HOUSE OF REPRESENTATIVES—*Thursday, June 23, 1988*

The House met at 10 a.m.

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

As our prayers lift toward heaven so may they move as a calming spirit to people whose lives are troubled by uncertainty or sorrow. We remember members of our own community, especially our friend and colleague, John Duncan, and those families who suffer sadness or loss. We recognize, O God, that our joys and sorrows are shared by one another and that we can receive encouragement by our common concerns. We thank You, O God, for friends and family and colleagues who demonstrate the care and love that eases any pain and helps heal any hurt. This we pray. Amen.

THE JOURNAL

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

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

APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE JOHN J. DUNCAN

The SPEAKER. Pursuant to House Resolution 481, the Chair appoints as members of the funeral committee of the late John J. Duncan, the following Members on the part of the House:

Mr. QUILLEN of Tennessee;
Mr. MICHEL of Illinois;
Mr. JONES of Tennessee;
Mr. FORD of Tennessee;
Mrs. LLOYD of Tennessee;
Mr. COOPER of Tennessee;
Mr. SUNDQUIST of Tennessee;
Mr. GORDON of Tennessee;
Mr. CLEMENT of Tennessee;
Mr. ROSTENKOWSKI of Illinois;
Mr. GIBBONS of Florida;
Mr. PICKLE of Texas;
Mr. DICKINSON of Alabama;
Mr. HAMMERSCHMIDT of Arkansas;
Mr. CRANE of Illinois;
Mr. ARCHER of Texas;
Mr. RANGEL of New York;
Mr. GRADISON of Ohio;
Mr. SCHULZE of Pennsylvania;
Mr. FLIPPO of Alabama;
Mr. LEWIS of California;
Mr. ROGERS of Kentucky; and
Mr. MCMILLAN of North Carolina.

Without objection, the Chair will reserve the right to add other Members to this delegation and will announce any additional names later in the day.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that during the joint meeting to receive the Prime Minister of Australia, only the doors immediately opposite the Speaker and those on his left and right will be open.

APPOINTMENT OF CONFEREES ON H.R. 2342, COAST GUARD AUTHORIZATION ACT OF 1987

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2342), to authorize appropriations for the Coast Guard for fiscal year 1988, and for other purposes, with a House amendment to the Senate amendment thereto, insist on the House amendment to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees:

From the Committee on Merchant Marine and Fisheries, for consideration of the House amendment, and the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, HUTTO, STUDDS, DAVIS of Michigan, and YOUNG of Alaska.

As additional conferees from the Committee on Ways and Means, for consideration of section 6 of the House amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, ARCHER, and VANDER JAGT.

HOUSE TELEPHONE SYSTEM

(Mr. JONES of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. JONES of North Carolina. Mr. Speaker, Alexander Graham Bell, in all probability, was quite proud of his invention of the telephone, which was designed to provide essential service for all mankind. But alas, if he had been a Member of the U.S. House of Representatives for the last 2 weeks with the new telephone system being installed, he no doubt would have been most depressed and despondent, to say nothing of being embarrassed. I cannot think of any phone system in history which has been as inefficient and confusing as the new system installed in recent days.

I don't know what motivated the installation of this new system, but it has certainly proven to be a failure.

Mr. Speaker, surely there is a better system, for one can hardly be any worse than the present in providing Members of Congress with round-the-clock access to their constituents. Please, Mr. Speaker, assure us there is some relief in sight.

ANNIVERSARY OF ORDINATION OF CHAPLAIN FORD

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute.)

Mr. MYERS of Indiana. Mr. Speaker, this announcement should have been made yesterday, but 30 years ago yesterday our House Chaplain, Jim Ford, was ordained.

Congratulations, Jim.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, June 16, 1988, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 o'clock and 55 minutes a.m., the following proceedings were had:

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE HONORABLE R.J.L. HAWKE, AC, MP, THE PRIME MINISTER OF AUSTRALIA

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Deputy President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Deputy President pro tempore, Senator MITCHELL, of the Senate taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the Prime Minister of Australia into the Chamber:

The gentleman from Washington, Mr. FOLEY;

The gentleman from California, Mr. COELHO;

The gentleman from Missouri, Mr. GEPHARDT;

The gentleman from Florida, Mr. FASCELL;

The gentleman from Michigan, Mr. BONIOR;

The gentlewoman from Ohio, Ms. OAKAR;

The gentleman from Illinois, Mr. MICHEL;

The gentleman from Wyoming, Mr. CHENEY;

The gentlewoman from Illinois, Mrs. MARTIN;

The gentleman from Michigan, Mr. BROOMFIELD; and

The gentlewoman from Hawaii, Mrs. SAIKI.

The DEPUTY PRESIDENT pro tempore. On behalf of the Senate, pursuant to the order previously entered, the following Senators are appointed as a committee on the part of the Senate to escort the Prime Minister of Australia into the Chamber:

The Senator from Rhode Island, Mr. PELL;

The Senator from Maryland, Mr. SARBANES;

The Senator from Nebraska, Mr. EXON.

The Senator from Kansas, Mr. DOLE;

The Senator from Wyoming, Mr. SIMPSON; and

The Senator from Mississippi, Mr. COCHRAN.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 5 minutes a.m., the Doorkeeper announced the Prime Minister of Australia.

The Prime Minister of Australia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the proud privilege and I count it a high personal honor to present the chosen head of a great nation, a fair, a free, and a friendly people, the Prime Minister of Australia, the Honorable Robert J.L. Hawke.

[Applause, the Members rising.]

ADDRESS BY THE HONORABLE R.J.L. HAWKE, AC, MP, THE PRIME MINISTER OF AUSTRALIA

Prime Minister HAWKE. Mr. Speaker, Mr. President, Members of Congress, friends, by inviting me to speak today to the Congress of the United States you honour not only the Prime Minister of Australia but honour all Australians.

Yours is an institution which, down through the years, has reflected the views and the aspirations of the American people and taken its character from their character. From you I hear the voice of the American people and through you I am able to address the American people. I am most grateful.

Mr. Speaker, Mr. President, the concept of government of the people, by the people, for the people is as potent today as it was two centuries ago when that remarkable collection of farmers, lawyers, traders and intellectuals met in Philadelphia to craft a constitution. Although democracy is not the guiding precept of government in most nations, it is, assuredly, the guiding precept in those nations which have successfully delivered to their citizens a decent quality of life and a high standard of living. As we approach the 21st century no nation can fail to note that example. The western democracies can lead with self confidence and they have no need of self doubt.

To be exposed to the vigour of the Australian political process is to realise that the underlying values of our political system are identical to your own. To say that there is debate in our Parliament, our media and among the Australian people would be roughly the equivalent of saying, that when the Redskins and the Cowboys get together all that's involved is a friendly game of football—a fairly considerable understatement.

It is common values, going to the heart of our view of mankind and of society, which form the enduring basis of our relationship. Social and political circumstances may change; governments of various persuasions come and go; economies adjust and transform; international conditions evolve. American and Australian interests and views may at times diverge. But it is the values of individual liberty, equality before the law and the supremacy of people over the state to which we can always with confidence return as a powerful and uniting force.

If it is this that gives our relationship its ultimate strength and stability, it is individual contact between Australians and Americans which provides the special warmth. There is an ease of contact, a readiness to trust and an enjoyment of each others company which readily transcends differences.

With the benefit of 200 years of hindsight I can acknowledge a debt which Australians owe Americans, although it must hardly have seemed something to thank you for at the time. In denying Britain a convenient repository here for the convicts overflowing British jails, your revolutionary forebears of six or seven generations ago provoked the decision to send convicts to Australia instead. If you were founded by the Pilgrim fathers, the founders of Australia were decidedly the prodigal sons.

But when the First Fleet arrived in New South Wales in 1788, its human cargo of convicts and prison guards in fact began the creation not of a prison but of a nation.

Our harsh beginnings required all the same grit, the same determination which marked the exploration, settlement and development of the United States. Two centuries later—in this, our Bicentennial year—we have, like you, a nation proud of the multicultural diversity of its people and of our national achievements. Our country is the size of the continental United States with, however, the population only that of Texas. I know, Mr. Speaker, that as a Texan you would agree of course, that that is all any country needs.

We have also built a nation more acutely aware than ever before of the precious heritage of the original Australians, the Aboriginal people who populated and cared for our land for 40,000 years before the European arrival.

The American contribution to our Bicentennial celebrations has added a special dimension to our relationship. If I were to describe it in all its detail I fear I would be accused, at least under Senate rules, of a filibuster.

Let me just say how greatly we welcome the opportunity to celebrate this great year in Australia with a very special friend.

Mr. Speaker, Mr. President, it is because of the deep similarities between our two nations that my predecessor, Australia's wartime Prime Minister John Curtin, was able to declare in 1944 that Australians looked forward to "an uninterrupted friendship" with the people of the United States.

Curtin said those words in San Francisco, on his way to talks with President Franklin Roosevelt concerning the conduct of the war in which Australians and Americans were fighting side by side in defence of liberty in the South Pacific.

I wish to state clearly that Australia and the United States are not just friends; we are allies. When my Government assumed office 5 years ago we determined that the ANZUS alliance clearly served Australian interests. That alliance is stronger, and the commitment of Australians to it greater, for its having been thought about rather than merely assumed. We never

wanted the alliance to be merely an inheritance from a past era, a piece of history gathering dust, but a dynamic arrangement serving the modern needs of both sides. And it does.

The United States has every right to see alliances as two-way streets, to expect that allies carry their weight. I assure you that Australia is and will remain such an ally.

We welcome your ships and aircraft to our ports and airfields. There is intimate co-operation between us in joint exercises, intelligence exchange, defence science and technology, communications, logistics, and training. We are one of the top cash purchasers of defence equipment from the United States.

We host joint facilities important to the central strategic balance between the United States and the Soviet Union, facilities which have additional significance in the new phase of East-West relations through their contribution to arms control.

We support a strong American involvement in Asia and the Pacific, and believe that your bases in the Philippines make a crucial contribution to security and confidence in our region.

My Government has conducted the most thorough review of Australian defence policy in many years. Our policy emphasises the shouldering of our own responsibilities—defence self-reliance, modernisation, regional commitment and the development of strong, independent military capabilities within the framework of the alliance.

Our economic relationship with you is also vitally important. You are our second largest trading partner, supplying over 20 percent of Australia's total imports and taking over 10 percent of our total exports. The trade relationship is about 2 to 1 in your favour. You are our largest single source of foreign investment. As our economy diversifies away from primary production and we strengthen our position as an exporter of manufactures and services, the business opportunities for America in Australia will expand still further. So again the benefits are very much two-way.

Mr. Speaker, Mr. President, you can therefore see why we believe our relationship entitles us to a fair go in our trade with the United States and in competition with the United States in third markets; not, I emphasise, special favours, but a fair go.

This is not the occasion to make detailed representations about particular export commodities. But it would be wrong of me, here in Congress, to pretend that within our otherwise excellent relationship trade is not an area of very real concern to us.

I should say to you, with the frankness which I trust is permitted to a friend, that some of the decisions made in Washington intended to defend the interests of Americans have turned out in fact to hurt Australians.

In particular Australia's primary producers are unsubsidised and are among the most efficient in the world, and yet we are finding ourselves squeezed out of markets by practices which distort prices and levels of production. In agriculture we find ourselves caught in the crossfire of a destructive and counter-productive trans-Atlantic subsidies war.

The statistics are graphic—since your Export Enhancement Program has been operating, America's share of the world wheat market has jumped from 29 percent to 43 percent, the European Community's share has fallen only a little from 17 percent to 14 percent, but Australia's share has slumped from 20 percent to 12 percent.

The subsidies war is costing us—and I mean both of us—not just economically. There is also an impact, a damaging impact, upon the perceptions which Australians have of the major trading powers, the United States included.

Australians must not be given reason to believe that while we are as we are, first class allies, we are, in trade, second class friends. Trade issues must not be allowed to fester, or to erode our wider friendship or alliance.

I want to emphasise Australia's appreciation of the way in which we have been able to express our concerns to you. It is important that when we knock on doors in this city, including in Congress, that those doors continue to open.

For the test of good Australia/United States relations is not that as individuals or governments we agree on everything.

It is, rather, that we are in accord on matters of basic principle and that where we do disagree we do so with civility and respect for the others point of view. I am proud to say that the relationship between our countries is now regarded on both sides as being as warm, as close and as productive as it has ever been. And our relationship has a greater maturity than it has ever had before.

Mr. Speaker, Mr. President, all of us sense, I think, that the world we grew up with, whose shape emerged after the Second World War, is changing in some fundamental ways. New centres of economic power are emerging; there is less rigidity in the Eastern bloc; the familiar pattern of East-West strategic competition is often overlaid by a new pattern of economic competition within the West. Though we cannot yet see the fine detail, the blurred outlines of the 21st century—now only twelve years away—are becoming sharper.

What sort of world will it be? When I look at the international environment, when I talk to the leadership of major powers like the United States, the Soviet Union and China or countries in Australia's Asia-Pacific neighbourhood, I am generally encouraged by what I see. There have been few enough times in recent decades when it has been possible to permit ourselves a degree of optimism about the world's future. But this, I think, is such a time.

The Soviet Union is undergoing far-reaching changes. The domestic reforms introduced by General Secretary Gorbachev are the most hopeful sign in that part of the world since 1917. Where they will eventually lead—whether they will even succeed—we cannot tell. Like all economic reformers Mr. Gorbachev faces the classic dilemma that the pain always comes before the benefits. But the direction in which he is heading is encouraging.

Certainly we must withhold final judgement about the extent of change in Soviet foreign policy. We want to see deeds not just words. But there is unquestionably ground for hope. We are surely better off with a Soviet Union which has accepted that it must get out of Afghanistan than we were with the Soviet Union which originally invaded that country.

We have seen the first ever arms control agreement which makes real cuts in nuclear arsenals of the two super powers. We see—and we strongly support—prospects for further reductions. The West is now engaging the East across a wide range and at the highest leadership levels, but not on the basis of naivety or weakness. I pay tribute to the role which President Reagan has played—with the invaluable support of the Congress—at the centre stage of this process.

China's continuing economic growth and its leaders' commitment to modernisation mark the emergence of that country from a barren period of upheaval and introspection. This is a development of historic importance, tremendously beneficial to regional and global stability.

Significant parts of the third world, particularly in Asia and the Pacific, are experiencing dynamic economic growth.

In parts of the third world there have, too, been significant advances for democracy. We acknowledge in particular the victory over autocracy in the Philippines, and democratic reform in the Republic of Korea.

And so, Mr. Speaker and Mr. President, although competition between nations and alliance systems will not disappear—we believe in our own values too strongly for that—we can be allowed to hope that we are entering a period when such competition will be channeled into less dangerous paths.

But no man or woman who has lived in the 20th century can fail to understand how quickly, and how disastrously, change can come. We still face many challenges, many dangers. Intractable and tragic conflicts persist in the Middle East and Southern Africa; famine, war and disease still haunt many parts of the third world; hundreds of millions of people still lack the freedom and human rights we take for granted in our countries; recent events have even disrupted the relative tranquility of the South Pacific.

So we must always remember that nothing is preordained. The future does not just happen to us. We make the future. And if we are to make it well, we need to remain engaged with the world, willing to struggle with its problems and to take our part in solving them. We live in an interdependent world and we don't have the practical option—or indeed the moral option—to sit it out.

That is why Australia concerns itself with issues like arms control and the obscenity of apartheid in South Africa. It is also why we are members of the alliance.

Mr. Speaker, and Mr. President, some Americans seem to be apprehensive about the changes they see around them in the world.

This is not surprising. Changes which alter familiar, and comfortable, relativities in economic and political power and familiar patterns of behaviour will always cause uncertainty and sometimes resentment. And the international system as we know it is very largely an American creation. The institutions, alliances and programs which characterise the system emerged from the generosity of this country and the farsightedness of your statesmen, including many members of this Congress. The World Bank, the Marshall Plan, NATO, ANZUS, modern multilateral diplomacy: all of them are, in part, and in many cases in large part, your creation. We were all the beneficiaries of that impulse towards internationalism.

So where change has come, it has often been because of the very success of American policies, because you have achieved what you set out to do. It is because your policies worked that Japan, Western Europe, the Republic of Korea and others are now strong and prosperous.

In any case particular global changes have often been overstated. Portraits of a "declining" United States have drawn upon beguilingly simple but very misleading indices of comparison, whether of GDP or net indebtedness. Moreover the trends have been portrayed as continuing inexorably. That is nonsense, and it is un-American in its determinism. With the right policies, this country will remain the world's largest and most important economy as far ahead as I or anyone else can see.

I put it to you therefore that we need not and we must not permit our view of the world to be conditioned by some kind of creeping pessimism and dulling fatalism. As analysis that would be deeply flawed; and as a policy prescription, potentially disastrous. Put bluntly, the United States and other Western nations, especially the major actors on the world stage, must not behave in ways that could turn some of the presently fashionable theories of decline into self-fulfilling prophecies.

Mr. Speaker, Mr. President, nowhere is this more clear than at the vital intersection of international economics and international strategy.

The cost of failure to resolve present economic tensions in the world would be measurable not only in dollars and cents, it would be measurable in the accentuation of destructive differences within the western alliance, and third world instability. We must understand that stronger world economic and trade growth is a fundamental foreign policy objective. It is ultimately a national security objective.

The greatest obstacle to that objective is the persistence of large current account imbalances in the three major economies; the United States, Japan, and West Germany. This remains true despite certain trade statistics beginning to move in the right direction. The origin of the trade imbalances lies in turn, to a signficant extent, in the divergent fiscal and monetary policies pursued by the United States on the one hand and Japan and West Germany on the other through the 1980s.

Now I know that these issues of economic and trade policy are contentious ones within the United States, included within this Congress. I have no intention on taking sides. You have enough political candidates already in 1988.

But they are issues with demonstrable impact upon, and therefore clear relevance to, other countries, Australia included. And it is in that spirit that I ask you to take my comments.

The inescapable reality is that adjustment of economic imbalances will occur. It is only a question of how they occur. The adjustment can be forced by market pressures upon reluctant governments or it can come through deliberate strategies to enhance world growth and maximise the individual and collective trading opportunities of all countries.

It is clearly in the interests of all of us that the world's major economies opt for strategies of the latter kind. And this means a deliberate decision by them, the United States included, to reverse the corruption—and I can use no lesser word—of the world trading system, combined with an equally deliberate commitment to make appropriate adjustments in domestic economic policies.

My friends, I am not saying that the burden of adjustment rests solely on the United States and I am not saying that you have no reason for frustration and complaint about the trade practices of others. I can understand your objections to the barriers the United States faces to its exports in certain markets. Australians can understand these problems precisely because we share them.

In the Uruguay round of multilateral trade negotiations, the vehicle is at hand to negotiate a new, fairer and liberalised environment for world trade.

This crucial negotiation confronts us with a test of our collective common sense; whether we will recognise that any attempt to solve our national trading problems at the expense of others, rather than through the pursuit of the common wellbeing, must ultimately be self destructive.

It is this same enlightened self interest which dictates that we accept rather than that we oppose the need for adjustment in our own economies. What a sad irony if, I put to you, at the very moment in history when we are seeing the belated recognition by the planned economies of the need to accept the relevance of market signals in their decision making, the Western nations were to try to ignore and distort those signals, both at home and in the international marketplace.

In Australia we have practised the doctrine of economic adjustment, not merely preached it.

We have pursued the domestic economic policies necessary to cure our own external imbalance. We have converted a prospective fiscal deficit amounting to 5 percent of GDP just five years ago to a prospective surplus of 1 percent or more in the coming fiscal year. We have implemented reforms to deregulate industry, lift productivity and innovation, promote and export culture and encourage foreign investment on fair terms. We are prepared to show the lead on tariff reform. We will be cutting tariffs by about 30 percent on average over the next four years. Much larger reductions in protection will occur for the most highly protected industries.

Now you are practising politicians and so am I. I understand constituency interests. I know that the adjustment process is not easy. But it must be done.

The costs of failure will be very high; and the rewards of success enormous.

Speaking to you as the closest of friends and allies, therefore, my message is that the United States' action now can play a decisive role in the future shape of the world economy if you grasp the challenge of adjustment at home and drive with determination

for the liberalisation of trade on a global basis. America can do the world, and itself, no greater service at this time.

Mr. Speaker, Mr. President, I have not the slightest doubt of the unique capability of the United States for leadership, whether in managing the pivotal relationship with the Soviet Union, maintaining the health of the western alliance, forging further agreements in the essential area of arms control, seeking solutions to regional issues such as the Middle East and Southern Africa, or resolving international economic problems.

If all of this sounds like a tall order, if it sounds like an unfair burden, we do not look to the United States to solve all these problems alone or to mount the effort without the help of friends. We ask only that the United States continue to contribute the strength, the persistence, creativity and breadth of vision which—to the immense benefit of mankind—have been the hallmarks of the American character.

I am confident that it will be so. No nation in the world surpasses the United States in justifiable pride in past achievements, confidence that problems can be overcome and contagious optimism about the future. Neither of us would claim that our nation is without blemish. Neither of us would claim that governments of our countries have always chosen wisely or acted well. But I do say this: That when all is said and done the United States is a great and a good country; that the people of the United States are a great and a good people; and that Australia in the years ahead you will have the best kind of friend—independent to be sure, forthright in defence of our own interests certainly, but also firmly supportive and deeply proud of our rich and enduring relationship.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., the Prime Minister of Australia, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The joint session is now dissolved and the House will convene at 12 noon.

□ 1205

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 5 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

FAIR HOUSING AMENDMENTS ACT OF 1988

The SPEAKER. Pursuant to House Resolution 477 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union and for the further consideration of the bill, H.R. 1158.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes, with Mr. OLIN [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 22, 1988, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Amendments Act of 1988".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. FISH. Mr. Chairman, I offer an amendment and I ask unanimous consent that the amendment, which is not to section 1, be considered out of order.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, I have a better idea. I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

Mr. EDWARDS of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SENSENBRENNER. Mr. Chairman, I object to the request of the gentleman from New York [Mr. FISH].

The CHAIRMAN pro tempore. Objection is heard to offering the amendment out of order.

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. SHORT TITLE FOR 1968 ACT.

The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by inserting after the comma at the end of the enacting clause, the following: "That this Act may be cited as the 'Civil Rights Act of 1968'.".

The CHAIRMAN pro tempore. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. REFERENCES TO 1968 ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968).

The CHAIRMAN pro tempore. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 6. SHORT TITLE FOR TITLE VIII.

Title VIII is amended by inserting after the title's heading the following new section:

"SHORT TITLE

"SEC. 800. This title may be cited as the 'Fair Housing Act'.".

The CHAIRMAN pro tempore. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. AMENDMENTS TO DEFINITIONS SECTION.

(a) Modification of Definition of Discriminatory Housing Practice.— 802(f) is amended by striking out "or 806" and inserting in lieu thereof "806, or 818."

(b) Additional Definitions.—Section 802 is amended by adding at the end the following:

"(h) 'Handicap' means with respect to a person—

"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities.

