit	(TX)	Payne (VA)
Conyers	Jacobs	Pelosi
Costello	Jefferson	Peterson (FL)
Coyne	Johnson (CT)	Peterson (MN)
Cramer	Johnson (SD)	Pickett
Creameans	Johnson, E. B.	Pomeroy
Cummings	Johnston	Poshard
Danner	Kanjorski	Quinn
de la Garza	Kaptur	Rahall
Deal	Kelly	Ramstad
DeFazio	Kennedy (MA)	Rangel
DeLauro	Kennedy (RI)	Reed
Dellums	Kennelly	Regula
Deutsch	Kildee	Richardson
Diaz-Balart	King	Riggs
Dicks	Kleczka	Rivers
Dingell	Klink	Roberts
Dixon	LaFalce	Roemer
Doggett	LaHood	Rogers
Dooley	Lantos	Ros-Lehtinen
Doyle	LaTourrette	Roukema
Duncan	Lazio	Roybal-Allard
Durbin	Leach	Rush
Edwards	Levin	Sabo
Engel	Lewis (CA)	Sanders
English	Lewis (GA)	Sawyer
Ensign	Lightfoot	Schiff
Eshoo	Lincoln	Schroeder
Evans	Lipinski	Schumer
Farr	LoBiondo	Scott
Fattah	Lofgren	Serrano
Fazio	Longley	Shaw
Fields (LA)	Lowe	Shays
Filner	Luther	Sisisky
Flake	Maloney	Skaggs
Flanagan	Manton	Skelton

Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson

Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)

Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—162

Allard	Fields (TX)	Montgomery
Archer	Fowler	Moorhead
Army	Franks (CT)	Myers
Baker (CA)	Frelinghuysen	Myrick
Baker (LA)	Funderburk	Nethercutt
Ballenger	Gallegly	Norwood
Barr	Gekas	Nussle
Barrett (NE)	Geren	Oxley
Bartlett	Gilchrest	Packard
Barton	Goodlatte	Parker
Bass	Goodling	Paxon
Bateman	Goss	Petri
Bliley	Graham	Pombo
Boehner	Greene (UT)	Porter
Bonilla	Gutknecht	Portman
Brewster	Hall (TX)	Pryce
Brownback	Hancock	Quillen
Bryant (TN)	Hansen	Radanovich
Bunning	Hastert	Rohrabacher
Burr	Hastings (WA)	Rose
Burton	Hayworth	Roth
Callahan	Hefley	Royce
Calvert	Herger	Salmon
Camp	Hoekstra	Sanford
Campbell	Hostettler	Saxton
Chabot	Hunter	Scarborough
Chambliss	Hutchinson	Schaefer
Chenoweth	Hyde	Seastrand
Christensen	Inglis	Sensenbrenner
Chrysler	Istook	Shadegg
Clinger	Johnson, Sam	Shuster
Coble	Jones	Skeen
Coburn	Kasich	Smith (MI)
Collins (GA)	Kim	Smith (TX)
Combest	Kingston	Souder
Cooley	Klug	Spence
Cox	Knollenberg	Stearns
Crane	Kolbe	Stenholm
Crapo	Largent	Stump
Cubin	Latham	Talent
Cunningham	Laughlin	Tate
Davis	Lewis (KY)	Taylor (NC)
DeLay	Linder	Thomas
Dickey	Livingston	Thornberry
Doolittle	Lucas	Tiahrt
Dornan	Manzullo	Vucanovich
Dreier	McCollum	Walker
Dunn	McCrery	Wamp
Ehlers	McInnis	Watts (OK)
Ehrlich	McIntosh	Weldon (FL)
Emerson	McKeon	White
Everett	Meyers	Wicker
Ewing	Mica	Wolf
Fawell	Miller (FL)	Zeliff

NOT VOTING—5

Barcia
Becerra

□ 1319

Mr. DAVIS and Mr. EWING changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 192. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, due to an error, I was incorrectly recorded on the Riggs amendment today, rollcall vote

No. 192. I wish the RECORD to reflect I intended to vote "No" and emphasize my opposition to raising the minimum wage. That is why I voted against this bill on passage. I just want to remain consistent on this issue.

PERSONAL EXPLANATION

Mr. BARCIA. Mr. Speaker, due to unforeseen circumstances, I was unable to be present on the floor for the last vote. Had I been present, I would have voted "yes" on increasing the minimum wage.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, on rollcall No. 192, I was unavoidably detained on official business and was not able to vote in support of the Riggs amendment. I strongly support the increase in the minimum wage and, if present, would have voted "aye."

The SPEAKER pro tempore. It is now in order to consider the amendment printed in part 2 of House Report. 104-590.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Add at the end the following:

SEC. 3. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting "; or" and by adding after that paragraph the following:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(D) a combination of duties described in subparagraphs (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour."

(b) TIP CREDIT.—The next to last sentence of section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended to read as follows: "In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee's employer shall be an amount equal to—

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

"(2) an additional amount on account of the tips received by such employee which

amount is equal to the difference between the wage specified in paragraph (1) and the cash wage in effect under section 6(a)(1).

The additional amount on account of tips may not exceed the value of the tips actually received by an employee."

(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(g)(1) In lieu of the rate prescribed by subsection(a)(1), any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than \$4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).

"(4) This subsection shall only apply to an employee who has not attained the age of 20 years."

(d) SMALL BUSINESS EXEMPTION.—

(1) SPECIAL INDUSTRY COMMITTEES.—Section 5(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205(a)) is amended by striking "engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce" each time that it appears and inserting each time the following: "who are (1) engaged in industrial homework subject to 11(d) and are either (A) engaged in commerce, or (B) engaged in the production of goods for commerce, or (2) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(2) MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting the following: "who in any workweek is engaged in industrial homework subject to 11(d) and is either engaged in commerce or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce".

(3) WAGE ORDERS.—Section 8(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208(a)) is amended by striking "employers in American Samoa engaged in commerce or in the production of goods for commerce" and inserting in lieu thereof "employers in American Samoa".

(4) MAXIMUM HOURS.—Paragraphs (1) and (2) of section 7(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)) are each amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting the following: "who in any workweek is (A) engaged in industrial homework subject to 11(d) and is either (i) engaged in commerce, or (ii) engaged in the production of goods for commerce, or (B) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(6) SEX DISCRIMINATION.—Paragraphs (1) and (2) of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) are

each amended by inserting after "employees subject to any provisions of this section" the following: "or employees engaged in commerce or in the production of goods for commerce".

(7) HANDICAPPED WORKERS.—Section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended by inserting after "injury" the following: "and who are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce".

(8) PRESERVATION OF COVERAGE.—In the case of an employee who on May 15, 1996, was subject to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) and who because of the amendments made by this subsection is not subject to such section, the employer of such employee on such date shall—

(A) pay such employee not less than the minimum wage in effect under such section on May 15, 1996;

(B) pay such employee in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at less than the wage authorized in subparagraph (A) or to avoid the protections of subparagraphs (B) and (C). Any employer who violates the preceding sentence shall be considered to have violated section 15(a)(3) of the Fair Labor Standards Act of 1938.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and a Member opposed each will control 30 minutes.

Does the gentleman from Missouri [Mr. CLAY] wish to be recognized in opposition?

Mr. CLAY. Mr. Speaker, I do. I yield 14 minutes of my time to the gentleman from Connecticut [Mr. SHAYS], and ask unanimous consent that he be allowed to yield time as he sees fit.

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

There was no objection.

Mr. GOODLING. Could the Speaker tell me what the arrangement is now?

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] has agreed to give 14 minutes of his 30 minutes to the gentleman from Connecticut [Mr. SHAYS] for purposes of the gentleman from Connecticut being able to control time and yield time. So the gentleman from Connecticut [Mr. SHAYS] will control 14 minutes, the gentleman from Missouri [Mr. CLAY] will control 16 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

Mr. Speaker, as I indicated earlier today, after we make the decision to move ahead with raising the minimum wage, then the question comes, what

do we do for the most vulnerable, the unskilled, the poorly educated, the dropouts, the teens, the senior citizens, who both need the time and the therapeutic help of a job? Any my response to that was that we do what we have done every time we have raised the minimum wage: We went back to see what it was we could do to alleviate some of the problems that we were going to have in relationship to the unskilled, the poorly educated, the teens, the senior citizens.

So every time we have had a minimum wage discussion, every time we have had a minimum wage increase, we have always gone back and made the exceptions and the exemptions, so that the small businesses could provide those jobs for those most in need, and so small businesses could create those jobs that small businesses must create if as a matter of fact we are going to have a growing economy.

So today, I have an amendment that will do what we have always done in the past when we have had these minimum wage discussions.

I do want to clarify there are two votes on the amendment, a vote on the section dealing with the small business exemption, which I will discuss momentarily, and a separate vote on the rest of the en bloc amendments.

What are these en bloc amendments? First of all, the tip credit. Nothing new, same as we have always done it. The tip credit, the Fair Labor Standards Act currently includes a tip credit whereby employers of tip employees may count tips up to \$2.13 an hour, that is under your current law. In the event that the employee does not receive at least that \$2.13 and up to the minimum wage, the employer then must pay the difference between the \$2.13 and whatever that minimum wage may be. The employer must contribute those additional amounts of wages to make sure that they have reached the minimum wage.

The amendment codifies the current level of tip credit, maintains the minimum wage protection for tip employees in that the employer would still be required to make up the difference in wages between the new minimum wage and \$2.13 per hour whenever the tips received by the employee are insufficient to make at least the minimum wage. Most of these people are making \$7 to \$8 an hour.

Small business exemption: My, we have heard a lot about something that has been around a long, long time in every piece of fair labor standards legislation that comes before us, and that is a small business exemption.

It would address a problem with small business exemption that was created by the 1989 amendments to the Fair Labor Standards Act. In 1989, when the minimum wage was last increased, Congress agreed to increase the small business exemption to

\$500,000. That is the law. However, the ultimate legislation that passed inadvertently resulted in situations in which individual employees of small businesses could be covered, even if their employer was otherwise exempt, if their work was involved in interstate commerce. In other words, one employee might be covered while another sitting side-by-side would not. I used the illustration all the time how silly this is. You have a business, and it is mostly done through telephone, and you have two people sitting side-by-side. One is calling out of State, receiving one wage; one is calling in State, receiving a different wage.

Not only that, if you are calling in State one day, you have to keep a record because you get a different wage then, and the next day you are calling out of State, you have to keep that record so that as a matter of fact, you do not get in trouble under the Fair Labor Standards Act.

This is what they tried to correct in 1989.

Now, let me tell you, as I have up here, I have Mr. Espy's Dear Colleague letter, and I say that my amendment restores what was the intention of Congress when the small business exemption was increased in 1989. In fact, it uses language that was developed by Representative Espy.

I might also point out that that legislation was endorsed by the arch conservatives, the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from New York [Mr. OWENS], the gentleman from West Virginia [Mr. RAHALL], more arch conservatives, the gentleman from New York [Mr. SERRANO], the gentleman from Missouri [Mr. VOLKMER], and the gentleman from Indiana [Mr. VISCLOSKEY].

Mr. VOLKMER. Mr. Speaker, will the gentleman yield? The gentleman used my name.

Mr. GOODLING. Mr. Speaker, I will not yield. I did not use the gentleman's name in vain. I just used his name as it was written in black and white.

The SPEAKER pro tempore. The gentleman from Pennsylvania controls the time.

□ 1330

I have improved upon his legislation initiative because I have grandfathered all of these people who are now inadvertently receiving this money. So when someone tells us someone is going to lose money, they are not going to lose money because they are grandfathered. They are going to continue to receive the inadvertent increases that they presently receive. They are grandfathered.

Not only are they grandfathered, I improved the legislation because I made it very clear that they cannot dismiss someone to get around and have some kind of a loophole. So it is improved legislation.

But there were 67 Democrats, there were 90 Republicans that sponsored that, and we have a whole history of what the committee said. The committee said the act is to create a more uniform small-business exemption. This was not a committee under Republican leadership, this was a committee under Democrat leadership. And it says the act is to create a more uniform small-business exemption. Small enterprises whose total volume of sales or businesses do less than \$500,000 would no longer be covered.

Now, we are talking about businesses where the employees are somewhere between 2 and 10 at the most. And if we look at all the exemptions that are presently in the law, we will find that there are not that many left because the self-employed do not fit, we cannot find any chain restaurant that fits into any kind of exemption because they all make more than \$500,000, and we cannot take the white-collar workers because they are exempted.

And so the whole argument that we are talking about millions of people is just nonsense.

They go on to say, in eliminating several confusing tests to determine applicability of the act to various industries, the committee continues to demonstrate its support for the principle of a true small-business exemption. The committee believes, and again, this is not our committee I am talking about, I am talking about a Small Business Committee chaired by the Democrat Party, the committee believes that the increase in the minimum wage to restore the eroded value of the wage should be accompanied by a commensurate increase in the enterprise test threshold.

Representative Austin Murphy, the chairman of the relevant subcommittee, stated, Our substitute sets the exemption ceiling at \$500,000 for all businesses, with the exception of hospitals and other care facilities currently outlined in section 3(s)(5) of FLSA, which, incidentally, is unchanged by my amendment.

By the way, let me emphasize that existing employees, as I said before, are grandfathered.

So we have a lot of talk about that particular part of my en bloc amendment which is more talk than substance.

We have two other areas that we covered. In those two areas, one deals with an opportunity wage.

If Members will remember, in the last increase in minimum wage, included in that legislation was an opportunity wage or a training wage. That was two 60-day opportunities. This is much better because this says 90 calendar days, one time. Not two at 120 total, not two at 120 working days. Ninety calendar days, which gives them that opportunity to move up the ladder of success and gives the business

the opportunity to train those that I was talking about; no skills, poor education, dropouts. They have that opportunity to train and move up that ladder of success.

I want to make sure Members also understand that in the small-business exemption it is what we do in every piece of legislation. Title VII of the Civil Rights Act, one of our most important labor laws, exempts employers with less than 15 employees. The Americans With Disabilities Act contains the same exemption. The Age Discrimination and Employment Act has a larger exemption, exempting up to 20 employees; the WARN Act on plant closings, less than 100 employees; the Family and Medical Leave Act legislation, less than 50 employees. So that is all in there now.

Two other areas. Computer professionals. This is the law at the present time. I am merely restating that law indicating that if they are making 6.5 times the minimum wage, they do not qualify; therefore, they are at \$50,000, \$55,000 a year. That is not who we are talking about in this minimum wage debate, and so we continue that.

If the amendment is not included, then any minimum-wage increase of \$1 would mean they are up another \$13,500. The amendment simply maintains the current exemption level for 6.5 times \$4.25, or \$27.63 per hour.

I did mention the opportunity wage, and, again, it is a starting wage. It would remain at the \$4.25, the current level, and it is for those under 20 years of age and it is for the first 90 calendar days.

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

Mr. CLAY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the Goodling amendment effectively denies an increase in the minimum wage to millions of current workers and denies minimum-wage and overtime coverage to millions of new workers.

The small-business exemption eliminates minimum-wage and overtime coverage for more than two-thirds of all businesses in this country. It guarantees that more than 10 million current workers will derive no benefit from future increases in the minimum wage. Employees in the garment industry sweatshops, farm workers, and workers in sheltered workshops are among those who will ultimately lose overtime protection if the Goodling amendment passes.

An estimated 3 million workers in the retail industry and another 4.5 million in the service industry would be exempted from the minimum wage and overtime law. Sixty-seven percent of all retail firms, and an astounding 78 percent of all service firms are exempted by this amendment.

Mr. Speaker, I doubt that this legislation would pass the Senate, and I ex-

pect that if it gets to his desk with the small-business exemption attached, that the President will veto the bill. I, for one, will not support final passage of this bill if this provision is part of the bill.

The rest of the Goodling amendment is not much better. The so-called opportunity wage provides that for the first 90 days of employment, 16- to 19-year-olds can be paid only \$4.25 an hour. The provision includes no assurance that teenagers will receive training, and the provision is not limited to a teenager's first job.

Finally, an employer would have a powerful incentive to hire teenagers looking for extra spending cash at the expense of workers who are seeking jobs to support their families. The subminimum wage will trap young, low-wage workers in subminimum employment.

The Goodling amendment also denies tipped employees any benefit from the increase in the wage. It is the employee who will effectively pay for this increase out of his own tips. Yet these workers, among those most in need of a minimum-wage increase, are not only denied this increase but are denied future increases as well under the Goodling amendment.

Mr. Speaker, we should not take two steps back in order to take one step forward. We should not turn our backs on millions of hard-working Americans. I urge my colleagues to defeat the Goodling amendment.

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

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Speaker, before yielding myself time, I would like to ask a parliamentary inquiry of how the speaker intends to divide the question. It is my understanding that there are four parts to this bill and there will be two votes.

The SPEAKER pro tempore. The gentleman is correct. The Chair will state his intention with regard to putting the question on the amendment presented by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment will be divided into two parts on the question of its adoption. The Chair intends first to put the question on agreeing to the first part of the amendment comprising subsections (a), (b) and (c) of the new section that is proposed to be added to the bill by the Goodling amendment.

Thereafter, the Chair will put the question on the last part of the amendment, adding a subsection (d).

Mr. SHAYS. I thank the Speaker for answering my parliamentary inquiry.

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

The proponents of the minimum wage on this side of the aisle have asked for time and have graciously received it from my colleague, and I thank him very much for giving us this

time to express general support for sections a, b and c of this amendment, but in opposition to part d, which is the \$500,000 exemption for small businesses.

Our concern, very plainly put, is we think it is too broad. We believe that there are basically about 4 million people receiving the minimum wage today and of that number about half are affected by the \$500,000 or less.

We believe that, ultimately, that when we increase the minimum wage, if we are successful, to the number of \$5.15, that we will have another 16 million who will be positively affected in addition to the 4 million. But over half, over half of those individuals, over time, will be exempted from the minimum wage.

So we as proponents are encouraging an increase of the minimum wage at the same time we are opening a very large door in which too many people, regrettably, will be exempt from the minimum wage and the 40-hour workweek with time-and-a-half.

So, Mr. Speaker, I respectfully request that those Members who had voted for, one, to consider the minimum wage, when they voted to allow the Riggs amendment to come to the floor, and those 77 who voted for the Riggs amendment, will be willing to vote potentially "yes" on the first vote, a, b and c, but a definite strong "no" on part d, the \$500,000 exemption.

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

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, Americans have spoken loud and clear: 80 percent of them say raise the minimum wage. Raise it now. And make it a clean, uncomplicated vote.

But, the Republican leadership finally found a way to frustrate the wishes of 80 percent of the people.

This amendment is a laundry list designed to exclude millions of Americans from receiving a deserved wage increase.

It won't apply to restaurant employees. It won't apply to anyone under age 20 during the first 90 days of a new job. It won't apply to employees of small businesses that do interstate business. And it won't apply to many high-technology employees eligible for overtime pay.

A raise in the minimum wage is supposed to benefit all workers. It is supposed to help low-income employees provide for themselves and their families. It is not supposed to exclude millions from the increase they desperately need.

Under this Republican amendment, special interests are the sole beneficiaries. And it is the worker and her family that are being hurt again.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I rise in opposition to the Goodling amendments in its total form.

I think even though the House should be commended for the action that we have taken in the majority to raise the minimum wage, the Goodling amendments would show us how quickly we can slip backward.

I do not believe we should be making those people who are employed and part of their compensation is in tips, requiring that the totality of what would, in effect, be this increase in the minimum wage, would have to come out of tips that they earned through the generosity of their customers.

I come from a city that has been claiming to be the most generous in the Nation. However, I would not want anyone to have to be dependent upon the tips of those whom they serve to be the principal basis for their increase in the minimum wage. I think it is wrong, and I think it is a step in the wrong direction.

I also think that when we look at the broad base of this exemption for small businesses, that I agree with my colleague, the gentleman from Connecticut [Mr. SHAYS], that it is just too broad.

□ 1345

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. QUINN], primary proponent of increasing the minimum wage.

Mr. QUINN. Mr. Speaker, I would like to go on record as opposing the Goodling amendments, and in particular take a few minutes to talk particularly about Goodling 2. That is the amendment that deals with the \$500,000 small business exemption.

Mr. Speaker, people who work a 40-hour workweek ought to earn a livable wage. This amendment in my mind would deny that. Over 3,000,000 American businesses, two-thirds of all the businesses in our country, have an annual income under \$500,000. These businesses employ 10½ million workers. That is more than 10 percent of all the workers in America. I think, Mr. Speaker, that, if we have worked as hard as we have worked, we had a bipartisan vote just a few months ago where over 70 Republicans supported the Riggs-Quinn-English-Martini minimum wage vote, we are headed in a bipartisan direction right now. I would urge any of our colleagues who are listening to the debate, any who have been involved these last 2 or 3 weeks, I would urge a "no" vote on the Goodling 2 amendment.

In my estimation, and others who have worked hard on the original bill that was dropped about 2 or 3 weeks ago, maybe a month ago, we would simply undo everything we have done by passing the minimum wage. We would exempt the very workers we are trying to help, the people that many times are not represented by organized labor. They are not represented by anybody in most cases but the Members

who vote in this House and the Members who will vote in about 45 minutes.

Mr. Speaker, I urge a not vote on the Goodling amendments and in particular Goodling 2, which will be the small business exemption.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Maryland [Mr. HOYER] is recognized for 3 minutes.

Mr. HOYER. Mr. Speaker, I rise in support of my Republican colleague who just spoke in a bipartisan way. We just voted 266 to 162 to raise the minimum wage so that we can get it up from a 40-year low. After months of pressure, this House will vote on raising the minimum wage in just a few minutes.

At a time when the minimum wage is at its lowest buying power in 40 years, we will vote to compensate millions of women and men for their hard work to support themselves and their families. We talk about being family friendly. Nothing is more family friendly than allowing wage earners to support themselves and their children to make work pay in a meaningful way. We will vote to make work pay more than welfare.

Today should be a joyful day for millions of American workers, but what the Republican Congress giveth with one vote, it taketh away with two others. Yet again, we have a situation in which we may give with one hand and take away with the other. These are two of the most cynical amendments, very frankly, and I say it with respect, that I have seen. While we raise the minimum wage with one amendment, another amendment would repeal it for 10,000,000 workers, leaving them with no minimum wage protection at all.

If you are a waitress spending long days on your feet to keep your family off welfare, the Goodling amendment means that you will not get an increase in your wages. You will not get an increase in your wages. If you are doing computer work during the day to put yourself through school, these amendments mean that you will not be paid for the overtime you work. These amendments will exempt thousands of small businesses from the most basic child labor laws and worker protections. That does not mean they will be violated, but they will lose the protection.

Mr. Speaker, American workers are not dumb. As a matter of fact, they are pretty smart. They see that the Goodling amendments would leave this minimum wage bill as a minimum wage emperor who has no clothes. I urge my colleagues to vote against the Goodling amendments. Let us pass a meaningful increase in the minimum wage for the first time in 7 years.

Let us reward work, make it pay, make sure that when people get off welfare; they can support themselves and their children. That is opportunity. That is the American dream. Let us act today to make it reality for millions of Americans.

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

Respected by cynical. Let me point out, here is what the Democrats said they were doing for small business in 1989, from the committee report, agreed to by many of the Democrats speaking here today. They said:

Small enterprises whose total volume of sales or business done is less than \$500,000 would no longer be covered. In eliminating several confusing tests to determine applicability of the act to various industries, the committee continues to demonstrate its support for the principle of a true small business exemption.

That is what Democrats said in 1989, when we had the small business discussion. That is what I am saying today, exactly what they said then. I have not changed my stripes.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I would like to speak in favor of some of the provisions the gentleman from Pennsylvania [Mr. GOODLING] has offered but against the provision which would exempt all companies with less than \$500,000 in gross sales.

One of the speakers previously said that if the first Goodling amendment went through, that people who are computer programmers would not get overtime. That is clearly not the case. What the amendment says is, if you make more than \$27.63 an hour, you would not qualify for overtime. We have having a debate on the minimum wage. That is appropriate. But someone who is making \$27.63 an hour is not a minimum wage worker. It is a very different argument here. That provision simply clarifies an oversight in a previous bill which said that if you made \$27.63 an hour, you still received overtime.

I think most people would say if you are making that much money, if you are making \$50,000 a year, it is not the same as being a waitress or a waiter, it is not the same as working at a convenience store or fast food restaurants. Clearly overtime for someone making \$50,000 or more each year is not the same as those entry-level workers making a very, very minimal wage.

I think the other provisions are reasonable as far as they go. Waiters and waitresses who are making less than \$5.15 an hour would see their wages increased. I think it is important that that be stressed because it is being glossed over in the debate. Everyone

would have to make at least that \$5.15 per hour. That is something that has to be insisted on as well.

The training wage for 90 days, I think this is a reasonable compromise. The original proposal was to have an open-ended training wage. I would have voted against that. But to say for just 90 days for teenagers, the people who really do need some job skills, I think is a reasonable compromise, and I think that is worthy of support, too.

However, I will repeat my opposition to the provision exempting all small businesses with less than \$500,000. I think that is too open-ended a bill. I would urge my colleagues to vote "yes" on the first three and "no" on the final provision.

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

Mr. LEWIS of Georgia. Mr. Speaker, this debate today was supposed to be about raising the minimum wage—about raising the minimum wage—about giving hardworking people at the bottom of the economic ladder a little bit more in their paycheck each week. But it is not. The Republican majority has turned this into a bill repealing the minimum wage. The Goodling amendment would do away with the minimum wage for as many as 10 million working people. If your employer wants to pay you \$2 an hour, that is okay with the Republicans.

My colleagues, what the Republicans are doing on this floor today is a shame and a disgrace. It is obscene. You ought to be ashamed of yourselves. Where is your sense of common decency? What you are doing today is not only unfair and unjust—it is un-American.

We should be here to raise the minimum wage, not repeal it. If ever there was an issue that defined Democrats and Republicans, this is it. Democrats believe that if you work hard 40 hours a week, you should not have to live in poverty. Republicans, extreme Republicans, believe in repealing the minimum wage. If people live in poverty—so be it. Today the extremist Republican majority has shown its true colors.

What you are doing today is wrong. I know it is wrong. You know it is wrong. And the American people know it is wrong.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Speaker, last Wednesday, May 15, the Committee on Small Business held a hearing to listen to the concerns of small business owners who would be faced with some very unfavorable choices if the minimum wage is increased—denying unskilled workers the opportunity to learn a job and build their skills, and reducing hours for those currently on their payroll, to make the ledger balance at the end of the week.

One of our witnesses, Mr. Taalib-Din Uqda, owns a business here in Washington, DC, called Cornrows and Co. He started his business in 1980 with \$500. He now employs 12 full-time people, including himself and his wife, and grosses about \$500,000 annually. He said in very clear, plain terms that an increase in the minimum wage will force him to deny job opportunities to those in our community that need it the most.

If we mandate an increase in the minimum wage without a useable small business exemption, he cannot afford to hire unskilled applicants at the minimum wage. The cost of their employment would be too great, making it more cost-effective for him to hire a skilled worker.

The amendment offered today by Chairman GOODLING would allow only very small businesses to use the exemption passed in 1989. The Federal definition of small business generally includes businesses with gross receipts of \$3 million a year. The standard in this exemption is just a portion of the small business community—the true Mom and Pop operations on Main Street America. And the protections built into the amendment for those currently earning the minimum wage results in 250,000 to 350,000 workers being affected, not the millions suggested by some Members of this body.

I am amazed by the current lack of concern for very small businesses, and for the hard-to-employ in our society, by some of my colleagues. Just 5 years ago, 150 Members of this House cosponsored legislation to make the exemption for small businesses effective for those grossing \$500,000 a year or less.

Contrary to what many believe, an increase in the minimum wage increases the number of people on welfare. It increases the number of people on welfare. That was the experience nationally, after Congress increased the minimum wage in 1988, and a study conducted by Peter Brandon of the University of Wisconsin on the welfare rates of States that increased their minimum wage showed that the average time on welfare was 44 percent longer than in States that did not increase their minimum wage because fewer entry level jobs are available.

I urge the body to support Goodling 2.

□ 1400

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker and my colleagues, I reluctantly rise in opposition to the Goodling amendments. I wish it were not so, but I think the weight of evidence compels me to do so. I think they are well-intended amendments, but the fact of the matter is the threshold exemption for small businesses of annual sales of

\$500,000 or less would really exempt 10 million workers from minimum-wage standards under the Fair Labor Standards Act, would exempt them from many provisions for overtime compensation, and I do not think that is right. I think we could end up with some people earning a couple of dollars an hour.

Now, my colleagues may say that is farfetched and that would not happen. Let me tell them how it would happen. We are determined in this Congress to end welfare as we know it if we can get the President's cooperation. One of the provisions of the bill that everyone seems to focus on is that we are not going to be on welfare in perpetuity. There will be a time certain when people will have to go off of welfare. Then the question is, where are they going to go to work? Where are the jobs? I would suggest that a lot of businesses could take advantage of that situation by saying to the person who has no choice, "We will offer you \$2 an hour, come work for us, and incidentally, if you are going to work 10 or 12 or 14 hours a day, no overtime." I just do not think that is right.

Second, I think the 90-day training wage period is wrong. I think in many cases we are going to have dad losing his job and the son taking the job. I think it is going to be taken advantage of. We know throughout history that these things happened. We wished they did not, but they do.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

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

I simply want to emphasize the fact that I believe that what the gentleman from Pennsylvania [Mr. GOODLING] has presented in all four of these amendments are very reasonable ones, and I think also that I can say that when the minimum wage provision passes, as apparently it will pass as a part of this legislation, that we will have a better minimum wage law, and that basically is what we are all looking for.

All of these amendments that are being suggested are traditional amendments that have been attached in the past to minimum wage and overtime provisions. There is nothing new and startling, and when I hear some of the Members talk so emphatically and to seem to indicate that the end of the world is coming if we do not, for instance, refuse to add the small-business exemption that the gentleman from Pennsylvania [Mr. GOODLING] has presented, I just cannot quite understand why they are reacting the way they are reacting.

As has been pointed out by others, the small-business exemption for businesses that have gross receipts of under \$500,000 is an established part of the provisions right now of the Fair Labor Standards Act. The only problem is that they have been undercut by what everybody, I think unions and everyone else, recognizes as an inadvertent error or a scrivener's error in 1989 when, as a result of what I call the interstate clause came into being, and any employee, small business or not, I gather, is going to be subject to the interstate clause. If they are doing any business, that might put them under the interstate clause, such as answering the telephone on a long-distance call, that they would be subject to that.

Suffice it to say these are all very reasonable amendments. I would certainly urge my colleagues to endorse them.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I would express my support for the training wage provision as part of the Goodling proposal, but unfortunately I cannot support his whole proposal. Fortunately, there are going to be two votes on this.

I would like to point out that the training wage, I think as it was called back in 1989, is certainly a vital way, particularly for small businesses who would otherwise struggle with the minimum wage, and I do support that, and as I have said, fortunately there are going to be two votes here, my colleagues, so that we can express our support for the training wage, but I must absolutely oppose the small-business exemption in this proposal.

I think it is a poison pill and effectively will kill the minimum wage proposal, not only because the President will probably veto it on that ground, but also because the small-business exemption nullifies the increase in the minimum wage for than half of the workers currently.

So I reluctantly oppose it, but it would significantly reduce the number of workers who are covered by the minimum wage.

I would also like to point out that the exemption would also exempt the overtime provisions of the Fair Labor Standards Act, and I do not find that viable.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me.

Mr. Speaker, I rise in reluctant support of the Goodling amendment. Without the Goodling amendments' 90-day opportunity wage for teenagers, I do have some fear that those who are trying to save for college or just entering

the workplace and have no job skills will be denied new job opportunities, and without the amendment, struggling small businesses will have increased costs and might very well force many of them to close their doors.

With the Goodling amendment, businesses with less than \$500,000 in annual income would be exempt from the minimum wage requirements, and with the Goodling amendment millions of jobs for teenagers will be saved. With the amendment, struggling small businesses and the jobs that they create would also be saved.

As many have said today, Mr. Speaker, a minimum-wage increase costs jobs and raises prices, and as the House appears willing to make a very costly mistake, the Goodling amendment is the only life preserver available for struggling small businesses and low-skilled labor.

Mr. Speaker, I would urge my colleagues to support the Goodling amendment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], one of the primary sponsors of the minimum wage who introduced the bill along with the gentleman from New York [Mr. QUINN], and the gentleman from New Jersey [Mr. MARTINI], and the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding this time to me, and I find myself in a somewhat awkward position of both supporting and opposing my chairman, the distinguished chairman of the Committee on Economic and Educational Opportunities.

First of all, I very much support the Goodling amendments that deal with the tip credit, the opportunity of training wage and the computer professional changes to the Fair Labor Standards Act. The first two items, I think, go a long ways toward addressing the concerns of small business owners and business franchisees, especially those who happen to own convenience restaurants, and I heard that from some of the convenience restaurant owners in my congressional district.

But on the second item, the small-business exemption, I have to oppose that exemption. I believe it is overly broad. If we are going to grant a small-business exemption under the Federal minimum-wage requirement, it ought to apply only to businesses that are in a startup mode during that first year or two of operation when the survival of the small business is so tenuous.

So I have to oppose the small-business exemption as overly broad, as defeating, as many speakers have already said, the primary purpose of the minimum wage increase, and I would urge my colleagues on the division of the question, vote for the first Goodling amendment, but vote against the second Goodling small-business exemption amendment.

Mr. CLAY. Mr. Speaker, I yield 4¼ minutes to the gentleman from Michigan [Mr. BONIOR], the whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding this time to me, and let me just commend my colleagues for the debate that we are having today and for those on the side of the issue on the Republican side of the aisle who are agreeing with us that we need to defeat particularly Goodling amendment No. 2.

I want to talk about that family today out there in America who would be affected by this, Mr. Speaker.

Mr. Speaker, somewhere in America today there is a young mother who got up early, got her kids out of bed, got them breakfast, got them ready for school, and then she went out to catch the early bus, and she is going to work a hard, long day, either taking care of our parents at a nursing home or cleaning tables at a diner, or stitching buttons in a factory with 100 degree heat, and at the end of the day she is going to go home, she is going to be bone-tired, she is going to make dinner, she is going to do homework with her kids, and then she is going to put them to bed. Tomorrow she is going to get up, and she is going to do it all over again.

But she has something that we cannot take away from her. She has the pride of work, and her kids are proud of her also because instead of taking welfare, she has chosen work over welfare, she has chosen to be a good role model for her kids. Like 12 million other people who work for the minimum wage today, she believes that her hard work is going to pay off for her in the end.

But instead of helping her build a better future for herself and her children, instead of rewarding her decision to choose work over welfare, this Congress on occasion has had so little respect for the hard work that she does that today we are trying actually to give her a pay cut.

For 4 months some on this side of the aisle, not all, but some, have tried to block us every step of the way as we have tried to raise the minimum wage, and now that the public pressure has become so great that it has forced them to act, now that we have actually a few minutes ago voted to raise the minimum wage by voting for Mr. RIGGS' amendment by 90 cents, they now are coming back with an amendment which will try to repeal the minimum wage for literally millions of Americans who are working today, many like that mother I have just described to my colleagues.

Make no mistake about it. This amendment repeals the minimum wage for millions of American workers.

Mr. Speaker, we cannot raise the minimum wage by repealing it. But that is exactly what they are trying to do today. Instead of creating incentives for work, this amendment creates more sweatshops, it lowers wages, it lowers

living standards for millions of Americans.

Is this really what we want to do? Is that the message that we are trying to send today in honor of work in this country, that hard work does not pay, that 60 minutes of sweat and toil and bone-aching work are not even worth \$4.25 an hour?

Mr. Speaker, the last time I checked, 85 percent of the American people said, "Raise the minimum wage, not repeal it." The American people do not want us to return to the sweatshop days of old in the present. We want that ended. They want us to raise wages, not roll them back.

I urge my colleagues, let us have some respect for working people in this country, let us take some pride in the people who believe enough in themselves and enough in their futures to choose work over welfare. These people have big dreams, but they do not have big voices. They are counting on us to speak up for them today because, if we do not, nobody else will.

I urge my colleague to say "no" to this amendment, say "no" to repeal. Help us raise the minimum wage.

□ 1415

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, earlier today I said that I had supported the increase in the minimum wage in 1991. I did so primarily because the people who earn the minimum wage in my part of the country are, by and large, people who are age 20 and younger. They do that because in the summertime, our tourism industry has a fair demand for young people to come to the New Jersey shore in the summer to take jobs that customarily pay the minimum wage.

I thought I was doing the right thing for them, so I voted to increase the minimum wage. I found, however, that in talking to employers, those employers, during those summers in the intervening time, hired less teenagers than they had previously because we increased the cost of that labor.

This chart on my left demonstrates, I think, conclusively, just as 12 studies that I pointed to earlier, that increasing the minimum wage hurts teenagers more than it does any other segment of our society. This chart shows, on the red line, what the pattern of the minimum wage has been. In the middle 1980s it was quite high. It eroded because of inflation during the late 1980's. Then we increased the minimum wage, as the line shows, in 1991. Then it began to erode again because of inflation.

The blue line shows the unemployment rate of teenagers. Just as the minimum wage requirements decreased, the number of young people who are unemployed also decreases; or, said the other way around, the number

of young people who are employed increases. There is a parallel track that goes along.

When we raised the minimum wage in 1991, the rate of unemployment for teenagers shot up and spiked as well. Of course, the same is true, the same downward trend is then true later. I say to my colleagues on both sides of the aisle, these are facts. This is not a feel-good vote, this is a factual vote that we need to take very seriously.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the computer professionals' exemption is very simple and does deserve everybody's support. Here it is. Under the Fair Labor Standards Act, if you make 6½ times the minimum wage, then the time-and-a-half provisions no longer apply. But, since we increased the minimum wage, we suddenly have kicked up this threshold. So here is how the numbers work out. If you are presently making \$55,000, the time-and-a-half provisions do not apply. But after today, unless we amend the bill, if you are making up to \$68,500, time-and-a-half still applies.

What is the effect of that? It is time-and-a-half for people who are not doing badly in our society, and if you are working 50 hours a week, that is roughly an 8 percent increase of the total cost of hiring you in America. For a 60 hour week it is going to be a 17 percent increase. These jobs have, can, do, and will go offshore. This amendment, to me, is awfully compelling.

Mr. Speaker, I want to conclude and take my last minute with an overwhelmingly strong endorsement of the opportunity wage offered by the gentleman from Pennsylvania [Mr. GOODLING]. I support all of his amendments, but let me say how strongly I support the opportunity wage. Please, whatever doubt there may be as to the overall effect of the minimum wage, though to me that is not in doubt, it does cost jobs; there is no doubt that it costs jobs for teenagers.

I am going to cite two studies. Professor Stiglitz has been cited often. I refer to his text once again, where he says, "With the current level of minimum wage, only the very unskilled individuals are affected * * *. In the United States, perhaps the major unemployment effect of minimum wage is on teenagers."

The other is a 1981 study done by Congress, under the control of the other party, which found that a 10 percent increase in the minimum wage reduced teenager employment by between 1 percent and 3 percent. These studies are not in doubt. Please support the Goodling amendment to give teenagers at least this much relief from the minimum wage.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Wis-

consin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I, frankly, do not understand what all the fight is about. I have consistently voted for the increase in the minimum wage I think every time it has come up, the three different times during my tenure here in the Congress. Let us get that out of the way.

But, Mr. Speaker, can I suggest to everybody engaged in this debate, if the second part of the Goodling amendment goes down, you still have a \$500,000 exemption. That is in law today. What is the difference, and what are we talking about? What we are talking about is whether or not there is going to be some geographic equity.

Take a look at districts like my own, 220 miles along the Mississippi River, towns 400, 300, 200 population, family businesses. Who is affected by the minimum wage? There is not a corporation in America that is affected by the minimum wage. They all pay above that. The only people affected by this debate are those small family businesses.

What we are suggesting here today in the Goodling amendment is that Larry's Lawnmower Shop in rural Wisconsin, Carol's Catering, or Jerry's Grocery, just because they have a customer that lives 2 miles down the road, but it happens to be over a bridge in Minnesota or Iowa, should not be unfairly impacted. They ought to have the same benefits of the \$500,000 exemption that somebody living in the central part of Connecticut, the central part of Pennsylvania, the central part of Missouri ought to have; no more, no less. That is all this is about.

So can we cut out all the rhetoric about the fact that we are somehow going to deny all these people the minimum wage protections they have today? You know and I know that the Goodling amendment does not exclude one person who today has that minimum wage from getting anything lower. It does not allow that family business to displace them. The only thing the Goodling amendment says is that those of us who happen to be Members of Congress from border districts, that we can provide our family-owned businesses the same flexibility and the same geographic equity that the rest of you have. Vote for Goodling I and vote for Goodling II.

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman of the committee for yielding time to me, and I congratulate the gentleman from Pennsylvania [Mr. GOODLING] and the Republican leadership for allowing this vote on the minimum wage, but in addition rising to the greater challenge of looking at the minimum wage in the context of this Nation's need to strengthen the small business sector, the only sector that is creating jobs.

Mr. Speaker, as we move forward, and yesterday's tax package was a big step in the right direction, we have to recognize the reality that productivity and quality are the ultimate guarantors of employment. So in the Goodling amendment, the opportunity wage allows small businesses, now required to pay a higher minimum wage, to pay the current minimum wage as a temporary training wage for teenagers while they develop the productivity and the quality of performance on which the future of their employment depends.

I rise in very strong support of the work opportunity wage for teenagers and the computer professional fix and the tip credit adjustment in the Goodling amendment, because those things are all part of enabling small business to be strong and productive in a very competitive environment, while at the same time we assure to employees a minimum wage that will better meet their needs as full-time employees.

As a strong advocate of the minimum wage, I am urging support of the Goodling amendment to pass a work opportunity wage as I strongly supported the tax package yesterday and its work opportunity tax credit, to provide a wage subsidy for new employees needing a lot of training. But I am discouraged by the almost deceptive nature of the debate around the second Goodling amendment to reform the current law exclusion of very small businesses from the minimum wage.

That small business exclusion policy is law now. It has been broadly supported by Republicans and Democrats over many years. While I do not quite agree with the fix that is being offered to deal with some of its problems, it is misleading to imply that the small business exemption is controversial. Such exaggerated statements as these that have been made on the floor today, simply mislead rather than enlighten the public and our colleagues.

Mr. Speaker, I strongly support the first Goodling amendment and passage of the minimum wage increase.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I first want to thank my colleague, the gentleman from Missouri [Mr. CLAY], for yielding me 14 minutes of his 30 minutes. It was a very gracious effort at bipartisanship which I want to thank him for.

I also want to thank the leadership of my party for allowing us to have very honest debates on all these issues, and to have the opportunity to debate our feelings as strongly as we feel. I believe with all my heart and soul in increasing the minimum wage, and while I have little concern about the Goodling amendment, the first part, his three positions on A, B, and C, I urge a strong no vote on part D, the \$500,000 exemption.

Mr. Speaker, I just would like to point out to my colleagues, before 1989,

businesses that were retail services that gross \$362,000 or less were excepted from the minimum wage. All other businesses had to have a business of \$250,000 or less, and they did not allow for interstate commerce.

When I voted for the increase in the minimum wage, I did not vote to except the interstate business. I voted for the minimum wage, to increase it to \$500,000, and still leave in the interstate nonexemption. So I would contend this is not an attempt to fix, it simply widens it too large.

For those 76 who voted to allow the Riggs amendment to be debated, the 77 who voted for the Riggs amendment, the Quinn amendment, the Martini amendment, the English amendment to increase the minimum wage, voting on Goodling II in my judgment is a killer amendment. We do not have the votes to send it to the Senate if that amendment passes. I urge my colleagues to vote no on Goodling II, and I urge my colleagues to stay consistent with their vote to increase the minimum wage.

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

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I indicated earlier, if we tell the big lie enough times we will believe it ourselves. If we tell it more, we will have others believe it. It is interesting how this 1 million, 2 million, 30 million, 10 million, figure has been kicked around all day. As a matter of fact, Mr. Speaker, in 1989 when they got the figures that they needed in order to do exactly what I am offering today, CRS said that there are 250,000 at minimum wage. That is the people we are talking about but none that are working today, because I grandfathered all of those.

Now is the time, Mr. Speaker, when we have to think a little beyond those who are employed. Now is the time we have to think about the unskilled. We have to think about the poorly educated. We have to think about the teens, and we have to think about the senior citizens. What is it that we can do, now that we raise the minimum wage, to make sure that employment is available for them, to make sure they are given an opportunity to improve those skills, to improve their literacy, to be able to be citizens who can be employed and who can make their way up the American dream ladder?

I would ask Members today to forget the rhetoric that they may have heard and think now beyond what they have been concentrating on, which has been those who are making minimum wage now or those who are above minimum wage, and think only about those that every study has indicated will reduce the availability of jobs for the unskilled, for the poorly educated, for the teens, for the senior citizens.

□ 1430

Again, what I am doing in that part 2 that they have talked about is exactly what the majority then wanted to be back in 1989. Let me also mention, when we are talking about a \$500,000 cap, when the legislation came before President Kennedy in 1961, that exemption was \$1 million. Translated in today's value, that is almost \$5 million. Under President Johnson in 1967, it was \$500,000, translated today to a value of \$2.2 million.

Right on down the line, we are way below them. We are talking about \$500,000. Again it is not silly to have two people sitting in the same room doing the same job, receiving different pay, simply because one is calling across the line and the other is calling in-State? How silly must they think we are, or even worse, if one day they are calling in-State, they get one wage, and the next day they are calling out-of-State, and they get a different wage.

I appeal to all of my colleagues, the minimum wage will be raised. Now let us concentrate our efforts on helping the most needy, the most vulnerable that we have in our entire society. We must think about those people, the unskilled, the poorly educated, the teens, the senior citizens.

I encourage all to vote for both amendments, the three en bloc and the one that will be voted on separately. As I understand, the vote will be the three first and then followed by the single amendment. I again appeal to all to consider the most needy, the most vulnerable in our entire society.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I must say that I believe that there has been a change in the Republican Party. In 1989, we had 382 votes in this House to increase the minimum wage, and we had President Bush sign the bill.

I have great admiration for the Members like the gentleman from Connecticut [Mr. SHAYS] and others who have stood within their party and argued the case for a minimum wage, and I hope that many of them will vote against the Goodling amendment that exempts so many of these people from the minimum wage, because then I think we have a chance to pass a bill that will increase the minimum wage.

But this used to be a bipartisan issue. There was an understanding in our society that if you worked and you did what the society asks everyone to do, to work for a living, that you would be rewarded with a decent living wage. The Goodling amendment that exempts all these small businesses, in effect, repeals the minimum wage for millions of Americans. Why on God's green Earth would we want to do that?

The argument is that it loses jobs. How does increasing the minimum

wage or having a minimum wage lose jobs? This argument has been made every time we have discussed this issue, and we have ever so often increased the minimum wage to keep up with inflation. It has not lost jobs.

Just think about it for a minute. Do you think anyone who gets the minimum wage does not immediately spend it on paying their bills? The money goes right back into the economy and we build the economy from the bottom up, not just from the top down. That person working in the short-order restaurant is going to pay their bills and buy meals in that restaurant, and pay their electric bill and pay their housing bill, and that money courses through the economy and creates economic activity and builds more jobs.

But putting that aside for a moment, do we ever want to get to a point in this country where we say one type of work should be paid 50 cents an hour and something else is more valuable? Look at the people that would be hurt under the Goodling amendment: Workers in manufacturing shops, insurance agency employees, employees of medical practices, security guards, garment workers, building maintenance workers.

Are we to say that somebody that carries around a bedpan in a hospital, cleaning up after people in the hospital, is not worth anything, that they have no meaning in their life; that only if you are a computer operator or an investment broker that you have meaning in this society? We have to honor work. We have to honor people's contribution to this society.

We had a woman here last week who held up the picture of her son, talked about her bills. She went through her bills.

She said, "At the end of the month, I have no money for food." She said, "I have to put a bill aside every month to pay for food for my children." She said, "He got hurt in football practice, we wound up with an \$1,000 bill." She said, "I can't pay it, can't even think about paying it. So when the lawyers called, I told them you can't get something I don't have."

Then she said a friend came to her and said, "Go on welfare so you can get Medicaid." She said, "I won't go on welfare. I want to work."

That is what this is about. The majority leader has said he would fight this increase with every fiber in his being. Let me tell you, we will fight for this increase with every fiber in our being.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my opposition to the Goodling amendment.

It was my hope that we would not turn the issue of raising the minimum wage into a political football. The weight of public opinion is squarely on the side of raising the minimum wage, but the Republican leadership of this body could not provide a clean bill.

Representative Goodling's amendment would eliminate the existing provision which requires employers of tipped employees to pay at least 50 percent of the statutory minimum wage in cash and replaces it with a provision which locks the cash wage at the current standard of \$2.13 an hour. It would also deny any automatic future increases in the minimum wage to those who work and earn tips as a part of their income.

The amendment would strip the interstate commerce provision and allow all businesses with gross annual sales of \$500,000 or less to not pay the minimum wage. This amendment would go beyond the pre-1989 exemption which exempted only employees of small retail/service establishments. This would remove a substantial number of previously protected low-wage workers such as those found in garment industry sweatshops, industrial homework, and farmworkers.

The amendment also eliminates the existing provision exempting certain computer professionals from requirements that they receive overtime pay. This would mean that no additional computer professionals will be protected by the Fair Labor Standards Act's time and one-half overtime requirements.

In my Houston, TX, district that would mean a real income drop for computer professionals who would no longer be subject to this protection.

This amendment would make permanent a failed experiment contained in the 1989 amendment to the Fair Labor Standards Act that expired in 1993. Where employers were allowed on a temporary basis to pay a rate lower than the minimum wage. This change if widely used would create an incentive to displace older workers. Paying this lower wage to workers under age 20 for 90 days presumes that it must cost them less to live than you or me.

These subminimum wage workers will not get a corresponding break in the cost of livings. They will still have to care for their children and families just as they are required to do today. This change in the Fair Labor Standards Act would restrict these worker's freedom to seek other employment opportunities that may be presented to them for fear of taking lower pay for a quarter of their first year of employment.

Some would argue that a raise in the minimum wage would result in high unemployment so the Goodling amendment is a good idea. If the proposal was more than a mere 90 cents divided between two years their might be some merit to that position. The real discussion should be about supporting those poor families that choose work over welfare.

The first step to moving people from poverty to self-sustainment is to raise the minimum wage for all workers with malice toward none.

Ms. ROYBAL-ALLARD. Mr. Speaker, we just passed the minimum wage amendment and now my Republican colleagues want to take it away from the American worker.

The Goodling amendments are slick strategies to prevent 13 million workers from receiving the 90 cents increase.

These Republican amendments gut the spirit of the minimum wage increase by denying benefits to almost 10 million minimum wage workers in retail and service firms; and teen-

agers under the age of 20; additionally millions of hardworking waiters and waitresses will be exempted from the wage increase.

Furthermore, millions of additional minimum wage workers will be losers because according to the Labor Department estimates, over two-thirds of American firms will be exempted from paying the minimum wage under these amendments.

It is time the Gingrich Republicans stop playing games with the American worker and give them the full benefit of the minimum wage increase just passed by this a large majority of this House and which is supported by the American people who know workers need a raise.

Vote "no" on the Goodling amendment.

Mr. COYNE. Mr. Speaker, I rise today in opposition to the proposed Goodling amendment. Mr. Speaker, the Fair Labor Standards Act has been the law of the land since 1938. The minimum wage, the 40-hour week, and the other provisions of the Fair Labor Standards Act have improved the quality of life of American working families immeasurably. And yet, for nearly 60 years, the Republicans in Congress have attempted to fight off or roll back Federal laws and regulations that protect American workers. Today's initiative is just the latest in a series of Republican attacks on American working families.

Up to 10 million Americans could lose their right to earn a minimum wage under this amendment. This is unacceptable.

You can not live on the current minimum wage. You can not raise a family on it. You certainly can not escape poverty earning the minimum wage. Now the Republicans want to eliminate the modest protection that the minimum wage provides for some of the most disadvantaged members of our society—people who are trying to play by the rules, people who work hard, people who already work long hours in difficult jobs.

My Republican colleagues want to gut Federal safety net programs like welfare and Medicaid. They want to reduce eligibility for the earned income tax credit. And now they want to roll back the protection provided by the minimum wage.