"(2) a record of having such an impairment, or

"(3) being regarded as having such an impairment,

but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(i) 'Aggrieved person' includes any person who—

"(1) claims to have been injured by a discriminatory housing practice; or

"(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

"(j) 'Complainant' means the person (including the Secretary) who files a complaint under section 810.

"(k) 'Familial status' means one or more individuals' (who have not attained the age of 18 years) being domiciled with—

"(1) a parent or another person having legal custody of such individual or individuals; or

"(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

"(l) 'Conciliation' means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

"(m) 'Conciliation agreement' means a written agreement setting forth the resolution of the issues in conciliation.

"(n) 'Respondent' means—

"(1) the person or other entity accused in a complaint of an unfair housing practice; and

"(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 810(a).

"(o) 'Prevailing party' has the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 188).".

The CHAIRMAN pro tempore. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. DISCRIMINATORY HOUSING PRACTICE AMENDMENTS.

(a) ADDITIONAL DISCRIMINATORY HOUSING PRACTICES.—Section 804 is amended by adding at the end the following:

"(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

"(A) that buyer or renter,

"(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

"(C) any person associated with that buyer or renter.

"(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

"(A) that person; or

"(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

"(C) any person associated with that person.

"(3) For purposes of this subsection, discrimination includes—

"(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises;

"(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

"(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act of 1988, a failure to design and construct those dwellings in such a manner that—

"(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

"(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

"(iii) all premises within such dwellings contain the following features of adaptive design:

"(I) an accessible route into and through the dwelling;

"(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

"(III) reinforcements in bathroom walls to allow later installation of grab bars; and

"(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

"(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of paragraph (3)(C)(iii).

"(5) As used in this subsection, the term 'covered multifamily dwellings' means—

"(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

"(B) ground floor units in other buildings consisting of 4 or more units.

"(6) Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this title be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this title.

"(7) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals.".

(b) ADDITIONAL PROTECTED CLASSES.—(1) Section 806 and subsections (c), (d), and (e) of section 804, are each amended by inserting "handicap, familial status," immediately after "sex," each place it appears.

"(2) Subsections (a) and (b) of section 804 are each amended by inserting "familial status," after "sex," each place it appears.

(c) DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.—Section 805 is amended to read as follows:

"DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS

"SEC. 805. (a) IN GENERAL.—It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national orgin.

"(b) DEFINITION.—As used in this section, the term 'residential real estate-related transaction' means any of the following:

"(1) The making or purchasing of loans or providing other financial assistance—

"(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

"(B) secured by residential real estate.

"(2) The selling, brokering, or appraising of residential real property.

"(c) APPRAISAL EXEMPTION.—Nothing in this title prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.".

"(d) ADDITIONAL EXEMPTION.—Section 807 is amended—

"(1) by inserting "(a)" after "SEC. 807,"; and

"(2) by adding at the end of such section the following:

"(b)(1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to dwellings provided under any State or Federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons.

"(2) As used in this subsection, 'housing for older persons' means housing communities consisting of dwellings—

"(A) intended for, and at least 90 percent occupied by, at least one person 55 years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons; or

"(B) intended for and occupied solely by persons 62 years of age or older.".

"(e) CLERICAL AMENDMENT.—The heading of section 804 is amended by adding at the end the following: "AND OHER PROHIBITED PRACTICES".

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 11, after line 5 insert the following new subsection:

(3) Nothing in this title prohibits conduct against a person because such person has been convicted two or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this amendment is a reasonably clear amendment and I think we have agreement on both sides that it is an amendment that can be taken in the bill.

To explain what this amendment does, it assures that those people who are convicted of the manufacture or distribution of drugs will not receive undue protection under this act. The reason for this is that we should not force people to accept as their neighbors or accept into their buildings the kinds of folks who might be operating crack houses.

We already know in many of our urban areas there are drug manufacturing and distribution units within housing projects, within apartment buildings, and that they are terribly burdensome on the neighbors of those buildings. We ought not be saying to anyone that they should have to accept that kind of situation in their building or in their neighborhood.

So what this amendment says is that if you have a person who has been convicted two or more times by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, that they would not be someone who receives unusual protection under this act. In other words, that is somebody that can be excluded from a housing project, can be excluded from a building on the basis of that particular criminal record in the drug area.

As I say, it goes along with language which is presently in the bill and in the committee report. I want to congratulate the committee for what they did. In an earlier section of this bill the committee made it clear that any current user of illegal drugs is in fact excluded under the bill. In the committee report they make it very clear what their intent was on that, and that somebody who has cleaned up their act would not be covered, but that we are not going to allow current users to have the protection.

All this does is extends and makes certain that we do not have people who are currently engaged in the manufacture and distribution moving into neighborhoods using this particular act as a cover.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding, and I am sure that we are going to accept this amendment. However, I would like to ask the gentleman from Pennsylvania a question or two.

I understand that the gentleman from Pennsylvania [Mr. WALKER] is concerned that the bill before us today should not extend nondiscrimination protection in housing to individuals who are drug addicts and who in fact may be using their apartments for drug deals. Let me say emphatically that the bill before us did not intend and does not extend that protection and was never intended to extend such protection. Rather it is a bill that prohibits discrimination on this basis of handicap.

I therefore do not believe my colleague's statutory amendment is necessary because, as I have noted, I believe it is consistent with what the bill already provides. However, let me clarify one point with my colleague.

As I read the gentleman's amendment, if an individual is discriminated against because he is a member of some other protected class under the bill, for example, because he is black or Hispanic, and not because he was twice convicted of drug offenses, then of course that individual would remain within the protection of the act, is that correct?

Mr. WALKER. Yes, that is certainly the intent of this amendment.

Mr. EDWARDS of California. I thank the gentleman for his contribution. This side accepts his amendment.

Mr. WALKER. I thank the gentleman from California.

Let me say to the gentleman from California the reason why I thought it was important to go with this amendment, and I think there may be some necessity for it, is the very fact that we did have language in the bill that deal with users. It seems to me that there is some need to clarify for others that might want to try to find protection that may not be users, but rather dealers, and so then should be considered covered, so I understand there was was no intent of the committee to do anything that might be covered in this amendment, but it seems to me the amendment clarifies very, very clearly that we are not going to permit the crack dealers and these kinds of people to try to find cover under this particular act. As the gentleman from California knows, some of their attorneys get very inventive with regard to protecting some of these folks who are engaged in nefarious activities.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think the gentleman from Pennsylvania has made a contribution to this bill, but I just wish to further clarify the intent of the author along the lines of what the gentleman from California [Mr. EDWARDS] has been saying.

Is it the purpose of the gentleman from Pennsylvania in inserting this provision in the bill that if one declines to sell or rent housing solely on the basis of that person having two or more convictions for drug offenses, that is not an illegal act in and of itself?

Mr. WALKER. That is the purpose of this particular amendment, the gentleman is correct.

Mr. SENSENBRENNER. However, if the discrimination is caused by one of the prohibitions contained in the law, as amended by this bill, then a fair housing complaint would lie and could be prosecuted?

Mr. WALKER. The gentleman is precisely right.

Mr. SENSENBRENNER. With that understanding, I am happy to support the amendment as well.

Mr. WALKER. I thank the gentleman from Wisconsin.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. ADDITIONAL ADMINISTRATIVE AUTHORITY.

(a) ADMINISTRATIVE LAW JUDGES TO BE WITHIN JUSTICE DEPARTMENT.—Section 808(c) is amended by inserting after the second sentence the following: "The Secretary shall delegate such functions with respect to hearing, determining, and ordering under section 812 to administrative law judges appointed by the Attorney General under section 3105 of title 5, United States Code, and serving in the Department of Justice.".

(b) COOPERATION WITH SECRETARY.—Section 808(d) is amended by inserting "(incuding any Federal agency having regulatory or supervisory authority over financial institutions)" after "urban development".

(c) ADDITIONAL FUNCTIONS OF SECRETARY.—(1) Section 808(e) is amended—

(A) in paragraph (2), by inserting before the semicolon at the end, the following: ", including an annual report to the Congress—

"(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this title, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

"(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which—

"(i) investigations are not completed as required by section 810(a)(1)(B);

"(ii) determinations are not made within the time specified in section 810(g); and

"(iii) hearings are not commenced or findings and conclusions are not made as required by section 812(g)";

(B) by striking out "; and" at the end of paragraph (4);

(C) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(D) by adding at the end, the following:

"(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secre-

tary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).".

(2) Section 808 is amended by adding at the end the following:

"(f) The provisions of law and Executive orders to which subsection (e)(6) applies are—

"(1) title VI of the Civil Rights Act of 1964;

"(2) title VIII of the Civil Rights Act of 1968;

"(3) section 504 of the Rehabilitation Act of 1973;

"(4) the Age Discrimination Act of 1975;

"(5) the Equal Credit Opportunity Act;

"(6) section 1978 of the Revised Statutes (42 U.S.C. 1982);

"(7) section 8(a) of the Small Business Act;

"(8) section 527 of the National Housing Act;

"(9) section 109 of the Housing and Community Development Act of 1974;

"(10) section 3 of the Housing and Urban Development Act of 1968;

"(11) Executive Orders 11063, 11246, 11625, 12250, 12259, and 12432; and

"(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purposes of this subsection.".

AMENDMENTS OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. FISH: Page 25, strike out line 14 and all that follows through line 3 on page 26 and insert in lieu thereof the following:

"ENFORCEMENT BY SECRETARY

"SEC. 812. (a) ELECTION OF JUDICIAL DETERMINATION.—A complainant, a respondent, or an aggrieved person, with respect to a charge filed under section 810, may elect to have the issues raised by that charge decided in a civil action under subsection (o) in lieu of a hearing under subsection (b). The election must be made not later than 20 days after the receipt by the electing person of service under section 810(h) or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

"(b) ADMINISTRATIVE LAW JUDGE HEARING IN ABSENCE OF ELECTION.—If an election is not made under subsection (a) with respect to a charge filed under section 810, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 810. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5, United States Code. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occured or to be about to occur.

Page 33, after line 15, insert the following:

"(o) CIVIL ACTION FOR ENFORCEMENT WHEN ELECTION IS MADE FOR SUCH CIVIL ACTION.—(1) If an election is made under subsection (a), the Secretary shall, not later than 20 days after the election is made, commence and maintain a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28, United States Code. The Secretary shall promptly notify the Attorney General of the filing of any action under this subsection.

"(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

"(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occured or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 813. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 813 shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

Redesignate succeeding subsections accordingly.

Page 24, after line 2, insert the following:

"(h) SERVICE OF COPIES OF CHARGE.—After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 812(a) and the effect of such an election, to be served—

"(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

"(2) on each aggrieved person.

Page 33, line 18, insert "or any civil action under section 812," after "therefrom,".

Page 11, strike out line 10 and all that follows through line 17.

Redesignate succeeding subsections accordingly.

Page 30, strike out line 15 and all that follows through line 23 and insert in lieu thereof the following:

"(h) REVIEW BY SECRETARY; SERVICE OF FINAL ORDER.—(1) The Secretary may review any finding, conclusion, or order issued under subsection (g). Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued.

"(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

Page 30, line 24, strike out "(2)(A)" and all that follows through "judge" in line 25 and insert in lieu thereof the following: "(i) JUDICIAL REVIEW.—(a) Any party aggrieved by a final order for relief under this section".

Page 31, line 3, strike out "(B)" and insert "(2)" in lieu thereof.

Page 40, beginning in line 15 and ending in line 16, strike out "of an administrative law judge".

Page 41, line 1, strike out "administrative law judge" and insert "Secretary" in lieu thereof.

□ 1215

Mr. FISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and also that they be considered en bloc.

The CHAIRMAN pro tempore (Mr. OLIN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, page 4 starts the amendment language that refers to this particular section but it does cover other sections as well.

Mr. Chairman, the amendment I offer allows us to overcome a major stumbling block to the passage of new fair housing legislation. It is a legislative solution that addresses constitutional concerns raised over the bill H.R. 1158. With the addition of my amendment, the bill enjoys the support of the civil rights community, the National Association of Realtors, and the majority and minority leadership of the House.

I have worked closely with the Leadership Conference on Civil Rights and representatives of the NAACP, the American Civil Liberties Union, civil rights litigation groups as well as the National Association of Realtors to reach a solution acceptable to all. Their good faith and willingness to compromise has resulted in a major breakthrough. It raises hopes for prompt action on these important reforms to strengthen the Federal fair housing law.

I wish to acknowledge those who encouraged this process and who actively support this amendment: The majority leader, Mr. FOLEY; the minority, Mr. MICHEL; the Judiciary Committee chairman, PETER RODINO; the chairman and ranking minority member of the Subcommittee on Civil and Constitutional Rights, Mr. EDWARDS and Mr. SENSENBRENNER; and judiciary committee members who directly contributed to this compromise—JOHN CONYERS, DAN GLICKMAN, and BARNEY FRANK.

My amendment addresses constitutional concerns over the bill's enforcement provisions, which allow an administrative law judge to award damages but do not guarantee the right to a trial by jury.

The amendment will give complainants, respondents, and other aggrieved persons the option of having the claims decided in an administrative law judge proceeding or in the U.S. district court, where a jury is available. In either instance, the case would be brought and maintained by HUD attorneys.

The opportunity to elect occurs after the 100-day period during which the Secretary investigates the complaint, attempts to reach a conciliation and issues a "charge" whenever the investigation reveals "reasonable cause" to believe that discrimination has occurred or is about to occur.

My amendment also incorporates recommendations by Mr. GLICKMAN. It returns ALJ's to HUD and provides a 30-day period in which the Secretary

of HUD may review any finding, conclusion or order issued by the ALJ. An appeal to the circuit court of appeals would lie from any review decision made by the Secretary within 30 days, or from the ALJ decision if the Secretary does not act.

Mr. Chairman, the fair housing law was enacted two decades ago at a time of national mourning and strife. It stands as a symbol of our national commitment to the goals of equal housing opportunity for all Americans. Unfortunately, however, the reality confronting victims of housing discrimination falls far short of our lofty legal goals. The proposed bill, together with my amendment, provides victims a quick, effective, and constitutional means of seeking redress. Passage of this legislation will boost confidence in the effectiveness of our fair housing law.

Mr. Chairman, I urge the support of my colleagues on this measure.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, in a couple of minutes I will have a colloquy that I would like to engage in with Mr. FISH.

Mr. Chairman, it is a pleasure to speak today in support of the Fair Housing Amendments Act of 1987. Housing discrimination on the basis of race and physical handicap is insidious and still widespread, in part because the civil rights laws provided no expeditious way to bring a housing discrimination claim against the discriminator and obtain appropriate relief. The enforcement procedure originally proposed had some problems which remained unresolved in the Judiciary Committee. The two-track procedure offered today by Mr. FISH is expeditious, fair to both parties, and legally sound. It solves the constitutional and administrative law questions raised during the markup, but more important, this unique approach may serve as a model for laws in the future.

This bill is also a political triumph resulting from a long process of negotiation and compromise by parties who were at odds on more than a few provisions of this bill only weeks ago. The Leadership Conference on Civil Rights and the National Association of Realtors deserve real credit for working together, with our encouragement, to achieve an agreement which in no way compromises the potential effectiveness of this bill. I enthusiastically endorse this bill as amended by Mr. FISH, and expect that the Fair Housing Amendments Act of 1987 will provide the means to make significant progress toward ending discrimination in the rental and sale of housing in this country.

Mr. Chairman, I may add parenthetically that if people can live where they want to live, that is probably the most important foundation for a society which is fair and free to all citizens.

Now, Mr. Chairman, I would like to engage in a quick colloquy with the gentleman from New York [Mr. FISH].

The gentleman's amendment includes a provision identified as subsection 812(h) that allows the Secretary 30 days to review any finding, conclusion, or order of an ALJ issued pursuant to subsection (g). If the Secretary does not act during this 30 days period, the ALJ's order becomes final. Does this subsection require that a nonprevailing party appeal an ALJ decision to the Secretary, in order to preserve the right of appeal to a U.S. circuit court?

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding. No; that is not the purpose of subsection 812(h). The subsection is intended simply to allow the Secretary of HUD 30 days to review the findings, conclusions, and order of an ALJ issued pursuant to subsection (g), and consistent with his authority under the Administrative Procedure Act. If the Secretary does not act within the 30-day period, the ALJ's findings, conclusions and order become final, and are appealable to the circuit court of appeals pursuant to subsection 812(i).

Mr. GLICKMAN. So, section 812(h) means that a nonprevailing party does not lose a right to appeal to the circuit court of appeals under subsection 812(i) if they do not petition or otherwise ask the Secretary to review the ALJ's findings, conclusions and order under subsection 812(h)?

Mr. FISH. If the gentleman will yield further, yes, that is correct. Subsection 812(h) does not affect in any way the right of appeal created under subsection 812(i).

Mr. GLICKMAN. I would close by saying that this is an outstanding bill. It has had excellent bipartisanship. We have brought the business community and the civil rights groups together to do something good for America. It is supported by the Republican leader, the Democratic leader, it is something that we need to do more in this Congress. This is a good first step to try to wipe out housing discrimination in this country.

Mr. FISH. If the gentleman would just briefly yield again, although I mentioned this in my remarks in support of my amendment, I would like to reiterate my thanks personally to the gentleman from Kansas [Mr. GLICKMAN] for his support and contribution and input with respect to the Administrative Procedure Act throughout this process. I thank the gentleman.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fish amemdment.

Mr. Chairman, I am delighted to join in support of this desperately needed reform of our fair housing law, which has not been updated since its creation 20 years ago. The bill before us, with the amendment offered by my good friend from New York, will make dramatic improvements in our effort to eliminate discrimination in the housing market.

Although many of us differ in the manner in which we would correct the existing flaws, all of us agree that reform is long overdue. The lack of enforcement procedures has undermined the effectiveness of the current law. The lack of protection for the handicapped in the housing market is shameful. We need fair housing reform.

As you may know, President Reagan called for reform of the Federal fair housing law in every single State of the Union speech he has given. When the President proposed legislation again in this Congress, I introduced the Fair Housing Amendments Act of 1988, H.R. 4425, at his request.

Earlier this week the President stated his hope that "the Congress will move quickly on the legislation to strengthen fair housing laws." The President's commitment to fair housing makes me very hopeful that our actions today will contribute to a new Federal fair housing law in the very near future.

We are able to take this additional step toward much needed reform today because we have resolved the most serious disagreement in our approach to reform. Through the amendment process, we have agreed to improve the bill by, among other things, resolving the constitutional question of right to a jury trial.

This would not be possible without the dedicated search for compromise between the civil rights community and the realtors.

Under the excellent amendment, authored and fostered by Mr. FISH, we are able to combine the efficient, effective enforcement of our antidiscrimination laws with the option of a jury trial as mandated by the seventh amendment. With the solution to this major problem, we are able to resolve other issues through the amendment process today under an open rule, which I support.

We would not, indeed could not, be here today without the work of HAM FISH. Single-handedly, HAM forged the path to this compromise. His work toward a resolution of a serious constitutional crisis in this bill began well over a year ago. Because of his willingness to keep trying, even when it was unpopular, we are able to come together today in support of the Fish amemdment.

I also think we should take a moment and recognize the value of excellent staff work. HAM FISH has been faithfuly, and excellently represented in this effort by the Committee Republican Staff Director, Alan Coffey.

The public is well served by our commitment to strong antidiscrimination laws, and I am proud to support the amendment offered by Mr. FISH.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, this amendment resolves a dispute that has lasted for 11 years over the question of how best to enforce the fair housing law in order to put teeth into the law and yet protect the rights of those who are accused of unlawful discrimination.

Throughout my career in Congress, I have expressed my concern over the constitutionality and the fairness of taking away the right to a jury trial of someone who is accused of violating this law. I believe that the gentleman from New York has done the country a great service in reaching a happy compromise which does establish an administrative law judge procedure, but at the same time gives the right of removal to any of the parties involved to bring the case before a Federal district court where trial by jury can be had.

The dispute was probably the most critical dispute in 1980 when this House last debated fair housing legislation. I introduced the amendment to strike the administrative law judge procedure.

As I indicated yesterday, that amendment was defeated by the narrow marign of one vote after a 33-minute rollcall.

I am now happy with the procedure that has been established in this amendment. For those who wish to have their cases adjudicated before an administrative law judge, that is their choice and their choice alone. And those who wish to have the disputes adjudicated in a Federal district court with the possibility of a jury trial have that as an absolute matter of right.

The solution was so simple I wish we had come up with it years ago, but now that the day is at hand I want to again congratulate the gentleman from New York, [Mr. FISH], the civil rights groups and the realtors in coming up with the compromise that has broken the logjam that has prevented this Congress from enacting a strengthening of the fair housing law for at least 11 years.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr SENSENBRENNER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to join the gentleman in complimenting Mr. FISH for coming up with this amendment. I think it solves, it has solved a problem which has delayed consideration of this bill. With the adoption of this amendment, I think almost everybody can be and will be in support of the legislation.

□ 1230

Mr. EDWARDS of California. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I also commend the gentleman from New York [Mr. FISH] and the various people and organizations that worked out this compromise. It really does not weaken the bill. It merely gives each party the choice of either going the administrative law judge route or the Federal Court route.

In these housing cases the victims are often poor and they cannot afford to be the plaintiff in Federal Court. Under the amendment offered by the gentleman from New York [Mr. FISH] the HUD Secretary is the plaintiff, and that is how it should be.

As in other civil rights laws, the Government does the enforcing. We do not force the individual to enforce the Federal law. As others have pointed out, the Fish amendment answers all possible constitutional questions. It is a very good addition to the bill.

Mr. Chairman, I would like to ask the author of the amendment a question or two. I will address this question to the gentleman from New York [Mr. FISH].

Mr. Chairman, subsection 812(o)(3) of the gentleman's amendment provides that a court that determines that a discriminatory housing practice has occurred, or is about to occur, may grant such relief as the court could have granted in a civil action under section 813. Does this language mean that compensatory or punitive damages could be awarded that would accrue to the benefit of the U.S. Government?

Mr. FISH. Mr. Chairman, will the gentleman yield to me?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I am happy to answer that question. The answer is, no, it does not. The subsection does contemplate that the Secretary may sue to recover actual or punitive damages, but these damages, if awarded, would be paid to the aggrieved person, not the Government. The relief that would be awarded to the Government in its own right would be the injunctive or equitable relief that is described in section 813(c).

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman from New York.

Mr. FISH. Mr. Chairman, will the gentleman yield for a further colloquy?

Mr. EDWARDS of California. I yield for further colloquy.

Mr. FISH. Mr. Chairman, if I could, I would like to ask my colleague, the chairman of the subcommittee, some questions with respect to other parts of the bill that are of concern, particularly on the issue of res judicata.

Mr. EDWARDS of California. Yes. Would the gentleman proceed, please?