I say to my Republican colleagues, the hardworking low-income people of the United States need your help—not the back of your hand. I ask my colleagues to reject this mean-spirited, misguided piece of legislation. Let us pass a clean minimum wage increase.

Mr. BACHUS. Mr. Speaker, I rise in support of Mr. GOODLING's amendment which advances the interests of both employees and employers, particularly as it will solve a major and unintended problem in the high technology industry.

I am proud of Alabama's growing high technology industry especially in the Birmingham area. There, as elsewhere, many computer professionals are paid 6½ times the minimum wage which is currently \$27.63 per hour. I don't believe it was the intent of Congress in raising the minimum wage by 90 cents for it to apply to these professionals who in many cases make \$55,000 a year. Hence, I support decoupling the computer overtime exemption rate from the minimum wage increase.

With this amendment, important professional work can be completed on time such as computer software and hardware design work

done by computer systems analysts, programming modifications done by computer programmers, computer system documentation work done by computer technical writing professionals, and other similarly skilled workers.

I thank the gentleman from Pennsylvania for including this provision in the en bloc amendment and strongly support the other provisions included in the amendment.

The SPEAKER pro tempore (Mr. WALKER). All time has expired.

Pursuant to the rule, the question shall be divided between subsection (d) and the remainder of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question is on the first three subsections of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 188, not voting 6, as follows:

[Roll No. 193]

YEAS—239

Allard	Coburn	Goodlatte
Archer	Collins (GA)	Goodling
Armey	Combust	Goss
Bachus	Condit	Graham
Baker (CA)	Cooley	Greene (UT)
Baker (LA)	Cox	Greenwood
Ballenger	Cramer	Gunderson
Barcia	Crane	Gutknecht
Barr	Crapo	Hall (TX)
Barrett (NE)	Creameans	Hamilton
Bartlett	Cubin	Hancock
Barton	Cunningham	Hansen
Bass	Davis	Harman
Bateman	Deal	Hastert
Bentsen	Dickey	Hastings (WA)
Bereuter	Doolittle	Hayes
Bilbray	Dorman	Hayworth
Bilirakis	Doyle	Hefley
Billey	Dreier	Heineman
Boehner	Duncan	Herger
Bonilla	Dunn	Hilleary
Bono	Ehlers	Hobson
Brewster	Ehrlich	Hoekstra
Browder	Emerson	Horn
Brownback	English	Hostettler
Bryant (TN)	Ensign	Houghton
Bunn	Eshoo	Hunter
Bunning	Everett	Hutchinson
Burr	Ewing	Hyde
Burton	Fawell	Inglis
Buyer	Fields (TX)	Istook
Callahan	Flanagan	Johnson (CT)
Calvert	Foley	Johnson, Sam
Camp	Forbes	Jones
Campbell	Fowler	Kasich
Canady	Fox	Kelly
Castle	Franks (CT)	Kim
Chabot	Frelinghuysen	King
Chambliss	Funderburk	Klug
Chenoweth	Galleghy	Knollenberg
Christensen	Ganske	Koibe
Chrysler	Gekas	LaHood
Clement	Geren	Largent
Clinger	Gilchrest	Latham
Coble	Gillmor	LaTourette

Laughlin	Parker
Lazio	Pastor
Lewis (CA)	Paxon
Lewis (KY)	Payne (VA)
Lightfoot	Peterson (MN)
Lincoln	Petri
Linder	Pickett
Livingston	Pombo
Lofgren	Porter
Lucas	Portman
Manzullo	Pryce
McCollum	Quillen
McCrary	Radanovich
McInnis	Ramstad
McIntosh	Regula
McKeon	Riggs
Metcalf	Roberts
Meyers	Roemer
Mica	Rogers
Miller (FL)	Rohrabacher
Minge	Roth
Montgomery	Roukema
Moorhead	Royce
Moran	Salmon
Morella	Sanford
Myers	Saxton
Myrick	Scarborough
Nethercutt	Schaefer
Neumann	Schiff
Ney	Seastrand
Norwood	Sensenbrenner
Nussle	Shadegg
Orton	Shaw
Oxley	Shuster
Packard	Sisisky

NAYS—188

Abercrombie	Frost
Ackerman	Furse
Andrews	Gejdenson
Baesler	Gephardt
Baldacci	Gibbons
Barrett (WI)	Gilman
Bellenson	Gonzalez
Berman	Gordon
Bevill	Green (TX)
Bishop	Gutierrez
Blute	Hall (OH)
Boehliert	Hastings (FL)
Bonior	Hefner
Borski	Hilliard
Boucher	Hinchey
Brown (CA)	Hoke
Brown (FL)	Holden
Brown (OH)	Hoyer
Bryant (TX)	Jackson (IL)
Cardin	Jackson-Lee
Chapman	(TX)
Clay	Jacobs
Clayton	Jefferson
Clyburn	Johnson (SD)
Coleman	Johnson, E. B.
Collins (IL)	Johnston
Collins (MI)	Kanjorski
Conyers	Kaptur
Costello	Kennedy (MA)
Coyne	Kennedy (RI)
Cummings	Kennelly
Danner	Kildee
de la Garza	Kleczka
DeFazio	Klink
DeLauro	LaFalce
Dellums	Lantos
Deutsch	Leach
Diaz-Balart	Levin
Dicks	Lewis (GA)
Dingell	Lipinski
Dixon	LoBiondo
Doggett	Longley
Dooley	Lowe
Durbin	Luther
Edwards	Maloney
Engel	Manton
Evans	Markey
Farr	Martinez
Fattah	Martini
Fazio	Mascara
Fields (LA)	Matsui
Finler	McCarthy
Flake	McDade
Foglietta	McDermott
Ford	McHale
Frank (MA)	McHugh
Frank (NJ)	McKinney
Frisa	Meehan

Skeen	Velázquez
Smith (MI)	Vento
Smith (TX)	Viscolsky
Smith (WA)	Volkmer
Solomon	Walsh
Souder	Waters
Spence	Watt (NC)
Stearns	Waxman
Stenholm	Williams
Stockman	Wilson
Stump	Wise
Talent	Woolsey
Tanner	
Tate	
Tauzin	
Taylor (NC)	
Thomas	
Thornberry	
Tiahrt	
Torkildsen	
Upton	
Vucanovich	
Walker	
Wamp	
Watts (OK)	
Weldon (FL)	
Weldon (PA)	
Weller	
White	
Whitfield	
Wicker	
Wolf	
Young (FL)	
Zeliff	

Watt (NC)	Wynn
Waxman	Yates
Williams	Young (AK)
Wilson	Zimmer

NOT VOTING—6

Becerra	Kingston	Molinari
DeLay	McNulty	Ward

□ 1456

Ms. MILLENDER-McDONALD, Mr. SHAYS, and Mr. DICKS changed their vote from "yea" to "nay."

Mr. MINGE changed his vote from "nay" to "yea."

So the first three subsections of the amendment were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 193, I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 193. Had I been present, I would have voted "nay."

Mr. SPEAKER pro tempore. The question is on subsection (d) of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

PARLIAMENTARY INQUIRY

Mr. CLAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLAY. Mr. Speaker, my parliamentary inquiry is, is this the small business poison pill amendment that we are about to vote on?

The SPEAKER pro tempore. The Chair would not interpret the amendment, but would say to the gentleman that the question is on adopting subsection (d) of the new section proposed by the amendment.

The question is on subsection (d) of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question is taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 229, not voting 8, as follows:

[Roll No. 194]

AYES—196

Allard	Bateman	Burr
Archer	Bereuter	Burton
Armey	Bilbray	Buyer
Bachus	Bilirakis	Callahan
Baker (CA)	Billey	Calvert
Baker (LA)	Boehner	Camp
Ballenger	Bonilla	Campbell
Barr	Bono	Canady
Barrett (NE)	Brewster	Castle
Bartlett	Brownback	Chabot
Barton	Bryant (TN)	Chambliss
Bass	Bunning	Chenoweth

Christensen
Chryslers
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilcrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes

Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Klug
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett

Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Roberts
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schafer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
Meehan
Meek
Menendez
Metcalf
Millender
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney

Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs

Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stockman
Stokes
Studds
Rogers
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Chryslers
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fliner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Frank (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
de la Garza

[Roll No. 195]
AYES—281
Gephardt
Gibbons
Gilcrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klecza
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
Meehan
Meek
Menendez
Metcalf
Millender
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moorhead
Moran
Morella
Murtha

Nadler
Neal
Neumann
Ney
Oberstar
Obey
Oliver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise

NOT VOTING—8

□ 1516

The Clerk announced the following pairs:

On this vote:
Mr. DeLay for, with Mr. Deutsch against.
Mr. Kingston for, with Mr. Ward against.
So subsection (d) of the amendment was rejected.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 194, I was unavoidably absent. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 194. Had I been present, I would have voted "no."

The SPEAKER pro tempore. (Mr. WALKER). Pursuant to the rule, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of 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.

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

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 8, as follows:

Woolsey	Yates	Young (FL)
Wynn	Young (AK)	Zimmer

NOES—144

Allard	Everett	Montgomery
Arch	Ewing	Myers
Armey	Fields (TX)	Myrick
Baker (CA)	Franks (CT)	Nethercutt
Baker (LA)	Funderburk	Norwood
Ballenger	Gekas	Nussle
Barr	Gera	Oxley
Barrett (NE)	Goodlatte	Packard
Bartlett	Goss	Parker
Barton	Graham	Paxon
Bass	Greene (UT)	Pombo
Bateman	Hall (TX)	Porter
Boehner	Hancock	Portman
Bonilla	Hansen	Quillen
Bono	Hastert	Radanovich
Brewster	Hastings (WA)	Rohrabacher
Brownback	Hayworth	Rose
Bryant (TN)	Hefley	Roth
Bunning	Heineman	Royce
Burr	Herger	Salmon
Burton	Hoekstra	Sanford
Callahan	Hostettler	Scarborough
Calvert	Hunter	Schaefer
Camp	Hutchinson	Seastrand
Campbell	Hyde	Sensenbrenner
Chabot	Inglis	Shadegg
Chambliss	Istook	Shuster
Chenoweth	Johnson, Sam	Skeen
Christensen	Jones	Smith (MI)
Clinger	Kim	Smith (TX)
Coble	Knollenberg	Souder
Coburn	Kolbe	Spence
Collins (GA)	Largent	Stenholm
Combest	Latham	Stump
Cooley	Laughlin	Talent
Cox	Lewis (KY)	Tate
Crane	Lightfoot	Taylor (NC)
Crapo	Linder	Thomas
Cubin	Livingston	Thornberry
Cunningham	Lucas	Tiahrt
Davis	Manzullo	Vucanovich
Dickey	McCollum	Walker
Doolittle	McInnis	Wamp
Dornan	McIntosh	Watts (OK)
Dreier	McKeon	White
Dunn	Meyers	Wicker
Ehrlich	Mica	Wolf
Emerson	Miller (FL)	Zeliff

NOT VOTING—8

Becerra	Hoke	Molinari
DeLay	Kingston	Ward
Deutsch	McNulty	

□ 1535

The Clerk announced the following pairs:

On this vote:

Mr. Deutsch for, with Mr. DeLay against.

Mr. Ward for, with Mr. Kingston against.

Mr. PACKARD changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 195. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 195, I was unavoidably absent. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. McNULTY. Mr. Speaker, I was attending my daughter's graduation back home, and I missed rollcall No. 195 on the minimum wage bill, which I strongly support, and I want the RECORD to reflect my support for that bill. Had I been present, I would have voted "aye."

The title of the bill was amended so as to read: "A bill to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act."

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to section 4 of House Resolution 440, the text of H.R. 1227 will be appended to the engrossment of H.R. 3448, and H.R. 1227 is laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2740

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that I be allowed to withdraw my name as a cosponsor of H.R. 2740.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I asked to speak for purposes of inquiring of the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], the schedule for today and the remainder of the week and then next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, we have concluded legislative business for the week. I am pleased to announce that Members are free to return home for the Memorial Day district work period. The district work period will continue through Monday, May 27, and Tuesday, the 28th. The House will return to business on Wednesday, May 29, at 2 p.m., for legislative business. Please note that we will not have any recorded votes before 5 p.m. on May 29.

Mr. Speaker, on Wednesday we will consider H.R. 3322, The Omnibus Civilian Science Act, the rule for which has already been adopted.

On Thursday, May 30, the House will meet at 10 a.m. to take up the military construction appropriations bill for fiscal year 1997, which of course will be subject to a rule.

Next week the House may also consider a privileged resolution from the Committee on Government Reform and Oversight that holds certain of the President's aides in contempt of Congress for refusing to turn over subpoenaed documents in the Travelgate investigation.

Mr. Speaker, we should finish legislative business by 2 p.m. on Friday of next week.

I thank the gentleman for yielding me this time and wish him an enjoyable weekend.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and if I can just inquire, a couple of brief questions to my friend from Texas? We will have votes next Friday then, I take it from the gentleman's remarks?

Mr. ARMEY. Yes, we plan on having votes on Friday.

Mr. BONIOR. Would the gentleman care to inform us when he expects to go to conference on the budget resolution next week?

Mr. ARMEY. Of course, I believe the Senate is still proceeding on that, but as soon as we can next week we will be going to conference.

Mr. BONIOR. And if I might inquire, what day does the gentleman from Texas expect to consider the privileged resolution concerning the subpoenaed documents that he referred to in his remarks?

Mr. ARMEY. Most likely on Friday.

Mr. BONIOR. Most likely on Friday.

And finally, in light of the close to \$60 billion CBO estimates on the star wars or missile defense program, when does the gentleman think that bill will be brought back for consideration?

Mr. ARMEY. I have no announced plan at this time. I would like to bring it back in the next couple of weeks. But I will have to wait and to announce it later.

Mr. BONIOR. And I would say to my friend from Texas, if he could inform us how late Wednesday, that might help Members plan. The gentleman said 5 o'clock we will have our first votes. And we expect a late evening on Wednesday?

Mr. ARMEY. The science bill could go late. We would try to get some authority to roll votes so that we could organize the time on behalf of the Members, but we should be prepared to work late on Wednesday.

Mr. BONIOR. Mr. Speaker, I thank my friend. I wish him a happy Memorial Day weekend and a good evening.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, May 29, 1996, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks."

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

There was no objection.

REQUEST FOR BASS TO BITE IN TEXAS

Mr. ARMEY. Mr. Speaker I ask unanimous consent that it be the will of the Congress that the bass bite early and often throughout the weekend in Texas.

Mr. SOLOMON. Mr. Speaker, I object if it is not in New York, too.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will lay down the Senate adjournment resolution when it is received from the Senate.

DESIGNATION OF HON. ROBERT S. WALKER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 29, 1996

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

WASHINGTON, DC,
May 23, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Wednesday, May 29, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to. There was no objection.

□ 1545

PERSONAL EXPLANATION

Mr. HOKE. Mr. Speaker, I was just called to my office and informed that I was not recorded on the last vote on H.R. 1227. I was present on the floor at the time, from the time of the first Goodling amendment, and apparently inadvertently left the floor without having cast my vote, although I was under the impression that I had.

My vote on final passage of 1227 would have been "yes."

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. Goss). 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.

QUESTIONING PRESIDENT CLINTON'S COMMITMENT TO OUR NATION'S SPACE PROGRAM, AND URGING MEMBERS TO SUPPORT BUDGET RESOLUTION ON NASA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I have a great deal of difficulty with President Clinton's real commitment to our Nation's space program. We have all heard his official position, but how does that compare with the demonstrated position? On the one hand, his science adviser says the President steadfastly opposes any cuts in science and technology. That came from Jack Gibbons on March 29. Vice President GORE said the President's 1997 budget will provide generous funding for science and technology. But if we look at what the President does to NASA's budget, if we look at what the President actually does, rather than what he says or his staff says, we get a different picture.

Mr. Speaker, the President made dangerous, deep cuts in NASA'S long-term budget. We can see on this graph that I have here, the House budget does decline NASA's budget slightly over 7 years in the effort to balance the budget, but the President's cuts are very, very deep and I believe seriously undermine our ability to have an effective and growing investment in science and technology.

Indeed, the President puts a lot of investment in a program that I think is of some questionable scientific value. One has to wonder about the foundations of his space policy. I believe the future of space exploration lies in pro-

grams such as our international space station and continuing our investment in the shuttle program, as well as developing new launch vehicles.

I know what would happen to our space program if the United States were left with the kind of budget that the President is proposing here. It would just be a shell of a program. Our nation is a space-faring Nation. We are an exploring Nation.

If we look at the history of the great nations of the world and what happened to many of them when they stopped exploring and they stopped reaching out, they began to shrink. They began to diminish. They began to become less of a significance in the world. And they went on, to quote President Ronald Reagan frequently, into the dustpan of history.

Mr. Speaker, I believe that the \$2 billion that the President wants to cut out of NASA's budget is setting the stage for that kind of development for our Nation. I believe what the House is doing is the responsible thing. We all know everybody has to play a role in balancing the budget, and everybody has to do their part.

It is wrong, it is immoral, to keep saddling our children with excessive amounts of debt. The debt burden, as we all know, today is huge, \$5 trillion; something like \$18,000 for every man, woman, and child. NASA has stepped up to the plate and has been able to continue doing what it has been doing in the past with fewer people. The men and women of NASA have done a yeoman's job in being able to continue the shuttle program, continue to allow it to fly safely, continue the space station on schedule and on budget, as well as continue investment in science research. But what the President is proposing, Mr. Speaker, I think would be devastating to our space program, and is just wrong. I believe that the President's budget proposal is the wrong approach to our science program.

Mr. Speaker, I would say that we could almost describe his space policy as being lost in space. Mr. Speaker, I would encourage all my colleagues to support our House budget resolution on NASA. It is the right proposal. It is a proposal that would allow us to continue our crucial investment in the space station, in the shuttle program, in the development of a new launch vehicle, and would not devastate the program, as the President is proposing.

THE HOUSE VOTE ON INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think all of us can accept this week, as we head into the honoring and celebrating of our veterans and

those who are in our military bases across this land and this world, that today we struck a very positive blow for working Americans. It is difficult sometimes with the flurry of debate and one accusation after another to really clear away some of the confusion, and to know whether or not we were in fact destructive, undermining, or whether in fact we have given something worthy for those who work every day in America.

I would simply like to indicate, Mr. Speaker, that this wound up being a bipartisan decision to increase the minimum wage. It was a reflection of over 80-percent of the American public who said yes, this is a good idea. In meeting with a small businessowner today for lunch from my hometown in Houston, I was very proud of her and the words she said, in offering, "I think it is the right thing to do."

We have heard in this debate again the rising of one and the sitting of another, and coming to the well to rebut what the other one has said. It seems confusing, and the singular tone or sound of those who opposed this was the elimination or the undermining of small businesses and the elimination of jobs that are given by small businesses. Let me say to America that that was an attractive hook for you to hang onto, but it was absolutely wrong.

First of all, the main point is that in the State of Texas, 1.1 million workers would be denied an increase if we had not raised the minimum wage. Right now the minimum wage is \$4.25. I do not know about you, but I respect young people, and I am sorry that we used them as a hammer, as well: All the people making the minimum wage are young people.

Who says that the reason that they work is not a valid reason: supporting the family, adding to the ability to go to institutions of higher learning, or even being able to stay in school. Why should we denigrate our young people because they are at the bottom rung?

Second, let me say that, I hate to say it, minorities were used as another club: Well, if you raise the minimum wage, you will see the jobs lost for African-Americans and Hispanics and maybe women. Let me offer to say that this is not a racial issue. This is not to say that the only people who need an increase in the minimum wage are African-Americans and Hispanics. They are Americans.

Let me also give a point of information, that most of the small businesses owned by African-Americans, women, minorities collectively, are sole proprietorships. That means that they do not hire anyone, they are still climbing the rung, they are still climbing to access capital. But in fact, the broad number of individuals who work for a minimum wage are individuals who have families, who have opted to work over welfare. Why not reward them, being the

first increase in almost 6 years, the lowest minimum wage since 1938 in terms of its output? In 1979 the minimum wage equaled \$6.25, not in the number but in what it could purchase. What can you do with \$4.25? That is giving you change back from a \$5 bill.

So it was important for this house today to vote on a clean minimum wage bill, one that would increase it a mere 90 cents, to \$5.15, and to rebut those arguments that you would put small businesses out of business or you would eliminate jobs.

We understand the free marketplace. Yes; I would be dishonest not to say that goods and services may increase because of the profit margin, but people will be working for a fair and decent wage. They will then circulate their dollars back into the system. We will give them dignity. They will be able to maintain a family, that 59 percent that we talked about, many of whom are single parents, women in particular.

I think it is important that we kind of clear the air and explain why, in fact, the Goodling amendment to exempt businesses of a certain category was not good, because those businesses in our malls of America where we go and shop, there are people who work there who go home every day and have the same responsibilities as all of us: the rent payment, the electricity payment. It is important not to make this a war against the American worker and small businesses. We can work to support small businesses, as we have done with the Small Business Tax Incentive Act, which I supported, and we, too, can vote for the American worker. I am glad today that we increased the minimum wage for all America to have a decent quality of life.

TRIBUTE TO LOUIS PASQUARELL, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, if you or other Members have ever been in my office, no doubt you've seen the fire helmets lining the walls.

I must have a hundred of them.

They are symbols of the enormous respect and admiration I have for volunteer firefighters.

It's not just that I used to be a volunteer firefighter myself in my hometown of Queensbury, in upstate New York.

It's more than that.

I could sum up my feelings about volunteer firefighters in three words: Louis Pasquarell Sr.

Mr. Speaker, Lou Pasquarell, Sr., is celebrating his 60th year as a volunteer firefighter.

As you all know, I measure a man by how much he gives to his community.

And Mr. Speaker, by that yardstick, Lou Pasquarell, Sr. is a giant among men.

Let me tell you a few things about volunteer firefighters in general.

These are ordinary citizens from all walks of life who represent the only available fire protection in rural communities like the one I represent.

In New York State alone they save countless lives and billions of dollars worth of property every year.

They surrender much of their personal time, not only to respond to fires, but to upgrade their skills with constant training.

Yes, Mr. Speaker, fighting fires is a dirty, exhausting, and frequently dangerous job.

Volunteer firefighters approach that job with a selfless dedication, and the highest degree of professionalism.

Typical of these volunteers, or, I should say, more than typical, is Lou Pasquarell, Sr.

He joined the Jonesville Volunteer Fire Co. in Clifton Park 60 years ago.

Mr. Speaker, there is no way to calculate the lives and property he has helped save in those 60 years, the number of hours he has spent in that effort, or the number of younger firemen he has inspired.

Mr. Speaker, there are at least five other firefighters in the company who, when they were children, drove in parades in the miniature fire vehicle Mr. Pasquarell built for the Jonesville future firefighters.

He has served on numerous committees, the board of directors, and on the police fire squad.

He has been both a Lieutenant in the company and for many years the chairman of the district board of elections.

In his capacity as Captain of the fire police squad, he was instrumental in placing the area's first fire police vehicle in service.

He also organized a special event last Christmas at the firehouse through the adopt an angel program for a 6-year-old boy who suffers from a terminal illness.

Mr. Speaker, Lou Pasquarell Sr.'s contributions go far beyond his firefighting.

He also played a major role in building two bocci courts for use by Shenendehowa senior citizens on the pavilion on Main Street.

Mr. Speaker, it isn't too often you get to meet a living legend. And that's what Lou Pasquarell Sr. is.

So, Mr. Speaker, I ask you and all Members to join me in saluting this great volunteer fireman, this great American, this man I am privileged to call a good friend, Louis Pasquarell, Sr., of Clifton Park, New York.

□ 1600

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF MAY 17, 1996 FOR FISCAL YEARS 1996-2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution (H. Con. Res. 67), for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 22, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of May 17, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 67

[Reflecting Action Completed as of May 17, 1996]

	On-budget amounts, in millions of dollars	
	Fiscal year 1996	Fiscal year 1996-2000
Appropriate Level: (as set by H. Con. Res. 67):		
Budget Authority	1,285,515	6,814,600
Outlays	1,288,160	6,749,200
Revenues	1,042,500	5,691,500
Current Level:		
Budget Authority	1,306,869	(NA)
Outlays	1,307,746	(NA)
Revenues	1,038,986	5,654,519
Current Level over(+)/under(-) Appropriate Level:		
Budget Authority	21,354	(NA)
Outlays	19,586	(NA)
Revenues	-3,514	-36,981

NA=Not applicable because annual appropriations Acts for Fiscal Years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for fiscal year 1996 (if not already included in the current level estimate) would cause fiscal year 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase fiscal year 1996 outlays (if not already included in the current level estimate) would cause fiscal year 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in either fiscal year 1996 or for the total for fiscal year 1996 through 2000 would increase the amount by which revenues are less than the recommended levels of revenue set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 601(A) REFLECTING ACTION COMPLETED AS OF MAY 17, 1996

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996-2000 outlays	NEA
House Committee						
Agriculture:						
Allocation	-992	-992	177	-8,477	-8,477	-2,164
Current Level	-330	-722	-758	-5,051	-5,406	-6,811
Difference	662	270	-935	3,426	3,071	-4,647
National Security:						
Allocation	-1,168	-1,168	382	1,733	1,733	1,467
Current Level	369	367	401	1,657	1,653	1,803
Difference	1,537	1,535	19	-76	-80	336
Banking, Finance and Urban Affairs:						
Allocation	-481	-481	0	-1,698	-1,698	0
Current Level	3	3	0	(1)	(1)	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	-128	122	-2,015	-1,976	-1,534	-11,465
Current Level	0	0	0	0	0	0
Difference	128	-122	2,015	1,976	1,534	11,465
Commerce:						
Allocation	-555	-405	-3,619	-11,381	-11,480	-84,935
Current Level	0	0	0	6,303	6,303	6,297
Difference	555	405	3,619	17,684	17,783	91,232
International Relations:						
Allocation	-3	-3	0	-19	-19	-6
Current Level	0	0	0	0	0	0
Difference	3	3	0	19	19	6
Government Reform & Oversight:						
Allocation	-436	-436	-106	-2,903	-2,903	-2,729
Current Level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	-106	-104	0	-2,698	-2,693	0
Current Level	-18	-24	0	-141	-148	0
Difference	88	80	0	2,557	2,545	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 601(A) REFLECTING ACTION COMPLETED AS OF MAY 17, 1996—Continued
 [Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996-2000 outlays	NEA
Judiciary:						
Allocation	0	0	0	-238	-238	0
Current Level	0	0	0	14	12	2
Difference	0	0	0	252	250	2
Transportation & Infrastructure:						
Allocation	-63	-63	0	92,844	-457	0
Current Level	0	0	0	0	-2	0
Difference	63	63	0	-92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	-79	-79	-195	-686	-686	-2,928
Current Level	0	0	-21	0	0	-106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	-7,163	-7,615	-4,502	-192,899	-193,345	-82,895
Current Level	-18	-18	-139	-1,990	-1,990	-3,799
Difference	7,145	7,597	4,363	190,909	191,355	79,096
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current Level	0	0	0	0	0	0
Difference	-306	-306	0	-4,892	-4,892	0
Total Authorized:						
Allocation	-10,868	-10,918	-9,878	-123,506	-216,905	-185,655
Current Level	6	-394	-517	792	422	-2,608
Difference	10,874	10,524	9,361	124,298	217,327	183,047

1 = less than \$500 thousand.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(B)
 [In millions of dollars]

	Revised 602(b) suballocations (December 5, 1995)				Current level reflecting action completed as of May 17, 1996				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,310	13,577	0	0	15	31	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,338	24,320	3,956	2,112	-528	-172	0	1
Defense	243,042	243,512	0	0	241,853	242,306	0	0	1,189	1,206	0	0
District of Columbia	727	727	0	0	712	712	0	0	15	15	0	0
Energy and Water Development	19,562	19,858	0	0	19,326	19,801	0	0	236	57	0	0
Foreign Operations	12,284	13,848	0	0	12,153	13,856	0	0	131	-8	0	0
Interior	12,213	13,174	0	0	12,122	13,047	0	0	91	127	0	0
Labor, HHS and Education	61,947	68,380	53	44	63,155	68,838	53	25	-1,248	-458	0	19
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	1	0	0	0
Military Construction	11,178	9,597	0	0	11,136	9,592	0	0	42	5	0	0
Transportation	12,500	36,754	0	0	11,705	36,751	0	0	795	3	0	0
Treasury-Postal Service	11,237	11,542	78	70	10,826	11,144	77	70	411	398	1	0
VA-HUD-Independent Agencies	61,686	74,440	0	0	62,349	74,480	0	0	-663	-40	0	0
Reserve	437	0	0	0	0	0	0	0	437	0	0	0
Grand Total	485,074	531,768	4,087	2,227	484,150	530,603	4,085	2,207	924	1,165	2	20

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, May 21, 1996.
 Hon. JOHN KASICH,
 Chairman, Committee on the Budget,
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67), and are current through May 17, 1996. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 67)	Current level +/- resolution
Budget authority	1,306,869	1,285,515	+21,354
Outlays	1,307,746	1,288,160	+19,586
Revenues:			
1996	1,038,986	1,042,500	-3,514

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 67)	Current level +/- resolution
1996-2000	5,654,519	5,691,500	-36,981

Since my last report, dated February 20, 1996, the Congress has cleared and the President has signed four short-term continuing resolutions (Public Laws 104-116, 104-118, 104-122, and 104-131), the Federal Agriculture Improvement and Reform Act of 1996 (P.L. 104-127), the Contract with America Advancement Act (P.L. 104-121), an act providing Tax Benefits for Members of the Armed Forces Performing Peacekeeping Services in Bosnia and Herzegovina, Croatia and Macedonia (P.L. 104-117), the Federal Tea Tasters Repeal Act of 1996 (P.L. 104-128), the Antiterrorism and Effective Death Penalty Act (P.L. 104-132) and the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134). The Federal payment to the District of Columbia and emergency funding for Bosnia and Herzegovina for economic revitalization were included in P.L. 104-122. These actions changed the current

level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
 Director.

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS,
 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL,
 FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS
 MAY 17, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,039,122
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	-200,017	-200,017	
Total previously enacted	630,254	840,958	1,039,122
Enacted in First Session			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104-6)	-100	-885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104-19)	22	-3,149	

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL, FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 17, 1996—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Agriculture (P.L. 104-37)	62,602	45,620	.....
Defense (P.L. 104-61)	243,301	163,223	.....
Energy and Water (P.L. 104-45)	19,336	11,502	.....
Legislative Branch (P.L. 104-53)	2,125	1,977	.....
Military Construction (P.L. 104-32)	11,177	3,110	.....
Transportation (P.L. 104-50)	12,682	11,899	.....
Treasury, Postal Service (P.L. 104-52)	23,026	20,530	.....
Offsetting receipts	-7,946	-7,946	.....
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104-7)	-18	-18	-101
Alaska Native Claims Settlement Act (P.L. 104-42)	1	1	.....
Fishermen's Protective Right Amendments of 1995 (P.L. 104-43) .....	.....	(6)	.....
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104-48)	1	(6)	1
Alaska Power Administration Sale Act (P.L. 104-58)	-20	-20	.....
ICC Termination Act (P.L. 104-88) .....	.....	.....	(6)
Total enacted first session	366,191	245,845	-100
Enacted in Second Session			
Appropriation bills:			
Ninth Continuing Resolution (P.L. 104-99) 1	-1,111	-1,313	.....
Foreign Operations (P.L. 104-107)	12,104	5,936	.....
Offsetting receipts	-44	-44	.....
District of Columbia (P.L. 104-122)	712	712	.....
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134)	330,746	246,113	.....
Offsetting receipts	-63,682	-55,154	.....
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104-91) 2	14,054	5,882	.....
Smithsonian Commemorative Coin Act (P.L. 104-95)	3	3	.....
Saddleback Mt. Arizona Settlement Act of 1995 (P.L. 104-102) .....	.....	-7	.....
Telecommunications Act of 1996 (P.L. 104-104) 3 .....	.....	.....	.....
Farm Credit System Regulatory Relief Act (P.L. 104-105)	-1	-1	.....
National Defense Authorization Act, fiscal year 1996 (P.L. 104-106)	369	367	.....
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104-111)	(6)	(6)	.....
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104-117) .....	.....	.....	-38
Agriculture Improvement and Reform Act (P.L. 104-127)	-330	-721	.....
Federal Tea Tasters Repeal Act of 1996 (P.L. 104-128) .....	.....	.....	(6)
Antiterrorism and Effective Death Penalty Act (P.L. 104-132) .....	.....	.....	2
Total enacted second session	292,820	201,774	-36
Appropriated Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted 4	17,604	19,168	.....
Total current level 5	1,306,859	1,307,746	1,038,986
Total budget resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under budget resolution .....	.....	.....	3,514
Over budget resolution	21,354	19,586	.....

1 P.L. 104-92 and P.L. 104-99 provide funding for specific appropriated accounts until September 30, 1996.

2 This bill, also referred to as the seventh continuing resolution for 1996, provides funding until September 30, 1996, for specific appropriated accounts.

3 The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

4 Estimates include the effects of changes enacted this session in the following public laws: Veterans' Compensation Cost-of-Living Adjustment Act (P.L. 104-57), Contract with America Advance Act (P.L. 104-121), and the Agriculture Improvement and Reform Act (P.L. 104-127).

5 In accordance with the Budget Enforcement Act, the total does not include \$4,551 million in budget authority and \$2,448 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

6 Less than \$500,000.

Note: Detail may not add due to rounding.

INDIAN EMBASSY CAUGHT RED-HANDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for many years I have talked about the horrible human rights violations that have been taking place around the world, but in particular in a place called Punjab in Kashmir and Nagaland in India. Because of that, I have been the target of people who support the Indian lobby in the United States.

At one time, my life was threatened, as well as that of my wife and my children, and they have supported my opponents in campaigns year in and year out. I understand that because I have been talking about the gang raping of women that has been taking place over there, the tortures of individuals who have been taken out of their homes in the middle of the night to be tortured to death never to be seen again, and the placing of about 1.1 million Indian troops in Punjab and Kashmir and Nagaland to repress those people up there because all they want is freedom, democracy and human rights.

But today, Mr. Speaker, I found out some additional things that need to be brought to the attention of my colleagues and the American people. I found out, Mr. Speaker, that the Indian Embassy has been caught red-handed violating America's national sovereignty and democratic values. Newspapers have reported that a Maryland political fundraiser named Lalit Gadhia confessed that the Embassy provided over \$46,000, which he used to reimburse friends of associates for political contributions that he solicited.

These contributions went to pro-India Members of Congress and to a political action committee, the Indian American Leadership Investment Fund. India's violations of democratic principles have now come to the United States of America. The scheme was run by former Indian Ambassador S.S. Ray and Embassy official Devendra Singh. It is illegal for noncitizens to contribute to U.S. political campaigns or for anyone to make a contribution in another person's name. Yet this is not the first time that the Indian Embassy has been caught interfering in U.S. political campaigns.

Earlier this year, it came to light that former Ambassador Ray urged Indian Americans to support a candidate in the South Dakota senate race, and the Embassy sent out a letter attacking a member of this House who is running for senator in New Jersey.

Mr. Speaker, now they are infecting the American political process with foreign money. They must believe that America is corrupt. This interference leads one to believe that the Indian journalist Rajinder Puri of the Times of India was right when he described

India as, "A rotten, corrupt, repressive and antipeople system."

The U.S. Government must make it clear that India's interference in American politics is unacceptable. I urge my colleagues to support H.R. 1425, which will cut off U.S. development aid to India until it respects human rights, and House Concurrent Resolution 32, which calls for self-determination for the Sikhs of Khalistan. These two measures will show the Indian Government that their disregard for human rights and democratic principles are not to be tolerated.

In addition, India illegally tried to influence congressional elections and that will not be tolerated as well. I hope that the new government of India will correct these practices and that India and the United States can begin to live together in mutual respect for freedom, democracy and human rights, and that the new government will respect the sovereignty of other nations and not be in fear in our elective process.

Mr. Speaker, I include for the RECORD the articles referred to earlier and a press release from the Council of Khalistan of the Gadhia case:

[From the Washington Times, May 9, 1996]

DEMOCRAT GUILTY OF LAUNDERING CONTRIBUTIONS
(By Mary Pemberton)

BALTIMORE.—A Democratic Party activist pleaded guilty yesterday to devising a scheme to funnel \$46,000 in illegal contributions to a political action committee and several federal election campaigns.

Lalit H. Gadhia, 57, who had been Gov. Parris Glendening's campaign treasurer, pleaded guilty in federal court to one count of causing a false statement to be made to the Federal Election Commission, U.S. Attorney Lynne A. Battaglia said. He faces up to five years in prison and a \$250,000 fine at sentencing Aug. 6.

None of the money in question went to the governor's campaign. But Maryland Republican Party Chairman Joyce Lyons Terhes said Gadhia's activities are indicative of the type of people Mr. Glendening surrounds himself with.

"I think it is one more example of the flawed administration of Glendening," she said.

But a state Democratic Party spokesman said it has nothing to do with Mr. Glendening and, if anything, reflects positively on the party.

"It is very unfortunate that he became overzealous, but the Clinton administration does not back off . . . even though this guy has been a strong supporter of Democrats," David Paulson said.

The FBI said Gadhia approached the Indian-American Leadership Fund in the fall of 1994 and persuaded the New Mexico PAC to contribute to candidates other than Indian-Americans, as long as he did the fund raising.

For three weeks in October 1994, Gadhia presented the PAC with checks totaling \$34,900, which he said were contributions from a number of individuals. He also provided names, addresses and occupations for those individuals so that the PAC could file the required reports with the FEC.

The PAC, in return, made political contributions to federal candidates selected by Gadhia in the November elections.

For the most part, the money donated to the PAC did not come from the contributors, prosecutors, said. At least \$31,400 of the funds provided to the PAC were laundered by individuals who issued checks to the Indian-American Leadership Fund and then were reimbursed in cash for their contributions by Gadhia or his intermediaries, according to the FBI.

Prosecutors said Gadhia used the same type of scheme to launder \$15,000 in illegal contributions that he provided directly to a number of federal election campaigns.

U.S. CONCERN ON EMBASSY POLITICAL ROLE (By Aziz Haniffa)

WASHINGTON.—Barely two weeks into his term after presenting his credentials to President Clinton, India's new Ambassador, Naresh Chandra, received a strong complaint from the Clinton Administration about its concern over the Indian Embassy's alleged interference in the American political process.

State Department officials said that Robin Raphael, Assistant Secretary of State for South Asian Affairs and the Administration's point person for the subcontinent, had called Chandra to raise the issue about the Justice Department's finding that an Indian diplomat at the embassy here was the source of thousand of dollars of illegal campaign contributions funneled through an Indian-American political action committee by a longtime Democratic Party activist.

On May 8, in a submission of a "statement of facts" filed in court as the basis for a guilty plea entered by Lalit H. Gadhia, 58, the office of the U.S. District Attorney in Baltimore, Maryland, said, "The evidence indicates that the source of the cash used by Mr. Gadhia to finance the nominee contributions was Devendra Singh, an individual assigned to the Indian Embassy in Washington." Singh, who was Minister, Community Affairs, at the embassy from late 1990 to early 1995, returned to India to take up the position of Director-General of Police in Rajasthan.

State Department officials said that Raphael had called Chandra "to express our strong concern about this allegation of an Indian Embassy official being involved" in a money-laundering scheme to make campaign contributions to pro-India American lawmakers.

One official said that "at this point, (the Raphael call to Chandra) this is about it," as far as any raising of the issue with the embassy is concerned. However, the official acknowledged that "anything further will depend on what unfolds legally. So we'll have to see about that."

State Department spokesman Nicholas Burns said the matter was "a criminal case" and that aspect would be handled by the Department of Justice. But he said, "On the diplomatic side of this, the diplomatic aspect of it, we have contacted the Indian Embassy here in Washington and expressed our very strong concern about this particular case." The embassy spokesman, Shiv Shankar Mukherjee, declined comment on Raphael's call to Chandra and only reiterated his earlier statement that "the Indian Embassy always has and continues to operate strictly within the basis of diplomatic propriety."

On May 8, U.S. Attorney Lynne A. Battaglia, whose office prosecuted the case, told The Baltimore Sun, which first broke the story about this money-laundering plan, "The fact that the money came from the Indian Embassy and that so many people were manipulated into participating in the

scheme takes this case to a higher level than we normally see in these kinds of investigations."

In an interview with India Abroad, she had said that "we don't normally have crimes involving diplomats," and acknowledged that as far as she could remember, such a case of a diplomat trying to circumvent U.S. election laws was unprecedented.

The State Department official said that if Singh had remained in Washington as an embassy official, even though he would have enjoyed diplomatic immunity, "it would have raised other issues about his status in the country and things like that," that could have resulted in the U.S. calling for his expulsion.

"But as things stand right now," the official said, Raphael's strong expression of concern was the extent of the State Department's action in the case, which had been referred to it by the Justice Department.

Raphael's call to Chandra expressing the Administration's strong concern comes close on the heels of the State Department in March informing a senior member of Congress that the Indian Embassy had given assurances that it was not interfering in America's political process.

In a letter to India's most acerbic critic in Congress, Rep. Dan Burton, Republican of Indiana, Barbara Larkin, acting Assistant Secretary for Legislative Affairs, said, "We have raised the episodes you mention and have been reassured of India's commitment to noninterference in the domestic political affairs on any state."

On Feb. 13, Burton, a member of the House International Relations Committee, wrote to Secretary of State Warren Christopher complaining of a "series of actions taken by the Embassy of India, which I believe clearly constitute inappropriate involvement in domestic U.S. politics." He urged Christopher, at his "earliest opportunity," to protest "this breach of protocol with the Indian government."

First, he said, "Ambassador Siddhartha Shankar Ray openly and actively endorsed Senator Larry Pressler's bid for re-election in South Dakota" in a December speech to the Indian-American Forum for Political Education in Boston. Ray told the audience to "please make sure Larry Pressler (Republican from South Dakota) goes to the Senate again," Burton said.

Second, he reported, the embassy has "actively sought to intervene in the current Senate race in New Jersey." Burton said the deputy chief of mission, Shyamala Cowsik, had circulated a letter to the Indian-American community criticizing Democratic Representative Robert Torricelli for his "record" in attacking alleged human rights abuses in India. Cowsik's letter, Burton contended, "not so subtly notes that Torricelli is running for the Senate this year," and added, "It can only be assumed that these instances of political interference that have come to light point to a broader pattern of political involvement."

Torricelli is running for the Senate seat being vacated by the retiring Democratic Senator Bill Bradley. He has co-sponsored legislation by Burton calling for the suspension of American development aid to India unless it alleviates rights conditions.

In his letter to Christopher, Burton insisted that he was "not writing out of partisan considerations," and noted that, as a Republican, the embassy's actions were intended to benefit Republican candidates in both races.

"There is a larger principal at stake," he declared. "It is a serious violation of diplo-

matic protocol for an ambassador to attempt to influence or intervene in domestic political contests. The voters of New Jersey and South Dakota should have the opportunity to make up their own minds without foreign interference."

He said that had the American Ambassador to India attempted "to sway an election, there would be howls to protest."

In her reply to Burton, Larkin said the State Department appreciated "the non-partisan nature of your concern."

EX-ENVOY DENIES U.S. CAMPAIGN TIE (By P.B. Chandra)

JAIPUR.—Devendra Singh, a former senior diplomat of the Indian Embassy in Washington, has denied his involvement in the illegal campaign contributions funneled through the Indian American Political Action Committee (PAC).

Singh is currently the Director-General of Police of Rajasthan. He served as a Minister, Community Affairs in the Indian mission from 1990 to 1995 before returning to India.

Singh told "India Abroad" he did not give any money to Lalit H. Gadhia, a longtime Democratic party activist, in illegal campaign contributions. Reacting to media reports that Gadhia had pleaded guilty to illegally raising the funds and named Singh as the diplomat who gave Gadhia the money, Singh said his job as Minister, Community Affairs demanded that he should meet various people but he never paid any amount to anyone for financing any candidate's election. Singh was the security officer of late Prime Minister Rajiv Gandhi before being transferred to the Washington mission.

When asked about an air freight receipt and copy of the report sent by Gadhia to him and which was subsequently seized by U.S. Federal Bureau of Investigation agents in Gadhia's office, Singh said he knew nothing about the air freight receipt and reports. When Singh was asked whether he could be called to court to give evidence against Gadhia, he said the case related to the period when he enjoyed complete diplomatic immunity.

When asked whether it was true that Gadhia has implicated him while making the guilty plea in the court, Singh said that in all such cases the Indian mission was answerable. Singh said then Indian Ambassador Siddhartha Siddhartha Shankar Ray had clarified the Indian mission's viewpoint and there was nothing much left to be added to that.

INDIAN EMBASSY CAUGHT RED-HANDED—FUND RAISER ADMITS ILLEGALLY LAUNDERING POLITICAL CONTRIBUTIONS

WASHINGTON, D.C., May 14—Lalit H. Gadhia, a major political fundraiser in Maryland, has confessed that he laundered over \$46,000 in political contributions from the Indian Embassy to Members of Congress, Thursday's Baltimore Sun reported. Gadhia, 57, former campaign treasurer for Maryland Governor Parris Glendening and a Baltimore immigration lawyer, confessed to the scheme in the U.S. District Court in Baltimore, according to the report.

Under the plan, Gadhia used money provided by the Indian Embassy here to reimburse Indian Americans and Indians living in the United States for contributions they made to the candidates the Embassy supported. According to the report, the Embassy, through Gadhia, illegally gave \$31,400 to the Indian American Leadership Investment Fund, a Los Angeles-based political action committee, which then distributed it to

candidates. It is illegal for noncitizens to contribute to U.S. political campaigns or for anyone to make a contribution in another person's name.

The Embassy officials in charge of the scheme, former Ambassador S.S. Ray and former Embassy staffer Devendra Singh, have both returned to India. Mr. Ray was a losing candidate for Parliament in the recent elections and Mr. Singh holds a high-ranking position with the Rajasthan state police. On February 19, 1995, Indian Foreign Minister R.L. Bhatia said at a press conference that "there is a strong anti-India lobby in the United States. We are spending large sums of money through Ambassador Ray to neutralize it." During the time that Mr. Ray was Governor of Punjab, Sikhs spoke of "the three Rs—Ray, Ribeiro, and Rajiv"—a very repressive trio. Julian Ribeiro was Director General of Police at the time. He and Mr. Ray are responsible for instituting the tactic of the fake "encounter" in Punjab. In a fake encounter, a Sikh will be killed by the police or while in custody, then they will report that he died in an "encounter," thus providing cover for the killing.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government in exile of Khalistan, confronted Mr. Ray in the hall of the Longworth House Office Building, calling him "the Butcher of Punjab." The confrontation was picked up by the media. Mr. Ray returned to India shortly after that confrontation. The new ambassador, Naresh Chandra, brought his brother, Girish Chandra Saxena, to the Embassy with him. Girish Saxena is a former head of India's Research and Analysis Wing (RAW), which infiltrated Sikh militant organizations before the "Operation Bluestar" attack on the Golden Temple and 38 other Sikh temples throughout Punjab, Khalistan, in June 1984 in which over 20,000 Sikhs were killed. Ambassador Chandra himself has recently been implicated in illegal smuggling of CFCs from India to the United States. CFCs have been banned in the United States since January 1. According to the Customs Service, CFCs are now the number two problem after illegal drugs.

"Mr. Gadhia's confession shows the moral bankruptcy of the Indian regime," said Dr. Aulakh. "India has been murdering Sikhs and other minorities for many years. The recent payoff scandal that helped to bring down the Congress Party showed the world that in addition to being a brutal tyranny, India is corrupt and its claim to be a 'democracy' is hollow. This money-laundering campaign contribution scheme shows India's total disregard for democratic principles in other countries as well," Dr. Aulakh said. "Obviously, the regime believes that everyone is as corrupt as they are," he stated. "These practices are unacceptable, and I hope that Mr. Gadhia's confession will not be the end of the investigation. The Embassy is deeply involved in this scheme, and its involvement should be exposed and punished."

THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I rise to speak in support of why I supported the increase of the minimum wage from \$4.25 an hour to \$5.15 an hour.

One of the basic reasons I supported raising the minimum wage in this

house today was, there are about 112,000 reasons: The 112,000 payroll positions in West Virginia that will see a wage increase because of this vote, roughly 17 percent of our work force.

Mr. Speaker, this is important because it means it boosts their level of income. It makes them consumers. It makes them participants. The minimum wage has not been raised since 1991 when it finally reached \$4.25 an hour. Moses wandered in the wilderness for 40 years. The minimum wage is at an all-time buying low, 40-year buying low, and it is time that it be raised. In fact, Mr. Speaker, it was just a few years ago that in the 1950's, 1960's and early 1970's that the minimum wage was designed to be about one-half of the average manufacturing wage. Today it is somewhere around one-third of that amount.

So the minimum wage has steadily dropped, and I know, Mr. Speaker, we have heard the arguments about how much it is a job killer and less people will be hired. The studies do not seem to indicate that. But let me also suggest that we have heard that argument every time since the 1930's when the minimum wage was first raised. Time after time that has been trotted out. About 8½ million jobs have been created in the past 3½ years. So the minimum wage is certainly not a factor in job retardation.

Indeed, most of the jobs we are hoping to create are not minimum wage jobs. But for those people who have to work at 40 hours a week, trying to get by doing exactly what society asks them to do, I think it is not too much to ask for a minimum wage increase. Indeed, Mr. Speaker, I recall that when I was working my way through college, as a bunch of people in this country have done, I worked at minimum wage, and I remember that the only collective bargaining agent I ever had when I worked in that hospital carrying bed pans, and when I did other work along that line, the only collective bargaining agent I ever had was the Federal Government when it raised the minimum wage. That is the only way I was going to see a wage increase, and it was the only way that millions of others were.

Mr. Speaker, there were amendments that would have greatly stripped the minimum wage coverage. One of the amendments, the Goodling amendment, while it would have raised the minimum wage, would have also removed 10 million people from possible coverage by the minimum wage. That certainly would not have been much of a victory. We could have celebrated the seven people left who could still qualify for an increased minimum wage.

Mr. Speaker, just a few days ago, this House passed legislation to repeal the gas tax for 7 months, a 4.3-cent-a-gallon gasoline tax for 7 months. Well, Mr. Speaker, I think it ironic that that ac-

tion takes place. We were able to pass the gasoline tax suspension for 7 months. That, incidentally, gets you through the election. I guess that is to enable people to get gasoline to drive to the polls.

The minimum wage increase is a real measure. It puts money into people's pockets. It gives them far more than the gasoline tax repeal for 7 months ever would have given them. It gives them an increase over a 2-year period to \$5.15, or 90 cents an hour. It is what permits that person to recognize some fruits of their labor.

We are asking a lot of people in welfare reform to get off of welfare, as they should, to go to work. What kind of reward is there if you do not get a pay increase since 1991? I might add, I went to the supermarket the other night. Nobody stopped the food prices from increasing. Gasoline prices have been increasing since 1991. But wages of people who do a lot of the basic work in this country have not.

So my hope is that this can be the first step in improving the working conditions of a lot of middle-income working people in our country. No, this is not the only step. There is a lot that needs to be done to grow jobs. There is a lot that must be done in education. There is a lot that must be done building the public works, the roads, the bridges, the water and the sewer systems, the industrial parks. But making sure that people are paid a fair and adequate wage, raising the minimum wage for the first time in 5 years, raising it from the lowest point in 40 years in terms of buying power that it has had, I think that is a significant accomplishment.

So I am glad that on a bipartisan basis we were finally able to fight to bring this minimum wage bill to the floor, to get it on the floor, to defeat the crippling amendments that would have removed much of the coverage of the minimum wage, and to pass it on the House floor.

It goes now to the Senate. My hope is that there it will move equally as quickly, and then to the President for his signature.

Mr. Speaker, it is a good day that the minimum wage finally looks like it may be increased this year.

RESIDENTS OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I recognize that the day has been much devoted to a discussion of the minimum wage. This member is trying her best to make certain that more than minimum wage residents continue to live in

the District. I have just come back from the other body, where Senator CONNIE MACK, the chairman of the Joint Economic Committee, has just introduced the DC Economic Recovery Act on the Senate side, the bill I introduced on April 15 on the House side, in order to give a tax reduction to the residents of the District of Columbia, who are fleeing in awesome numbers.