Mr. FISH. Mr. Chairman, the committee bill provides in section 810(g)(4) that the Secretary may not issue a charge regarding an alleged discriminatory housing practice after the beginning of a trial of a civil action commenced by the aggrieved party seeking relief with respect to that discriminatory housing practice. Analogous provisions are found in section 812(f), which bars an ALJ from continuing administrative proceedings regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party with respect to that discriminatory housing practice, and section 813(a)(3), which bars an aggrieved person from commencing a civil action under that subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an ALJ has commenced a hearing on the record with respect to such charge. Do I understand these provisions to mean that a request for relief by a specific aggrieved person or on that person's behalf can only be adjudicated once on the merits under this title?

Mr. EDWARDS of California. Yes. It is not the committee's intent to afford an aggrieved person or the Government an opportunity to relitigate the merits of the claims asserted by or on behalf of that aggrieved person.

Mr. FISH. Does this mean that if an ALJ or a district court or a circuit court of appeals finds, with respect to a proceeding commenced by or on behalf of an aggrieved person challenging a discriminatory housing practice, that the respondent did not violate title VIII, that the respondent would not be subject to any other proceedings commenced by the aggrieved person under this title with respect to that challenged practice?

Mr. EDWARDS of California. Yes, it does.

Mr. FISH. And, likewise, if an ALJ or district court or circuit court determines in a proceeding commenced by or on behalf of an aggrieved person, that a respondent did violate title VIII and awards relief for that violation, does this mean that the aggrieved

person or the Goverment may not seek additional relief for that person through a further action under section 812 or 813, as the case may be?

Mr. EDWARDS of California. Yes, it means that also.

Mr. FISH. Mr. Chairman, I thank the subcommittee chairman very much.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from California [Mr. EDWARDS] has expired.

(By unanimous consent, Mr. EDWARDS was allowed to proceed for an additional 2 minutes.)

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the distinguished chairman of the committee, the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I merely want to take this time to applaud and congratulate the gentleman from New York [Mr. FISH], who has offered this amendment which I think resolves a problem which had been a stumbling block insofar as a question might have been of concern as to whether or not a jury trial might have been available.

I think that with the amendment offered by the gentleman, which provides an opportunity to make an election between going through the administrative law judge procedure or to a district court, we have eliminated any possible constitutional questions, as I see it, and I think we have gotten over that stumbling block. The Department of Justice retains its right under section 814 to be able to go in. So I think really we have a whole bill, and we have created as a result of this compromise a real bipartisan measure which I am sure should generate the kind of support this measure should enjoy.

Again, Mr. Chairman, I offer my congratulations to the gentleman from New York [Mr. FISH], who has been really at the fulcrum of all this. I, of course, also thank our subcommittee chairman, the gentleman from California [Mr. EDWARDS], for his part in this.

Mr. EDWARDS of California. Mr. Chairman, I thank the chairman of the committee for his observations. We agree with him that this is a good bill, a strong bill, and the compromise has not weakened it an any way.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from New York [Mr. FISH].

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

RECORDED VOTE

Mr. FISH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 401, noes 0, not voting 30, as follows:

[Roll No. 200]

AYES—401

Ackerman	Dingell	Jenkins
Akaka	DioGuardi	Johnson (CT)
Alexander	Dixon	Johnson (SD)
Anderson	Donnelly	Jones (NC)
Andrews	Dorgan (ND)	Jones (TN)
Annunzio	Dornan (CA)	Jontz
Anthony	Downey	Kanjorski
Applegate	Dreier	Kasich
Archer	Durbin	Kastenmeier
Armey	Dwyer	Kennedy
Aspin	Dymally	Kennelly
Atkins	Dyson	Kildee
AuCoin	Early	Kleczka
Badham	Eckart	Kolbe
Baker	Edwards (CA)	Kolter
Ballenger	Edwards (OK)	Kostmayer
Barnard	Emerson	Kyl
Bartlett	English	Lagomarsino
Barton	Erdreich	Lancaster
Bateman	Espy	Lantos
Bates	Evans	Latta
Bellenson	Fascell	Leach (IA)
Bennett	Fawell	Leath (TX)
Bentley	Fazio	Lehman (CA)
Bereuter	Feighan	Lehman (FL)
Berman	Fields	Leland
Bevill	Fish	Lent
Bilbray	Flippo	Levin (MI)
Bilirakis	Florio	Levine (CA)
Bliley	Foglietta	Lewis (CA)
Boehlert	Foley	Lewis (FL)
Boggs	Ford (MI)	Lewis (GA)
Boland	Ford (TN)	Lightfoot
Bonior	Frank	Lipinski
Borski	Frost	Livingston
Bosco	Gallegly	Lloyd
Boucher	Gallo	Lott
Boxer	Gaydos	Lowry (WA)
Brennan	Gejdenson	Lujan
Brooks	Gekas	Luken, Thomas
Broomfield	Gephardt	Lukens, Donald
Brown (CO)	Gibbons	Lungren
Bruce	Gilman	Mack
Bryant	Gingrich	Madigan
Buechner	Glickman	Manton
Bunning	Gonzalez	Markey
Burton	Goodling	Marlenee
Bustamante	Gordon	Martin (IL)
Byron	Gradison	Martin (NY)
Callahan	Grandy	Martinez
Campbell	Grant	Matsui
Cardin	Gray (IL)	Mavroules
Carper	Green	Mazzoli
Carr	Gregg	McCandless
Chandler	Guarini	McCloskey
Chapman	Gunderson	McCollum
Chappell	Hall (OH)	McCrery
Cheney	Hall (TX)	McDade
Clarke	Hamilton	McEwen
Clay	Hammerschmidt	McGrath
Clement	Hansen	McHugh
Clinger	Harris	McMillan (NC)
Coats	Hastert	McMillen (MD)
Coble	Hatcher	Meyers
Coelho	Hawkins	Mfume
Coleman (MO)	Hayes (IL)	Michel
Collins	Hayes (LA)	Miller (CA)
Combest	Hefley	Miller (OH)
Conte	Hefner	Miller (WA)
Conyers	Henry	Mineta
Cooper	Herger	Moakley
Coughlin	Hertel	Molinari
Courter	Hiler	Mollohan
Coyne	Hochbrueckner	Montgomery
Craig	Holloway	Moorhead
Crockett	Hopkins	Morella
Darden	Horton	Morrison (CT)
Daub	Houghton	Morrison (WA)
Davis (IL)	Hoyer	Mrazek
Davis (MI)	Hubbard	Murphy
de la Garza	Huckaby	Myers
DeFazio	Hughes	Nagle
DeLay	Hutto	Natcher
Dellums	Hyde	Neal
Derrick	Inhofe	Nelson
DeWine	Ireland	Nichols
Dickinson	Jacobs	Nielson
Dicks	Jeffords	Nowak
Oakar	Sabo	Studds
Obey	Saiki	Stump
Olin	Sawyer	Sweeney
Ortiz	Saxton	Swift
Owens (NY)	Schaefer	Swindall
Owens (UT)	Scheuer	Synar
Oxley	Schneider	Tallon
Packard	Schroeder	Tauke
Panetta	Schuette	Tauzin
Parris	Schulze	Taylor
Pashayan	Sensenbrenner	Thomas (CA)
Patterson	Sharp	Thomas (GA)
Payne	Shaw	Torres
Pease	Shays	Torricelli
Pelosi	Shumway	Towns
Penny	Shuster	Traficant
Pepper	Sikorski	Traxler
Perkins	Sisisky	Udall
Petri	Skaggs	Upton
Pickett	Skeen	Valentine
Pickle	Skelton	Vander Jagt
Porter	Slattery	Vento
Price	Slaughter (NY)	Visclosky
Pursell	Slaughter (VA)	Volkmer
Quillen	Smith (FL)	Vucanovich
Rahall	Smith (IA)	Walgren
Rangel	Smith (NE)	Walker
Ravenel	Smith (NJ)	Watkins
Regula	Smith (TX)	Waxman
Rhodes	Smith, Denny (OR)	Weber
Richardson	Smith, Robert (NH)	Weiss
Ridge	Smith, Robert (OR)	Weldon
Rinaldo	Snowe	Wheat
Ritter	Solarz	Whittaker
Roberts	Solomon	Whitten
Robinson	Spratt	Williams
Rodino	St Germain	Wilson
Roe	Staggers	Wolf
Rogers	Stallings	Wolpe
Rose	Stangeland	Wortley
Rostenkowski	Stark	Wyden
Roth	Stenholm	Wylie
Roukema	Stokes	Yates
Rowland (CT)	Stratton	Yatron
Rowland (GA)		Young (AK)
Roybal		Young (FL)
Russo		

NOES—0

NOT VOTING—30

Biaggi	Garcia	Mica
Bonker	Gray (PA)	Moody
Boulter	Hunter	Murtha
Brown (CA)	Kaptur	Oberstar
Coleman (TX)	Kemp	Ray
Crane	Konnyu	Savage
Dannemeyer	LaFalce	Schumer
Dowdy	Lowery (CA)	Spence
Flake	MacKay	Sundquist
Frenzel	McCurdy	Wise

□ 1257

So the amendments were agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK. Mr. Chairman, I ask unanimous consent to go back to section 6 for the purpose of offering an amendment.

The CHAIRMAN pro tempore (Mr. OLIN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK: Page 8, line 24, after "individuals" insert "or whose tenancy would result in substantial physical damage to the property of others".

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, we have examined the gentleman's amendment on this side and find that it is an improvement to the bill, and we accept the amendment.

Mr. FRANK. Mr. Chairman, I thank the gentleman from Wisconsin.

I just want to explain to the Members that we dealt in committee with an expansion in some areas to cover people with various forms of handicaps, mental and physical; for instance, one of the issues arose as well, suppose someone in that category might be a threat in terms of health. We believe that in most of these cases there would be no threat, but we have provided that if the individual, whether the individual has the AIDS virus or there was an emotional problem or an alcoholism history or a physical problem, whatever was covered, and all of those are covered, but if the individual posed a direct threat to the safety or the health of others, we are making it explicit that in those exceptional cases, we believe there will be, and you provide or you present a threat in some special circumstances, you can be excluded.

When that was offered, I used the language of Grove City and that dealt only with health and safety. It was pointed out to me in the committee that we are dealing here with rental property, and property ought to be included.

I assure the gentleman from Wisconsin that it does improve the bill. I promised in full committee to offer this amendment and I appreciate the gentleman allowing me to offer it at this time, and I hope it is adopted.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was agreed to.

Mr. SHAW. Mr. Chairman, I ask unanimous consent to return to section 5 for the purpose of offering an amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENTS OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SHAW: Page 4, strike out line 17 and all that follows through line 24, and redesignate succeeding subsections accordingly.

Page 9, line 1, strike out "(1)".

Page 9, line 3, strike out "familial status,".

Page 9, strike out line 5 and all that follows through line 7.

Page 9, line 18, strike out "familial status,".

Page 10, line 18, strike out "handicap, or familial status" and insert in lieu thereof ", or handicap".

Page 10, line 14, strike out "(1)".

Page 10, beginning in line 17, strike out "Nor does" and all that follows through line 5 on page 11.

Page 39, beginning in line 24, strike out "familial status" and all that follows through "Act)," in line 25.

Page 41, after line 8, insert the following:

SEC. 13. STUDY OF DISCRIMINATION BASED ON FAMILIAL STATUS.

(a) STUDY.—The United States Commission on Civil Rights shall conduct a study of the nature and extent of housing discrimination based on familial status. Such Commission shall report to Congress the results of such study, together with any recommendations for legislation, not later than 3 years after the date of the enactment of this Act.

(b) DEFINITION.—As used in this section, the term "familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with—

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person, with the written permission of such parent or other person.

Mr. SHAW (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Chairman, I would like to also thank the members of the committee for allowing us to go back to this section for the purpose of offering these amendments.

Mr. Chairman, H.R. 1158 as written would be the first civil rights bill to include familial status as a protective class. We have not adequately explored the potential issues surrounding such a classification. Therefore, this amendment would not only strike that provision of the bill dealing with familial status, but it would also mandate a study by the U.S. Commission on Civil Rights on discrimination based on familial status.

Should the Commission find that there is substantial discrimination, then Congress should take appropriate action to protect families with children. The appropriate action is not that action taken by this particular bill.

This bill, Mr. Chairman, in its present form would outlaw senior communities.

Now, it was not intended to do such a sweeping act, granted, but by its very words, the very verbiage in the act in itself, that is exactly what it does.

There is an exception in the act that I would like to point out to the committee. It says:

(2) As used in this subsection, "housing for older persons" means housing communities consisting of dwellings—

(A) intended for, and at least 90 percent occupied by, at least one person 55 years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons.

Now, I immediately raised a question of great concern. What type of services and facilities do people aged 55 years need that the rest of the community does not need?

In looking for that, I went to the report language and found this:

Such facilities and services include congregate dining facilities, social and recreational programs, emergency and prevention health care or programs, continuing education, welfare information and counseling, recreational homemaker, outside maintenance and referral service, transportation to facilities, access to Social Services and services designed to encourage and assist recipients to use the services and facilities available to them.

□ 1305

After determining that, then it was necessary to find out how much these services would cost. In doing that, I found that the facilities required in the first exemption would cost anywhere from $400 to $1,095 per month. The cost is $400 which is the HUD congregate services, and $1,195 per month with is the Vantage House in Maryland, their charges for such services.

So what we have essentially done is put senior citizen housing outside of the ability to pay of most of our senior citizens.

Granted, discrimination is not right when practiced against anybody but I do not think that the senior citizens who wish to maintain and live in a senior community should be told by us here in Washington, DC that they no longer can do so.

There is a second exception in the bill where it says that the facilities are intended for and occupied solely by persons 62 years of age or older. I do not know what in the world we are thinking about there. All we are doing is saying that all the senior citizens in the communities that would want to maintain that eligibility would be required to absolutely ban people under the age of 62 years of age. Perhaps an older gentleman would decide to marry a wife that is 55 years of age. Immediately they would have to leave the senior community because they would jeopardize the exemption set forth in this bill.

Again, Mr. Chairman, I do not attack the motives of the framers of this bill. I think they were straightforward and they tried as best they could to exempt senior communities but they missed. I tried to work up language that would perfect the language in here but exclude senior communities, and I could not draft it either. That is a problem that we have.

What the committee has done is, and I think without any exception, has outlawed the senior communities all across the country. I do not think that was our intent but the only way to correct that error is to strike this provision of the bill. Mr. Chairman, I urge passage of my amendment.

Mr. SYNAR. Mr. Chairman, I rise in opposition to the Shaw amendment.

Mr. Chairman, I rise in opposition to the amendment and this is really the guts of the debate that we will hear today during this fair housing bill. Oftentimes I have sat on this floor and listened to some of the great speeches of our colleagues from both sides of the aisle and many times they are used in the context of our children. I took down some of those quotes from the CONGRESSIONAL RECORD and allow me to read what some of our colleagues have said in defense of certain issues.

"Children are our Nation's single greatest resource."

"Children are the future of our country."

"We must make sure that this legislation is profamily."

Mr. Chairman, if we are only going to give lipservice to the types of issues we believe are important to our families, we will accept the Shaw amendment, but I say to my colleagues today I think what we have to do is we have to support the committee and protect the familial status as a protected class.

Mr. Chairman, I do not need to remind the Members of this body who have studied this issue of housing over the years of the statistics that point to the need for this type of protection.

Mr. Chairman, in 1980 HUD found that 25 percent of the rental units in this country did not allow children at all. They found also that an additional 50 percent had restrictions which kept families out.

Mr. Chairman, I do not need to remind my colleagues that the most recent studies we have available to this Congress have found that almost half of the market available in this country has entirely closed the opportunities to families.

Finally, and most importantly, I do not need to remind my colleagues today that the largest and fastest growing segment of the homeless in our society is our children. It is because of that that I rise in strong opposition to the Shaw amendment today.

When these facts show a problem to be as widespread as this, and these statistics are very clear that over 75 percent of the rental housing nationwide restricts or bans children, it is time for we, the Federal Government, to weigh in and get involved. The gentleman from Florida [Mr. SHAW] has basically said that the legislation as drafted would "outlaw senior communities." That could be no further from the truth. We would never infringe upon the elderly rights. As a member of the Select Committee on Aging and one who is deeply involved and concerned about the issues facing our older citizens in this country, I have studied this issue at great length and as the gentleman from Florida [Mr. SHAW] pointed out, the committee went to great lengths to make exceptions which we believe take care of the situations which would affect our elderly.

As the gentleman from Florida [Mr. SHAW] further points out, there are two major exceptions that will allow our senior citizens to have the type of housing which they desire. First of all, under the legislation federally subsidized housing for the elderly will be protected.

Second, in other housing where there are older Americans, if they meet one of two tests they would be able to have that type of protection.

The second major exception is where there is housing by older Americans and where they meet one of two tests, and the first test is that it was intended that at least 90 percent be occupied by at least one person 55 years of age or older per unit and provides for significant facilities and services to meet the physical and social needs of older people.

The gentleman from Florida addressed that and he tried to make the statement that that would require expenditures of money in order to qualify. The fact of the matter is, if one looks at the report language of the committee, we do not require specific facilities to be retrofitted in order to meet this qualification. Second, and more importantly, most of the senior citizen type of housing in this country already meets these types of restrictions and limitations.

The second exemption is the fact that we have extended this to those which are occupied solely by people 62 years of age and older. If this was offensive, if these two exceptions which I have just pointed out were offensive to the elderly community in this country, I would like to know why we have the following sponsors of this important legislation but more importantly these specific provisions are in the bill with their sponsorship. They include the AARP, the National Council of Senior Citizens, the Child Welfare League, and Children's Defense Fund. They have all endorsed these provisions with this familial status.

The CHAIRMAN pro tempore [Mr. OLIN]. The time of the gentleman from Oklahoma [Mr. SYNAR] has expired.

(By unanimous consent, Mr. SYNAR was allowed to proceed for 2 additional minutes.)

Mr. SYNAR. It is very clear that the committee went to great lengths to try to protect the familial status without violating the rights of any other protected group in our society. Others have argued that by these provisions we would be violating landlords' rights and basically keep landlords from contracting in certain things. Again, I think the committee went to great lengths to solve that problem because nothing in this bill will prevent a landlord from determining that a family is otherwise qualified before agreeing to rent to them. Nothing in this bill means that a landlord would not be able to limit occupancy on State and local standards, to do credit checks, and to talk to references.

Mr. Chairman, let me conclude with these remarks. There will be no more profamily legislation that we will address in this 100th Congress. For all of us who truly believe that children are our future and this Nation's greatest resource, let us remember that great nations will be judged on how they deal with those who are in the dawn of their life and to deny them the equal access to the necessary housing in this country would be leaving a gap which none of us want to do.

Mr. Chairman, I ask my colleagues to reject the Shaw amendment because the families of our children and the children themselves need protection against housing discrimination.

The CHAIRMAN pro tempore. The time of the gentleman from Oklahoma [Mr. SYNAR] has again expired.

(On request of Mr. SHAW and by unanimous consent, Mr. SYNAR was allowed to proceed for 2 additional minutes.)

Mr. SHAW. Mr. Chairman, will the gentleman from Oklahoma yield?

Mr. SYNAR. Mr. Chairman, I yield to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I would like to congratulate my friend the gentleman from Oklahoma [Mr. SYNAR] for putting the best possible spin he could possibly put on to legislation that is going to kill senior housing.

Mr. Chairman, I would like to ask the gentleman from Oklahoma this question: What does the gentleman from Oklahoma consider as significant facilities that are offered for people over 55 years of age?

I have many senior facilities in my district, senior citizen housing, condominium apartments, and I know of nothing in those particular apartments that in any way is near unique. That is why I turned to the language of the report where I talked about what these facilities are because this is what the committee said they are. I would like to ask the gentleman from Oklahoma if it is not what the committee says they are, then what is it?

Mr. SYNAR. Mr. Chairman, I think the gentleman from Florida [Mr. SHAW] has answered his own question by quoting the report language as he did in his initial remarks. What the committee tried to do was to say that we truly wanted these facilities to be that of the elderly category. If my colleagues will read carefully the report language, the committee does not require some level of significance but makes recommendations or suggestions of what things would be reviewed. We do not require any of the things that the gentleman from Florida [Mr. SHAW] mentioned to be part of any senior citizen center. Second, and most importantly, I think the gentleman from Florida recognizes it already, but most of the elderly housing in this country already qualifies under some of the suggestions that the committee has made.

Mr. SHAW. Mr. Chairman, if the gentleman from Oklahoma will yield further, I would like to ask with regard to the 90-percent provision, that 90 percent of the apartments or the complex be occupied by persons 55 years of age or older, what happens in the situation where on the demise of one of the individuals, or one of the individuals moves out, and all of a sudden now we find ourselves with a situation perhaps for example where there is a widow who is 50 years old and her husband has died. She knocks the balance out of whack. Would it be a fair reading of the bill that all of a sudden now the exemption status is being lost because no longer are 90 percent of the occupants 55 years of age or older?

Mr. SYNAR. Reclaiming my time, I believe the gentleman from Florida [Mr. SHAW] is trying to split hairs. Obviously when we are talking about elderly housing there are going to be cases where people will depart from that housing either voluntarily or otherwise.

The CHAIRMAN pro tempore. The time of the gentleman from Oklahoma [Mr. SYNAR] has again expired.

(On request of Mr. SHAW and by unanimous consent, Mr. SYNAR was allowed to proceed for 1 additional minute.)

Mr. SYNAR. It is clearly not the intent of the committee to try to be inflexible with the change in demographics of any type of housing and as has been the case with enforcement of all housing laws those types of things are taken into consideration. The major purpose and thrust of this legislation is to try to avoid the very cognizant discrimination that is going on with respect to families. But that would not in any way alter what the gentleman's fact situation is.

□ 1340

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I am happy to yield to the gentleman.

Mr. SHAW. Mr. Chairman, I would agree with the gentleman that that is not the intent of the committee, and the gentleman is absolutely correct, we are trying to protect the rights of families. He is absolutely correct. But we are destroying the rights of a whole class of people in doing this, and that is the problem I have with the legislation. That is why I would like to go back and try to adopt or draft language that would do exactly what the gentleman wants and what I want.

Mr. SYNAR. Reclaiming my time, could the gentleman respond to me to the question how did we get the AARP and the National Council of Senior Citizens to sign off on these provisions if they were so offensive to the elderly populations? This is a thing we are stressing on our side is the fact that these groups which clearly represent the elderly interests better than most in this country have signed off on these provisions. We do not quite understand why the gentleman thinks this is so offensive.

Mr. SHAW. Mr. Chairman, I would say to the gentleman that the senior citizen groups that he has mentioned thought that they were protected, but they did not take a close look at the legislation.

Mr. SYNAR. Does the gentleman have a letter saying that they had withdrawn their support?

Mr. SHAW. I did not say that. But they do have some false comfort though, and I would also like to advise the gentleman that the Shaw amendment is supported not only by the administration but the National Apartment Association, the National Multihousing Council, the National Alliance of Senior Citizens, and the Independent Bankers Association.

I would like to further advise the gentleman as to discrimination. There is discrimination.

The CHAIRMAN pro tempore. The time of the gentleman from Oklahoma has expired.

(At the request of Mr. SHAW and by unanimous consent, Mr. SYNAR was allowed to proceed for 1 additional minute.)

Mr. SYNAR. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, in the HUD study, which is the only one that I know of which is in existence, I would like to point out that the 1980 study which shows the percentage of discrimination shows approximately 20 percent of the rental units exclude children, but most of these are efficiencies and one- and two-bedroom apartments. Only 3.7 percent of the rental units with more than three bedrooms do not permit children. There is discrimination out there, but it is not of the magnitude that the gentleman is concerned about. I think it would be right even with 3.7-percent discrimination, it is right that we address the issue, but we have to do it much more carefully. We are using a sledgehammer here.

Mr. SYNAR. Mr. Chairman, reclaiming my time, I will close these remarks with, first of all, that there have been a number of studies since then, whether it be California, Iowa, Texas, or Georgia, significant studies that showed that there is clear discrimination going on with respect to families and, second, and I think this is where we ought to end, if these provisions were so objectionable, if we violated the rights of basically protected groups, that we were not trying to do, I think there would be an outpouring of opposition to this particular amendment. That is not the case. We do have the support not only of the children's groups, the family groups, but most importantly the most representative of the elderly groups, and I ask the Members to reject the Shaw amendment.

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the entire time, but I would like to address the concerns that were expressed a few minutes ago about a HUD study and the remark that 3.7 percent of the units of three-bedrooms or more had a no-children policy.

First of all, Members must realize that there are many more one-bedroom units and two-bedroom units than there are three-bedroom units, and 20 percent, the study shows, of all two-bedroom units excluded children and over 40 percent of one-bedroom units excluded children, and then there is the question of short of exclusion, of restrictions. These can be limitations on the age and sex of children that, for example, a unit would find acceptable, and it turns out that the overwhelming majority of three-bedroom units as well as one- and two-bedroom units only accept children under conditions.

I thought I just wanted to mention that in rebuttal, that this situation is a lot more serious than simply a figure of 3.7 percent would show.

Let me stress that our bill makes it clear that the rights of this newly protected class are not absolute. The bill spells out three exceptions. The bill would amend section 807 of the existing act to make it clear that reasonable local occupancy and zoning codes concerning the acceptable number of persons per unit would continue to apply; in addition, the provision regarding family status would not apply with respect to programs financed by the State or Federal Governments where the dwellings involved are, and I quote, "specifically designed and operated" for elderly persons. Here we

are referring, of course, to popular programs such as section 202 senior citizen housing.

Finally, Mr. Chairman, the bill contains language aimed at protecting senior citizen retirement communities, those that are intended for and principally occupied by the elderly, and I think it is safe to say that the aim of the committee is not to disrupt the lives of senior citizens or the operation of legitimate retirement communities; rather, Mr. Chairman, we seek to expand the availability of rental units for young families without arbitrary exclusions and without limitations.

I urge a "no" vote on the pending amendment.

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

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I think that defeating this amendment is one of the most important things we can do. If Members go back and look at the definition of the American dream, the No. 1 thing is a home, a home. What we are talking about here is allowing families the same rights to a home that everyone else has.

The gentleman from New York who just preceded me was absolutely right to say that 3.7 percent of the rental units with three bedrooms or more do not discriminate is ridiculous, because there are very few of those, and the reason they would build those is to rent them to families.

The real issue is the one and two bedrooms that many smaller families want and are shut out of. I think there is another very important thing to point out. All of these surveys do not mean a lot, because in parts of the country where there are very high vacancy rates such as in Denver, CO, now, almost anyone can rent, but let me tell the Members that the minute the market gets overheated and the minute that the vacancy rate starts to go down rather than up, overnight we find all sorts of people suddenly deciding they do not want to bother with families anymore, and that is exactly what we had in Denver, CO, a few years ago, when we had a housing shortage.

The problem is the surveys have to look at the areas with the housing shortages, and when there is a housing shortage, the first group of people discriminated against are families, no question about it. Nationwide surveys do not really show that, and I think we absolutely cannot let that go by the boards.

Mr. SCHEUER. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I support my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER] in opposing this amendment.

In the course of my precongressional career, I had a great deal to do with housing development involving thousands of units in eight or nine cities in America. I can tell the Members from my experience that there is absolutely no legitimate reason for any landlord who runs a tight management ship to exclude families with children simply because of the fact that there are children. If the children are well-behaved and if the parents exercise some control over their children, children are an adornment to a housing community.

Elderly people do not want to live in isolation from children. They enjoy kids around who behave themselves and who obey the ground rules.

I think it is an outrage that apartment owners exclude especially kids from two-bedroom apartments. One might say that there is a question on a one-bedroom apartment, but even there the parents can use the living room as their bedroom and the regular bedroom for the kids, but in a two-bedroom apartment, there is not the slightest iota of an excuse to exclude kids. Parents can live in the one bedroom and the kids would live in the second bedroom, and for two-bedroom apartments, especially, to be prohibited for family use, I think that is an affront. It is immoral, it is unethical, it is unacceptable and un-American.

This amendment should be defeated.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, let me thank the gentleman.

I want to go on and emphasize what the gentleman was saying. The real discrimination comes when the housing market gets short, and the real discrimination starts against single mothers first, because people say, "Oh, well, we are not sure we want them," and it can be documented in every single city.

What did the committee do? We tried to be very fair. The gentleman from Florida asked several questions about what happens if one spouse dies and the remaining spouse is below the age limit and so forth and so on. The regulation says 10 percent. It does not say 100 percent. That was precisely why we did it, to put that in mind, to give some flexibility.

The gentleman from Florida is protesting that we put in there facilities. Yes, the reason that we wanted facilities is if we did not have a facility requirement in there, it would be a loophole that one could drive a Mack truck through, because anytime a housing market overheated, people would instantly declare their building for seniors only or for singles only or for something and shut families out.

□ 1330

So we wanted to be sure that it was truly a facility built for seniors with facilities that were there to service them, and not a loophole to get around serving families the minute the vacancy rate fell.

I am really surprise that this amendment was offered.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, I must say that I think there is absolutely nothing more important in America than people being able to have housing, and especially families. I think our seniors know that, and I think they would be shocked to know that people were trying to defeat families' rights to housing by hiding behind seniors' rights.

The seniors' rights have been balanced, the seniors' rights are being treated fairly, and I think we should defeat this amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I agree with my colleague. But let me say I did vote for the Shaw amendment in the committee, and I will tell my colleagues why.

I did it because this was not a right that had established itself in specific protections under the 1968 housing laws, and I was concerned about creating the remedy when we had no precedential value for the right.

However, I have become convinced that it is a national problem, and in areas of tight supply people exclude families. They are being discriminated against.

I am also convinced that both this law as well as common law protects landlords from renting to people who may be viewed as particularly undesirable in terms of cleanliness or in terms of being a nuisance, regardless of their families or anybody. Those rights are still protected. So the landlord keeps most of his rights that he would have with respect to all of these classes.

But it does seem to me that this is an area of discrimination that is quite large. It is an untested area of the law, but I still believe it would be wrong to approve the amendment based upon those circumstances.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, I would just like to conclude by saying

that there is another gentleman from Florida in this body who has always had the senior first and foremost in his concerns, and I think no Member in here can defer to him. He has been the leader forever and ever, and he is the gentleman from Florida [Mr. PEPPER]. The gentleman from Florida [Mr. PEPPER] supports this bill and he feels that it is a wonderful balance and that it is very important, and I think we ought to be listening to that gentleman from Florida and defeat this amendment.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. SHAW and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. SHAW. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would ask the gentlewoman, she either misunderstood the amendment or misunderstands this legislation, when she stated that one of the exceptions did not require 100 percent of the members in the community to be over 62 years of age, did I hear her correctly, she said it did not require that?

Mrs. SCHROEDER. It said 10 percent 55 or over.

Mr. SHAW. I would invite the gentlewoman's attention to page 11, line 4, where it says, "Intended for and occupied solely, solely, by persons 62 years of age or older." If one person, if one person occupying one of these apartments drops below the age of 62, then under this exclusion they are no longer exempt, and we have killed that senior citizen community. That is the problem.

The gentlewoman says this is un-American. The American dream sometimes is retirement by the senior citizens.

I agree with what the gentlewoman wants to do, but she has fallen short of her mark. We will in effect have killed senior citizen housing in this country.

Mrs. SCHROEDER. Mr. Chairman, the gentleman from Florida I think is absolutely trying to nitpick this thing to death.

Let me say it is very clear that we are talking about one of the two-person family being of that age. It is not talking about 100 percent of everyone in there must be the same age.

Mr. SHAW. Read the legislation.

Mrs. SCHROEDER. The gentleman agrees with me, right?

Mr. SHAW. The (a) exemption is the one that is 10 percent. The (b) exemption is 100 percent. So the gentlewoman has to read the legislation when debating it to be sure she has her facts straight.

Mrs. SCHROEDER. And the issue is no one over 62 has ever dropped below the age of 62 that I know of. Maybe there is a fountain of youth in Florida, but we are not aware of it. So if they are in there on that provision, I do not see that it is a problem. I think that everyone can understand what the intent of this law is when we are looking at one of the couples being at a certain age and that is what we are checking.

So I think that the gentleman is making a mountain out of a molehill in trying to make an issue that is not here.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. RHODES and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. RHODES. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. Certainly, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I thank the gentlewoman for yielding and I have a question about this.

In Arizona, and in my district, senior housing is generally in subdivisions, in detached homes which are for sale, and the senior restrictions are enforced by deed restrictions which are recorded against the property by the developer before the houses are built and before the houses are sold.

Under the legislation as written, would this legislation void those deed restrictions?

Mrs. SCHROEDER. This goes to rental properties, I think that is what we are talking about, rental properties.

Mr. RHODES. Mr. Chairman, it is my understanding, and I certainly can be corrected, but my understanding is that this particular provision applies to sales and to rentals. So my concern is would the legislation as written void currently valid deed restrictions?

Mrs. SCHROEDER. But in the sales, my assumption is by the sales they are selling, such as Sun City, they are selling a package of facilities that are attractive to that age, and we talk about that in the bill. So I do not think that is a problem, because we are talking about the package of facilities.

What we do not want is for them to pick an area of Phoenix that is a suburb and suddenly declare it seniors only as a way to get around the law, and that is why the facilities thing is in there, to make sure we do not have a loophole around us.

But the subdivisions that I have seen have sold it as a package because there is this and there is that and there is something else, and again the seniors are not worried about this.

Mr. BERMAN. Mr. Chairman, will the gentlewoman yield?

Mrs SCHROEDER. I am delighted to yield to the gentleman from California.

Mr. BERMAN. I thank the gentlewoman for yielding.

California, like Arizona, has just these kinds of senior complexes. In fact, in many cases I think it was the same developer, Del Webb, who started this.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. BERMAN and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. California, for a number of years now, has had a law prohibiting discrimination in the sale or rental of housing, recognizing the unique nature of senior complexes like the Leisure Worlds. There was a tremendous storm of protest when those bills were moving through the Legislature and the owners were convinced that people would no longer want to rent in units where there might be children, convinced that the whole concept of seniors' housing would fall apart.

I can tell the gentleman and the author of the amendment without question that in the 9 or 10 years since that has been the new law in California, I have not seen, I have not heard of one protest with respect to the application of the law, with respect to how it is affecting seniors only housing, with respect to the difficulty of renting units in apartment houses where there are children. It turned out the whole storm of protest was over nothing. The law is working, the law is working well. The only problem is in the question of the level of enforcement.

But with respect to all of the problems that I think legitimately concerned apartment owners, they disappeared in the actual practice.

Mrs. SCHROEDER. I think the gentleman from California is making a point. Let me just emphasize I would love to try a case where one spouse was predeceased and somebody decided to throw them out because they were too young. I could win that case easily because of the way this law is written and we assume that people of like ages do not always marry, and that is what this is all about. We are talking about the whole area of facilities and of a certain package moving in of such and such an age, and that, too, is protected.

All I want to say is everybody who has looked at this has felt that it was a very good balance, and I think we have to start being as concerned about families and their rights as we are about others, and bring them up to an equal plane, and that is what this bill

does. That is why I hope the amendment goes down and is defeated.

Mr. SHAW. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, a minute ago the gentlewoman said this bill applies only to rental housing. That is incorrect.

Mrs. SCHROEDER. The gentleman is right.

Mr. SHAW. It says purchasing, construction, improving, maintaining.

Mrs. SCHROEDER. I stand corrected and the gentleman from Florida is correct. But my second answer then would be correct where I said because they build those Del Webb things around those facilities, they would still be covered if they had a certain percentage that were going in with one of them at a certain age.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all agree that shelter is a basic human need, but the right to shelter must be constantly reaffirmed. An unenforceable right is no right at all and access to decent and affordable housing goes to the core of America values. I am pleased to speak in support of the Fair Housing Amendments Act, which would strengthen the Fair Housing Act of 1968 by giving the Department of Housing and Urban Development the authority to sue violators of the law on behalf of discrimination victims.

I am a parent who has raised nine children, and I strongly support the provision that extends protection against housing discrimination to families with children under age 18. Without decent housing, quality family life is virtually impossible. A nationwide study conducted by the Department of Housing and Urban Development in 1980 found that 25 percent of rental units did not allow children, and another 50 percent carried restrictions on ages and numbers. More recent State and local surveys confirm these disturbing findings. In California, 56 percent of the mobile home parks did not allow families with children. Only 9 percent of the rental units in Alexandria, VA, accept children without restrictions. In Iowa, a survey of landlords who control over 11,000 rental units found that 48 percent of them did not allow children.

As a result of restrictions on families with children, families now account for at least 30 percent of our Nation's homeless population. Sadly, families with children are the fastest increasing homeless group in the United States. Children are increasingly being placed in foster homes because their families have no place to live.

This provision to protect families with children from housing discrimination does not hinder senior citizens from living in retirement communities. This bill protects all elder housing that is Government subsidized or is qualified as "housing for older persons." Indeed, H.R. 1158 is supported by the American Association of Retired Persons, the National Council of Senior Citizens, and the Grey Panthers.

The rights of landlords are protected by this legislation. Landlords may still require families to provide references and proof of their ability to pay rent, as long as they ask this of all their applicants. This bill respects State and local ordinances regarding the number of occupants per unit and other safety standards.

In summary, the fair housing amendments are necessary because housing discrimination against families with children still exists. With so many families now headed by single, working women, equal access to housing is more important than ever.

This legislation protects elder housing and landlord rights, but would be a step in the right direction in alleviating our increasing number of homeless families. I urge a vote against the Shaw amendment and for prompt passage of the Fair Housing Amendments Act, retaining the provision extending protection to families with children. A vote for this legislation is a vote for quality family life. As Robert Frost wrote "Home is where when you go there, they cannot turn you away." Let's make certain our families are not turned away.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I had not planned to take part in the debate on this amendment, but listening to the arguments that have been made by the opponents of the amendment compels me to say that I believe that the amendment has got to be adopted.

The opponents of the amendment have been approaching the issue from a generic standpoint, that there is discrimination against families with children, that there is a shortage of housing for children, and that we ought to amend the fair housing law to prevent such discrimination.

I agree with all of those points. We ought to amend the fair housing law to prohibit discrimination against families with children. However, there is a fatal defect in how this amendment is made in the bill, and the gentleman from Florida [Mr. SHAW] and the gentleman from Arizona [Mr. RHODES] very aptly pointed that out.

□ 1345

We are making a rush to judgment in passing this particular piece of legislation containing a flawed exemption so that senior citizen housing will be protected. But the gentleman from Florida and the gentleman from Arizona pointed out that the way the exemption is worded does not protect senior citizen housing and there has been no rebuttal to those allegations by any of the speakers who are in opposition to the amendment.

I think the best thing for the committee to do this afternoon is to adopt the amendment of the gentleman from Florida striking the imperfectly worded section out of the bill and then for the Subcommittee on Civil and Unconstitutional Rights to sit down and to craft a piece of legislation that would provide protection for families with children that do not have the flaws that are contained in what we have before us today.

I wish we did not have a motion to strike; I wish we had been able to work this matter out like we worked the enforcement matter out. But that did not happen.

So I hope that we will not make a mistake and pass legislation on this issue with unintended consequences because we will be right back here in a couple of years, after the first couple of court decisions come down, fixing up the unintended consequences.

It is better to do it right the first time. Since we do not have the language to do it right the first time, we should strike the language that is in the bill that is flawed out of the bill and come back and do it right later on this year or the first thing next year.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, I would hope that we would reject the Shaw amendment. I think the Shaw amendment is the most antifamily, antichildren amendment that I have seen in the last years in this Congress. It is aimed directly at enforcing people's rights to discriminate against families with children. I think it fails to take into account the real world. I think it fails to take into account the change of the American landscape with respect to the homeless population, to the advent of single-parent working families. I think it fails to take into account that we are now told by more and more judges throughout this country that children are being placed into foster care simply because their parents are not able to find housing. And much of the reason they cannot find housing is people refuse to rent to them because they have children.

In our hearings in the Select Committee on Children, Youth and Families, we have confronted this issue time and again. One thousand children last year were placed in foster care at an expense of anywhere from $500 to $1,000 a month in the State of New Jersey simply because their par-

ents did not have housing. In Los Angeles County we are told there by judges that more and more children are being placed into foster care because their parents do not have housing. That does not mean that those parents do not love that child, that does not mean that those parents do not want that child to stay with them, that does not mean that the child does not want to stay with the parent; it means because they do not have a house. We split up that family because we do not want the child living on the streets.

Now that is no way to run family policy in this country. When you say, "Why can't you find housing?", the judges will tell you, the social workers will tell you, the family protection people will tell you, the reason you cannot find housing is because people insist on discriminating against these families with children. They say, "You can have this apartment; leave your child somewhere else."

In many counties in this country what that means, that means that your child can go to juvenile hall, it means your child can go to a group home and live with strangers. It does not make a difference if your child is an infant, it does not make a difference if your child is a toddler. The policy is we do not rent to people with children.

The Shaw amendment does not say whether you are a good tenant or a bad tenant. You can be a very, very good tenant and give birth to a child and be thrown out of your apartment. That should not be the policy of this country.

When we see two parties struggling to be profamily, to write planks into their platform so they can present to the American public that they care about average families, about the changing families, then to come along and suggest that we are going to endorse discrimination against the children? Why? They are not protected in the Constitution because they are short? Or because they wear diapers? What have these children done? What is it that these children have done? In most instances, they have the unfortunate fact to be born into a poor family. And when we talk about, as Mrs. MORELLA has talked about the dramatic increase in the homeless, that is families with children, let us remember the increase we are also seeing that many of those families who are homeless, bringing children to the shelters, are families that are working.

They are working every day but they cannot find housing. That should not be a policy that we endorse.

This amendment in fact protects senior citizen villages, senior citizen housing, senior citizen complexes.

What this amendment does not allow you to do is use it as a subterfuge to deny families with children their housing.

We have got to understand that if you vote for the Shaw amendment you are putting the stamp of approval of the Congress of the United States on the discrimination against American families with children. Their sin apparently is that they went out and decided to have a family. And somehow this Congress finds that unacceptable and says that somebody has a private right to discriminate against you because you had a child. Not because you are a lousy tenant, but because you had a child; not because you are unclean, you had a child. That just cannot be in this country in 1988.

Our committee, the Select Committee on Children, Youth and Families has encountered this problem time and again. We have the ability with the passage of this bill as written by this committee, carefully written by this committee, to once and for all say that the policy of the United States of America is that we will treat all alike, will not discriminate because you made a decision to have a child. And we will not continue to force local governments to spend inordinate amounts of moneys to place children in shelters, to place children in juvenile halls, to place children in group homes supported by the Federal Government because somebody chose to discriminate against those children.

I would just hope that we would overwhelmingly, just overwhelmingly, in the name of the children of this country, say that we would defeat the Shaw amendment.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

The gentleman who preceded me in the well whom I respect a great deal is the chairman of the select committee, has made a great deal of sense on most of what is contained in this bill and on the issue of what the policy of this country should be with reference to families and housing and rentals and availability of shelter for children as part of a family unit.

The problem is that the problem is more complex. The problem is that much of what goes on in this country today is selective housing built by developers who are looking to sell to a particular market, not who are wishing to discriminate against anyone because in our free enterprise society they can aim what the build for sale, especially, at a particular target audience. It is not illegal. Not only is it not illegal, we have found it to be a preferable way to go so long as there is no discrimination involved. We have built in those safeguards.

Now the gentleman from California, the chairman of the Select Committee on Children, Youth and Families has given you all the reasons to support what is basic language in this bill and I agree. The difference is the bill also needs a little bit of a change to accommodate the differences in our society, which exist, which are not superficial, which have not been artificially created, which have not been superimposed by somebody else, but have grown up, evolved through the way our society evolves, and never with the intention of discriminating.

Many adult communities in this country today were not designed for families with children and not out of a discrimination basis.

Condominium ownership of apartments and the facilities that are attendant were not designed for, nor desired by, families with children.

The funny part, the unfortunate part about this bill is that they fall under the same, and are hooked in by the same, net of attempting to prevent discrimination. And yet the reality is you will not see families with children going to buy in these units, because, first, many of them cannot afford them. That does not mean the developer was a discriminator because he built the units that might be selling for $80,000, $90,000, or $100,000 in an area where many elderly have already settled; or second, the units are not suitable because they were not designed with families in mind.

But to the proponents of this bill, that makes no difference. Once you have a place where people live, automatically everybody ought to be able to live there.

Well, I agree, assuming that it is practical and feasible for them to be able to do so; not that you have this right, appropriate, idea that there ought to be no discrimination. You cannot make one capable of totally merging with the other in all instances. Many adults who live in adult retirement communities and I am talking mostly about communities where they buy their ownership, are fortunate enough to be able to semiretire, many have fully retired by age 55 and have chosen to live with other adults. They have raised their children, they have had them, they raised them, they loved them. They see them, they come visit, but they choose to live this way. It is a right and a right that we should be protecting and respecting. I am not convinced that the restrictions claimed by the committee report really do exist. The statistics that are being thrown about are rather confusing. For instance, the most quoted statistics come from a 1980 HUD report that found that 25 percent of all rental units did not allow children. I am for that. But the same report indicated that only 4 percent of three-bedroom or larger units are restricted to adults. So while they tell you they will not rent to them, at the same time they are telling you that most of the

units are not suitable for the rental purpose.

The committee report talks about percentage of complexes that differentiate based on familial status.

But the issue here is availability of housing, not percentages of complexes. A complex that is virtually all studios or even one bedrooms may not permit children.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. The simple fact is that such apartments are even not suitable for single parents with even one child. So while you could ascribe discrimination, the reality is it is discrimination based on physical circumstance, not on the desire of someone to actually discriminate or to prevent children from coming out. And nobody has ever yet said that we have to force builders to build units in a certain way.