The District does not have a State, so any tax incentive—tax cut will have to come from this body. The alternative to a tax cut to help to keep middle-income residents in the city is annual increases of a very significant magnitude in the Federal payment. The reason that would be necessary is that the Constitution requires the Congress of the United States to maintain the Capital of the United States. For over 200 years, it is the residents of the Capital of the United States who have maintained the capital, but their flight in great numbers and the insolvency of the city put the capital of the United States at risk.

No one can doubt that this is the case if you look at the chart before us. The tax base is already gone. Eighty-three percent of tax filers have an income of less than \$50,000. To quote Senator MACK:

Washington's situation is desperate. Middle-income residents have been fleeing the city in startling numbers.

Senator MACK was not alone in introducing this bill. Senator JOSEPH LIEBERMAN, a Democrat, became the cosponsor today, as well, and both spoke at this press conference. What I did not know until I walked into the press conference was that yet another Senator had on this very first day of the introduction of the bill come on, Senator SPENCER ABRAHAM.

Mr. Speaker, I sent my "dear colleague" letters out yesterday to Members of the House, and I am pleased to say that they are beginning to come on. Mr. ARMEY has become a cosponsor today, and I am very grateful for that. The Chairs of both caucuses, Republican and Democrat in this House, support the bill.

Why is there such support for this bill? In large part, it is because the District is trying to do it the old fashioned way. This tax break will not come to the Government of the District of Columbia but to the residents, who with their own money, will revive their own city.

The District is the only city in the United States that pays for State, county and municipal functions. When it was a city of 800,000 people, as it was when I was a kid growing up in this town, it could do that. Now it is a town of half a million people, and it simply cannot pay for Medicare, cannot pay for a State prison, cannot pay for a State university all by itself.

The District is the only city in the United States that is barred by the

Congress of the United States from enacting a commuter tax, so all the commuters come here, use the services my residents provide and do not leave one thin dime.

The District is the only jurisdiction that flies the American flag, where Federal income taxes are paid by the residents, but they have no voting representation in the House or in the Senate. That, my friends, I am sure you will agree, is un-American.

□ 1615

We would still pay Federal income taxes under my bill, but we would not be second per capita in Federal income taxes, as we are today. When you join our local taxes with our Federal taxes, the residents of the District of Columbia are the highest taxed residents in the United States.

The District does not say "Give me some more money." The District says, the House and the Senate, the Democrats and the Republicans, yes, and the administration, all have their versions of tax cuts. If taxes are to be cut, let the cutting start in the capital of the United States, which does not have full representation, and therefore is taxed without representation, in the capital of the United States, which is spiraling downward, and needs to give people an incentive to remain in this beautiful city.

This will not be the capital we are all proud of if we let it continue to go down. Please sign on to the DC Economic Recovery Act, as three Senators have today.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 60. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to Public Law 104-52, as amended by Public Law 104-134, the Chair, on behalf of the majority leader, appoints the Senator from Iowa, Mr. GRASSLEY; David L. Keating, of Maryland; J. Fred Kubik, of Kansas; and Mark L. McConaghy, of Washington, D.C., to the National Commission on Restructuring the Internal Revenue Service.

The message also announced that pursuant to Public Law 104-52, as amended by Public Law 104-134, the Chair, on behalf of the Democratic leader, appoints the Senator from Nebraska, Mr. KERREY; and Fred T. Goldberg, Jr., of Missouri, to the National Commission on Restructuring the Internal Revenue Service.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, May 13, 1996.

Hon. NEWT GINGRICH,
Office of the Speaker, U.S. House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting resolutions approved by the Committee on Transportation and Infrastructure on May 9, 1996.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, May 13, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 7, 1996 and May 9, 1996 by the Committee on Transportation and Infrastructure. A copy of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

RETIREMENT SAVINGS AND SECURITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-221)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, and the Committee on Transportation and Infrastructure and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit today for the consideration of the Congress the

"Retirement Savings and Security Act." This legislation is designed to empower all Americans to save for their retirement by expanding pension coverage, increasing portability, and enhancing security. By using both employer and individual tax-advantaged retirement savings programs, Americans can benefit from the opportunities of our changing economy while assuring themselves and their families greater security for the future. A general explanation of the act accompanies this transmittal.

Today, over 58 million American public and private sector workers are covered by employer-sponsored pension or retirement savings plans. Millions more have been able to save through Individual Retirement Accounts (IRAs). The Retirement Savings and Security Act would help expand pensions to the over 51 million American private-sector workers—including over three-quarters of the workers in small businesses—who are not covered by an employer-sponsored pension or retirement savings program and need both the opportunity and encouragement to start saving. Women particularly need this expanded coverage: fewer than one-third of all women retirees who are 55 or older receive pension benefits, compared with 55 percent of male retirees.

The act would also help the many workers who participate in pension plans to continue to save when they change jobs. It would reassure all workers who save through employer-sponsored plans that the money they have saved, as well as that put aside by employers on their behalf, will be there when they need it.

The Retirement Savings and Security Act would:

- Establish a simple new small business 401(k)-type plan—the National Employee Savings Trust (NEST)—and simplify complex pension laws. The NEST is specifically designed to ensure participation by low- and moderate-wage workers, who will be able to save up to \$5,000 per year tax-deferred, plus receive employer contributions toward retirement. The act would encourage employers of all sizes to cover employees under retirement plans, and it would enable employers to put more money into benefits and less into paying lawyers, accountants, consultants, and actuaries.

- Increase the ability of workers to save for retirement from their first day on the job by removing barriers to pension portability. In particular, employers would be encouraged no longer to require a 1-year wait before employees can contribute to their pension plans. The Federal Government would set the example for other employers by allowing its new employees to begin saving through the Thrift Savings Plan

when they are hired, rather than having to wait up to a year. In addition, the Act would reduce from 10 to 5 years the time those participating in multiemployer plans—union plans where workers move from job to job—must work to receive vested benefits. It would also help ensure that returning veterans retain pension benefits and that workers receive their retirement savings even when a previous employer is no longer in existence.

- Expand eligibility for tax-deductible IRAs to 20 million more families. In addition, the Act would encourage savings by making the use of IRAs more flexible by allowing penalty-free withdrawals for education and training, purchase of a first home, catastrophic medical expenses, and long-term unemployment. It would also provide an additional IRA option that provides tax-free distributions instead of tax-deductible contributions.

- Enhance pension security by protecting the savings of millions of State and local workers from their employer's bankruptcy, as happened in Orange County, California. The Act would (1) require prompt reporting by plan administrators and accountants of any serious and egregious misuse of funds; (2) double the guaranteed benefit for participants in multiemployer plans in the unlikely event such a plan becomes insolvent; and (3) enhance benefits of a surviving spouse and dependents under the Civil Service Retirement System and the Railroad Retirement System.

- Ensure that pension raiding, such as that which drained \$20 billion out of retirement funds in the 1980s, never happens again—by retaining the strong current laws preventing such abuses and by requiring periodic reports on reversions by the Secretary of Labor.

Many of the provisions of the Retirement Savings and Security Act are new. In particular, provisions facilitating saving from the first day on the job, in both the private sector and the Federal Government; the doubling of the multi-employer guarantee; and improving benefits for surviving spouses and dependents of participants in the Civil Service Retirement System and the Railroad Retirement System deserve special consideration by the Congress. In addition, many of the provisions and concepts in this Act have been previously proposed by this Administration and have broad bipartisan support.

American workers deserve pension security—as well as a decent wage, life-long access to high quality education and training, and health security—to take advantage of the opportunities of our growing economy.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 23, 1996.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 60) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 23, 1996, Friday, May 24, 1996, or Saturday, May 25, 1996, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, June 3, 1996, or Tuesday, June 4, 1996, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 23, 1996, it stand adjourned until 2:00 p.m. on Wednesday, May 29, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

TURKISH STUDIES PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express my serious concern about what I consider a troubling case of the manipulation of historical fact under the guise of academic integrity. This is happening at a university in my own State, Princeton University, an Ivy League university and one of the leading institutions of higher learning in the Nation and in the world.

As the New York Times reported yesterday, Princeton accepted \$750,000 from the Government of Turkey to endow a new Attaturk Chair of Turkish Studies in the Department of Near Eastern Studies and hired a professor,

Heath W. Lowry, who worked for the Turkish Government as executive director of the Washington-based Institute of Turkish Studies. Professor Lowry has written and spoken extensively, questioning whether or not the Armenian genocide committed by the Turkish Ottoman Empire between the years 1915 and 1923 actually occurred.

Mr. Speaker, last month, on April 24, more than 40 Members of this body from both sides of the aisle took part in a series of special orders commemorating the 81st anniversary of the unleashing of this genocide against the Armenian people. It was planned and executed in the name of Turkish nationalism in the final years of the Ottoman Empire. Eventually, 1.5 million Armenian men, women, and children were murdered in this first, though sadly not the last, genocide in the 20th century. Although the word "genocide" had not yet been coined, genocide is what happened. It is a great and noble effort for this Congress to recognize that the genocide occurred. I will be working with my colleagues from both sides of the aisle to enact a resolution officially recognizing the historic fact that the genocide occurred and urging Turkey, the recipient of millions of dollars in United States assistance, to finally end its deceitful policy of denying that the genocide ever took place.

While remembering the Armenian genocide is important in its own right from the standpoint of honoring the victims and providing future generations with an important example of what can happen when ethnic hatred goes unchallenged, one of the most important reasons for commemorating the genocide is to challenge the efforts of those who deny that it occurred.

Now we see this genocide denial has been given a platform at one of our most prestigious universities. Professor Lowry, who is recognized as one of the leading specialists in Turkish studies, does not necessarily deny that many Armenian people suffered and died during that period of time, but he claims that the word "genocide" is not the most accurate word to describe this tragedy. Coincidentally, this has been the line put out by the Turkish Government and its apologists.

The Turkish spin that has been put on the genocide is disputed by a large volume of documented evidence, much of it collected by American diplomats and journalists on the scene. There is also the testimony of the survivors. There was, in conjunction with the physical destruction of the Armenian people, the effort to erase all traces of the Armenian presence in the areas now in Eastern Turkey by changing geographic names and destroying Armenian religious and cultural monuments. This was not a random violence, Mr. Speaker, but a concerted program to eliminate the Armenian people and

culture. It was, as we now use the term, "a genocide."

While Professor Lowry and others have the freedom to publish, obviously, what they like, I question whether it sets a good precedent for a major university to accept funding from a foreign government to essentially promote its propaganda. Many scholars agree, and have sharply criticized Princeton because that is exactly what is happening. I would hope that Princeton would seriously reconsider taking money from the Government of Turkey for this purpose or, at a minimum, would somehow build into its program certain safeguards to prevent the Turkish Government influence over essentially what the professor or others might say.

Mr. Speaker, I know that this is just one example, if you will, of how the Turkish Government tries to influence what goes on in this country, not only here in Congress, but also through our institutions of higher education, but I think it is terribly important that Princeton University and other universities like it do not continue to let their academic programs be influenced because of the money that is being donated, in this case by Turkey, or other foreign governments.

Mr. Speaker, I would like, if I could, to include the article that was in the *New York Times* on Wednesday, May 22, entitled "Princeton Is Accused of Fronting for the Turkish Government."

(By William H. Honan)

A group of prominent scholars and writers contends that Princeton University is allowing itself to be used by the Turkish Government as a center for propaganda about Turkey's role in the massacre of a million Armenians during World War I.

Three years ago, the university accepted \$750,000 from the Government of Turkey to endow a new Atatürk Chair of Turkish Studies in the Department of Near Eastern Studies and hired a professor, Heath W. Lowry, who had worked for the Turkish Government, as executive director of the Washington-based Institute of Turkish Studies.

Peter Balakian, a professor of English at Colgate University who has helped organize recent protests against the appointment, characterized Professor Lowry's scholarship as "evil euphemistic evasion" and charged that his appointment at Princeton was an instance of a foreign government buying credibility for its propaganda by endowing a chair at an American university and influencing the choice of who fills the post.

Princeton has defended the appointment of Professor Lowry through a terse statement by Amy Gutmann, the dean of the faculty, declaring that the university "does not permit donors of chairs to influence the outcome of its appointment process."

Debates on responsibility for the Armenian massacres in 1915 and 1916 have gone on for years, and have accelerated recently with the rising interest in Holocaust studies. The Turks and a handful of American scholars, among them Professor Lowry, contend that the Armenian deaths were the unintended result of wartime deprivation, while the Armenians and many more American scholars

consider it genocide centrally planned by the Ottoman Turks.

The attacks on Princeton erupted last year with a critical article in the academic journal *Holocaust and Genocide Studies* by the scholar Robert Jay Lifton. In February, a group of 100 scholars and writers published a denunciation of the Turkish Government and Professor Lowry in *The Chronicle of Higher Education*, a weekly journal; the signers included Alfred Kazin, Norman Mailer, Arthur Miller, Joyce Carol Oates, Susan Sontag, William Styron, David Riesman and John Updike. And a group of nearly 200 Armenian-Americans held a protest meeting last Wednesday night at the Princeton Club in New York City.

For his part, Professor Lowry says his skepticism about whether the deaths were centrally planned simply reflects adherence to scholarly rules of evidence.

"The Turkish Government is just as unhappy with a lot of my work as are some of the Armenians who attack me," he said. "I have never denied the terrible suffering and deaths of hundreds of thousands of Armenians during the First World War. But I object to the use of the word genocide until the relevant records are located, studied and have proved that genocide is in fact the most accurate term to describe this tragedy."

The furor over the appointment was prompted by an odd incident involving Professor Lifton, who teaches at the John Jay College of Criminal Justice in Manhattan. In October 1990, the Turkish Ambassador to the United States, Nuzhet Kandemir, wrote to Professor Lifton, upbraiding him for referring in his latest book to the "so-called" "Armenian genocide."

Professor Lifton was not surprised by the attack, but he was by a puzzling enclosure with the letter. It was a memo from Professor Lowry to the Ambassador that showed Professor Lowry had drafted the official Turkish Government protest to the Lifton book.

The memo said Professor Lowry was writing to Ambassador Kandemir "with an eye to drafting a letter for your signature to the author."

In the Holocaust and Genocide Studies article last year, Professor Lifton revealed the memo and branded Professor Lowry as an apologist for the Turkish Government.

In a recent interview, Professor Lowry acknowledged that his memo to Ambassador Kandemir was a mistake. "I was not a professor at Princeton when I wrote that," he said. "Looking back from where I am today, I goofed."

Professor Lowry, 53, received a Ph.D. in Turkish studies from the University of California, Los Angeles in 1977. In 1985, he was one of 69 specialists in Turkish studies who signed a petition urging that a House of Representatives resolution condemning the crime of genocide should not include the Armenian massacres. These crimes, the petition stated, were the result of "intercommunal warfare" complicated by "disease, famine, suffering and massacres."

"In my opinion," he said in an interview, "it was a total breakdown in civil authority on the part of a young, revolutionary government fighting a world war simultaneously on a number of fronts. That government's decision to relocate its Armenian citizenry into north Syria created a situation in which the deportees were subjected to attacks by marauding Kurdish tribesmen, starvation and the ravages of cholera and typhus epidemics."

The current scholarly debate over the Armenian deaths focuses on three principal

sources of evidence: the memoirs of Henry Morgenthau, who was the United States Ambassador to Turkey from 1913 to 1916; a remark that Hitler reportedly made in 1939, and cable traffic and other messages from German diplomats stationed in Turkey during World War I.

Vahakn N. Dadrian, a sociologist who wrote "The History of the Armenian Genocide" (Berghahn Books, Providence, 1995), said that Ambassador Morgenthau's memoirs—published in 1918—provided "conclusive proof" that the Turks committed genocide.

"Morgenthau reported that when he complained to top Turkish leaders about reports that women, children and old people were being marched into the desert to be killed," Professor Dadrian said, "he was told: 'We can't make distinctions. Those who are not guilty today will oppose us in the future.'"

But Professor Lowry counters that official records he discovered show that Robert Lansing, the Secretary of State then, rewrote parts of the memoirs, and that the book—long considered a standard in the annals of diplomatic history—is filled with "outright lies and half-truths". His findings were published in 1990 by an academic press in Istanbul.

The remark by Hitler is another matter of contention among scholars. He is reported to have said in a private meeting with SS chiefs at Obersalzberg, on the eve of the invasion of Poland: "Be merciless in exterminating Polish men, women and children. Who, after all, speaks today of the annihilation of the Armenians?"

Professor Lifton said the quotation not only confirms the genocide of the Armenians but indicates that "if you don't confront genocide, the next group inclined toward it can see itself as carrying out the genocide with impunity."

Professor Lowry said he believes the Hitler quote is probably apocryphal and has been used to establish a false link between the tragic history of the Turkish Armenians and the Holocaust a generation later.

"The Nuremberg War Crimes Tribunal discarded this version of Hitler's speech and relied instead on a version which does not contain any reference to the Armenians," he said.

The third source of evidence, German diplomatic traffic reporting the Armenian massacres, is considered particularly important by scholars, because Turkey was a German ally in the World War I and because in their confidential reports to Berlin, the German diplomats had no discernible reason to falsify what they saw.

Roger W. Smith, a professor of government at the College of William and Mary in Williamsburg, Va., who specializes in genocide studies, said the German cable traffic proves that the deaths were genocide.

In an interview, he said, "Hans Wangenheim, the German Ambassador to Turkey, reported to Berlin in July 1915 that the Turkish Government 'is really pursuing the aim of destroying the Armenian race.'"

Professor Lowry said he still needed to be persuaded. "If this material and newly available archives from Russia, the Ottoman Empire and the various Armenian revolutionary organizations, points to genocide as an accurate description of what actually took place," he said, "I'll be the first to use the word."

NO BRIDGE TOO FAR

Under the Speaker's announced policy of May 12, 1995, the gentleman from

California [Mr. DORNAN] is recognized for 30 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I signed up for 60 minutes, but my colleague from the beautiful adjoining Southern California district to the south, which has some of the most beautiful surf in the Nation, I am landlocked, Mr. DANA ROHRBACHER, will follow me. I gladly gave him 30 minutes of my time. He has some very important things upon which he will report to his district, the Nation, the Members of this House, all through you, Mr. Speaker.

Mr. Speaker, I just left Speaker NEWT GINGRICH's office, and he told us earlier that if he got 235 signatures on a letter to Mr. Clinton asking him in the name of duty, honor and country, to remove from his legal pleadings to get out of giving Paula Corbin Jones, the young lady who is claiming sexual harassment, alleging a case of something beyond sexual harassment, at the high end of it, that category where it is a crime, that he not have to give her her day in court, that he not appear in court, because, among many other frivolous reasons, that he should be considered an active duty military officer as the Commander-in-Chief of the Armed Forces of the United States.

He refers to a not obscure, but not often used, act of this Congress in 1940, and it is called the Soldiers and Sailors Relief Act of 1940, and that is what he is claiming through his lawyer, Bob Bennett, that is a Republican activist and good friend of mine, Bill Bennett's older brother, that Bob Bennett, the principal lawyer on what some people in the press are calling Clinton's dream team, hoping for the same impossible outcome as killer O.J. Simpson got, that they are claiming this 1940 act.

Back to Speaker GINGRICH. He said you get 236, of course I will be on there, make it unanimous. Well, the gentleman from Arizona, Mr. BOB STUMP, who is the point man on this, I am flying tight wing on World War II veteran BOB STUMP, combat veteran, so this Korean peacetime fighter pilot is right there with him, and in two days we got all 235 signatures. I just left NEWT GINGRICH's office. He is 236. We picked up a couple of veterans on the Democrat side of the aisle, and we are off and running with 238 signatures.

I will read the letter, in a moment when it arrives, to the President, or the press release. The letter will be finally constructed tomorrow, delivered to the White House tomorrow afternoon, on this Memorial Day weekend, asking Mr. Clinton and company to take that example of a pleading out of his case, to delay until 1997 Paula Corbin's day in court, or if he were to win a second term, to delay it until the next century, 2001 is when Mr. Clinton would leave office, at noon on January 20 if he gets a second term, and then Paula Corbin Jones can have her day in court.

Now, Mr. Speaker, you, who was one of the first signers of the letter out of 238, I think you might have been so busy today, you missed the inimitable Maureen Dowd, her column in the New York Times, America's paper of record. All the news that fits—I mean all the news that is fit to print. That was not deliberate. I have said it the other way so often that I did not mean to do that. All the news that is fit to print.

Maureen Dowd was going to title her column on Mr. Clinton "Hiding Behind the Soldiers and Sailors Relief Act of 1940," and I will explain that in some brief detail, what it is and what it is not. It involves only civil cases, by the way, not criminal charges. It does not cover sexual harassment. But Maureen Dowd told me she was going to call her column "Sergeant Bilk." I said well, I would have called it "No Bridge Too Far." Cross my heart, that is what I said, Mr. Speaker, right in that Speaker's lobby. And guess what she calls her column? "No Bridge Too Far."

Above her name, which appears because she would be one of their senior columnists, above her own name Maureen Dowd appears "Liberties." It is kind of a top headline. And then a subject-headline says, I can hear the music, "He's in the Army now." And here is her column, dateline "Washington." That is where Maureen Dowd covers the whole wild scene inside the Beltway, from right here in the arena listening to the screams of the Christians and the roars of the lions.

She says, "As A society, we haven't preserved our sense of shame." Billy Graham signed off on that on May 2 in the rotunda.

□ 1630

We have not preserved our sense of shame. "But Bill Clinton is doing his best", his best—

To preserve our sense of shamelessness. The President and his Rasputin, Dick Morris, have broken creative new ground in brazenness.

First they snatch Republican positions counting, not unreasonably, on the forgetfulness of voters and the expediency of Democrats who want their Republican in the White House to win. And now they are both embroiled in kerfuffles on Capitol Hill, where it takes a lot to be called shameless.

At my age, Mr. Speaker, when I come across a new word, it is a thrill. When I was a young college kid I used to read a Bill Buckley column and find five words I did not know. I now know that Bill Buckley and I are peers because I have not read a column of his in at least 2 years where I have not known every word in the column, but this one is a new one.

Mr. ROHRBACHER, would you do me a favor? As you prepare your succinct remarks and trenchant comments for tonight, would you go to the big dictionary and look up this word, K-E-R-F-U-F-F-L-E-S, kerfuffles. That is what Maureen Dowd says, and I will read

this sentence again. I love to learn a new word, "And now they are both embroiled." the President and his people on the other side of the aisle, "in kerfuffles on Capitol Hill, where it takes a lot to be called shameless."

"In a move that marks a new level ofchutzpah in American politics, Mr. Clinton's lawyers mentioned in their appeal to the Supreme Court", this is the Supreme Court across the street there on the east side of this beautiful Capitol Hill, Mr. Speaker, "on Paula Corbin Jones's sexual harassment suit that the President may be protected by the Soldiers' and Sailors' Civil Relief Act of 1940, which was designed to give American troops some protection from civil suits while on active duty."

And if people wonder why that is 1940 instead of 1941 or 1942, remember, Mr. Speaker, that in this Chamber, in August of 1941, the draft, which had been in existence for a year, was saved by one vote in this Chamber. It past a little more comfortably in the Senate. And it was because we were taking young men off the farms and out of high schools and colleges and putting them in the military. No one could foreclose on their home or hit them with a civil suit while they were on active duty and pretty soon about to face the Japanese warlord's treachery at Pearl Harbor.

Mr. BONO. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. BONO. It appears from your dialogue here that you are rather emotional about an issue, and I may be going the wrong way, and I certainly do not want to go against a colleague, but I thought it would be a nice gesture on our part to collect funds and buy a flak jacket for the President.

I just want to make sure that that is not offensive to the line of dialog that you are using here.

Mr. DORNAN. Well, you made a credible case earlier to me on the floor, not just in humor, that if he pursued this and got a finding of the Supreme Court that he truly was on active duty, at our press conference, one of the press, Less Consolving, of a local radio station, I think he is syndicated, said, "Does that mean he would have to test for HIV?" HENRY HYDE, our distinguished colleague and chairman of the Committee on the Judiciary, said maybe he would have to go through boot camp. An abbreviated one, to be sure. And imagine him on active duty and all the repercussions and fallout from that.

Mr. BONO. I thank the gentleman.
Mr. DORNAN. I have just been joined by Mr. BOB STUMP. I wish you would take that microphone, chairman of the Committee on Veterans' Affairs. BOB STUMP has brought to me NEWT GINGRICH's signature. That makes it 236. SUSAN MOLINARI called in from crib side with her brand new baby.

Mr. STUMP. Yes.

Mr. DORNAN. I remember the baby's middle name, Ruby. I forget the first name. Maybe it is Susan Ruby Paxon. So that makes it 236. So it is official.

Let me just thank you, Mr. Chairman, and if you would tell us briefly why you as a World War II veteran find this the bizarrest of stretches, or as Maureen Dowd put it, "No Bridge Too Far", that Clinton's pleadings in the Supreme Court on the Paul Corbin Jones case is offensive to you a veteran.

Mr. STUMP. Mr. DORNAN, let me just thank you for all your hard work on this, and the reason we got so involved in this, it is so offensive to anyone that has ever worn the uniform of the United States services. The fact that this man that said one time that he did not like the military and now he is trying to hide behind the service of the military is incredible.

So I just want to thank you, and the Speaker signing that letter now makes, and I thank we are waiting for one person to call in from the airport that we somehow happened to miss, but that is 236.

Mr. BONO. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. BONO. I would like to enter into a question and answer process, if I may, with you for a second.

I am baffled. You would assume that the President of the United States and what he does would be considered news, especially if you are a newspaper. Would that be a correct assumption?

Mr. DORNAN. Absolutely.

Mr. BONO. Do you find it interesting that a President who has now stated that he is in the military and is using that for a defense and, therefore, should not be brought before any justice system while he is in the military, is only reported, and I get three papers, but it was only reported in the Times.

I am just curious, and perhaps you have the answer, why would not the Post and the Gannett paper give us that story? It is impossible that they would be embarrassed to relate such a story, is it not?

Mr. DORNAN. Well, at our press conference, two reporters began to argue, I do not like debates at press conferences, that it was only an example. They asked who had read it. Well, Mr. STUMP of Arizona had read the Bennett part of their pleadings, I had, and it was more than an example. It was a hint to the judge that we will put this in formal language if you will go this far with this.

And I think the answer to your question is buried in the fact that in a recent poll 91 percent of the elite news media, New York, Hollywood, all the major papers, and all the major papers here except the Washington Times, 91 percent said they voted for Clinton

over George Bush. So that is the reason.