Before we create an entirely new protected class, we should be certain that we have discrimination against families and not the lack of availability of family suitable apartment units. Again, there is a large distinction and a real problem between lumping family apartment units that are rental and family apartment units that have been purchased through mostly condominium or co-op ownership.

That is why I am particularly pleased that the gentleman from Florida calls for a study of the discrimination based on familial status. If the study finds in fact that families and not rental units are restricted, then I would certainly do what I can to help the gentleman from California achieve those goals which he wants to achieve which are appropriate goals.

I think we all ought to be very careful about wanting to do right in helping one class and at the same time hurting another whole class or doing an injustice to the system that has evolved where people may live as they wish, especially in units that they purchase rather than rent.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the gentleman from Florida.

Mr. Chairman, the gentleman from Florida.

Mr. Chairman, the gentleman from Florida who just spoke I think fairly articulated the entire issue. It is not a question of adopting the Shaw amendment in order to force discrimination, but rather to adopt the Shaw amendment to preserve the rights of senior citizens to live in places of their choosing in a senior citizen status, in a senior citizen setting which they themselves have worked for and desired and intended to live out the remainder of their days.

□ 1400

What the proponents of the bill and the opponents of this amendment seem to be indicating is that the only fair housing that can be guaranteed is to make certain that families with children are permitted to live in senior citizen settings. That is not rational, and it is not one that is generally understood by the American public. Senior citizens who have come to that status, having earned it, also like to live in conclaves with other senior citizens, with their own peers, shall we say, and with their own standing in the community. There is nothing wrong with accommodating that kind of decision by senior citizens.

That is all the Shaw amendment seeks to do. It does not by implication, as the opponents seem to say, discriminate against children. We want to accommodate both families with children and senior citizen couples or single individuals who choose to be in a senior citizen setting. We can do both by adopting the Shaw amendment.

On the one hand, the Shaw amendment will allow freedom of choice by senior citizens, and the remainder of the Fair Housing Act that is proposed here will accommodate the families with children.

I think we can all win a joint battle here if we adopt the Shaw amendment. We would not be succumbing or surrendering to some form of discrimination if we adopt the Shaw amendment. We would simply be accommodating another segment of our society, the senior citizens who seem to want predominately to live in communities with other senior citizens. By failing to adopt the Shaw amendment, we are signaling the end of the possibility of developers working with senior citizen groups to plan a community to go where senior citizens would be given this peer type of development.

Mr. Chairman, we are going to signal the end of planning for senior citizen communities if we reject the Shaw amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been sitting here listening to the debate, and I must admit that I have gotten awfully confused. I would like to ask a couple of questions, if I may, because I gather that the Shaw amendment deals with some language problems in a way, but it seems to me that I am uncomfortable with the way in which it is doing it.

As I understand the Shaw amendment, it goes to section 5 which strikes discrimination based on familial status; is that correct?

Mr. SYNAR. Mr. Chairman, if the gentleman will yield, let me suggest that he ask the gentleman from Florida [Mr. SHAW]. It is his amendment.

Mr. WALKER. All right. The amendment goes to section 5 where the gentleman strikes all the language with regard to familial status; is that correct?

Mr. SHAW. Mr. Chairman, if the gentleman will yield, the gentleman is correct.

Mr. WALKER. So that is the thing we are striking. So under that language we would no longer have the question with regard to discrimination; we would not have that particular exemption if this amendment is adopted. But then, if I understand it, the Members who are against the gentleman's amendment basically takes us back to page 10 where there are exemptions written in providing for senior citizen housing; is that correct?

Mr. SHAW. Yes. If the gentleman will yield, the gentleman is correct. The committee did try to exempt senior citizen housing, but they missed. That is the problem I have with the legislation. I do not have any problem with the question of familial status except that it kills senior citizen housing.

Mr. WALKER. All right. I guess my question is, why are we knocking out familial status in order to deal with that problem. Why not clean up the language? Why not have an amendment to clean up the language on pages 10 and 11, then?

Mr. SHAW. Mr. Chairman, I would tell the gentleman that if he could come up with language that would do that, I would support the gentleman. The problem, though, is that it is very difficult. The reason the committee failed to exempt senior citizen communities is not because they wanted to fail; they did it because it is a very difficult task.

Mr. WALKER. Mr. Chairman, let me say to the gentleman that as far as the senior citizen housing which is in my district is concerned, it seems to me the exemptions we have in here hit it pretty. It says that 90 percent has to be occupied by at least one person 55 years of age or older per unit. That seems to cover it pretty well.

Mr. SHAW. Mr. Chairman, if the gentleman will continue to yield and if he would continue to read the language, it says, "and providing significant facilities and services specifically designed to meet the physical or social needs of such persons."

Mr. WALKER. Significant facilities and services, that is right.

Mr. SHAW. Mr. Chairman, I would submit to the gentleman that people of the age of 55 may not need such facilities. I am getting very close to that age myself, and I do not think I need any particular facilities or services. I

do not think that most people of that age do.

The problem is a question of drafting. The gentlewoman from Colorado said a few minutes ago, well, if certain circumstances happened where somebody fell through the cracks because they didn't meet the percentage requirements any more, she would like to have that case because she would win it. She might very well win it because the court, I think, would look at this legislation and say that this is nonsense.

Mr. WALKER. I understand that, but what I am saying to the gentleman is that my guess is that most of the places to which he is referring and which we try to protect do, in fact, provide those physical and social services to meet those needs. The ones I am familiar with do.

Mr. SHAW. Mr. Chairman, will the gentleman yield further to me on that?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SHAW. I submit to the gentleman that there is a community in Arizona called Sun City which has a population of 48,000, and they would not meet these requirements here.

Mr. WALKER. I do not know the community, but my understanding of that community is that they have recreation centers that meet the social need of the residents of the community.

Mr. SHAW. But they are not specific needs. They are not specific senior citizen needs.

Mr. WALKER. It does not say specifically these are senior citizen needs. It does not say it has to meet the needs of each citizen. It is a fairly general provision.

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, let me just say that every so often the gentleman from Pennsylvania hits the target, and he has hit the target here in the last 5 minutes. I think the gentleman is making the case for us that we have been trying to make, that the language in the bill specifically meets the concerns of the gentleman from Florida.

Mr. WALKER. Let me ask the gentleman about one thing that I have a little bit of a problem with in this language. I just want to clarify it because I think I agree with where the gentleman is going.

It says here that this only applies with respect to "dwellings provided under any State or Federal programs specifically designed and operated to assist elderly persons."

Does that mean that if a facility was privately built, it would not be covered under this particular provision, under this examination?

Mr. SYNAR. Mr. Chairman, I have been specifically informed by the gentleman from California [Mr. EDWARDS] that it would indeed be covered. The private facilities would be covered.

Mr. WALKER. Private facilities are still covered under this provision?

Mr. SYNAR. That is right.

The CHAIRMAN pro tempore (Mr. OLIN). The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. So if we have a senior citizen complex that was paid for purely by people who put it up on a for-profit basis but it provided for the physical and social needs of people and was occupied by at least one person in each unit 55 years or older, it would still be covered under this exemption; is that correct?

Mr. SYNAR. That is correct.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Shaw amendment, which would strike the provisions of the Fair Housing Amendments Act extending protection from housing discrimination to families with children under the age of 18.

To oppose the amendment is to support the American family. We need laws protecting American families; we do not need a study. We already know that families with children trying to rent experience discrimination. A recent national survey conducted by HUD found that 75 percent of rental units either excluded or restricted families with children. In my State of California, almost 40 percent of landlords surveyed in 11 major California cities excluded children or imposed discriminatory restrictions.

Families now represent about a third of the homeless population nationwide, and that proportion is rising. It is outrageous that every day, families cannot rent housing only because they have children.

I urge my colleagues to support this bill without weakening amendments such as the Shaw amendment. H.R. 1158 would prohibit discrimination against families with children, and, at the same time would protect the rights of owners and landlords by allowing them to reject anyone who is not otherwise qualified to rent. For example, a landlord could legally refuse to rent to a family with bad credit history.

This bill also fully protects the rights of senior citizens to live in retirement communities, excluding families with children if they choose to do so.

Mr. Chairman, when I first moved to San Francisco, I experienced this discrimination against families with children firsthand. I had four small children and we were unable to find rental housing solely because we had children. Many, many families are not in the position to buy a home when they are unable to rent.

This bill is carefully crafted to protect American families, without placing an undue burden on owners and landlords. I urge my colleagues to oppose this amendment and to support final passage of this important bill.

Mr. DELLUMS. Mr. Chairman, I strongly support H.R. 1158, the fair housing amendments, and urge my colleagues to support the bill and oppose all floor amendments whose only effect would be to weaken this critical bill.

Despite the passage 20 years ago of the Fair Housing Act of 1968, housing discrimination and housing segregation, tragically, are still the reality today.

The Fair Housing Act of 1968 prohibited discrimination in the sale or rental of housing on the basis of race, color, religion, or national origin. Unfortunately, it was a law without teeth. The two principal enforcement mechanisms of the act—private lawsuits by persons alleging discrimination, and lawsuits filed by the Department of Justice where a "pattern or practice" of housing discrimination is found to exist—have proven to be grossly insufficient. Individual lawsuits require both time and money, neither of which are generally available to victims of discrimination. The Department of Justice administrative mechanisms offer no relief to individual discrimination victims. Moreover, they tend to take many years to reach resolution.

This bill provides the first real mechanisms to enforce the Fair Housing Act. On this basis alone it deserves support. Additionally, this bill greatly expands the breadth of the law by outlawing discrimination on the basis of disability or age and "familial status." These expansions are of major importance.

In expanding current law to prohibit discrimination on the basis of disability, the bill not only makes a firm statement outlawing such discrimination, it also requires certain new multifamily construction to meet minimal standards to ensure access and use by many disabled persons. In addition, it prohibits more sophisticated forms of discrimination by requiring landlords to provide disabled persons an equal opportunity to use the dwellings, including reasonable modification of the premises at the tenants' expense.

The age discrimination provisions of this bill are particularly important. First, discrimination against families with children is antithetical to protecting our country's most previous resource, our children. We must do everything possible to increase the opportunity for our children to live in good and decent housing. Many studies have shown that discrimination against children results in children too often living in substandard and overcrowded housing and contributes to the growing crisis of homelessness among families with children.

Second, while age discrimination may be qualitatively different from discrimination based on race, we should note that age-based discrimination is often used as a smokescreen to exclude minorities from housing. While not all age restrictions are racially motivated, the impact of such policies is statistically more likely to affect minority households. Moreover, adult only housing tends to be located in newer development areas which are predominantly white areas. The net result of such policies is to force minority households with children into existing ghettoes thus reinforcing racially segregated housing.

For these reasons, I urge my colleagues to defeat the Shaw amendment and to pass H.R. 1158.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Florida [Mr. SHAW].

The question was taken; and (on a division demanded by Mr. SHAW) there were—ayes 14, noes 19.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 289, not voting 26, as follows:

[Roll No. 201]

AYES—116

Applegate	Hefley	Petri
Archer	Herger	Quillen
Armey	Hiler	Rhodes
Badham	Holloway	Ridge
Baker	Hopkins	Roberts
Ballenger	Huckaby	Roth
Barnard	Hunter	Russo
Bartlett	Inhofe	Saxton
Barton	Ireland	Schaefer
Bateman	Johnson (SD)	Schulze
Bentley	Kanjorski	Sensenbrenner
Bilirakis	Kolbe	Shaw
Brown (CO)	Kolter	Shumway
Burton	Kyl	Shuster
Byron	Leath (TX)	Skeen
Callahan	Lewis (FL)	Slaughter (VA)
Chappell	Lightfoot	Smith (FL)
Cheney	Lipinski	Smith (TX)
Clinger	Livingston	Smith, Denny (OR)
Coble	Lott	
Combest	Lujan	Smith, Robert (NH)
Courter	Lukens, Donald	
Craig	Lungren	Smith, Robert (OR)
Crane	Mack	
Darden	Madigan	Solomon
Daub	Marlenee	Stangeland
DeLay	McCandless	Stenholm
Dickinson	McCollum	Stump
Dornan (CA)	McCrery	Swindall
Dreier	McMillan (NC)	Tauzin
Fawell	Meyers	Taylor
Fields	Michel	Thomas (GA)
Gallegly	Miller (OH)	Upton
Gaydos	Molinari	Vander Jagt
Gekas	Mollohan	Vucanovich
Goodling	Moorhead	Whittaker
Gunderson	Nielson	Wortley
Hall (TX)	Packard	Yatron
Hammerschmidt	Parris	Young (FL)
Hansen	Pease	

NOES—289

Ackerman	Brooks	Davis (MI)
Akaka	Broomfield	de la Garza
Alexander	Bruce	DeFazio
Anderson	Bryant	Derrick
Andrews	Buechner	DeWine
Annunzio	Bunning	Dicks
Anthony	Bustamante	Dingell
Aspin	Campbell	DioGuardi
Atkins	Cardin	Dixon
AuCoin	Carper	Donnelly
Bates	Carr	Dorgan (ND)
Beilenson	Chandler	Downey
Bennett	Chapman	Durbin
Bereuter	Clarke	Dwyer
Berman	Clay	Dymally
Bevill	Clement	Dyson
Bilbray	Coats	Early
Billey	Coelho	Eckart
Boehlert	Coleman (MO)	Edwards (CA)
Boggs	Coleman (TX)	Edwards (OK)
Boland	Collins	Emerson
Bonior	Conte	English
Bonker	Conyers	Erdreich
Borski	Cooper	Espy
Bosco	Coughlin	Evans
Boucher	Coyne	Fascell
Boxer	Crockett	Fazio
Brennan	Davis (IL)	Feighan
Fish	Lewis (GA)	Rostenkowski
Flake	Lloyd	Roukema
Flippo	Lowery (CA)	Rowland (CT)
Florio	Lowry (WA)	Rowland (GA)
Foglietta	Luken, Thomas	Roybal
Foley	Manton	Sabo
Ford (MI)	Markey	Saiki
Frank	Martin (IL)	Savage
Frost	Martin (NY)	Sawyer
Gallo	Martinez	Scheuer
Gejdenson	Matsui	Schneider
Gephardt	Mavroules	Schroeder
Gibbons	Mazzoli	Schuette
Gilman	McCloskey	Sharp
Gingrich	McCurdy	Shays
Glickman	McDade	Sikorski
Gonzalez	McEwen	Sisisky
Gordon	McGrath	Skaggs
Gradison	McHugh	Skelton
Grandy	McMillen (MD)	Slattery
Grant	Mfume	Slaughter (NY)
Gray (IL)	Miller (CA)	Smith (IA)
Green	Miller (WA)	Smith (NE)
Guarini	Mineta	Smith (NJ)
Hall (OH)	Moakley	Snowe
Hamilton	Montgomery	Solarz
Harris	Morella	Spratt
Hastert	Morrison (CT)	St Germain
Hatcher	Morrison (WA)	Staggers
Hawkins	Mrazek	Stallings
Hayes (IL)	Murphy	Stark
Hayes (LA)	Myers	Stokes
Hefner	Nagle	Stratton
Henry	Natcher	Studds
Hertel	Neal	Sweeney
Hochbrueckner	Nelson	Swift
Horton	Nichols	Synar
Houghton	Nowak	Tallon
Hoyer	Oakar	Tauke
Hubbard	Obey	Thomas (CA)
Hughes	Olin	Torres
Hutto	Owens (NY)	Torricelli
Jacobs	Owens (UT)	Towns
Jeffords	Oxley	Traficant
Jenkins	Panetta	Traxler
Johnson (CT)	Pashayan	Udall
Jones (NC)	Patterson	Valentine
Jones (TN)	Payne	Vento
Jontz	Pelosi	Visclosky
Kaptur	Penny	Volkmer
Kasich	Pepper	Walgren
Kastenmeier	Perkins	Walker
Kennedy	Pickett	Watkins
Kennelly	Pickle	Waxman
Kildee	Porter	Weber
Kleczka	Price	Weiss
Kostmayer	Pursell	Weldon
Lagomarsino	Rahall	Wheat
Lancaster	Rangel	Williams
Lantos	Ravenel	Wilson
Latta	Regula	Wise
Leach (IA)	Richardson	Wolf
Lehman (CA)	Rinaldo	Wolpe
Lehman (FL)	Ritter	Wyden
Leland	Robinson	Wylie
Lent	Rodino	Yates
Levin (MI)	Roe	Young (AK)
Levine (CA)	Rogers	
Lewis (CA)	Rose	

NOT VOTING—26

Biaggi	Gray (PA)	Murtha
Boulter	Gregg	Oberstar
Brown (CA)	Hyde	Ortiz
Dannemeyer	Kemp	Ray
Dellums	Konnyu	Schumer
Dowdy	LaFalce	Spence
Ford (TN)	MacKay	Sundquist
Frenzel	Mica	Whitten
Garcia	Moody	

□ 1432

The Clerk announced the following pair:

On this vote:

Mr. Frenzel for, with Mr. Boulter against.

Messrs. KENNEDY, GRAY of Illinois, DYMALLY, LATTA, SWIFT, and WEBER changed their votes from "aye" to "no."

Mr. KOLTER, Mrs. BYRON, and Mr. WORTLEY changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 1158, the Fair Housing Amendments of 1988. An an original cosponsor of H.R. 1158, I would like to say that this bill will go a long way in strengthening enforcement procedures against those persons who violate our Nation's fair housing laws. The bill also expands the categories of persons protected by Federal fair housing laws to include disabled persons and families with children.

In addition to these protections, an amendment proposed by Representative HAMILTON FISH, Jr. will allow any party involved with a fair housing suit to opt for a jury trial in a district court shortly after the Secretary of HUD issues a charge of discrimination. This amendment will permit expeditious and effective enforcement of our Nation's fair housing laws without violating an individual's right to a jury trial.

Title VIII of the Civil Rights Act of 1968, as amended, has helped to provide our Nation with the ammunition it needs to fight discrimination in the sale, rental, or financing of housing. Despite the fact that our Nation has made modest gains in fighting discrimination through the enforcement of current laws, much work remains to be done.

Many of our Nation's children, disabled, and minority persons continue to live in substandard and segregated housing. While part of this phenomenon is directly attributable to the lack of affordable housing for low- and moderate-income persons, the Department of Housing and Urban Development has found that unlawful discrimination against minorities, and other groups has contributed greatly to creating the current patterns of housing segregation.

Related studies reveal that segregated housing conditions are pervasive within many of our Nation's communities. Consider, for exampe, reports which suggest that in at least 28 major cities, over 80 percent of blacks or of whites would have to relocate in order to achieve perfect integration. Consider also that a national study conducted by the Department of Housing and Urban Development has found that 75 percent of those rental units surveyed either exclude or restrict children. This type of restriction makes it even more difficult for minority, disabled, and low-income persons, who already face limited access to our Nation's housing supply, to find housing which is both affordable and suitable for the raising of their children.

Mr. Chairman, it is absolutely deplorable that many of our Nation's citizens cannot obtain housing because of the color of their skin, sex, familial association, ancestry, or physical condition. This bill will help to send a message across the Nation, loud and clear, that such conduct will not be tolerated. Moreover, it takes us one step closer to achieving the goal of providing decent homes and suitable living conditions for all Americans. There-

fore, I ask my colleagues to join me in supporting the passage of H.R. 1158.

Ms. PELOSI. I rise in support of H.R. 1158, the Fair Housing Amendments Act of 1988.

This act represents a particularly important step forward because it extends the protection of the Fair Housing Act to people with disabilities. All people with disabilities, including people with epilepsy, people with AIDS or people infected with the human immunodeficiency virus-HIV, the AIDS virus—would be covered under the three-part definition of handicap adopted in this bill. This three-part definition of handicap is under section 504 of the Rehabilitation Act of 1973, as the committee report accompanying this bill notes and has been evident in recent cases, such as local 1812 versus Department of State and Ray versus DeSoto County. Such coverage has been essential in section 504 and it is critical that the bill before us extends that same protection in private housing to individuals with AIDS and with HIV infection.

I specifically want to mention one amendment adopted by the Judiciary Committee concerning the coverage of handicapped persons, including those with contagious diseases and infections. The amendment provides that individuals with such handicaps are protected under the statute unless their tenancy would pose a direct threat to the health or safety of others. This amendment is consistent with current standards under section 504 of the Rehabilitation Act of 1973, as we recently reaffirmed in the Civil Rights restoration Act of 1988. These acts require that handicapped individuals must be "otherwise qualified" for the jobs they seek in order to be protected from employment discrimination. As the Supreme Court made clear in the recent case of School Board of Nassau County versus Arline, a person with a contagious disease is not otherwise qualified for employment purposes if that person poses a significant risk of communicating an infectious disease to others in the workplace and the risk cannot be eliminated by reasonable accommodation. The committee amendment to the Fair Housing Amendments Act now applies the basic standard and approach articulated in Arline to housing discrimination as well.

Some people today are unnecessarily concerned that they could be required to rent or sell housing to individuals with handicaps who pose a direct threat to the health or safety of their neighbors. The law imposes no such requirement. A person whose ternancy would directly threaten the health or safety of others, by reason of any handicap, is not "otherwise qualified" for housing and is not protected by this act from denial of housing on those grounds. Of course, I should note that it is extremely unlikely that such a risk would ever exist. Certainly, with regard to AIDS and HIV infection, the current medical evidence is clear that no significant risk of transmission exists in the housing context.

People with contagious diseases and infections, such as people with AIDS or people infected with HIV are subject to intense and irrational discrimination. I am pleased that this legislation makes clear that such individuals are protected from unjustified discrimination in housing. By codifying the "otherwise qualified" requirement of section 504 in this respect, we are simply extending the law that now applies to employment, housing, and services by the Government and its contractors to the private sector. I urge my colleagues to support this bill and to oppose all weakening amendments.

Mr. MFUME. Mr. Chairman, I join my colleagues in strong support of H.R. 1158, the Fair Housing Act Amendments of 1987. I commend my colleagues, Mr. EDWARDS of California and Mr. FISH of New York, for their hard work and leadership on this important legislation.

Since the enactment of the Federal Fair Housing Act 20 years ago, small gains have been made in the area of equal housing for all. Today, many Americans are faced with the disheartening fact that discriminatory housing practices still exist in our Nation.

According to a Department of Housing and Urban Development [HUD] survey, minorities seeking to purchase a house in a metropolitan area stands a 48-percent chance of encouraging discrimination and a 72-percent chance when seeking rental housing. Further, 25 percent of rental housing was unavailable to families with children.

Although title VIII of the Civil Rights Act of 1968 prohibits discrimination in the sale, rental, or financing of housing based upon race, color, religious, national origin, or sex. Our goal of providing equal opportunity and fair housing to everyone has not been fully realized.

The most serious obstacle to reaching this goal is the lack of adequate enforcement provisions in the law. Today, we have the opportunity through H.R. 1158 to strengthen the law by extending administrative and judicial remedies. In addition, H.R. 1158 will expand the scope of protection against discrimination in housing—a long overdue affirmative of the rights of over 36 million disabled citizens and families with children, particularly those families with single parents.