I tell you what, I have here the one paper, the great Washington Times, that has driven the story. I see they have a lead editorial that says "Bill Clinton Military Man?"

So let me finish Maureen Dowd's column, stay right where you are, if you have the time. Mr. ROHRBACHER looked up the word in this big dictionary and kerfuffles is not in the dictionary. So I will ask Maureen if she is using a British dictionary. That one is so old, though, it still has sodomy in it and does not have homophobia, so maybe it has not been updated.

But here is the rest of Maureen Dowd's column, and then I will read the lead editorial in today's Washington Times.

She says, and I will go back one sentence.

In a move that marks a new level ofchutzpah in American politics, Clinton's lawyers mentioned in their appeal to the Supreme Court on Paul Corbin Jones's sexual harassment suit that the President may be protected by the aforementioned act of 1940, which was designed to give American troops some protection from civil suits while on active duty.

President Clinton here thus seeks, these are the exact words of Bob Bennett,

President Clinton here thus seeks relief similar to that which he may be entitled as Commander in Chief of the armed forces, and which is routinely available to service members under his command. Not for criminal action.

Robert Bennett, the President's lawyer, said he had only cited the act as an example that might extend to the Commander in Chief, not as his main argument. But Mr. Bennett is getting paid too much money to make the hideous mistake of reminding the public of one of Mr. Clinton's improvidences—his maneuvering on the draft—in defense of another—his wandering eye.

Some veterans groups and BOB STUMP, the Arizona Republican who is chairman of the House Committee on Veterans' Affairs, and I would add for Maureen, since she spoke to me, the chairman of military personnel subcommittee, myself, did not care for Mr. Clinton's opportunistic enlistment—Hello sailor.

Mr. STUMP is sending the President a letter signed by 170 Republicans, addendum, 236, the entire conference plus two Democrats, asking him to withdraw his "ignoble suggestion", that is from our letter, from the brief. Quoting from our letter:

The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander-in-Chief of the armed forces.

And the same for the Secretary of War, now called the Secretary of Defense, and the three service secretaries, Navy taking care of the Marine Corps.

All of them are civilians, and civilians rule in this great land. And that is what makes us unique in all of American history, Mr. Speaker.

Maureen continues from our letter "You are not" italicized, "a person in military service nor have you ever been."

Also in the President's mailbag is a letter from Republican Congresswomen: Our troops here of about 8 had a press conference yesterday, demanding that Dick Morris, otherwise referred to as Rasputin, be fired for doing jury duty polling, jury duty polling, for Alex Kelly of Darien, CT, the unsavory teenage burglar who fled the country after he was accused of raping two young girls. He was a fugitive in Europe for 8 years living the posh life of a ski bum while his parents supported him.—Family values.

It is the worst thing an adviser to the President could be doing at this time when crime and crimes against women are such a deep concern to the American people, wrote Representative JENNIFER DUNN on our side of the aisle.

The Republican women are attempting to spruce up Mr. DOLE gender-wise, but they have a good feminist point. Ordinarily, in a case like this, the Democratic women would be yelping, but there was only the occasional brave mutter. Representative NITA LOWEY of New York, "This is beyond the pale."

One female Democratic lawmaker explained if this were a Republican President and Dick Morris was helping an accused rapist, you know we would be screaming. But it is not worth picking a fight. We just want to win in '96.

So Democrats have suppressed their distress as Mr. Morris has helped the Clintons shape-shift, when Hillary Clinton told Larry King, "There is no left wing in the Clinton White House," and when Mr. Clinton embraced the radical Wisconsin plan to abolish welfare.

Maureen Dowd, that was not a radical plan. Governor Tommy Thompson's plan is highly reasonable and it is going to sweep the Nation. That is my own, DORNAN, aside.

Maureen finishes, "Until yesterday, homosexual groups had fumed as the President slithered away from same sex marriage." What a great verb, slithered away. "But the overly eager White House announcement yesterday that Mr. Clinton would sign a law denying Federal recognition for same sex", that is homosexual, "marriages if they ever reached his desk was too much. The Human Rights Campaign", misnamed, "the largest homosexual rights group, accused the President of caving in to the right wing, and disinvited George Stephanopoulos as a dinner speaker."

And here is Maureen Dowd's closing paragraph, Mr. Speaker. "So Bill Clinton is in the Army. He's against gay

marriage. His adviser did work for an alleged rapist. He moves from the left wing to the right wing because what he really believes in is the West Wing."

Mr. Speaker, unless you are one word ahead of me, we found it in the dictionary. Our hats are off to Maureen Dowd, who is becoming the next Bill Buckley. Kerfuffle is to become disheveled. Disturbance. A fuss. A mess. So now I will read that sentence.

□ 1645

And now both the White House and the Democrats in this Chamber are embroiled in kerfuffles, disheveled, disturbances on Capitol Hill, where it takes a lot to be called shameless.

Now to the Washington Times. Bill Clinton, Military Man, lead editorial.

When Bill Clinton famously declared that he loathed the military while doing his best to stay out of it, he was obviously not yet familiar with some of the fringe benefits that military service affords. But the President wants those benefits now, even though he has never spent a day in uniform, though perhaps Mr. Clinton thinks that his spiffy leather bomber jacket counts, the one with the Velcro where he puts on the First Armored Division patch and mixes it in with other visits to uniforms. Remember, Mr. Speaker, this is to be the year of Clinton posing in uniforms. Posing with Catholic schoolgirls and schoolboys in their uniforms but voting for partial birth infanticide. Posing with police officers anywhere in the country at the drop of a hat but with his own State troopers of Arkansas having condemned him for using them to procure. And now he is posing with the military at every drop of the hat. Just spoke to the Coast Guard Academy, and it is to be the year of Mr. Clinton surrounded by uniforms.

So the Washington Times continues: The benefit the President is groping for is the protection from civil litigation provided to active duty military personnel under the Soldiers and Sailors Civil Relief Act of 1940.

I will be putting in at the end of this, Mr. Speaker, Clinton's infamous disgraceful letter to Colonel Eugene Holmes, who was head of the ROTC at the University of Arkansas in 1969. He has been the head for a decade. I spoke to him last night. I will have something about his words later. Then I am going to put in Colonel Holmes' letter from September 7, 1992, which I put in the RECORD that day, the only paper in America, in America that published those two letters, the 1969 letter and the 1992 letter in their fulsome horror, could have changed the election, the only other paper in America, the only paper that put them in was this Washington Times.

So my staff will get those over to me, which I know they are working on. I will put those in at the end of this 30 minutes.

Perhaps Mr. Clinton thought that this new and audacious gambit would go unnoticed. That seems to be what his lawyer Robert Bennett was hoping: If you read the 24-page petition through the first time, you would miss it. That is what Bennett says, it hit me in the face on the first reading, the paragraph pushing the military service claim, Mr. Bennett told the Washington Times. But Mr. Clinton cannot always be that lucky. The chairman of the House Committee on Veterans' Affairs noticed the claim and has expressed his outrage as he just did here on the House floor and in a letter to the President. The commander of the American Legion is similarly nonplussed. They plan a press conference today—we had it; it was terrific—suggesting that the issue is not going to be dispelled with the wave of Mr. Bennett's legal hand.

According to Joseph Cammarata, who together with Gilbert Davis, I have spoken to them, represents Paula Jones in her lawsuit: The President's claim is not only legally inappropriate, it is inappropriate in light of those who served and those who have died in our military over the centuries.

Perhaps if the Soldiers and Sailors Relief Act actually provided a shield to Mr. Clinton, it would have been worth it to the White House to weather the well-earned scorn now being heaped on the President.

What I said, Mr. Speaker, is he should give Robert Bennett the Johnny Cochran award. Anything that works, no matter how shameless, lying, distorted, twisted, or ignominious. But the claim is almost little more than a bad joke, suggesting that Mr. Bennett has been driven to extraordinary and desperate measures to block the discovery process. For starters, as Daniel Ludwig, national commander of the American Legion, points out, the Commander in Chief is a civilian. The President isn't subject to the Uniform Code of Military Justice. He is not eligible for military retirement. His service doesn't fit the legal definition of active duty. It is bizarre that anyone would suggest the civilian President of the United States is on active duty.

I would add to that, as I did before, or Mr. William Perry, Secretary of Defense.

Back to the Times: That was certainly the ruling of the Los Angeles County superior court in Bailey versus Kennedy and Hills versus Kennedy to avoid being sued over damages from a traffic accident. President John F. Kennedy asserted that the Soldiers and Sailors Relief Act protected him as Commander in Chief. It wasn't such a moral stretch for Mr. Kennedy who, after all, had worn a Navy uniform in combat and had been wounded when his boat was cut in two by a Japanese destroyer. But it was such a legal stretch that the judge in LA denied John F.

Kennedy's motion without even writing an opinion.

I just learned something reading that in the Washington Times. I didn't know John F. Kennedy had an automobile accident out there.

The President should also have consulted the Supreme Court's interpretation of the Soldiers and Sailors Relief Act in the 1943 case of Boone versus Lightner. The defendant had speculated in the market unwisely and had done so with money improperly taken from his own daughter's trust fund. When sued by the daughter, the defendant relied on the SSRA and the fact that he was a uniformed Army captain in wartime. The high court ruled the captain was not protected from litigation because he had a desk job and was himself a lawyer. Thus unlike the GI in the foxhole, he would certainly be able to make his court appearances.

The court's language is piquant, saying that charges struck at his honor as well as his judgment. Does that sound like Paula Corbin Jones? It does to this Air Force captain, me.

The justices concluded that discretion is vested in the courts to see that the immunities of the act are not put to such an unworthy use.

I am going to remember those words. To defend yourself from a charge that you exposed yourself and offended a 23-year-old young lady who had just been hired by the State of Arkansas, by the CEO of the State of Arkansas, the Governor. When Mr. Clinton traveled in his Guard airplanes in Arkansas, he would have been called a code 2. The President of the United States is code 1 in the Coast Guard, Army, Navy, Air Force, Marine airplane, code 2 is Vice President Gore in this case, any one of our 50 Governors and any U.S. Senator or Congressman. We are all code 2. I was in an Air Force base as the air-drome officer when they said a code 4 was coming in. That would be a major general. The place turned upside down.

I had never seen a 2-star in my life. One day when they said a code 1 was coming in, I froze in fear. It was President Eisenhower. No, a code 1, excuse me, President, yes, President Eisenhower. A code 2 is pretty special. That is what the CEO is of the State of Arkansas, second only to the President in military respect.

So this is an amazing series of legal cases here, such an unworthy use in that case, whatever I said it was, Boone versus Lightner.

The Washington Times concludes: Mr. Clinton seems willing to use any ruse, however unworthy of his office it may be, to delay answering what, if anything, he was doing or trying to do in an Arkansas hotel room, second floor mezzanine, Excelsior Hotel, Little Rock, with Paula Jones. This ignoble pleading is a slap in the face of the millions of men and women who either are serving on active duty or have served

on active duty in the armed forces of the United States, Mr. STUMP and Mr. DORNAN wrote in the letter to their congressional colleagues.

He concludes that the President's most recent legal maneuver makes a mockery of the laws meant to protect the honorable men and women who serve their country. True. Just stop the legal goofiness, Mr. President, the Times concludes. Raise your right hand and get on with it.

I would add, giving the young woman her day in court.

Here is my press release today, Mr. Speaker. Washington, D.C.: It is disgraceful that while the rest of the Nation is honoring our fallen heroes of military service this long Memorial Day weekend, Bill Clinton is seeking shelter behind a military he once claimed to loathe, in an attempt to delay the sexual harassment suit filed by Paula Corbin Jones. On May 15, 1996, attorneys for Mr. Clinton filed an appeal with the U.S. Supreme Court seeking to delay the sexual harassment lawsuit filed by Paula Jones, former Arkansas State employee, under the supervision, all the way up to the top of the Arkansas pyramid, of then Governor Bill Clinton.

Lawyers for Clinton try to use the Soldiers and Sailors Civil Relief Act of 1940, passed because we were, I repeat, we were drafting young men. I repeat some of the things that Mr. STUMP and I said in the letter we circulated on the floor. Repeat again the purposes of the act. And this should be in this formal RECORD today, it is persons in the military service who are devoting their entire energy to the defense needs of the Nation, not traveling around on his two Air Force 747's campaigning and reimbursing only a first class ticket.

I will put the rest of my press release in with my closing line that he mocks his job as civilian Commander in Chief and the honorable men and women who have given their lives to the protection of this great Nation. Tomorrow I go up to Annapolis for the graduation. I spent last Friday at West Point. Believe me, we are turning out honorable men and women.

Mr. Speaker, I include for the RECORD the following material:

TEXT OF BILL CLINTON'S LETTER TO ROTC
COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month and from now on I will, but I have had to have some time to think about this first letter. Almost daily since my return from England I have thought about writing, about what I want and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high re-

gard for you personally. In retrospect it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America. Before Vietnam, I did not take the matter lightly, but studied it carefully and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue which I had not begun to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply participation in war in any form.

From my work I came to believe that the draft system itself was illegitimate. No government really rooted in limited parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which in any case does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified, but the draft was not for reasons stated above.

Because of my opposition to the draft and the war I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate

it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out, perhaps to teach in a small college or work in some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate then.

At that time, after we had made our agreement and you had sent my ID deferment to my draft board, the anguish and loss of my self-regard really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally on Sept. 12, I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military to which you and other good men have devoted years, lifetimes of the best service you could give. To many of us, it is no longer clear what is service and what is disservice or if it is clear the conclusion is likely to be illegal.

Forgive the length of this letter. There was so much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Bill Clinton.

A COLONEL SETS THE RECORD STRAIGHT

[Sept. 7, 1992, Memorandum for Record]

Subject: Bill Clinton and the University of Arkansas ROTC Program

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3 years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there are many others who avoided serving their country in the Vietnam War, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States's Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (Sept. 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make." Since I may be the only person living who can give a firsthand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me in my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire the program did he inform me of his involvement, participation, and actually organizing protests against the United States involvement in Southeast Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated Dec. 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the university. He never enrolled at the University of Arkansas, but instead enrolled at Yale University after attending Oxford. I believe that he purposely deceived me,

using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The Dec. 3 letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States military. Even more significant was his lack of veracity in purposely defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, others whose funerals I have attended When I reflected on not only the willingness, but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention by brother Bob, who was killed, during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of American and the liberty for which so many men have fought and died.

Because of my poor physical condition, this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

NO BRIDGE TOO FAR (Maureen Dowd)

As a society, we haven't preserved our sense of shame. But Bill Clinton is doing his best to preserve our sense of shamelessness.

The President and his Rasputin, Dick Morris, have broken creative new ground in brazenness.

First they snatch Republican positions, counting (not unreasonably) on the forgetfulness of voters and the expediency of Democrats who want their Republican in the White House to win. And now they are both embroiled in kerfuffles on Capitol Hill, where it takes a lot to be called shameless.

In a move that marks a new level of chutzpah in American politics, Mr. Clinton's lawyers mentioned in their appeal to the Supreme Court on Paula Corbin Jones's sexual

harassment suit that the President may be protected by the Soldiers' and Sailors' Civil Relief Act of 1940, which was designed to give American troops some protection from civil suits while on active duty.

"President Clinton here thus seeks relief similar to that to which he may be entitled as Commander in Chief of the Armed Forces, and which is routinely available to service members under his command."

Robert Bennett, the President's lawyer, said he had only cited the act "as an example" that might extend to the Commander in Chief, not as his main argument.

But Mr. Bennett is getting paid too much to make the hideous mistake of reminding the public of one of Mr. Clinton's improprieties (his maneuvering on the draft) in defense of another (his wandering eye).

Some veterans' groups and Bob Stump, the Arizona Republican who is chairman of the House Committee on Veterans' Affairs, did not care for Mr. Clinton's opportunistic enlistment. (Hello, sailor).

Mr. Stump is sending the President a letter, signed by 170 Republicans, asking him to withdraw his "ignoble suggestion" from the brief: "The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander in Chief of the Armed Services. You are not a person in military service, nor have you ever been."

Also in the President's mailbag is a letter from Republican Congresswomen demanding that Dick Morris be fired for doing jury-related polling for Alex Kelly of Darien, Conn., the unsavory teen-age burglar who fled after he was accused of raping two girls. He was a fugitive in Europe for eight years, living the posh life of a ski bum, while his parents supported him. (Family values.)

"It is the worst thing an adviser to the President could be doing at a time when crime and crimes against women are such a deep concern to the American people," wrote Representative Jennifer Dunn.

The Republican women are attempting to spruce up Mr. Dole gender-wise, but they have a good feminist point. Ordinarily, in a case like this, the Democratic women would be yelling, but there was only the occasional brave mutter. "This is beyond the pale," said Representative Nita Lowey of New York.

One female Democratic lawmaker explained: "If this were a Republican President and Dick Morris was helping an accused rapist, you know we would be screaming. But it's not worth picking a fight. We just want to win in '96."

So Democrats have suppressed their distress as Mr. Morris has helped the Clintons shape-shift—when Hillary Rodham Clinton told Larry King "There is no left wing of the Clinton White House," and when Mr. Clinton embraced the radical Wisconsin plan to abolish welfare.

Until yesterday, gay groups had fumed as the President slithered away from same-sex marriage. But the overly eager White House announcement yesterday that Mr. Clinton would sign a law denying Federal recognition for same-sex marriages if it ever reached his desk was too much. The Human Rights Campaign, the largest gay-rights group, accused the President of carving in to the right wing, and disinvited George Stephanopoulos as a dinner speaker.

So Bill Clinton is in the Army. He's against gay marriage. His adviser did work for an alleged rapist. He moves from the left wing to the right wing because what he really believes in is the West Wing.

CLINTON'S LATEST DISGRACEFUL DODGE

"It is disgraceful that while the rest of the nation is honoring our fallen heroes of military service this weekend, Bill Clinton is seeking shelter behind the military he once claimed to loath, in an attempt to delay the sexual harassment lawsuit filed by Paula Jones," commented Congressman Robert K. Dornan, Chairman of the House National Security Subcommittee on Military Personnel, after the announcement that Bill Clinton will use The Soldier's and Sailors' Civil Relief Act of 1940 as part of his legal defense before the United States Supreme Court.

On May 15, 1996, attorneys for President Clinton filed an appeal with the U.S. Supreme Court seeking to delay the sexual harassment lawsuit filed by Paula Jones, a former Arkansas state employee under the supervision of then-Governor Bill Clinton.

Lawyers for Clinton contend that the Soldiers' and Sailors' Civil Relief Act of 1940 provides temporary protection from civil suits while the President is in office. This Act requires that civil litigation against members of the armed services be postponed while they are on active duty. According to his plea, "President Clinton here thus seeks relief similar to that which he may be entitled as Commander in Chief of the Armed Forces."

However, the purpose of the Act is to allow the United States to fulfill the requirements of national defense, by enabling "persons in the military service . . ." to "devote their entire energy to the defense needs of the Nation." Furthermore, this Act clearly states that only members of the Army, Navy, Marines, Air Force, and Coast Guard, and officers of the Public Health Service when properly detailed, are eligible for such relief. This Act goes further in defining the term "military service" to include the period during which one enters "active service" and ends when one leaves "active service."

Under the Constitution, Bill Clinton is the civilian Commander in Chief of the Armed Forces. The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander in Chief.

"Bill Clinton has never been an active duty member of the military. In fact, in 1969, he dodged the draft and ran from his obligations to both his military and his country. And now as the civilian Commander in Chief, he mocks the honorable men and women who have given their lives to the protection of our great nation."

BURMA

The SPEAKER pro tempore (Mr. GOSS). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRBACHER] is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRBACHER. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for granting me this time from his 1-hour special order.

There are several issues that I would like to speak about today. Perhaps there is one issue that I should begin with, because no one else seems to be speaking out, although I know that it is close to the hearts of both Republicans and Democrats here in the House of Representatives.

When we have our disagreements here in the House, one thing that we learn is that although we disagree, we do have some fundamental agreements that keep us together as Americans and that bind us to all of the American people. That is, we do believe in democracy. We do believe in freedom of speech. We do believe in these fundamentals that were fought for by George Washington, whose picture is on our wall here in the Chamber of the House.

We believe that we have a commitment to the world, a commitment to the world to stand for freedom because our forefathers were aided by people whose picture is also here on the wall in our Chamber, Lafayette, who came here to help us struggle for our freedom and independence over 200 years ago.

Basically he did so because he wanted to express a solidarity with the people of the United States, knowing that we would be the champions of freedom. By our very nature, our country is composed of people who come here from all corners of the world, all parts of the world, every race, every religion, every ethnic group is represented here, and we live together in freedom and democracy. By that very nature, we owe the world something. That is the stay true to those principles of freedom and democracy that our forefathers proclaimed, not just the rights of Americans but the rights of all people.

In the last 48 hours, there has been a vicious attack on the cause of democracy in the country of Burma. Burma is a country you do not hear much about. Most Americans in fact probably think that Burma, the only thing they relate to is BurmaShave, they think of BurmaShave. It must be some sort of shaving cream or something.

In fact, Burma is a country with 48 million people in Southeast Asia. A country that now is suffering under the heel of one of the world's most vicious dictatorships. And over these last few years, many of us who have been active in the human rights movement have tried to work and do our best to see that perhaps Burma could evolve out of this dictatorship. The military dictatorship in Burma is called SLORC. It is a name that basically fits the regime because it sounds like it is right out of "Star Wars," out of the monstrous regimes that the freedom fighters in the film series "Star Wars," where the freedom fighters are fighting against the evil empire.

This evil empire in Burma is repressing the people. But there is, you might say, a champion of freedom, a hero to the world who lives in Burma and has tried to bring democracy to that country. It is Aung San Suu Kyi. Aung San Suu Kyi was of course of Nobel prize winner 2 years ago. She has suffered 5 years of confinement. She was arrested by the SLORC regime. Then last year

she was set free and many of us hoped that there would be lessening of the repression in Burma. But what has happened in the last 48 hours is that the military dictatorship in Burma, SLORC, has rounded up almost 200 members of the democratic opposition in Burma and arrested them.

Anyone who is meeting with Aung San Suu Kyi, anyone who is involved in the democratic movement is being arrested. Dr. Sein Win, the Prime Minister of the democratic government in exile, testified in the Senate yesterday that the situation in Burma is one of despair and despotism. Today his brother, who is not even a member of the democratic movement, was arrested in retaliation for what Prime Minister Sein Win testified about here in Washington.

□ 1700

So I have introduced a piece of legislation hopefully that will discourage Americans from doing business in Burma. It is H.R. 2892, and we would hope that the American people and American businessmen recognize that here is a country that if anywhere we should take a stand for freedom. If anywhere in the world we could take a stand and it will not hurt us and we just show that we believe in freedom, it could be Burma. And there is no excuse for us not to do so. There is no strategic interest there, there is no huge commercial interest, but what is there are 48 million people suffering under the heel of despotism, crying out to the United States for us to take a stand.

Take your stand, America. What side are you on?

When that cry goes out from people who are being oppressed, never should we say we are on the side of the dictators, we are on the side of the oppressors.

This country, this dictatorship in Burma, has financed its war on its own people by selling off its teak forests, which have been decimated, by basically selling its natural resources, its gems, to foreigners who have come in and extracted it, and they put the money, the SLORC has put the money into their own pockets and into their own coffers, and now it is even willing to sell its natural gas resources to American companies. And where do these moneys go? They go into the purchase of weapon systems of military equipment and militarization of this country that is used to repress their own people.

Furthermore, this monstrous regime that represses its own people in Burma has taken its resources also by becoming involved in the drug trade. Many people in our country wanted us to actually cooperate with the Government of Burma, with its dictatorship, thinking that we could together stand against drugs.

Others of us believed, as I think has been reconfirmed, that the dictatorship

in Burma is up to their necks in the drug trade. They have not refrained from becoming involved in growing opium and selling heroin because of some kind of morality. If they had any morality, they would not be murdering their own people, and that was brought home more recently when the drug lord Kung Saw, who was famous in the United States, or I should say infamous in the United States, he was put out of business by the Burmese military dictatorship, and what has happened? Kung Saw, he may have gone into retirement; of course he is not in jail, he is in retirement in Rangoon; but the drug trade and the drug production from his area, which is now under government control, continues at the level that it was.

Aung San Suu Kyi, this heroine of freedom, this woman who in our time shows an example to the world of what we should be like as Americans, champions of freedom, has asked us to put economic sanctions on this regime because it now has shown its true colors. It does not, the Burmese regime, the SLORC regime, does not want reform. It instead is seeking further repression and will grasp on to power until the last desperate time, what they have, is gone, until they are forced from power by pressure from the outside or by perhaps revolution from their own people. Unfortunately the SLORC regime is being bolstered by a military that is being supplied by Communist China. Communist China has sold Burma the weapons it needs to maintain a dictatorship.

In fact, Burma, is becoming a client state of China. The Red Chinese regime is doing all it can to keep its buddies, its gangster buddies, in power in Rangoon.

Congress will soon take up the issue, interestingly enough, of most-favored-nation status to China. This is an important piece of legislation. But let us make sure that, as we move forward when we are talking about Burma, that we can make a stand in Burma, and I, as I say, I have introduced H.R. 2892, and I ask my fellow colleagues to join me in basically outlawing any further American investment through supporting H.R. 2892 and opposing any further American investment in Burma.

Now, we will make another choice very soon, too, which it comes to most-favored-nation status with China. When it comes to this decision, yes, there are a lot of other factors at play. There are many. China, Communist China, is a strategic country. There are a billion people in China. China has technologies. China has a huge army that can affect the United States. And also economically we are already in an economic relationship that in some way binds us to that country.

But just today it was disclosed that Chinese officials themselves have been involved with smuggling fully auto-

matic AK-47 rifles into the United States. These are people that have contacts in the Chinese army. These are not Chinese entrepreneurs, people doing this outside of their own government. These are government officials themselves.

The Red Chinese regime is a rogue regime. It is oppressing its own people just like in Burma and every other dictatorship, but the regime also sells nuclear weapons technology to developing countries and arms dictatorships like Burma. It has a Nazi-like policy in dealing with orphans, in dealing with the disabled and dealing with the unborn.

It is conducting an economic war against the United States. I mean the bottom line is American companies find it difficult to sell in China unless the Chinese regime permits them to sell their goods there, yet they take full advantage of our market in the United States. So they limit access to their market, and they end up stealing our intellectual property, as is becoming known now. These people are involved with grand theft of our intellectual property rights, our CD's, our entertainment items that are worth billions of dollars to the economy of southern California; they are being ripped off by companies that are owned by the People's Liberation Army, by government officials in China.

They have, in fact, a \$35 billion trade surplus with us that does not even count the rip-offs, and with this \$35 billion in surplus, they buy weapons in order to upgrade their military, to threaten their neighbors, and bully their neighbors and to become a, quote, power in the world. Well, we have seen what that power means. What it means when you have a dictatorship spending money and upgrading its military, it means that it threatens its neighbors even more aggressively.

In the Philippines they know what a better armed China means. They have recently had a little confrontation with the Chinese over the Spratley Islands, and what should have been a negotiated disagreement became almost an armed confrontation when a belligerent, hostile and a threatening Red China decided it would have its way, negotiations were not the order of the day.

We also saw the results of this when just a month ago the Red Chinese regime sent its military into the Taiwan Strait in an attempt to intimidate the democratic government, the Republic of China, Taiwan, trying to intimidate them into not having a free election. What we saw were missiles being fired at a democratic people, people who were simply trying to have an election, in order to intimidate them and frighten them from their democratic rights.

Well, what more, what more I ask you, does a country have to do before

the United States says that they will not enjoy the trading status of most-favored-nation status with the United States? What more can a regime do? Do they have to open up gas ovens and begin murdering people exactly like the Nazis did during World War II?

This is a regime, a monster regime, on the mainland of China, and this administration, the Clinton administration, has decoupled any consideration of human rights to the consideration of most-favored-nation status for that regime. It is a disgrace. Let us remember that President Clinton 4 years ago was attacking then sitting President Bush for granting most-favored-nation status to the mainland Chinese regime, and as soon as President Clinton became President, not only did he grant most-favored-nation status, but he has decoupled the consideration of most-favored-nation status from any discussion about human rights. It is the ultimate hypocrisy and has been one of the biggest and worst setbacks for the human rights community in the U.S. history, when the President, when President Clinton, not only reneged but did an absolutely turnabout in his belief in supporting human rights on mainland China.

Well, who is it up to, then? It is up to us, the American people, to stand for our beliefs in freedom and democracy and to stand up, yes, for the interests of the United States, and what is happening with the most-favored-nation status debate here in Congress is that we find that those companies that are making a profit from their investment in China, a huge profit from their investment in China, have turned around and become lobbyists to us for this dictatorial regime. What we have found is not that what the theory was was that if we permit our people to invest in China they will become emissaries of democracy to that country, but they have instead become lobbyists for a dictatorship to the United States.

Well, we are the ones who have to make the decision, not just based on what a very small group of companies are doing, making a profit by dealing with these terribly dictatorial regimes whose hands are dripping with blood.

The fact is that when it comes to Burma, we have a right also to tell our people this is not the right thing to do, for you to do, to invest in that dictatorship. We also have a right and obligation to our own people to say we will not permit Chinese goods that are produced in slave labor camps and produced by the army, buy companies that are owned by the army, and produced by a regime that is trying to bolster its weapon systems to threaten its neighbors, we will not permit that country to come into our marketplace and with the same status of other free and democratic countries.

I would hope that the American people insist that their representatives in

the United States vote against most-favored-nation status for China.

There is one other issue that will be coming forth very quickly and that we will find in front of this body within the next 2 weeks. It is an issue that relates to most-favored-nation status and relates to these dictatorships around the world because it is changing our patent system in a way that will permit those thieves, those dictatorships around the world, to steal American technology.

Now, most of you probably have not heard anything about the proposed changes in our patent law. Most Americans would not even understand the proposed changes in our patent law. But there is an insidious attempt being made to make fundamental changes in the situation of our patent system, in the makeup of our patent system, so that it will be easier for foreign corporations to steal America's greatest asset, and that is the genius of our people. What will be coming forth before this body is a bill, H.R. 3460, which I call the Steal American Technologies Act. This act, believe it or not, will insist that from now on, if an American inventor applies for a patent in this country, after 18 months, whether or not that patent has been issued, that American inventor's application with all the details of the technology that he has developed will be published for the world to see. This is an invitation to the thieves of the world to steal our most precious asset, and that is the innovative and creative ideas of our inventors and our technology that we will use in the future to keep America competitive.

This is absolutely the greatest threat that I see to America's future prosperity, yet so few people will understand what the vote is all about. But it does not take a genius, however, to understand that if we disclose the information of our inventors, even before their patents have been issued, that there will be a line at the Patent Office to get that information and to fax it immediately to the Chinese mainland, where they will set up manufacturing units based on those ideas and that technology even before our inventors are issued their own patent.

Ironically, when H.R. 3460, the "Steal American Technologies Act," was going through the subcommittee, and it has passed the subcommittee in this body and is heading for the floor, on the day that it was passed in the subcommittee I had a representative of an American company that represents many patents. It happens to be a solar energy company. He was there in my office, and we were discussing the patent law.

□ 1715

I asked him what would happen if his patent applications had been published before he actually was issued the pat-

ent. His face turned white, and his fists came together, and he said,

Congressman, if my patent applications are published before my patent is issued my foreign competitors will be actually manufacturing the things that I have invented before I can even go into manufacturing them. And do you know what they will do if I try to sue them later? They will use the profits from my own technology to fight me in court and wipe me out.

Mr. Speaker, this is a great threat to American prosperity. Every American should contact their Member of Congress, their Senator, to defeat H.R. 3460, the steal American technologies act. But this is only one, just one swing at the American patent system. The American patent system has been under attack, but because it is so hard to understand, the American people cannot see what is going on.

Another part of this very same bill would corporatize the Patent Office of the United States. People will say, DANA ROHRBACHER is a conservative Republican. Does he not believe in privatization? I certainly do not believe we should take our court system and the court functions of government and privatize them. No, there are certain things government has to do. Those things deal with protecting our rights, protecting our freedom, especially defining the property rights we have in a free society.

Part of this legislation would take the Patent Office and corporatize it and turn it into something like the Post Office. That may sound benign but, in effect, that would take patent examiners who today are making decisions, responsible decisions for what are the property rights dealing with new technology in our society, as to who owns those ideas and those new property rights that are being created, and those patent examiners by that process will be stripped of their civil service protection.

They will be then put in jeopardy of many outside forces, and even inside forces that might want to influence their decision, forces that have been thwarted up until now because patent examiners know their job is to make the right decision, and they are protected from people making assaults on them or trying to influence them from the outside.

Can anyone believe that stripping our patent examiners, the people who will define what is American technology in the future and who owns it, stripping them of their civil service protection, is not going to open the doorway to corruption, open the doorway to foreigners coming here trying to steal our technology, and cut off our people from the rights to control their own inventions? Does anyone believe that that will not happen?

No one who looks at the issue believes that, but the fact is most of the Members of Congress will never have any way of seeing the details. They

will be told some local company has decided that H.R. 3460, which I call the steal American technologies act, is a good thing because many American companies, what has happened, these big corporations, many of them who are now owned by multinational corporations and outside people, have big shares in those companies; but these big American corporations have decided that they are going to buy into global protection of America's intellectual property.

What it is, basically they have decided that for a promise from other countries like Red China, like Japan, and like many other developing countries, a promise from those countries, oh, yes, we will protect our intellectual property rights if you will only conform your system to be like our system. The changes that are brought about by H.R. 3460 are basically aimed at what they call harmonizing our law with that of Japan. We will blink our eyes and in a very short time period, we will see the patent law in the United States totally changed so that it mirrors that which Japan has had over these last few decades.

Mr. Speaker, it is very hard for people to understand what the significance of this is. Why is the gentleman from California, DANA ROHRBACHER, down here on the floor talking about patent law, these little changes? So what if it is going to harmonize with Japan?

Do we really want to walk around like ants, like the people of Japan? Do we want to be suppressed by the business interests, by the big boys that run roughshod over the people in Japan? How many new innovations and how much creativity has come out of Japan in these last 20 years? The people of Japan allow themselves, because they have a different culture, allow themselves to be dominated by big interest groups who control their society.

That is not what America is all about. America is about the rights of the individual, the rights of the little guy, the rights of every person to have the same control over his destiny as those people who are more affluent, the rights of every person to direct the course of his Government. Other countries are not this way.

But what we have here coming before this body is a stark choice: H.R. 3460, the steal American technologies act, versus a bill that I have put forward and tried to get to the floor of this body for 1½ years, H.R. 359. H.R. 359 would protect American inventors, and it would restore to American inventors the guaranteed patent right that they have to protect their invention or their idea for a guaranteed patent term of 17 years after they have been issued a patent.

Most Americans do not understand, and I am sad to report to those people who are listening tonight that the guaranteed patent term that Ameri-

cans enjoyed for over 130 years has already been taken away from them, and most Americans do not even know it.

What happened is a year and a half ago, in the GATT implementation legislation, an item was snuck into this legislation that had nothing to do with the GATT agreement. It was not required by GATT but it was snuck in there, so that we as a body would have to vote against the entire world trading system, or we would have to vote for the world trading system. We would have to vote against the world trading system in order to get at that one provision.

Most Members, of course, were not willing to cut us off from all of the trade regulations of the GATT negotiations. But it was an insult to this body that they had put this provision in in the first place. What did this small provision do, this one little item that they snuck in there? There was an innocuous change in the patent law. It said that the patents now in the United States will now be measured from 20 years from the time the inventor files for the patent. So, 20 years later he will no longer have any patent rights.

It almost sounds like, hey, we are actually expanding the amount of time that a patent applicant has for the protection of his patent. But in reality what has happened, what we used to have is that if someone applies for a patent and it took 5 or 10 years for his patent application to be processed, he or she would have 17 years guaranteed patent protection time in order to make that investment back, in order to profit from that technology. But if we started at 20 years and it is over, if we started when the man applied for the patent and it is over in 20 years, if it takes 10 or 15 years for the patent to issue, that patent is almost worthless by the time it is issued. The fact is that three-quarters of the time has already been used up. In other words, the clock is ticking against the individual, rather than ticking against the bureaucracy.

That was a dramatic change, to let us harmonize our system with Japan. Mr. Speaker, it seems innocuous, but in the end, it dramatically affects the production of technology in our society, and it also, interestingly enough, affects who receives the benefits of that technology, because if a foreign corporation then only has to pay 5 years' worth of royalties, rather than 17 years, where is that money going?

That money that used to be going into the pockets of American inventors, because they had a guaranteed 17 years of patent protection, ends up staying right in the coffers of some big corporation in China or Japan or Korea, or even here in the United States. The little guy ends up losing dramatically. The big guys end up being able to steal legally. They have changed the rules of the game.

My bill, H.R. 359, which will serve as a substitute for H.R. 3460, will return the patent rights that the American people lost by the GATT implementation legislation. So we will face a battle in the upcoming weeks between H.R. 3460, which is, as I say, I call it the steal American technologies act, versus my bill, H.R. 359.

I believe this issue deserves to be debated, because it has an impact not only on the people of the United States, but elsewhere. We should not permit countries like Red China to steal American technology and legally do so because we are disclosing our very utmost secrets to them by passing such foolish legislation. When it comes to most-favored-nation status, when there is a dictatorship like Red China or Burma, we should not treat them as any other free Nation.

Mr. Speaker, I do believe in free trade. I believe that commerce between free people is to the benefit of all free people. But let us as a country stand not for trade with dictators, but instead, let us stand for free trade between free people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and Wednesday, May 29, on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, after 2 p.m., on account of personal business.

Mr. WARD (at the request of Mr. GEPHARDT), for today and the balance of the week, 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. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, on May 24.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. PETERSON of Florida, 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 \$5,185.

ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. Goss). Pursuant to the provisions of Senate Concurrent Resolution 60 of the 104th Congress, the House stands adjourned until 2 p.m., Wednesday, May 29, 1996.

Thereupon (at 5 o'clock and 27 minutes p.m.), pursuant to Senate Concurrent Resolution 60, the House adjourned until Wednesday, May 29, 1996, at 2 p.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, May 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed rulemaking for publication in the Congressional Record. The notice, which the Board has approved, is being issued pursuant to §220(e).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights, Protections and Responsibilities Under Chapter 71 of Title 5, United States Code, Relating to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act).

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed regulations to implement section 220 of the Congressional Accountability Act of 1995 ("CAA" or "Act"), Pub. L. 104-1, 109 Stat. 3. Specifically, these proposed regulations are published pursuant to section 220(e) of the CAA.

The provisions of section 220 are generally effective October 1, 1996. 2 U.S.C. section 1351. However, as to covered employees of certain specified employing offices, the rights and protections of section 220 will be effective on the effective date of Board regulations authorized under section 220(e). 2 U.S.C. section 1351(f).

The proposed regulations set forth herein, which are published under section 220(e) of the Act, are to be applied to certain employing offices of the Senate, the House of Representatives, and the Congressional instrumentalities and employees of the Senate, the

House of Representatives, and the Congressional instrumentalities. These regulations set forth the recommendations of the Deputy Executive Director for the Senate, the Deputy Executive Director for the House of Representatives and, the Executive Director, Office of Compliance, as approved by the Board of Directors, Office of Compliance. A Notice of Proposed Rulemaking under section 220(d) is being published separately.

Dates: Comments are due within 30 days after publication of this notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA addresses the application of chapter 71 of title 5, United States Code ("chapter 71"), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees. These provisions protect the legal right of certain covered employees to organize and bargain collectively with their employing offices within statutory and regulatory parameters.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ("FLRA") to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of rights and protections under this section, or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest."

The Board has separately published a Notice of Proposed Rulemaking with respect to the

issuance of regulations pursuant to section 220(d).

Section 220(e)(1) of the CAA requires that the Board also issue regulations "on the manner and extent to which the requirements and exemptions of chapter 71 [] should apply to covered employees who are employed in the offices listed in" section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the "section 220(e)(2) offices."

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices "shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 [] and of [the CAA]." To this end, section 220(e)(1) mandates that such regulations "shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter" with two separate and distinct provisos:

First, section 220(e)(1), like every other CAA section requiring the Board to issue implementing regulations (i.e., sections

220(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 215(d)(2), authorizes the Board to modify the FLRA's regulations "(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

Second, independent of section 220(e)(1), section 220(e)(2) requires the Board to issue regulations that "exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The provisions of section 220 are effective October 1, 1996, except that, "[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e)."

II. The Advance Notice of Proposed Rulemaking

A. Issues for Comment that Relate to Section 220(e)

The Board sought comment on two issues related to section 220(e)(1)(A): (1) Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices?

The Board sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage under section 220 of the CAA? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why?

In seeking comment on the issues related to section 220(e) regulations, the Board emphasized that it needed detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1)(A) and (B).

B. Summary of Comments Received

The Board did not receive any comments on issues arising under section 220(e)(1)(A), and received only two comments on issues arising under section 220(e)(1)(B). These two comments addressed the issue of whether the Board should grant a blanket exclusion for all covered employees in the section 220(e)(2) offices. The Board summarizes those two comments here.

One commenter argued that nothing in the CAA warrants any categorical exclusions from coverage. The commenter argued that the CAA's instruction to the Board to issue regulations which "to the greatest extent practical" are "consistent with the provisions and purposes of chapter 71" invites coverage as broad in scope as chapter 71 pro-

vides for Executive Branch employees. The commenter argued that section 220(e)(1)(B) is an exception to the general rule mandating coverage and that Congress did not purport to find that any covered employees necessarily qualified for application of such an exception. The commenter further argued that the legislative history of section 220(e) indicates that Congress simply authorized the Board to determine whether covered employees in section 220(e)(2) offices should be excluded without in any way suggesting that they should be excluded.

The commenter then pointed out that, like Congress, the President is charged with constitutional responsibilities and that executive branch employees (other than statutorily excepted employees) are nonetheless free to join and be represented by unions of their choice. The commenter urged that there is nothing in the functions of the legislative branch that suggests that union representation of legislative branch employees is any different than union representation of executive branch employees (or that it poses any unique concerns). From this argument, the commenter concluded that no blanket exemption of all of the employees in section 220(e)(2) offices is warranted; and the commenter urged that its conclusion is supported by the overall policy of the CAA to bind Congress to the same set of rules that other employers face.

The second commenter took the position that all of the covered employees in a number of the section 220(e)(2) offices should receive a blanket exemption from coverage under section 220. In support of this argument, the commenter first described the Senate's constitutional responsibilities to exercise the legislative authority of the United States; to "make all laws which shall be necessary and proper for carrying into Execution" its enumerated powers; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachments. The commenter then stated that, in fulfilling these responsibilities, the Senate must be "free from improper influence from outside sources so that Members can fairly represent the interests of the United States and its citizens." The commenter asserted that exclusion from coverage of all employees in Senators' personal offices is necessary to insulate the legislative process from improper influence by outside parties.

In so stating, the commenter recognized that a number of such employees would already be excluded under chapter 71, but argued that the participation of any employee of a Senator's office in a labor organization would "interfere with the Senator's constitutional responsibilities, [] allow unions to obtain an undue advantage in the legislative process and to exercise improper influence over Members, and [] create conflicts of interest." The commenter asserted that allowing such employees to organize would "provide labor unions with unprecedented access to and influence over the operations and legislative activities of Senators' personal offices" and turn the collective bargaining process into "a lobbying tool of organized labor".

The commenter contended that union representation of employees in a Senator's personal office also could create significant conflicts of interest, both because legislation that affects union or management rights may have a direct impact on a Senator's bargaining position with an employee union, and because a Senator's voting position may be tainted by the appearance that he or she

is affected by the position of the employee union. The commenter also claimed that payment of union dues by a Senator's employees could create the perception of a conflict of interest, because Senate employees may not make political contributions to their employer, but the employees may nonetheless pay dues to a union that, in turn, contributes to that employer. The commenter further argued that, if a Senator's employees are permitted to organize, they may develop conflicting loyalties that could render them politically incompatible with the Senator for whom they work. The commenter contended that it would be an unfair labor practice for an employer to discharge an employee because of union affiliation even if that union affiliation led to political incompatibility, thus allegedly eviscerating section 502 of the CAA (which is said to authorize an employing office to discharge an employee based on such incompatibility). Finally, the commenter asserted that, if employees of Senators' offices are granted the right to organize, they will be the only employees of Federal elected officials who are organized.

The commenter also took the position that the concerns stated regarding union organization in Senators' personal offices are equally applicable to employees in Senate leadership and committee offices. The commenter further asserted that employees in offices under the jurisdiction of the Secretary of the Senate (Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest and Printing Services, Office of Senate Chief Counsel for Employment) should be excluded from coverage because they allegedly occupy confidential positions that are integral to the Senate's constitutional functions. The commenter also asserted that employees in the Office of the Senate Chief Counsel for Employment should be excluded because attorneys in that office will engage in labor negotiations on behalf of management in Senate offices and because all employees in the office have access to privileged and confidential information. The commenter similarly stated that employees in the Office of the Legislative Counsel and the Office of the Senate Legal Counsel should be excluded because they have direct access to privileged and confidential information relating to the constitutional functions of the Senate.

Finally, the commenter contended that, pursuant to 220(e)(2)(H), employees in four other offices should be subject to a blanket exclusion. Employees in the Executive Office of the Secretary of the Senate, because they are privy to confidential information about both the legislative functions of the Senate and the labor management policies of the Office of the Secretary; employees in the Office of Senate Security, because they have access to highly sensitive and confidential information relating to the constitutional responsibilities of the Senate, as well as to matters of national security; employees in the Senate Disbursing Office, because they have access to confidential financial information that could enhance a union's bargaining position; and employees in the Administrative Office of the Sergeant at Arms, because they have access to confidential information about the office and the Senate.

III. Notice of Proposed Rulemaking

In developing its proposed regulations, the Board has carefully considered both its responsibilities under section 220(e) and the two directly contradictory comments that the Board received concerning the regulations that it must issue. For the reasons that

follow, the Board's judgment is that a blanket exclusion of all of the employees in the section 220(e)(2) offices is not "required" under the stated statutory criteria. But the Board will propose regulations that allow the exclusion issue to be raised with respect to any particular employee in any particular case. The Board also urges commenters who support any categorical exclusions, in commenting on these proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board may exclude them by regulation, where appropriate. Through this initial regulation and any categorical exclusions that may appropriately be included in its final regulations, the Board intends to carry out its statutory responsibility under section 220(e) to exclude employees from coverage where required, and to make changes in the FLRA's regulations where necessary.

A. Section 220(e)(1)(A)

Section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations "to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under [section 220(e)]." No commenter took the position that there was good cause to modify the FLRA regulations for more effective implementation of section 220(e). Equally important, no commenter took the position that a blanket exclusion of all of the covered employees in any of the section 220(e) offices would be "more effective for the implementation of the rights and protections under [section 220(e)]." And, at present, the Board has not independently found any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). The Board therefore does not propose to issue separate regulations pursuant to section 220(e)(1)(A)—that is, except as to employees whose exclusion from coverage under section 220 is required, the Board proposes that the regulations that it issues under section 220(d) will apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

Section 220(e)(1)(B) provides that the Board "shall exclude from coverage under [section 220] any covered employees in [section 220(e)(2) offices] if the Board determines that such exclusion is required because of—

- (i) a conflict of interest or appearance of a conflict of interest; or
- (ii) Congress' constitutional responsibilities."

The question here for resolution, then, is to what extent the Board should exclude covered employees in the section 220(e)(2) offices from coverage.

1. The statutory language and legislative history indicate that exclusions are proper only where "required" by the stated statutory criteria.

Section 220(e)(1)(B) states that the Board "shall" exclude any covered employee of a section 220(e)(2) office where such exclusion is "required" by the stated statutory criteria. The statutory specification that the exclusion be "required" by Congress' constitutional responsibilities or a conflict of interest is telling. In this context, the term "required" means "insist[ed] upon usu[ally] with certainty and urgency." See Webster's Third New International Dictionary (1986); see also Black's Law Dictionary (4th ed. 1968) ("direct[ed], order[ed], demand[ed], instruct[ed], command[ed]"). Thus, merely

being helpful to or in furtherance of the stated statutory criteria is insufficient; rather, the exclusion must be necessary to the conduct of Congress' constitutional responsibilities or to the avoidance of a conflict of interest (real or apparent).

Although legislative history should always be consulted with due care and regard for its limitations, the scant legislative history directly attached to section 220(e)(1)(B) here appears to confirm that exclusions are proper only where necessary to achieve the stated statutory criteria. See 141 Cong. Rec. S626 (section-by-section analysis of CAA). What is now section 220(e) was added to a predecessor to the CAA in October 1994 in the Senate Governmental Affairs Committee. The Committee's Report explains that this provision was added in response to several Members' concerns that the application of labor laws to the legislative offices might interfere with Congress' ability to fulfill its constitutional functions: "For example, there was a concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities." [S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994).]

The Report went on to explain that the proposed bill addressed the Members' concerns in two ways: First, rather than applying the National Labor Relations Act ("NLRA") to Congress, the bill would apply chapter 71 whose "provisions and precedents . . . address problems of conflict of interest in the governmental context and . . . prohibit strikes and slowdowns." Second, "as an extra measure of precaution," the bill would not apply to the section 220(e)(2) offices "until the Board has conducted a special rulemaking to consider such problems as conflict of interest." *Id.* at 8.

The above-described Senate Report does not reveal—either expressly or implicitly—any congressional expectation that exclusions would necessarily result as a consequence of the Board's special rulemaking. Instead, the Report explains that the concerns of several Members were principally addressed by the incorporation of chapter 71 (rather than the NLRA) in the bill and that, "as an extra measure of precaution," the Board should consider in a special rulemaking whether application of even chapter 71 to employees in section 220(e) would defeat Congress' responsibilities or cause insoluble conflicts of interest (real or apparent). See 141 Cong. Rec. S444-45 (remarks of Senator Grassley). Indeed, the section-by-section analysis of the bill that became the CAA states that section 220(e) should not be construed as "a standard license to roam far afield from [the] executive regulations." See 141 Cong. Rec. S626.

The legislative materials suggest that section 220(e) requires the Board to exclude employees in section 220(e)(2) offices only where "required" by the statutory criteria—i.e., where exclusion is necessary to the accomplishment of the statutory criteria. The legislative materials leave no room for the exclusion of covered employees in the absence of a demonstrated and substantial need for doing so.

2. Exclusion of all employees in section 220(e) offices is not required by Congress' constitutional responsibilities or concerns about real or apparent conflicts of interest

On the basis of the comments received to date, the Board is unable to find a dem-

onstrated and substantial need for the blanket exclusion of all employees in the section 220(e)(2) offices. Such a blanket exclusion of all covered employees does not appear to be required by either Congress' constitutional responsibilities or any real or apparent conflicts of interest.

a. Exclusion is not necessitated by Congress' constitutional responsibilities

The key premise of the commenter's argument that exclusion of all section 220(e)(2) office employees is required by Congress' constitutional responsibilities is the assertion that collective bargaining rights for section 220(e) employees are categorically inconsistent with the effective functioning of the Legislative Branch. But the legislative judgment embodied in chapter 71 is that collective bargaining rights are entirely consistent with—and, indeed, enhance—the efficient and effective functioning of the Executive Branch. See 5 U.S.C. §7101. More to the point, the legislative judgment in chapter 71 is that collective bargaining is consistent with—and, indeed, supportive of—the Executive Branch's fulfillment of the President's constitutional responsibility faithfully to execute the laws of the United States. The Board has not yet been presented with any facts or legal argument that would support a determination that, in contrast to the situation in the Executive Branch, all employees of the section 220(e)(2) offices must be excluded from collective bargaining in order for the Legislative Branch to be able to fulfill its constitutional charge.