Mr. Chairman, let us act accordingly today and ensure that those rights provided by the Federal Fair Housing Act are afforded to all Americans and properly administered. Today's hopes for fair housing must become tomorrow's reality.

Mr. MICA. Mr. Chairman, I am pleased to have the opportunity to speak before you in support of the Fair Housing Amendments Act of 1988. This is an historic opportunity, and I want to praise all of the parties involved in the compromise agreement. Prior to today, Congress has not been able to amend the Fair Housing Act since it was first enacted in 1968.

The Committee on the Judiciary, and its Subcommittee on Civil and Constitutional Rights, have worked long and hard to fashion this bill. They deserve credit for their perseverance, despite the intense public debate that occurred on various controversial provisions within the bill.

I particularly hail an agreement reached early this week between the National Association of Realtors and the Leadership Conference on Civil Rights. These organizations have seen a way to rise above their differences in the interests of fair housing, and have worked together representing wider business and civil rights interests.

I am in strong support of the Fish amendment, which is deserving of our support. This amendment has come into existence as the result of this great compromise.

Despite provisions within the original legislation of 1968 preventing discrimination, housing discrimination is wide spread within our country. The Fair Housing Amendments Act will provide the Federal Government with enforcement powers to respond to housing discrimination complaints filed with the Department of Housing and Urban Development. This enforcement mechanism must be instituted in order to strengthen the original intention of this act.

Central to this agreement is a provision allowing those people who have been the victims of discrimination and those who are being accused of wrongful action, to choose between pursuing the action in front of an administrative law judge or in Federal district court. Parties can have the matter reviewed in front of an administrative law judge who will operate within the Department of Housing and Urban development or in Federal district court, where cases will be reviewed in front of a jury. This provision will protect the rights of our citizens as guaranteed under the seventh amendment. The legislation authorizes HUD to sue violators of the bill on behalf of the discrimination victims.

The Fair Housing Amendments Act is supported by a wide coalition of organizations, both business groups and civil rights groups. I am proud to add my name to those supporting this historic legislation. It is necessary that we work together to improve the housing situation for all of our citizens, and the Fair Housing Amendments Act is a means to achieving this goal.

Mr. JEFFORDS. Mr. Chairman, I rise in strong support of H.R. 1158, the Fair Housing Amendments Act of 1988. The development of this legislation offers an example of our system of government at its best. I would like to commend the members of the Judiciary Committee for their hard work on this legislation.

The committee heard testimony from many different points of view and struggled mightily to craft a compromise that would be acceptable to all. H.R. 1158 meets this challenge. It is to the bill's credit that it has been endorsed by the national organizations representing the homebuilders, the realtors, civil rights activists, and advocates for handicapped, and elderly Americans.

This consensus-building approach was particularly evident in the development of the provisions governing enforcement procedures and requirements for accessibility of new multifamily housing units. These provisions have been agreed upon after months of deliberation and deserve our strong support.

Perhaps I am most familiar with the aspects of H.R. 1158 regarding discrimination against handicapped individuals and I would like to take a few moments to discuss these provisions. The bill adds a prohibition of discrimination prohibited under the Fair Housing Act. This is a critical addition, since discrimination against people with disabilities is a serious problem in our country.

Ignorance, prejudice, and unfounded fears cause some providers of housing to be reluctant to rent or sell their housing units to

people with disabilities. In other instances, physical barriers such as steps, narrow doorways, and inaccessible bathrooms deny people with disabilities access to housing that would otherwise be appropriate and available. Because of such discrimination, people with disabilities are often unable to obtain suitable housing or have extremely limited options on where they will live.

In addressing discrimination on the basis of handicap, H.R. 1158 establishes some reasonable and straightforward requirements. In general, it prohibits discrimination against people because of their handicaps, the handicaps of their tenants or residents, or the handicaps of their friends, relatives, or other associates. It applies to the refusal or denial to rent or sell a dwelling because of an individual's handicap, as well as discrimination in the terms, conditions, or privileges associated with the sale or rental of a dwelling.

I am pleased that the bill preserves the three-part definition of handicap that has been used for over 15 years under the Rehabilitation Act of 1973. Under this definition a broad range of people with disabilities, such as individuals who use wheelchairs, who have epilepsy or cancer, who are suffering from AIDS, or who have any other disabling condition, would be covered under the protections offered by the act.

Because there has been some concern expressed about the coverage of people with AIDS, I would like to use some of my time to explain why people with AIDS are covered. People infected with the AIDS virus [HIV] could be covered if it is determined that they have a physical impairment which substantially limits a major life activity or they are regarded as having such an impairment. Coverage of HIV-infected persons was recently reaffirmed by Congress in an amendment to the Civil Rights Restoration Act where Congress included people with "contagious diseases or infections" under coverage of section 504 of the Rehabilitation Act of 1973. Protection against discrimination based on HIV-infection have also been recommended by Surgeon General C. Everett Koop and the Presidential Commission on the Human Immunodeficiency Virus Epidemic.

I would point out that the Judiciary Committee added a provision to H.R. 1158 stating that nothing in the act requires a dwelling be made available to an individual whose tenancy constitutes a direct threat to the health or safety of others. As the ranking minority member of the committee with jurisdiction over section 504, I can say that this concept has been a longstanding part of that law's requirement that individuals with handicaps must be "otherwise qualified" under the statute.

The report accompanying this bill notes that the Judiciary Committee drew on established case law under section 504 in developing this amendment, including the Supreme Court's recent decision in School Board of Nassau County versus Arline. Thus, for example, a person with a contagious disease or infection would be covered unless that individual's tenancy posed a significant risk of transmission of the infection. While it is doubtful that such significant risks will ever be present in the case of people with handicaps, I believe that this amendment is useful in alleviating any concerns that individuals may have.

Again, I rise in support of this legislation and urge its immediate passage.

Mr. GARCIA. Mr. Chairman, I rise in strong support of H.R. 1158, the Fair Housing Amendments to the Civil Rights Act of 1968. I want to commend Chairman EDWARDS, the Subcommittee on Civil and Constitutional Rights and the Judiciary Committee for their hard work and dedication that allowed this measure to come to the floor. Those of us with a large home constituency of blacks and Hispanics have followed this legislation carefully and urge all Members to vote in favor of this landmark revision of the law prohibiting discrimination in the housing market.

This bill makes three important changes in the current law. First, it extends the protection of the fair housing laws to families with children under the age of 18 and to handicapped individuals. Today, a significant number of low- and moderate-income families face barriers in the housing market. This is particularly troublesome during the current shortage of affordable housing. Because of the shortage and the high cost of housing relative to income, many families live on the edge of homelessness. Handicapped individuals have experienced a similar housing crisis. The additional burden of discrimination is outrageous and should not be tolerated.

The second important change made by this bill is the enforcement provisions. Under current law, HUD is limited to investigating complaints and engaging in conciliation efforts on behalf of aggrieved renters and home buyers. Enforcement is often left to the individual's initiative, many of whom are unable to afford the high cost of private lawyers. H.R. 1158 would authorize HUD to enforce the law before an administrative law judge or at the request of either party before a jury in Federal district court. This represents the result of a true bipartisan effort and a significant step forward toward eliminating unlawful discrimination in the housing market.

The third change in the law allows the administrative law judge to levy fines of $10,000 for the first violation, $25,000 for a second violation within a 5-year period, and $50,000 for a third violation within a 7-year period. Federal district court judges will be able to award compensatory damages, injunctive relief, and punitive damages as provided under current law. The measure removes the ceiling on punitive damages, extends the statute of limitations, and removes the financial need requirement for the award of attorney's fees. In cases of pattern or practice for housing discrimination, the bill allows the Justice Department to seek substantial civil penalties against violators. Orders of administrative law judges to be appealed to Federal court of appeals just as orders of Federal district courts may be appealed.

I take a particular interest in this legislation because minority groups, including blacks, Hispanics, and Asian Americans continue to live in substandard and overcrowded housing concentrated in inner city communities and segregated neighborhoods. Certainly the inadequate supply of affordable housing partly explains this fact. But the inadequate housing stock or the prevalence of low income levels among these minority groups is not the sole factor. The unacceptable patterns of residential segregation that exit all across this country are in large part a result of an underlying discrimination against racial and ethnic minorities.

I would like to digress one moment to emphasize the housing crisis faced by families with children. There is an amendment to delete this protective provision from the bill. I feel very strongly that these families need this special protection and therefore urge my colleagues to preserve the original language of the bill. Single family households constitute a significant part of the low-income households today. Most of these are female headed households. The circumstances that these families find themselves in is tragic enough. Many mothers, particularly the increasing number of young mothers, take low paying jobs and leave their children at day care centers or at home with friends, or leave their school age children unattended at home after school. The additional burden of discrimination forces the single parents to seek less desirable locations and accommodations and significantly interferes with the task of supporting a family and raising growing children.

It is also important to recognize the hurdles faced by handicapped individuals in the housing market. This measure addresses these special problems by requiring all new construction of multifamily housing of more than four units to meet minimal standards for accessibility. The new standards include making hallways and doorways wide enough and making kitchens and bathrooms large enough for wheelchairs, and providing for the installation of appropriate facilities. The bill also requires reasonable modification of existing premises if necessary for handicapped occupancy. The bill does not extend these protections to drug abusers and addicts or to any person whose tenancy would constitute a threat to the health and safety of other residents.

Let me conclude by saying that discrimination of any kind is unacceptable, and within the context of housing, it is shameful. People must have the full opportunity to choose where and under what circumstances they will live. The home and neighborhood is of significant importance to the development of families and the growth of children. The location of housing determines the quality and level of services and more than any other single factor allows families to make the gains over time that is such a large part of the American dream of success and mobility. Neither the color of one's skin, nor the size of one's family, nor the condition of one's body should determine the choice in quality and location of one's home. Strong, enforceable fair housing laws are a necessary part of our national housing policy. It is most appropriate that we take up this measure during a time of heightened awareness of the Nation's housing needs. The goal of providing a decent home and suitable living environment for every American family can be fulfilled only with a full commitment to both fair and affordable housing for all. For these reasons, I support passage of H.R. 1158 and urge my colleagues to do the same.

Mr. RANGEL. Mr. Chairman, the perpetuation of large-scale housing discrimination that continues to exist in our country is a national disgrace, and an evil that should be erased from the American way of life.

The main reason for this tragedy is the fact that the Fair Housing Act of 1968 did not provide any effective enforcement mechanisms. Today, however, the House has a chance to correct this injustice by voting for H.R. 1158, as amended by Representative FISH.

This amendment provides HUD with the authority, for the first time, to enforce the Fair Housing Act. Under the current law, HUD can only attempt to reconcile discrimination through conciliation. H.R. 1158 would authorize HUD to either prosecute cases before the administrative law judges or in Federal district court if either party so requests.

Mr. Chairman, it is abundantly clear that the Fair Housing Act of 1968 is simply not working, and is in need of enforcement mechanisms. Unlawful housing discrimination is still widespread. In fact, the most recent study HUD estimates that 2 million cases of housing discrimination occur each year. Furthermore, one HUD-commissioned study, covering 3,000 brokers and rental agents in 40 metropolitan areas, found that black families looking for a home to buy stand a 48-percent chance of encountering discrimination. Blacks looking for a place to rent have a 72-percent chance of encountering discrimination. Clearly, something needs to be done.

H.R. 1158 would also add two new classes to those already protected from the discriminatory practices under the present Fair Housing Act—persons with handicaps and families with children. I believe these provisions are essential to any meaningful fair housing legislation.

Disabled in America, of whom there are 36 million, continue to be excluded from large segments of the housing market. This bill would ensure that these individuals will no longer be subject to discrimination because of fears and prejudices. H.R. 1158 rejects the approach of excluding any category of individuals with disabilities from the act, with the exception of current illegal users or addicts of controlled substances. Instead the bill includes a specific provision, paralleling that added to the Civil Rights Restoration Act, that individuals who pose a great threat to the health of others are not protected.

The familial status provisions of H.R. 1158 are desperately needed. In the most recent national survey, HUD found that 75 percent of the rental units either exclude or restrict families with children. The result is that children are often living in substandard or overcrowded housing. In addition, housing discrimination contributes to the growing crisis of homelessness among families.

Mr. Chairman, it is time we correct this longstanding injustice, and give our support to this crucial piece of civil rights legislation.

Mr. GONZALEZ. Mr. Chairman, I am pleased to rise in support of H.R. 1158, the Fair Housing Amendments Act of 1988. In the many years that I have spent in this distinguished body, I have sponsored and supported legislation to enable minority Americans to enjoy the opportunities that are the promise of our society. Today we are finally extending the protections of the Fair Housing Act of 1968 to others in our Nation who are just as deserving of the promise of decent housing—people with disabilities and families with children.

Many of the problems experienced by Americans with disabilities today in obtaining housing are not the result of their inability to live in the community or their physical or mental disabilities, but rather result from the false perceptions and prejudices others hold about these disabilities. As the authors of "Disabled People as Second Class Citizens"—Eisenberg, Griggins and Duval—have told us:

Being disabled means being treated by the world as someone different, abnormal, inferior. It means people shying away from you, pitying you or rejecting you completely. It means trouble finding a job or a decent place to live. It oftens means living at the poverty level or going on welfare. It means discrimination.

Housing discrimination against families with children and people with disabilities is a pervasive problem today. Many disabled Americans are barred from living where they choose because of old-fashioned prejudice. Others are excluded because of physical barriers. Whatever the reason, American society has effectively told disabled Americans that they are not welcome in our communities. Families with children face similar discrimination. The fastest growing segment of our homeless population are families with children. In many communities, adult-only apartments predominate. Even with the assistance of Federal rental certificates, many families are denied accommodation by private building owners.

Simply, what this means is, for the Americans who already have the most to deal with, housing is the hardest to find. Some social service agencies report that, for every wheelchair-accessible apartment available, there are 50 clients in need. In some places, a wait of 2 to 4 years for usable housing is commonplace. Many families with children are desperate to find decent housing they can afford.

Another dimension of this problem comes at the other end of the cycle, not in finding the housing, but in being forced to leave. This problem especially plagues our disabled elderly when their disability worsens, and they can no longer negotiate steps, or fit the new wheelchair into the bathroom.

There is an enormous human cost, an emotional cost, when elderly persons are uprooted from their home communities and placed in other, often more institutionalized settings. Gone is the relationship with the corner grocer, the local church, neighbors and friends. This is unnecessary isolation.

The provisions of this bill are very fair—they are fair to the housing industry, they are fair to the disability community, they are fair to families with children. America was built on the premise that anyone could participate fully in society. This bill ensures that in the future we will have communities where all Americans can live without fear of discrimination.

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent to return to section 6 for the purpose of offering an amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM: Page 7, strike out line 3 and all that follows through line 3 on page 8 and insert in lieu thereof the following:

"(C) a failure to design and construct multifamily dwellings, constructed for first occupancy after the date that is 30 months after the date of enactment of the Fair Housing Amendments Act, in such a manner that—

"(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons; and

"(ii) at least 10 percent of such dwellings (but not less than one unit) are, or can be adapted to be, accessible to and usable by handicapped persons, as required by the Uniform Federal Accessibility Standards adopted pursuant to the Architectural Barriers Act of 1968.

Page 8, line 8, strike out "(3)(C)(iii)" and insert in lieu thereof "(3)(C)(ii)".

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

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

Mr. EDWARDS of California. Mr. Chairman, we have no objection to the amendment on this side.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman.

Mr. EDWARDS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PANETTA] having assumed the chair, Mr. OLIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1158) to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes, had come to no resolution thereon.

□ 1435

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I asked for this 1 minute for the purpose of inquiring of the majority whip the program for next week.

Mr. COELHO. Mr. Speaker, will the distinguished gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. I would be happy to yield to my friend the majority whip.

Mr. COELHO. Mr. Speaker, as the membership knows, there will be no more votes today, and tomorrow the House will not be in session.

On Monday, June 27, 1988, the House will meet at noon and there will be nine bills under suspension. They are:

H.R. 4612, Federal Employees Liability Reform and Tort Compensation Act;

H.R. 4726, to designate the Dan Daniel Post Office in Danville, VA;

H.R. 4065, Federal Energy Management Improvement Act;

H.R. 4604, International Energy Agency extension;

H.R. 3893, to amend the Toxic Substances Control Act relating to asbestos in the Nation's schools;

H.R. 4101, Telemarketing Fraud Prevention Act;

H.R. 4503, Community and Migrant Health Centers Amendments of 1988;

H.R. 1841, Fishing Vessel Compensation Safety Act Amendments; and

H.R. 4030, to strengthen certain Fish and Wildlife laws.

We will not have any votes on Monday, June 27.

On Tuesday, June 28, we will meet at noon and bring up first the District of Columbia appropriations followed by the Department of Transportation appropriation and then we will have recorded votes on suspensions that were postponed from Monday, June 27.

The membership should be alerted that Tuesday night could well be a late night. I will repeat, as a result of the two appropriations bills and the votes from suspensions debated on Monday, Tuesday night could well be a late night.

On Wednesday, June 29, the House will meet at 10 a.m. and we will consider the Plant Closing Notification Act, assuming that the Senate has completed it. We will then consider the Omnibus Trade and Competitiveness Act of 1988, subject to a rule.

On Thursday, June 30, the House will meet at 10 a.m. and we will consider the Department of the Interior appropriations bill, subject to a rule.

On Friday, July 1, we will not be in session. We will be out for the commencement of the Independence Day district work period and we will be back on July 6 at noon.

The membership should be alerted that there will be votes on Wednesday, July 6, and Thursday, July 7. There will be no votes on Friday, July 8.

Mr. MICHEL. Mr. Speaker, reclaiming my time, might I inquire, on Wednesday, June 29, I see the Plant Closing Notification Act with a Senate bill number being scheduled. What happens if the other body does not complete action on that measure by that time?

Mr. COELHO. If the gentleman from Illinois will yield further, our expectation is that the other body will complete action by then so there should not be a problem.

Mr. MICHEL. And, Mr. Speaker, I would gather that it is absolutely a prerequisite that plant closing be considered before consideration of the omnibus trade bill?

Mr. COELHO. If the gentleman will yield further, the gentleman is correct, yes.

Mr. MICHEL. And then with respect to the recess next week beginning on Friday, it starts on Friday, July 1, and we will return on what day?

Mr. COELHO. We will return on Wednesday July 6. I would hasten to add that there will be votes on Wednesday, July 6, and Thursday, July 7, and there will be no votes on Friday, July 8.

Mr. MICHEL. Mr. Speaker, I appreciate that.

Mr. COELHO. If the gentleman would yield further, in case Members are interested and nobody has raised this, but we will go back to the fair housing bill next week, but because of the schedule we will have to fit it in somewhere. It is a priority for next week and we will complete it next week.

Mr. MICHEL. Mr. Speaker, does the gentleman from California [Mr. COELHO] have any idea when the South African sanctions measure might come to the floor?

Mr. COELHO. There is no schedule on that one.

Mr. MICHEL. Mr. Speaker, I have a hunch the gentleman from Texas [Mr. BARTLETT] would like to ask something with respect to minimum wage.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. I would be happy to yield to the gentleman from Texas at this juncture.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Illinois for yielding. I have a question on two related subjects. One concerns minimum wage. The other is that noting that next Wednesday we are scheduled for consideration of a new piece of legislation for the House, the Plant Closing Notification Act, would the gentleman from California [Mr. COELHO] anticipate that amendments that Members would seek to offer that are germane to the bill would be in order to be offered on the floor so the House could consider those amendments?

Mr. COELHO. Mr. Speaker, if the gentleman will yield?

Mr. MICHEL. I would be happy to yield to the gentleman from California [Mr. COELHO].

Mr. COELHO. The Committee on Rules will have to consider that. That will be considered sometime next week.

Mr. BARTLETT. Mr. Speaker, would the gentleman from Illinois [Mr. MICHEL] continue to yield?

Mr. MICHEL. Mr. Speaker, I would surely want to ask a question, also, whether or not the gentleman from California [Mr. COELHO] would expect that the Committee on Rules would grant an open rule, or is it going to be closely structured, or do we have any kind of insight as to the type of rule we might be considering on plant closing?

Mr. COELHO. Mr. Speaker, if the minority leader would continue to yield, I am sure the Committee on Rules will consider all appropriate requests.

Mr. BARTLETT. Mr. Speaker, would the gentleman yield?

Mr. MICHEL. Mr. Speaker, I would be happy to yield to my friend the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, the gentleman from California [Mr. COELHO] has attempted to answer this question in the past with regard to what recommendations the leadership would make on a rather major piece of legislation. The leadership of the other side of the aisle does have some interest in this legislation, publicly announced. The question is not a trick question. The question is, If a Member of this body has an amendment will the leadership recommend a rule to the Committee on Rules that would permit a Member of this body who has an amendment that is germane to the bill, to offer the amendment? This similar legislation has been before the House, or attached to the trade bill twice, and neither time was it amendable. My question is, Will this body be allowed to consider this bill under the rules of the House and be permitted to offer germane amendments?

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

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. COELHO. Mr. Speaker, the Committee on Rules will properly consider all requests. We will wait to see what the other body does in regard to this legislation and we will consider all requests and the decision will be made next week.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, on a related question to the question of minimum wage which this is the third week in a row that I have asked, it continues to be indicated privately through staff sources with the Com-

mittee on Rules that minimum wage will be up on the House floor on July 11 which would be 2 weeks from now, the week following the July 6 week of business. It continues to be indicated that it will be up on an unprecedented closed rule or something that has all of the earmarks, it will look like a closed rule and act like a closed rule and talk like a closed rule even though it may permit one or two amendments. My question is again, Will the leadership be making a recommendation that the Committee on Rules bring that bill out under a rule that will allow germane amendments to be considered by the House or will the leadership recommend more of a closed rule that will not permit germane amendments to be offered by Members of the House?

Mr. COELHO. Mr. Speaker, will the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. I yield to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, as we have answered the gentleman from Texas [Mr. BARTLETT] many times, several times in the last few weeks; that decision has not been made and the gentleman from Texas has asked for date certains on this bill coming up and we have continuously said a decision has not been made as to whether it will come up. We have indicated that we want to complete the appropriations bills. We hope to complete them next week. We intend to complete them before we go home for the July district work period and then we will go on to other legislation after we come back, minimum wage being one of those bills that we want to go on to.

We will consider it under some type of procedure without having a variety of different amendments, but there has been no decision made as to what amendments will or will not be considered, and that is a subject to be decided at a later date when we get set on when we are going to bring it up.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield for one last clarification?

Mr. MICHEL. I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I am trying to make certain we are all fully understanding of the answer. That answer I think if I understood correctly says that amendments by House Members that are germane to the bill would not be permitted under the rule to be offered.

Mr. COELHO. They may or may not be. If the gentleman from Illinois will continue to yield, I did not say that. What I did say was that that decision has not been made, but that it may or may not.