For example, although the commenter asserts that, if a Senator is required to bargain with his or her employees' union, the employees' union will obtain an undue advantage in the legislative process by dint of its members' special access to the Senator and its members' influence over the Senator's legislative positions, the Board does not believe that a Senator can be brought to his constitutional knees so easily. The commitment of our Nation's elected representatives to the performance of their constitutional duties is great; and, access or no access by unions, it must be presumed that out elected representatives will carry out their constitutional responsibilities with fervor. Moreover, it must also be recognized that, in doing so, our elected representatives will be supported by many employees who simply do not have the right to organize. Supervisors—defined as individuals with authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, or to adjust their grievances, or to effectively recommend such action—are not even covered by chapter 71 as applied by the CAA. See sections 7103(a)(2)(iii) and 7103(a)(10). Likewise, management officials—defined as individuals in positions whose duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of their employer—are not covered. See sections 7103(a)(2)(iii) and 7103(a)(11). Furthermore, confidential employees—defined as employees who act in a confidential capacity with respect to individuals who formulate or effectuate management policies in the field of labor-management relations—and employees engaged in personal work are not covered. See sections 7112(b)(2), (3) and 7103(a)(13). Finally, employees whose participation in the management of a labor organization or whose representation of a labor organization results in a conflict or apparent conflict of interest or is otherwise incompatible with law or with official job duties are not covered. See section 7120(e). Cumulatively, these exclusions undermine the claim that all employees of a

section 220(e)(2) office—including secretaries and messengers—must be excluded from coverage in order for the Legislative Branch to fulfill its constitutional charge; to the extent that a union obtains access, it will be on behalf of employees who are *not* at the center of the Senator's management core.

The commenter supporting blanket exclusion of all employees in certain section 220(e)(2) office also argued that, absent such an exclusion, a Senator's employees would be able to influence a Senator's legislative position of exchange for concessions at the bargaining table. This argument, however, ignores the fact that, for those employees not exempted (such as certain secretaries and messengers), chapter 71 provides only a limited set of labor relations rights. Once organized, employees may bargain about their conditions of employment. But they may not bargain about matters "specifically provided for by Federal statute," a category which includes *inter alia* a number of restrictions on pay, health insurance, and retirement benefits for legislative employees. See section 7102(2), 7103(a)(12), 7103(a)(14)(C). Moreover, they may only bargain about their "terms and conditions of employment"; their Senator's legislative positions are not properly on the table. And in the event that nonexempt employees in section 220(e)(2) offices fail to come to terms with an employing office about their terms and conditions of employment, the employees do not have their principle coercive weapons that organized labor uses to further its employment goals, see *Allis Chalmers v. NLRB*, 388 U.S. 175 (1967), because they lack the right to strike or slow down. See sections 7103(a)(2)(v), 7311. These limitations make it clear that exclusion of all employees in a section 220(e)(2) office (such as certain secretaries and messengers) is not necessary to prevent the allegedly improper influence that concerns the commenter; and they make self-evident that such a blanket exclusion of all section 220(e)(2) office employees is not required by Congress' constitutional responsibilities.

The commenter supporting blanket exclusion of all employees in section 220(e)(2) offices further argued that all members of a Senator's staff—no matter how routine their job duties—are privy to inside information about the Senator, including information about the Senator's legislative positions. The commenter expressed a concern that a Senator's organized employees might reveal this confidential information to their union and that a union might then use the confidential information to exert improper influence on the Senator and thus on the legislative process. The commenter also feared that a Senator's organized employees would not wholeheartedly perform their duties if the Senator were to take a position inimical to the interests of unions. But, again, these concerns are not sufficient to justify blanket exclusions, if only because they can be addressed by other means.

The confidentiality of information and loyal performance of duties can be ensured without exclusion of all section 220(e)(2) office employees. Nothing in federal law, and certainly nothing in chapter 71 or the CAA, limits a Member's right to establish neutral work rules designed to assure productivity, discipline, and confidentiality and to discipline and/or discharge any employee who violates those rules. An employee who violates one of these work rules may be discharged for that reason.

This point answers the commenter's argument that categorical exclusion is necessary because a Senator would not be able to dis-

charge or discipline an employee who leaks confidential information, or one who openly and actively supports legislation that the Senator opposes. If the Senator had in place and enforced a work rule neutrally forbidding conduct without regard to the employee's union membership or activity (so long as the employee's constitutional rights were not violated). The Senator would only violate section 220 of the CAA if he or she simply forbid inconsistent conduct that related to union membership or activities or enforced a facially neutral rule in a discriminatory manner. Exclusion of all covered employees is thus not "required" to address the confidentiality and loyalty concerns that have been advanced here.

b. *Exclusion of all employees in section 220(e)(2) offices is not "required" by any real or apparent conflicts of interest*

Nor is the Board prepared at this point to accept the argument that blanket exclusion of all employees in section 220(e)(2) offices is "required" to avoid conflicts of interest, real or apparent. The exclusions in chapter 71 for supervisory, confidential and other such employees are sufficient to take care of most potential conflict of interest questions created by employee organization; indeed, chapter 71 itself allows exclusion of employees with additional insoluble conflicts of interest. While the Board is prepared to exclude appropriate categories of employees where required by conflicts of interest, the suggestion that all employees in section 220(e)(2) offices must be excluded because of such alleged conflicts does not appear well-founded.

The commenter expressed a fear that organized employees would necessarily have a loyalty to the union and to union goals that would be inconsistent with loyal service to a Member and to his or her legislative positions. There may indeed be such tensions and potential conflicts that arise from union membership of covered employees. But such tensions and conflicts also arise in connection with a covered employee's membership and participation in other special interest groups, such as the Sierra Club, the National Rifle Association, the National Right to Work Foundation, or the National Organization of Women. Indeed, an employee's outside associations—whatever they may be—all give rise to a possible tension between the employee's interests and loyalties (as expressed by outside associations) and the Member's legislative positions. Nonetheless, Congress has not imposed a blanket prohibition on employee membership and participation in outside associations; and, under chapter 71, the tensions and potential conflicts that arise in connection with union membership have not been enough to justify a blanket exclusion of all employees from organization in the Executive Branch. While the Board is prepared to consider whether such associations might preclude organization rights for particular employees in particularly sensitive positions, it cannot accept the suggestion that the possible tensions between employee interests and loyalties and Member positions "requires" the blanket exclusion of all employees in section 220(e)(2) offices; there are surely less restrictive means for mitigating these potential conflicts for many, if not all, of the employees of section 220(e)(2) offices.

The commenter also asserted that exclusion of all employees is required by an apparent conflict of interest for Members voting on legislation that affects unions: according to the commenter, if the Members support the legislation, they may be perceived as caving to union pressure; if they oppose it,

they may be perceived as attempting to enhance their bargaining positions with the union; in either instance, they would *not* be perceived as serving their constituents. But this situation does not appear to differ from that faced by the President when he or Executive Branch officials acting on his behalf take a position on pending labor legislation. That apparent conflict is inherent to employee organization in the public sector; and yet chapter 71 reflects a judgment that this apparent conflict does not require the categorical exclusion of all employees from collective organization. The judgment in chapter 71, which Congress incorporated by reference in the CAA, prevents the Board from accepting any argument that this apparent conflict requires exclusion of all employees in a section 220(e)(2) office.

Indeed, with respect to both alleged conflicts of interest, the Board finds it significant that, in chapter 71's statement of congressional findings and purpose, Congress expressly found that "labor organizations and collective bargaining in the civil service are in the public interest" because they "safeguard[] the public interest," "contribute[] to the effective conduct of public business," and "facilitate[] and encourage[] the amicable settlements of disputes between employees and their employers involving conditions of employment. See Section 7101. Section 220(e)(1) of the CAA instructs the Board to hew as closely as possible to "the provisions and purposes of chapter 71." In doing so, the Board has no choice but to reject the proposition that all employees in a section 220(e)(2) office must be excluded from coverage because of a real or apparent conflict that their organization would create for their Member of Congress. The premise of chapter 71, and thus the CAA, is that employees in unions may loyally serve government employees and that the public will not view government acts in response to union demands as illegitimate responses to union pressure.

3. Proposed regulations under section 220(e)(1)(B)

For these reasons, the Board does not propose to issue regulations that grant blanket exclusion of all employees in any of the section 220(e)(2) offices. In the Board's judgment, the issuance of blanket exclusions from the application of section 220 for all employees in section 220(e)(2) offices would represent a significant departure from the overall purposes and policies of the CAA. The Board would promptly take that step if it were necessary because of a conflict of interest (real or apparent) or Congress' constitutional responsibilities. But no necessity has been shown or yet been found for the exclusion of all employees in section 220(e)(2) offices.

The Board further notes that no commenter took the position that there were job duties of employees within section 220(e)(2) offices that required application of section 220(e)(1)(B)'s exception to coverage; *a fortiori*, no comments provided the Board with any facts or legal argument in support of the issuance of regulations providing that employees in section 220(e)(2) offices who perform certain job duties are not covered by section 220. For this reason, the Board does not propose to issue any such regulations at this time. Of course, the Board stands ready to use its rulemaking authority to propose and issue such regulations when and if the Board is presented with facts and legal argument demonstrating that the application of section 220(e)(1)(B) to employees performing particular job duties in "required." The

Board again urges commenters to provide the Board with such information and authorities.

The commenter supporting blanket exclusion of all employees in section 220(e)(2) offices argued that, pursuant to its power under section 220(e)(2)(H), the Board should propose regulations (i) adding the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms to the statutory list of section 220(e)(2) offices, and (ii) granting a blanket exclusion of all covered employees in these offices. By its analysis above, the Board has effectively rejected the argument that any offices, including these four, are entitled to blanket exclusion of all of their employees from application of section 220. The Board agrees, however, with the commenter's assertion that employees in these offices perform functions "comparable" to those performed by employees in the other section 220(e)(2) offices, and thus the Board proposes, pursuant to section 220(e)(2)(H), to treat these offices as section 220(e)(2) offices for all purposes, including the determination of the effective date of sections 220(a) and (b). For all other offices—that is, all offices that are not either listed in section 220(e)(2) or defined as section 220(e)(2) offices here—the effective date of sections 220(a) and (b) is October 1, 1996.

No commenter took the position that the Board should adopt a regulation authorizing parties and/or employees in appropriate proceedings to assert, and the Board to decide, where appropriate and relevant, that a covered employee employed in a section 220(e)(2) office is required to be excluded from coverage under section 220(e) because of a conflict of interest (real or apparent) or because of Congress' constitutional responsibilities. The Board, however, proposes to issue such a regulation. By doing so, the Board intends to ensure that an exclusion may be provided where the law and the facts require it. The proposed regulation of the Board allows the issue of exclusions under section 220(e)(1)(B) to be raised and decided on a case-by-case basis.

IV. Method of Approval

The Board recommends that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives be approved by the House of Representatives by resolutions; and (3) the version of the proposed regulations that shall apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C. on this 22 day of May, 1996.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

§2472. Specific regulations regarding certain offices of Congress

§2472.1. Purpose and Scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any Member of the House Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President of the Senate, the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reports to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office and the Administrative Office of the Sergeant at Arms.

§2472.2. Application of Chapter 71

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office, as set forth at sections 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1, covered employees who are employed in those offices and representatives of those employees.

§2472.3. Exclusion from coverage

Notwithstanding any other provision of these regulations, any covered employee who is employed in an office listed in section 2472.1 shall be excluded from coverage under section 220 if it is determined in an appropriate proceeding that such exclusion is required because of (a) a conflict of interest or appearance of a conflict of interest, or (b) Congress' constitutional responsibilities.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3144. A letter from the Deputy Secretary of Defense, transmitting notification that the report required by section 365(a) of Public Law 104–106 will be transmitted to Congress no later than September 1, 1996; to the Committee on National Security.

3145. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2024 and H.R. 2243, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3146. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the 1995 annual report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Commerce.

3147. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Metallic Watch Band Industry and Guides for the Jewelry Industry—received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3148. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 96–50), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3149. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (transmittal No. 96–48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3150. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–30–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3151. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1995, through March 31, 1996, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

3152. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–49), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3153. A communication from the President of the United States transmitting notification that on May 19, 1996, heavy fighting broke out between government forces and mutinous troops in the capital city of Bangui, Central African Republic, and that on May 20, 1996, the deployment of United States military personnel was ordered to conduct the evacuation from the Central African Republic of private United States citizens and certain United States Government employees (H. Doc. No. 104–220); to the Committee on International Relations and ordered to be printed.

3154. A letter from the Chairwoman, National Mediation Board, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3155. A letter from the Secretary of the Treasury, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3156. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (recodification of State law) [IN-132-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3157. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Texas Regulatory Program (road systems and others) [TX-029-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3158. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (remaining and others) [IN-133-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3159. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Hopi Tribe Abandoned Mine Land Reclamation Plan [HO-003-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3160. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (revegetation success guidelines) [MO-025-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3161. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (state alternative bonding system and others) [MO-026-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3162. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Oklahoma Abandoned Mine Land Reclamation Plan (eligible lands and waters, and others) [OK-15-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3163. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (subsidence control) [IN-112-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3164. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—New Mexico Regulatory Program (definitions and others) [NM-036-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3165. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Colorado Regulatory Program (definitions and others) [CO-029-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3166. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Virginia Regulatory Program (coal waste) [VA-105] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3167. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Illinois Regulatory Program (ter-

mination of jurisdiction and others) [IL-089-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3168. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1995, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

3169. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed \$5 million for the response to the emergency declared as a result of the extreme fire hazard in the State of Texas dating back to February 23, 1996, pursuant to 42 U.S.C. 5193(b)(3); to the Committee on Transportation and Infrastructure.

3170. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Report to Congress: Products Used For Airport Pavement Maintenance And Rehabilitation," pursuant to the Federal Aviation Administration Authorization Act of 1994; to the Committee on Transportation and Infrastructure.

3171. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans and Dependents Education: Miscellaneous (RIN 2900-AH60) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3172. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Revenue Ruling 96-28) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations (Revenue Ruling 96-29) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Distribution of Stock and Securities of a Controlled Corporation (Revenue Ruling 96-30) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on allocation of funds the executive branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996; jointly, to the Committees on Appropriations and International Relations.

3176. A letter from the Secretary of Health and Human Services, transmitting the Secretary's evaluation of the Medicare select demonstration, that is, a Medicare supplemental insurance product limited to 15 States for 3 years, effective January 1, 1992, pursuant to section 4358(d) of the Omnibus Budget Reconciliation Act of 1990; jointly, to the Committees on Commerce and Ways and Means.

3177. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29);

jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

3178. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Report to Congress: Changes in Physician Participation, Assignment, and Extra Billing in the Medicare Program During 1994—ACTION," pursuant to section 1848(g)(6) of the Social Security Act; jointly, to the Committees on Ways and Means and Commerce.

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:

Mrs. VUCANOVICH: Committee on Appropriations. H.R. 3517. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes (Rept. 104-591). Referred to the Committee on the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2531. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hour requirements of that Act, and for other purposes; with an amendment (Rept. 104-592). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3060. A bill to implement the Protocol and Environmental Protection to the Antarctic Treaty (Rept. 104-593, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Subdivision of Budget Totals for Fiscal Year 1997 (Rept. 104-594). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on International Relations and Resources discharged from further consideration. H.R. 3060 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:

H.R. 3060. Referral to the Committees on International Relations and Resources extended for a period ending not later than May 23, 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 Mr. BILBRAY:

H.R. 3518. A bill to amend the Clean Air Act to permit the exclusive application of State regulations regarding reformulated gas in certain areas; to the Committee on Commerce.

By Mr. BARTON of Texas:
H.R. 3519. A bill to amend the Clean Air Act; to the Committee on Commerce.

By Mr. GEPHARDT (for himself, Mr. BONIOR, Mr. BENTSEN, Mr. GEJDESON, Mr. POMEROY, Mr. SAWYER, Mr. FAZIO of California, Mrs. KENNELLY, Mr. DINGELL, Mr. GIBBONS, Mr. CLAY, Mr. LAFALCE, Mr. OBERSTAR, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. KENNEDY of Massachusetts, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. McDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. WILLIAMS, Mr. ANDREWS, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FATTAH, Ms. DELAURO, Mr. MURTHA, Mr. OBEY, Mr. FROST, Mr. BROWN of California, Mr. YATES, Mr. GONZALEZ, Mr. STUDDS, Mr. MARKEY, Mr. RAHALL, Mr. VENTO, Mr. EVANS, Ms. KAPTUR, Mr. SPRATT, Mr. TORRES, Mr. TOWNS, Mr. WISE, Mr. KANJORSKI, Mr. THORNTON, Mr. COSTELLO, Ms. SLAUGHTER, Mrs. LOWEY, Mr. SERRANO, Mr. OLVER, Mr. FILNER, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HOLDEN, Mrs. MEEK of Florida, Mr. SCOTT, Mr. STUPAK, Mrs. THURMAN, Ms. VELAZQUEZ, Mr. WYNN, Mr. BALDACCIO, Ms. LOFGREN, Mr. FALCOMA, and Mr. SANDERS):

H.R. 3520. A bill to provide for retirement savings and security; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:
H.R. 3521. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits Program of the Department of Defense, or under the Voluntary Separation Incentive Program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on National Security.

By Mrs. COLLINS:
H.R. 3522. A bill to amend title 23, United States Code, to ensure consideration of and planning for reuse or disposal of construction and demolition debris resulting from highway projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:
H.R. 3523. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, CA; to the Committee on Science.

By Mr. GILMAN:
H.R. 3524. A bill to amend title 32, United States Code, to authorize the National Guard of a State, as part of a drug interdiction and counter-drug activities plan, to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance; to the Committee on National Security.

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 3525. A bill to amend title 18, United States Code, to clarify the Federal jurisdic-

tion over offenses relating to damage to religious property; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota:
H.R. 3526. A bill to amend title 18, United States Code, with respect to transmission of wagering information; to the Committee on the Judiciary.

By Mr. KIM (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. BONILLA, Mr. HORN, Mrs. SEASTRAND, Mr. BONO, Mr. DREIER, Mr. CALVERT, Mr. MCKEON, Mr. DOOLITTLE, and Mr. MOORHEAD):

H.R. 3527. A bill to provide financial assistance to Mexican border States for transportation projects that are necessary to accommodate increased traffic resulting from the implementation of the North American Free-Trade Agreement; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:
H.R. 3528. A bill to require any department, agency, or instrumentally that contracts with the Federal Government to offer a health plan and pension plan; to the Committee on Government Reform and Oversight.

H.R. 3529. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

H.R. 3530. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for legal expenses of individuals who bring sexual harassment suits against their employers; to the Committee on Ways and Means.

By Mr. MOORHEAD:
H.R. 3531. A bill to amend title 15, United States Code, to promote investment and prevent intellectual property piracy with respect to databases; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. HOYER, Mr. WYNN, Mr. HOLDEN, and Ms. NORTON) (all by request):

H.R. 3532. A bill to provide a temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. NADLER:
H.R. 3533. A bill to amend the Bank Protection Act of 1968 to require enhanced security measures sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mr. COOLEY, Mr. HERGER, Mr. CALVERT, Mrs. SEASTRAND, Mr. FARR, Mr. DOOLEY, and Mr. CONDIT):

H.R. 3534. A bill to authorize the Secretary of the Interior to renew certain permits in the Mineral King Addition of the Sequoia National Park and to protect historic and cultural resources in that National Park, and for other purposes; to the Committee on Resources.

By Mr. WYNN:

H.R. 3535. A bill to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska (for himself, Mr. EMERSON, and Mr. LUCAS):

H. Con. Res. 181. Concurrent resolution expressing the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States; to the Committee on Agriculture.

By Mr. KLINK (for himself, Mr. BATEMAN, Mr. BILLIRAKIS, Mr. BLUTE, Mr. COYNE, Mr. DORNAN, Mr. DOYLE, Mr. ENGEL, Mr. FUNDERBURK, Mr. GREEN of Texas, Mr. HORN, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MENENDEZ, and Mr. PALLONE):

H. Res. 441. Resolution calling upon, and requesting that the President call upon, all Americans to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II, and commending the PanCretan Association of America; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Federal funding for the Center for Applied Science and Technology for Law Enforcement [CASTLE]; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 294: Mr. HOLDEN.
H.R. 295: Ms. KAPTUR.
H.R. 559: Mr. COYNE.
H.R. 580: Mr. STUPAK.
H.R. 820: Mr. BATEMAN, Mr. YATES, Mr. SCOTT, Mr. DEUTSCH, and Mr. LIPINSKI.
H.R. 878: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, Mr. LAHOOD, Mr. CHRISTENSEN, Mr. SCHIFF, Mr. POSHARD, and Mr. COSTELLO.
H.R. 940: Mr. SKAGGS.
H.R. 973: Mr. McDERMOTT.
H.R. 997: Mr. VENTO.
H.R. 1042: Mr. NORWOOD.
H.R. 1352: Mr. METCALF, Mr. NETHERCUTT, and Mr. BRYANT of Tennessee.
H.R. 1386: Mr. COMBEST.
H.R. 1500: Mr. WATT of North Carolina.
H.R. 1711: Mr. DEAL of Georgia, Mrs. VUCANOVICH, and Mr. HORN.
H.R. 1805: Mr. LAHOOD, Mr. CHRISTENSEN, and Mr. SMITH of New Jersey.
H.R. 1882: Mrs. MALONEY.
H.R. 1916: Ms. GREENE of Utah.
H.R. 1951: Mr. DEAL of Georgia.
H.R. 2009: Mr. MOAKLEY, Mr. MEEHAN, and Mr. MARKEY.
H.R. 2026: Mr. ORTON, Mr. GUTIERREZ, Ms. WATERS, Mr. MATSUI, Mr. ROEMER, Mr.

FATTAH, Ms. JACKSON-LEE, Mr. OWENS, Ms. KAPTUR, Mr. WILLIAMS, Mr. FORD, Mr. CLEMENT, Ms. MCCARTHY, Mr. PETERSON of Florida, Mr. DOOLEY, Mrs. CLAYTON, Mr. HEFNER, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. MARKEY, Mr. SKAGGS, Ms. LOFGREN, Mr. GRAHAM, Mr. HOUGHTON, Mr. SENSENBRENNER, Mr. HAYWORTH, Mr. KLUG, Mr. HALL of Texas, Mr. DICKEY, and Mr. HOSTETTLER.

H.R. 2214: Mr. ACKERMAN.

H.R. 2230: Mr. CUNNINGHAM, Mr. MCHUGH, Mr. WHITFIELD, Mr. DOOLITTLE, Mr. STUMP, and Mr. TAUZIN.

H.R. 2247: Mr. BLUTE, Mr. BUNN of Oregon, Mr. MCCOLLUM, Mr. MORAN, and Mr. SMITH of New Jersey.

H.R. 2270: Mr. PETE GEREN of Texas and Mr. HORN.

H.R. 2271: Mr. SCHUMER.

H.R. 2320: Mr. HORN, Mr. KING, and Mr. STUPAK.

H.R. 2421: Mr. GILMAN, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY.

H.R. 2472: Ms. HARMAN, Mr. KENNEDY of Massachusetts, and Mr. BALDACCI.

H.R. 2508: Mr. DEAL of Georgia and Mr. PALLONE.

H.R. 2513: Mr. WELLER.

H.R. 2665: Mr. BALDACCI.

H.R. 2697: Mr. OBERSTAR, Mr. MILLER of California, Ms. RIVERS, Mr. PAYNE of Virginia, Mr. HASTINGS of Washington, Mr. LEACH, and Mr. GOODLING.

H.R. 2701: Mr. WAMP.

H.R. 2749: Mr. NORWOOD and Mr. SHUSTER.

H.R. 2776: Mr. PICKETT.

H.R. 2827: Mr. BROWN of Ohio.

H.R. 2911: Mr. MANZULLO.

H.R. 2986: Mr. FRANK of Massachusetts.

H.R. 3002: Mr. FRANK of Massachusetts and Mr. BACHUS.

H.R. 3052: Mr. COYNE, Mr. ACKERMAN, and Mr. PALLONE.

H.R. 3083: Mr. TAUZIN.

H.R. 3118: Ms. KAPTUR, Mr. FAZIO of California, and Mr. RAHALL.

H.R. 3142: Mr. STUPAK and Mr. MASCARA.

H.R. 3182: Mr. HASTERT and Mr. LATOURETTE.

H.R. 3187: Mr. SANDERS, Mr. ROSE, Mr. SPRATT, Mr. FRAZER, Mr. FROST, and Mr. HINCHEY.

H.R. 3226: Mr. JACOBS, Mr. NOORWOOD, Mr. BURTON of Indiana, Mr. FROST, Ms. WOOLSEY, Mr. GREEN of Texas, Mr. EVANS, Mr. HOYER, Mrs. SCHROEDER, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. TORRES, and Mr. LEWIS of Georgia.

H.R. 3294: Mr. CLEMENT.

H.R. 3337: Mr. KLECZKA.

H.R. 3346: Mr. LEWIS of Georgia and Mr. GOSS.

H.R. 3386: Mr. DUNCAN and Mr. MANTON.

H.R. 3391: Mr. GRAHAM and Mr. TAUZIN.

H.R. 3392: Mr. VENTO, Ms. SLAUGHTER, and Ms. NORTON.

H.R. 3447: Mr. HAYWORTH, Mr. FUNDERBURK, Mr. MCINTOSH, Mr. NEUMANN, Mr. METCALF, Mr. WELDON of Florida, and Mr. HORN.

H.R. 3452: Mrs. FOWLER and Mr. BLILEY.

H.R. 3458: Mr. WELLER and Mr. DEAL of Georgia.

H.R. 3466: Mr. KENNEDY of Massachusetts, Mr. LEWIS of Georgia, and Mr. WATT of North Carolina.

H.R. 3468: Mr. SCHAEFER, Mr. INGLIS of South Carolina, and Mr. BRYANT of Tennessee.

H.R. 3480: Mr. HAYES, Mr. BARRETT of Nebraska, and Mr. BEREUTER.

H.R. 3493: Mr. WELLER.

H.R. 3495: Mr. WELLER.

H.R. 3506: Mr. DEAL of Georgia and Mr. SCHAEFER.

H. Con. Res. 47: Mr. TAYLOR of North Carolina and Mr. LAZIO of New York.

H. Con. Res. 155: Mr. DELLUMS.

H. Res. 263: Mr. SKEEN, Ms. LOFGREN, Ms. MCCARTHY, and Mr. LUTHER.

H. Res. 399: Mr. WATT of North Carolina and Mr. LAFALCE.

H. Res. 432: Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. MORAN, Mr. BALDACCI, Mr. MINGE, and Mr. MASCARA.

H. Res. 439: Mr. PORTMAN, Mr. HORN, Mr. KLUG, and Mr. SANDERS.

DELETIONS 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. 2740: Mr. DUNCAN.

H.R. 3024: Ms. McKinney.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Jack Quinn and Michael P. Forbes.