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

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I understand one of the concerns of my friend the gentleman from Texas [Mr. BARTLETT] which I share which has to do with applicability here. I would like to assure him that I have had conversations with the gentleman from California [Mr. PANETTA], the gentleman who is now presiding, and others, on one of those issues and I believe there will be a fair chance to address it. I would say to the gentleman from Texas [Mr. BARTLETT] that I think some progress is being made in that regard in terms of the coverage where appropriate around here.

Mr. OBEY. Mr. Speaker, will the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, as the distinguished minority leader knows and as the distinguished majority whip knows, Dick Conlon, executive director of the Democratic Study Group, died earlier this week and the memorial ceremony for him will be held on Tuesday afternoon at around 5 o'clock p.m. in the Committee on Ways and Means hearing room. I am sure the family would appreciate it if there was some way that we could work out an arrangement under which there would not be any rollcalls occurring that approximately 1-hour time period.

I am wondering what, if anything, has been done to try to assure us that that in fact would be the case?

Mr. MICHEL. Mr. Speaker, reclaiming my time, if I might respond, I think that probably it would be much more in control of the majority on an item of that nature, and I would be happy to yield to my friend from California [Mr. COELHO] for any response he would care to make.

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

Mr. MICHEL. I yield to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, that is the intent of the majority, to try to work that out. We will be attempting to do that.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I might make one final observation. It is a quarter to three now and those Members of course who are going to attend the funeral of our late colleague John Duncan should be aware that buses will be leaving the Capitol here at 3 o'clock for the funeral, and we are just 15 minutes away.

I thank the Speaker.

ADJOURNMENT TO MONDAY, JUNE 27, 1988

Mr. COELHO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, June 27, 1988.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from California?

There was not objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COELHO. 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. PANETTA). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3343

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3343.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Oregon?

There was no objection.

BICENTENNIAL OF THE U.S. CONGRESS COMMEMORATIVE COIN ACT

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3251) to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the U.S. Congress, with Senate amendments thereto, concur in Senate amendments numbered 18, 23, and 28; disagree to Senate amendments numbered 1 through 17, 19 through 22, 24 through 27, 29 through 35, and 37 through 39; and concur in the Senate amendment numbered 36 with an amendment.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, after line 2, insert:

TITLE I—BICENTENNIAL OF THE UNITED STATES CONGRESS COMMEMORATIVE COIN

Page 1, line 3, strike out "SECTION 1." and insert "SEC. 101".

Page 1, line 4, strike out "Act" and insert "title".

Page 1, line 6, strike out "2." and insert "102.".

Page 1, line 9, strike out "Act" and insert "title".

Page 2, line 8, strike out "4" and insert "104".

Page 2, line 24, strike out "4" and insert "104".
Page 3, line 16, strike out "4" and insert "104".
Page 3, line 23, strike out "Act" and insert "title".
Page 4, line 3, strike out "Act" and insert "title".
Page 4, line 4, strike out "3." and insert "103.".
Page 4, line 6, strike out "Act" and insert "title".
Page 4, line 9, strike out "Act" and insert "title".
Page 4, line 12, strike out "4." and insert "104.".
Page 4, strike out lines 13 to 20, and insert:

(a) DESIGN SELECTION.—The director of the Mint shall submit the proposed designs of the coins to be minted under this title to the Commission of Fine Arts. The Commission of Fine Arts, in consultation with the United States Capitol Restoration Commission, shall obtain such refinements and alterations in the submitted designs as they deem fit, and then select at least two design pairs each consisting of one obverse and reverse design per coin for each of the five dollar, one dollar, and half dollar coins. After receiving all design selections from the Commission of Fine Arts, the Director of the Mint shall submit the proposed design pairs to the Secretary in the same manner as they were submitted to the Director. After receiving the proposed design pairs for each denomination, the Secretary shall select from among them the design of the coin to be minted under this title, but in no case shall the obverse and reverse design selections be interchanged from among the submitted design pairs.

(b) SUBMISSIONS—All submissions produced under this title shall become the sole property of the United States Capitol Restoration Commission.

Page 4, line 21, strike out "5." and insert "105.".
Page 4, line 23, strike out "Act" and insert "title".
Page 4, lines 24 and 25, strike out "Bullion Depository at West Point" and insert "Mint at West Point, New York".
Page 5, line 2, strike out "Act" and insert "title".
Page 5, lines 3 and 4, strike out "except that not more than 1 facility" and insert "and all facilities".
Page 5, line 8, strike out "Act" and insert "title".
Page 5, line 11, strike out "Act" and insert "title".
Page 5, line 11, strike out "December 31, 1988" and insert "June 30, 1990".
Page 5, line 12, strike out "6." and insert "; 106.".
Page 5, line 15, strike out "Act" and insert "title".
Page 5, line 19, strike out "Act" and insert "title".
Page 5, line 22, strike out "Act" and insert "title".
Page 5, line 23, strike out after "coins." down to and including line 25 and insert "Sale prices with respect to such prepaid orders shall be at a reasonable discount".
Page 6, line 2, strike out "Act" and insert "title".
Page 6, line 5, strike out "7." and insert "107.".
Page 6, line 8, strike out "Act" and insert "title".
Page 6, line 11, strike out "Act" and insert "title".

Page 6, strike out all after line 20, over to and including line 2 on page 7, and insert:

SEC. 108. UNITED STATES CAPITOL RESTORATION COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a United States Capitol Restoration Commission ("Commission") which shall remain in existence until January 1, 1993, unless otherwise provided by law or resolution.

(2) COMPOSITION.—

(A) CO-CHAIRMEN.— The Commission shall be co-chaired by the President pro tempore of the United States Senate and Speaker of the United States House of Representatives or their designees.

(B) COMPOSITION.—The Commission shall be composed of the following members: The Chairman of the Commission on the Bicentennial of the United States Senate, the Chairman of the Commission of the United States House of Representatives Bicentenary, the Chairman and Vice-Chairman of the Joint Committee on the Library, the Chairman of the Committee on Rules and Administration of the Senate, the Chairman of the Committee on House Administration of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, and the Architect of the Capitol.

(b) EXPANSION; OTHER ENTITIES.—The membership of the Commission may be expanded by act of the Commission. The Commission, with the approval of the Co-Chairman, may establish and maintain additional entities to further the purpose stated in this section.

(c) EXPENDITURES.—Any expenditures by the Commission of funds available under this section or otherwise shall be authorized by act of the Co-Chairman.

(d) PURPOSE.—The purpose of the Commission shall be to receive funds under this section or from other sources and expend such funds for any improvements in or acquisitions for the United States Capitol Building and for any activities related thereto.

(e) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund for use in accordance with the provisions of this section.

(2) DEPOSITS AND AVAILABILITY.—An amount equal to the amount of all surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the fund, which shall be available to the Commission for the work of the Commission. Such funds shall be held in trust by the Secretary of the Treasury.

(f) ACCEPTANCE OF GIFTS.—The Commission is authorized to—

(1) accept gifts and bequests of money and other property of whatever character for the purpose of aiding, benefiting, or facilitating the work of the Commission;

(2) hold, administer, use, invest, reinvest and sell gifts and bequests of property received under this section for the purpose stated in subsection (d); and

(3) deposit gifts of money received under this section in the fund established in subsection (e).

(g) TAXES.—For the purpose of Federal income, estate, and gift tax laws, property accepted under this section shall be considered a contribution to or for the use of the United States.

(h) DISBURSEMENTS.—Disbursements from the fund established under subsection (e) shall be made on vouchers signed by both Co-Chairman of the Commission.

(i) CONTRACTS.—Any contract to be made with the Department of the Treasury or the Director of the Mint involving the promotion, advertising, or marketing of any coins to be minted and sold under this title shall be approved by the Commission, to be valid.

Page 7, after line 2, insert:

SEC. 109. REPEAL OF THE REQUIREMENT THAT UNITED STATES CURRENCY NOTES BE REISSUED AFTER REDEMPTION.

Section 5119(b)(2) of title 31, United States Code, is amended by adding at the end the following: "The Secretary is not required to reissue United States currency notes upon redemption.".

Page 7, after line 2, insert:

SEC. 110. AUTHORITY TO ENGRAVE AND PRINT.

(a) IN GENERAL.—Section 5114 of title 31, United States Code, is amended by adding at the end thereof the following subsection:

"(d) The Secretary, after apprising the Secretary of State, may engrave and print currency and other security documents, or engage in research and development for the engraving and printing of currency and other security documents, on behalf of a foreign country if the engraving and printing or research and development does not interfere with the production of the Bureau of Engraving and Printing necessary for domestic use. Foreign nations shall be charged their proportionate share of the costs for activities carried out under this section.".

(b) CONFORMING AMENDMENTS.—Section 5143 of title 31, United States Code, is amended—

(1) in the first sentence, by inserting "or a foreign country" after "agency"; and

(2) in the last sentence, by inserting "or the foreign country" after "agency".

Page 7, after line 2, insert:

SEC. 111. AMENDMENTS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1987.

Section 306 of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended—

(a) by striking "1-YEAR" in the caption of subsection (h) and inserting in lieu thereof "2-YEAR"; and

(b) by striking "1-year" in subsection (h)(1) and inserting in lieu thereof "2-year".

Page 7, after line 2, insert:

TITLE II—DESIGN OF COINS

SEC. 201. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 202. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end of the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the 200th anniversary of the United States Constitution for a period of two years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall

conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 203. DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end of the following new paragraph:

"(4) The design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likeness of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. 204. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this title shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over six years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission of Fine Arts.

SEC. 205. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

Page 7, after line 2, insert:

TITLE III—DWIGHT DAVID EISENHOWER COMMEMORATIVE COIN

SEC. 301. SHORT TITLE.

This title may be cited as the "Dwight David Eisenhower Commemorative Coin Act of 1988".

SEC. 302. DWIGHT DAVID EISENHOWER COMMEMORATIVE COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall mint and issue one-dollar coins in commemoration of the one hundredth anniversary of the birth of Dwight David Eisenhower.

(b) LIMITATION OF THE NUMBER OF COINS—The Secretary may not mint more than 10,000,000 of the coins referrd to in subsection (a).

(c) SPECIFICATIONS AND DESIGN OF COINS.—Each coin referred to in subsection (a) shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches;

(3) contain 90 percent silver and 10 percent copper;

(4) designate the value of such coin;

(5) have an inscription of—

(A) the year "1990"; and

(B) the words "Liberty", "In God We Trust" "United States of America", and "E Pluribus Unum";

(6) have the likeness of Dwight David Eisenhower on the obverse side of such coin; and

(7) have an illustration of the home of Dwight David Eisenhower located in the Gettysburg National Historic Site on the reserve side of such coin.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 303. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins referred to in section 1(a) only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 304. MINTING AND ISSUANCE OF COINS.

(a) UNCIRCULATED AND PROOF QUALITIES.—The Secretary may mint and issue the coins referred to in section 301(a) in uncirculated and proof qualities.

(b) USE OF THE UNITED STATES MINT.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 301(a).

(c) COMMENCEMENT OF AUTHORITY TO SELL COINS.—The Secretary may begin selling the coins referred to in section 301(a) on January 1, 1990.

(d) TERMINATION OF AUTHORITY TO MINT COINS.—The Secretary may not mint the coins referred to in section 301(a) after December 31, 1990.

SEC. 305. SALE OF COINS.

(a) IN GENERAL.—Subject to subsections (b) and (c), and notwithstanding any other provisions of law, the Secretary shall sell the coins referred to in section 301(a) at a price equal to—

(1) the face value of such coins; and

(2) the cost of designing, minting, dies, use of machinery, and overhead expenses.

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins referred to in section 301(a) at a reasonable discount to reflect the lower costs of such sales.

(c) PREPARED ORDERS.—Before January 1, 1990, the Secretary shall accept prepaid orders for the coins referred to in section 301(a). The Secretary shall make sales with respect to such prepaid orders at a reasonable discount to reflect the benefit to the Federal Government of prepayment.

(d) SURCHARGES.—The Secretary shall include a surcharge of $9 per coin on all sales of the coins referred to in section 301(a).

SEC. 306. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 301(a) shall result in no net costs to the Federal Government.

(b) PAYMENT FOR THE COINS.—The Secretary may not sell a coin referred to in section 301(a) unless the Secretary has received—

(1) full payment for such coin;

(2) security satisfactory to the Secretary to indemnify the Federal Government for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 307. PROCUREMENT OF GOODS AND SERVICES.

(a) IN GENERAL.—except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

SEC. 308. REDUCTION OF FEDERAL DEBT.

The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 301(a).

Page 7, after line 2, insert:

TITLE IV—STATEHOOD CENTENNIAL COMMEMORATIVE COIN

SEC. 401. SHORT TITLE.

This title may be cited as the "Statehood Centennial Commemorative Coin Act of 1989".

SEC. 402. STATEHOOD CENTENNIAL COMMEMORATIVE COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall mint and issue 5 dollar coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington and Wyoming.

(b) LIMITATION ON THE NUMBER OF COINS.—The Secretary may not mint more than 350,000 of the coins referred to in subsection (a).

(c) SPECIFICATIONS AND DESIGN OF COINS.—Each coin referred to in subsection (a) shall—

(1) weight 31.103 grams;

(2) have a diameter of 1.650 inches;

(3) contain 90 percent palladium and 10 percent alloy;

(4) designate the value of such coin;

(5) have an inscription of—

(A) the year "1989"; and

(B) the words "Liberty", "In God We Trust", "United States of America", "E Pluribus Unum", and "Statehood 1889-1890"; and

(6) contain an engraving of the regional logo on one side and a combination of a bust of Thomas Jefferson and Lewis and Clark overlooking the Missouri, on the other side;

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, the coins referred to in subsection (a) shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 403. SOURCES OF BULLION.

The Secretary shall obtain palladium for the coins referred to in section 402(a) by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this paragraph.

SEC. 404. MINTING AND ISSUANCE OF COINS.

(a) UNCIRCULATED AND PROOF QUALITIES.—The Secretary may mint and issue the coins referred to in section 402(a) in uncirculated and proof qualities.

(b) USE OF THE UNITED STATES MINT.—The Secretary may not use more than 1 facility of the United States Mint to strike the coins referred to in section 402(a).

(c) COMMENCEMENT OF AUTHORITY TO SELL COINS.—The Secretary may begin selling the coins referred to in section 402(a) on January 1, 1989.

SEC. 405. SALE OF THE COINS.

(a) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(b) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(c) SURCHARGE REQUIRED.—All sales shall include a surcharge of $20 per coin.

SEC. 406. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins referred to in section 402(a) shall not result in any net cost to the Federal Government.

(b) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

SEC. 407. PROCUREMENT OF GOODS AND SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not apply with respect to any law relating to equal employment opportunity.

SEC. 408. REDUCTION OF FEDERAL DEBT.

The Secretary shall deposit in the general fund of the Treasury for the purpose of reducing the Federal debt an amount equal to the amount of all surcharges that are received by the Secretary from the sale of the coins referred to in section 402(a).

Mr. ST GERMAIN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read, and printed in the RECORD.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the House amendment to the Senate amendment numbered 36, as follows:

House amendment to the Senate amendment numbered 36 to H.R. 3251: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

Page 7, after line 2, add the following new sections:

SEC. 9. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 10. AMENDMENTS TO THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1987.

(a) IN GENERAL.—Section 306(h)(1) of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended by striking out "1-year" and inserting in lieu thereof "2-year".

(b) CLERICAL AMENDMENT.—The heading for section 306(h) of the Federal Savings and Loan Insurance Corporation Recapitalization Act of 1987 (12 U.S.C. 1730 note) is amended by striking out "1-YEAR" and inserting in lieu thereof "2-YEAR".

Mr. ST GERMAIN (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment numbered 36 be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Mr. Speaker, reserving the right to object, and I do not intend to object, but I do so for the purpose of yielding to the distinguished gentleman from Rhode Island [Mr. ST GERMAIN], the chairman of the Committee on Banking, Finance and Urban Affairs.

□ 1450

Mr. ST GERMAIN. Mr. Speaker, I thank the gentleman for yielding to me under his reservation.

Clearly, Mr. Speaker, it is in the public interest to stabilize FSLIC and to protect against further drains from the insurance funds. The legislation before us is an integral part of the stabilization effort.

Last year—in the Competitive Equality Banking Act—the Congress placed a 1-year moratorium against savings and loan institutions picking up their baggage and walking off and leaving FSLIC—actions that would have deprived FSLIC of badly needed premiums.

Mr. Speaker, that was a wise decision. Now, we need to keep that decision in place for another year while efforts continue to shore up and stabilize the FSLIC fund.

The legislation before us would extend the moratorium for another year and assure that FSLIC does not have a sudden loss of premiums. The moratorium, Mr. Speaker, is not a cure-all, but it is an important and necessary step. The Banking, Finance and Urban Affairs Committee, on July 7, will open a detailed examination of FSLIC problems and prospects. Much needs to be done to restore the savings and loan industry to health and to assure a strong FSLIC fund. Today's action will be one important step as long-range solutions are considered.

Mr. Speaker, let me review the situation before the House at this moment.

On September 29, 1987, the House by voice vote passed the bill, H.R. 3251, which authorized the minting of a gold coin to commemorate the bicentennial of the Congress.

The Senate considered the House bill on June 15 and added several more coin authorizations and, most importantly, the extension of the prohibition on FSLIC insured savings and loans from exiting the FSLIC insurance fund.

The motion before the House is to agree with the congressional bicentennial coin authorization and the FSLIC provision and to disagree with the sundry additional coin authorizations.

Mr. Speaker, I urge my colleagues to support this essential measure.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Georgia [Mr. BARNARD].

Mr. BARNARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we all recognize the seriousness of the savings and loan associations in this country. We know that a further exiting of sound savings and loans will have its effect upon the Federal Savings and Loan Insurance Fund. We all recognize that.

Nearly a year ago we passed the CEBA bill. Already before that what we had done is we had provided an exit fee for those who were planning on leaving FSLIC whose arrangements had been made; we agreed in this House a 2-percent exit fee. It passed the subcommittee, the full committee, and the House Committee, but in consideration a year ago of the plight, we agreed that a 1-year moratorium would be extended, but at the end of that moratorium there would be a 2-percent exit fee imposed on those wanting to leave FSLIC.

As I said before, we are in agreement that the FSLIC is in a serious situation and possibly the extension of this moratorium is the right thing to do. Certainly I will not object.

However, there were a number of institutions who made their plans. They made applications, and now they are being held up from carrying out their plans of leaving FSLIC and going to a FDIC-insured situation meaning, of course, that they would not be leaving as savings and loans but would be leaving as commercial banks.

Mr. Speaker, I say the situation is such that we need to study the FSLIC situation; $10 billion was given them last year, Mr. Speaker. We do not know where that stands. The stories we get in the paper every day are just astounding. More and more failures are taking place. The GAO tells us that FSLIC is in the hole about $30 to $40 billion.

What does the administration tell us? "They are just in the hole $10 million-$11 million; they can hold on."

Mr. Speaker, what I am saying right now is we need to extend this, but we need to get on with the problem of the savings and loans. This House needs to consider it. We know we should find answers to this problem. It is not right for the public or sound financial institutions to have to go through this crisis from now on.

I would hope that we could get on with a solution to this problem as fast as we possibly can.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, the gentleman from Georgia has made an excellent statement as he usually does on the subject.

May I say the chairman has already announced that the Committee on Banking, Finance and Urban Affairs would begin extensive hearings on FSLIC on July 7, and that was part of a discussion we had in this connection.

As the chairman mentioned last Wednesday the Senate passed H.R. 3251, the Bicentennial of the U.S. Congress Commemorative Coin Act and added several amendments. All of the amendments would be deleted by the amendment offered by the chairman except the amendment which would extend for 1 year the moratorium prohibiting thrifts from withdrawing from the Federal Savings and Loan Insurance Corporation fund. I want to join with the chairman in saying that it is necessary that we extend this moratorium for a year to protect the FSLIC recap arrangement which we adopted in the Competitive Equality Banking Act last year.

Also, the Chairman of the Federal Home Loan Bank Board, Mr. Danny Wall, has requested this extension. I might add that this extension does not in any way affect or alter the rights of a very limited number of institutions who were grandfathered under CEBA last year. The extension of the moratorium is not a solution to the problem facing the FSLIC as the gentleman from Georgia has mentioned, and I am sensitive to those arguments which are being made by persons who think we ought to do more, but the chairman has assured me that we will have hearings. He has assured others that we would, and for those reasons, I would urge that we pass this bill today.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. HILER].

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, part of the bill that has come back from the Senate has included three different coin bills, an Eisenhower coin, a coin redesign of our current currency, and a centennial six Western States. My understanding is to the many people who have cosponsored the Coin Redesign Act, it is my understanding that the Coinage and the Consumer Affairs Subcommittee will be having hearings at some point this year and that we will be having these hearings and considering the views of those who would like to redesign the coins and those who would not, and so to those who were concerned about that, that is my understanding. Based on that, I certainly have no reservations.

Mr. GOODLING. Mr. Speaker, I would like to comment on a provision that was dropped from H.R. 3251 after it was recently passed by the Senate. The provision that was removed is identical to a bill I introduced last November, H.R. 3654, which calls on the U.S. Mint to produce a silver commemorative coin to honor the 100th birthday or President Dwight David Eisenhower in 1990.

I would like to express my disappointment with this decision, although I recognize that the chairman of the Subcommittee on Consumer Affairs and Coinage, Mr. ANNUNZIO, had to consider many competing and compelling arguments in deciding on this course of action.

I am convinced that the coin created by my bill would provide a fitting and popular tribute to a grat national leader. Furthermore, it is in keeping with the practice of using numismatic items to celebrate and honor American people, places, events, and institutions that have patriotic and historical value for the citizens of the United States. George Washington was recently honored with a commemorative coin, and in my view, President Eisenhower is deserving of such a tribute. A quote concerning President Washington can just as easily be applied to President Eisenhower: "A citizen, first in war, first in peace, and first in the hearts of his countrymen."

I hope Chairman ANNUNZIO will give every consideration to my bill, H.R. 3654, in the form of hearings and floor consideration. It is indeed a worthwhile proposal which has been favorably received by the numismatic community, and one that is faced with somewhat of a time constraint, because of the fact that President Eisenhower's 100th birthday is only 2 years away.

Mr. Speaker, I appreciate the chairman's consideration during negotiations on H.R. 3251, and look forward to timely consideration of H.R. 3654.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Rhode Island?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3251.

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

There was no objection.

APPOINTMENT AS ADDITIONAL MEMBERS OF FUNERAL COMMITTEE OF THE LATE HONORABLE JOHN J. DUNCAN

The SPEAKER pro tempore. Pursuant to House Resolution 481, and the order of the House of earlier today, the Chair announces the Speaker's additional appointments to the funeral committee of the late John J. Duncan the following Members on the part of the House:

Mr. BROOMFIELD of Michigan;
Mr. MILLER of Ohio;
Mr. DOWNEY of New York;
Mr. JENKINS of Georgia;
Mr. THOMAS of California; and
Mrs. KENNELLY of Connecticut.

PHONE SERVICE WILL HOPEFULLY BE RESTORED

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

Mr. ROSE. Mr. Speaker, no service is more basic to the running of this House than our telephone system. Unfortunately, our state-of-the-art phone system and its modern computers have been acting totally unacceptably for the last several days.

Several hours ago the gentleman from California [Mr. THOMAS] and I met with some very worried officials of our phone company and with the Clerk of the House. We have instructed them to do as they have been doing around the clock for the last several days—any and everything that they have to do to see that our phone system is restored to its proper level of service. Hopefully by the time Members come back here on Monday that will be the case. If it is not, a level of service will be provided next week to get us into the Fourth of July weekend and, if necessary, the whole blooming thing will be replaced during the Fourth of July recess. I assure the members of the committee that we are on top of this.

The gentleman from Connecticut [Mr. GEJDENSON], a member of our subcommittee, asked that we remind everybody that he did not have anything to do with this phone system, that it is all our fault. But we will stay on top of it, and thank the Members and ask them to be as indulgent and patient as they possibly can.

□ 1500

WILD AND SCENIC RIVERS ACT WEEK

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

Mr. McDADE. Mr. Speaker, I am introducing a resolution today, along with my distinguished colleague, Mo UDALL, chairman of the House Committee on Interior and Insular Affairs, to designate the week of October 2 of this year as "Wild and Scenic Rivers Act Week."

Twenty years ago Congress had the foresight and wisdom to enact legislation to protect stretches of wild and scenic rivers in their free flowing and undeveloped condition. That legislation, the Wild and Scenic Rivers Act of 1968, ranks as an important environmental achievement that should be noted and celebrated. It established the principle that certain rivers in our Nation possess such remarkable scenic, recreational, geologic, fish and wildlife, historic or cultural qualities that they must be protected and used wisely for the benefit and enjoyment of present and future generations.

The National Wild and Scenic Rivers System was established in 1968 with 789 miles in eight rivers. Congress has since expanded the system to include 71 rivers with 7,369 miles. These are stretches of rivers that will be protected in a free flowing and undeveloped state—protected from inappropriate water resource development, commercialization and pollution.

I am pleased that 73.4 miles of the Upper Delaware River bordering my congressional district in northeastern Pennsylvania was added to the National Wild and Scenic Rivers System in 1978. That designation, which is unique in that it relies on the efforts of local and State governments and private landowners, ensures that residents and visitors of our area will be always able to enjoy a true natural treasure.

I might add, and I do so with a great deal of pride, that my congressional district contains not only the Upper Delaware Wild and Scenic River, but also the Delaware Water Gap National Recreation Area. The Delaware River in this area is also a free-flowing river in the National Wild and Scenic River System.

It is my hope that the resolution we are introducing today will increase public awareness and appreciation of the historical, recreational and environmental importance of our wild and scenic rivers. Mo UDALL is one of the great environmental champions of our time and I want to say how good it is to be working together with him again in this effort to promote the continued preservation of our Nation's rivers. I urge my colleagues to join us in sponsoring this resolution.

DEFENSE BURDEN SHARING

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

Mr. HALL of Texas. Mr. Speaker, in 1982, as a result of discussion with then Defense Secretary Caspar Weinberger and the Japanese Government, an informal goal was established for Japan to assume responsibility and the costs of defending the Pacific sealanes and the airspace within 1,000 miles of its coastline. This was a major breakthrough for the United States in its efforts to get Japan and our other allies to begin to pick up the costs of the defense of the Western World.

Today it is 6 years later, and I believe it is time to reassesses that goal and see if it is not possible for the Japanese to extend its reach beyond 1,000 miles, and to look seriously at the possibility of their increasing their responsibility for protection of the sealanes toward the Middle East.

Japan is about 98 percent dependent on imported crude oil and refined petroleum products, much of which comes from the Middle East. It seems to me to be altogether appropriate for them to either begin to make firm plans to become a major and effective presence throughout the Pacific or to help support our Pacific fleet monetarily in its efforts to maintain the peace in that part of the world.

I hope my colleagues will urge the State and Defense Departments to apply continuing pressure on Japan to substantially increase its defense outlays, much more so than they have done in the last couple of years, and begin serious discussions on increased monetary support of our air and sea defenses in that vital part of the world.

THE FAMILY AND MEDICAL LEAVE ACT

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

Mrs. MORELLA. Mr. Speaker, last Sunday we celebrated Father's Day and today we voted to include children in the fair housing amendments. I now urge my colleagues to recognize families by becoming a cosponsor of H.R. 925, the Family and Medical Leave Act. This legislation is urgently needed to ensure job security for employees who take leave for the birth or adoption of a child, to care for a seriously ill parent or child, or for an individual's own serious health condition.

Currently, there is no Federal law to protect the jobs of employees who need leave for the birth or adoption of a child or the serious illness of a child or parent. The United States is the only advanced industrialized nation without a family leave policy—the time has come for us to take a firm stand for the family, particularly at a time when so much attention is being focused on family issues, such as child care and long-term care for elderly family members.

H.R. 925 has been revised to accommodate many of the concerns of the business community, and the General Accounting Office has estimated the cost of the compromise bill for employers to total $188 million per year, at most. For firms covered under the bill, the weekly average employer cost per worker was estimated by GAO to be about $25 in 1985.

Mr. Speaker, I urge my colleagues to remember Father's Day and families by taking a strong stand in favor of the Family and Medical Leave Act.

HOUSE TELEPHONE SYSTEM

Mr. Speaker, if I might be indulged for one moment, if my constituents in Maryland's Eighth Congressional District have tried to reach me for the past 3 days, please know, Mr. Speaker, that we have been there, we have been working. We have been very frustrated that the lines are ringing but the phones are not working, and I hope that they will be ameliorated immediately.

A TRIBUTE TO LOUIS J. HOLLIS

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

Mr. HUBBARD. Mr. Speaker, funeral services for Louis J. Hollis, a photographer with the U.S. House of Representatives from February 1978 until his untimely death last Saturday, June 18, were held at 11 a.m. yesterday at Murphy's Funeral Home, Falls Church, VA.

Lou Hollis, age 59, died at Fairfax Hospital after a heart attack.

A native of Washington, DC, Lou Hollis lived at Falls Church. He served in the Navy from 1950 to 1952. After serving in the Navy, he worked in the photography laboratory of the Department of Agriculture. He worked as a photographer for the old Washington Times-Herald newspaper, then the Washington Daily News.

Members of Congress will remember Lou Hollis as an efficient, friendly House photographer who was always willing to be helpful to House Members, whether taking photos of Members with their constituents, at committee hearings and the like.

I extend sympathy to Louis Hollis' wife Judy, his son John Hollis, his daughter Patricia Ann Hollis, his sister Peggy Sondheimer, all of Falls Church, and two brothers, Robert Hollis of Rockville and Frank Hollis of Chevy Chase.

ORDER OF BUSINESS

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from Mary-

land [Mr. MFUME] precede the special order entered into today by the gentlewoman from Maryland [Mrs. BENTLEY].

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

THE CROP INSURANCE IMPROVEMENTS ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SCHUETTE] is recognized for 5 minutes.

Mr. SCHUETTE. Mr. Speaker, today I am introducing no cost legislation to improve the Nation's ailing Crop Insurance Program. The purpose of this legislation is to provide farm families in Michigan and across this Nation with workable, cost-effective insurance protection from the unsympathetic blows of Mother Nature.

Right now, Mr. Speaker, thousands of farmers in many States around the country are suffering from a disastrous, scorching drought. Farmers around the Nation affected by this tragedy may lose their farms because of this disaster. At least some of these affected farmers would not lose their farms, if we only had a crop insurance program that was working in the family farmer's best interest. In short, if we had the provisions of this legislation in place today, many of those farmers who will now lose their farms because of this drought would not be facing the type of financial pressures that will claim their livelihood, their dreams, and perhaps their homes.

The reason for this bill is that the Federal Crop Insurance Program is simply not working. It is neither an affordable nor reliable option for farmers. When this program was first passed into law back in 1938, Congress intended to provide farmers and their families with certain protection from the catastrophic loss of their crops. However, to a large extent this has not happened, and participation in Michigan and around the country is astoundingly low. The national participation rate of less than 10 percent nationally and 5 percent in Michigan is completely unacceptable and is a complete contradition to the goals and intent of the program.

Long ago, the Congress made a commitment to the American farmer to provide some protection from the unpredictable irregularities of weather. The way the program is designed, farmers are able to insure up to 65 percent of their losses which may occur due to natural disasters. The concept for crop insurance was born out of the widely held belief that it is not right for a family to lose several generations of hard work and dedication derived from carving a livelihood out of the soil just to the fickle whims of nature.

Mr. Speaker, that was as good idea back then, and it certainly remains so today. Even though crop insurance was never intended to provide 100 percent protection—and it is not my intention to make it so with this legislation today, it is becoming increasingly obvious that something needs to be done to guide the program back to its original course. In fact, we need to implement substantial reforms if this program is to ever work as the Congress meant it to work.

Farmers do not want an insurance program that shelters them from all things. Most farmers will agree that a bad year is as natural to farming as nature itself. Farmers deserve a workable and efficient Crop Insurance Program. With this legislation today, I seek to bring the Crop Insurance Corporation's Program back on course toward the goal of providing producers with cost-efficient protection from the devastating losses of catastrophic disasters.

THE BEAN PROBLEM

The first part of my bill addresses an important area of the Crop Insurance Program that has been grossly reglected by the Corporation. A major crop across this Nation and in my own State of Michigan, dry edible beans, are largely ignored by the Crop Insurance Program, and that is precisely what title I of the Crop Insurance Improvement Amendments Act of 1988 would address.

Michigan is the dry-bean capital of the world. Michigan produces a broad spectrum of dry bean varieties ranging from pinto to cranberry to kidney and navy beans. Michigan produces all of these beans in significant quantities, and the issue here is not that insurance is completely unavailable. The problem is that the cost of insuring dry edible beans is simply not reflective of the economic and risk circumstances surrounding the production of different varieties of beans, and is therefore not economical.

In many cases, bean farmers are not offered enough coverage to insure even a third of the value of their crop. For example, kidney bean farmers in my district are often faced with the option of being able to purchase coverage for their crops which amount to only 65 percent coverage for a crop of navy beans which command roughly only one-half of the price. That means that farmers who produce these higher valued beans have their coverage roughly halved because the Federal Crop Insurance Program fails to properly distinguish between bean varieties with differing values in the market.

If the regulators at Federal Crop Insurance Corporation want the program to work, they would not be neglecting the need to recognize the difference between the insurance needs of the many different types of dry edible beans produced around the country. This is not helpful to either farmers in Michigan or the farmers in the 13 other bean producing States of the Union.

To me it is incomprehensible how the FCIC could offer the very same insurance package for the beans grown for good Texas chili as the beans we find in the famous bean soup served daily in our caferteria. That is like insuring every car driven in American, no matter what its value, with Chevette-type coverage. While this may be a simple oversight, it is precisely the type of oversight that has prevented the crop insurance program from successfully meeting the needs of farmers.

COMMUNICATIONS AND EDUCATION

The second component of my bill will refocus the Corporation's activities in order to make greater use the communication and education assets available within their own parent organization, the USDA. How can anyone expect farmers to invest in crop insurance if the sources of information about the program that farmers turn to within the Department of Agriculture are not knowledgeable or comfortable with the Crop Insurance Program.

The U.S. Department of Agriculture has the facilities and mechanisms in place to make crop insurance as understandable for farmers as the use of fertilizer in production agriculture. However, the Federal Crop Insurance Corporation has yet to see its way clear to use the well developed education systems available within its own Department of Agriculture.

This section of my legislation addresses this problem head-on. It directs the Manager of the FCIC to identify and utilize methods of communication and education in order to make crop insurance more understandable to farmers and their families. Only if this is accomplished will crop insurance become the risk management tool it should be.

RESEARCH

Finally, Mr. Speaker, the bill requires that the Federal Crop Insurance Corporation, in cooperation with the Comptroller General of the United States to research and recommend changes in the crop insurance program to: First, make crop insurance more available to family-sized farmers; second, make the insurable crop yields and rates more reflective of actual production capacity; third, determine whether certain provisions of the 1985 Food Security Act are restricting farmer eligibility for crop insurance, and finally; provide a definitive answer as to whether the crop insurance program can operate as a no-cost corporation within the USDA.

These four critical questions need answers if we are going to fix the Federal Crop Insurance Program and make it the self-financing, effective risk management program Congress intended. With the correct answers to these deficiencies in the program, the Manager of the Crop Insurance Corporation will be able to offer insurance not only to more of the farm families it was designed to serve, but also make crop insurance an affordable alternative for the American farmer.

Mr. Speaker, in December 1987, the Secretary of Agriculture declared much of Michigan and parts of 38 other States to be natural disaster areas. Ordinarily, this would be good news for the farmers in Michigan as well as to producers in other States who suffered disasters. However it has not been good news because in order to qualify for disaster assistance farmers are required to have purchased crop insurance to be eligible for the special assistance programs. They are required to hold crop insurance policies which more often than not, are priced well beyond the real protective value, or which fail to reflect the risk protection needs of the family purchasing the policy. Once again, the proof in the pudding is that fewer than 1 in 20 farmers around the country hold crop insurance policies.

This low participation around the country and in the State of Michigan is not the problem it is the symptom of the problem. Crop insurance today is not working and farmers risk management needs are not being met. This

bill would make important progress toward meeting the needs, needs which have become clear to me after taking a hard look at this troubled program.

Furthermore, this bill would identify solutions to the problems that no one has been able to answer, Mr. Speaker. Clearly, this legislation should be welcomed by the Manager of the Crop Insurance Corporation and those who share a common concern for the success of a viable, self-financing crop insurance program in America. I urge all my colleagues to join me in supporting this important legislation.

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE MORMON CHURCH IN SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. SUNIA. Mr. Speaker, 100 years ago this week, two Mormon missionaries arrived in Samoa, They were a Hawaiian Native named Manoa and his friend Pelia. Celebrations of the century of Mormon work in Samoa began this week, and I am proud to represent the island where those festivities are being held.

In 100 years since its arrival, the Church of Jesus Christ of Latter Day Saints has become one of the main institutions in the territory. Through the church, many American Samoans migrated to Hawaii and even as far away as Independence, MO, where today about 2,000 Samoan Mormons live and work. The Samoans who left the islands benefited from much more than the opportunity to work for their church. The children and grandchildren of those original emigrants have become established in a variety of areas in our country. Many have returned to Samoa, bringing job skills, experiences in business and training in the fine arts.

The largest educational facility in my territory was, in fact, constructed by the Mormon Church. And today it is the home of the American Samoa Community College. Before the Mormon Church left the field of education in the territory, it had given thousands of young people a high school education and training. Its several churches on the island of Tutuila are, today, landmarks which complement the tropical nature of our homeland.

For the missionaries of this faith who faced the task of spreading their message in our islands, the work was enjoyable but extremely difficult. Aside from the traditional hardships missionaries face everywhere, the Mormons faced not merely competition from other faiths, but also quite often outright ridicule and abuse. The diligence of the original missionaries has lead to the acceptance and growth of the Mormon Church. Today, members of that church are among our territory's government, business and social leaders. And they are some of the major providers of education, health and other public services.

American Samoa, and to an equal extent, Western. Samoa have benefited tremendously from the availability of opportunities at the church's college in Laie, HI. A number of young men and women have received their educations at this institution.

The leaders and the membershp of the Mormon Church in American Samoa are to be congratulated on this occasion. Additionally, the worldwide church should also be congratulated for the work it has done in nurturing the growth of the church in Samoa. I wish them many joys during this celebration, and I add my voice to the prayers being offered this week in the islands for the continued success of their work.

CELEBRATION OF AUSTRALIAN BICENTENARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. BOGGS] is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, this morning the Prime Minister of Australia, the Honorable Bob Hawke, addressed a joint session of the House and Senate. I find that it is particularly appropriate that he appeared with us this year as it is the 200th anniversary of European settlement on the continent "down under."

This year will also witness the continuation of the bicentennial celebration of the U.S. Constitution and its ratification and the first Federal elections under the new Constitution. I believe that it is the shared ideals and goals expressed in this document and in the debates for its acceptance, even more so then the common heritage of Australia and America, which so strongly unites our countries.

I applaud modern Australia's commitment to democracy and a "fair go" for all countries through her staunch support of the ANZUS Treaty and her consistent involvement with the U.N.'s Commission on Human Rights. When these leadership roles abroad are combined with the knowledge that at home this fellow frontier nation was first to grant universal male suffrage and to grant women the right to vote, we discover an Australia evolving from the fellow child of the ideals we both hold sacred and into a world-class implementer of these ideals.

And for these great accomplishments and for all Australia has done and will do in the next century, we wish her a very happy birthday.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MACKAY] is recognized for 5 minutes.

Mr. MACKAY. Mr. Speaker, due to a previous commitment I missed several votes. Had I been able to vote, I would have voted for the amendment of Mr. FISH and for the amendment of Mr. SHAW to H.R. 1158.

I appreciate having this opportunity to state my position on these measures.

SBA INCONSISTENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 30 minutes.

Mr. MFUME. Mr. Speaker, I find it necessary to reserve this time for a special order this evening to talk just a little while about the Minority Business Development Agency and to talk also about my fears as they relate to that agency under this current administration and perhaps what the future holds.

As my colleagues know, the Minority Business Development Agency was created in 1969 by an Executive order of then President Richard Nixon. It has existed pretty much since that time from year to year, from administration to administration on that same Executive order.

There are efforts that are underway here in the House being led by myself and in the other body being led by Senator JOHN KERRY and Senator PETE WILSON to in effect codify the MBDA. That is contained in language of my bill, H.R. 1769, and in the Senate companion bill, S. 1848. Consideration of this legislation came during the 1st session of the 100th Congress amid administration attempts to transfer that agency into the Small Business Administration, a proposal which many of us believe will have a negative effect on the economic progress of the Nation because it will prove in many instances and in many ways to be a deterrent to the development of minority business enterprise in this country as we know it.

Fortunately, the Appropriations Committee and the Budget Committee voted to maintain funding for the Minority Business Development Agency in fiscal 1988 as a part of the Commerce Department. However, there still remains a clear need in Congress to permanently establish the MBDA within the Department of Commerce as the administration's fiscal 1989 budget proposal has again proposed a transfer of control of that agency to the Small Business Administration.

Furthermore, the House Appropriations Committee has not included funding for MBDA in the Commerce, Justice, State and Judiciary appropriation measure as they did not include appropriations for any program that was not yet authorized for fiscal 1989.

The problem in this, however, is that with the Minority Business Development Agency being lumped into that kind of a category, it remains clear to those of us who have followed the history of the agency that it becomes quickly imperiled because the MBDA has never been authorized, as it has operated, as we all know, under this Executive order that I mentioned a moment ago.

□ 1515

So the commitment to aiding minority businesses we believe must be fundamental, it must be integrated into the American economic system and in establishing that integral part, the Minority Business Development Agency must in fact be placed on solid ground and be allowed to continue to exist in a way that it is not in a vulnerable position. The subcommittee held hearings on H.R. 1769 during the first session and has plans shortly within a week or two to have completed consideration and a markup at the subcommittee level.

Out of the hearings that were held came very good recommendations, however, on the ways to strengthen the intent and purpose of the legislation and an obvious consensus by those who are on the committee, both Democrat and Republican alike, that the Minority Business Development Agency belongs within the Department of Commerce and not necessarily under the SBA. We have had a significant opportunity through H.R. 1769 to help meet the existing needs of minority businesses and I hope and I certainly can count on the members of that committee as well as colleagues in the House to make sure that that takes place.

Now the interesting thing is that the SBA, off the record, will quickly say that they do not need another agency to have to sort of see through. They were established in 1954 with a clear and specific agenda. The MBDA was created by Mr. Nixon in 1969 simply because the SBA could not do its own mandated mission, to service the needs of the minority business community.

However, the SBA, in debating for the transfer of the Minority Business Development Agency to them, proclaimed that they would in fact be more efficient and more effective in the delivery of service to minority business enterprises in the Nation. However, again their 1989 budget request shows absolutely no sensitivity toward minority businesses and no real desire to provide services.

In their budget request, the SBA called for, and I quote, "the elimination of SBA direct loans now provided to minorities as well as handicapped and Vietnam and disabled veterans," and these incidentally are loans of last resort, they can only be made if in fact the applicant cannot secure funds from any other source. They also called for the reduction—the SBA did in their fiscal 1989 budget for the reduction in the amount of loan guarantees which entices lenders to make loans to small and minority businesses.

They also call for the elimination of minority assistance now provided through counseling contracts under section 7 of the program. They further suggested in this budget request to eliminate business development expense funds, to eliminate the special incentives to minority enterprise small business investment companies, otherwise known as MESBIC's which encourage them to provide venture capital to minority business enterprises. And they went further, to suggest phasing out management assistance now being provided through the small business development centers.

So the SBA's management is to services small businesses; the MBDA also services small businesses but they service minority businesses as well, and do it rather effectively.

Most of the minority businesses that are serviced by the SBA are firms that have been certified as 8(a) companies.

So currently there are 3,000 or so certified 8(a) companies.

There are, however, over 700,000 minority business enterprises. And of the clients that the MBDA services, approximately 3½ percent are 8(a) companies.

So the SBA has never really identified what programs of the Minority Business Development Agency that they deem to be duplicative or that they deem to be similar in some way. The SBA serves much more instead as a financing and direct lending function while the Minority Business Development Agency provides technical and management assistance and has, as its overall interest, the goal of encouraging an environment for minority businesses to participate fully in this Nation's economic structure.

The current administration, not so long ago, moved as we all know, for the abolishment of the Small Business Administration charging the agency was ineffectively carrying out its mandate.

Now that same administration advocates an even broader mandate for the agency that they were trying to do away with several years ago under the guise of a more efficient and enhanced provision of services by calling for the agency now to encompass functions of another agency. How hypocritical indeed.

We believe that if we are serious and if we mean to be serious about minority business development in this Nation, we have to do more than just simply talk a good game. We have to transfer that rhetoric into some sort of meaningful action.

So I was a bit taken aback and at the same time I was pleased to read recently on June 7 of the Vice President's statement of how he certainly was concerned about the plight of minority businesses and, through a spokesperson, said essentially that one of the highest ranking priorities under his administration would be to revitalize and to beef up the Office of Business Enterprise in the Department of Commerce.

Well, if Mr. BUSH is serious about that, I at this time certainly offer him the invitation to come before the committee as we will be marking up the bill shortly and give testimony in support of my legislation that does, in fact, codify and give statutory authority to the Minority Business Development Agency.

If, however, this is simply campaign rhetoric, I would strong suggest, Mr. Speaker, that it goes a long way in furthering, to confuse and muddy and cloud the issue in such a way that those persons who are concerned about minority business in this Nation then in fact get mixed signals.

Mr. Speaker, I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman and wish to add my voice to his and to compliment him for the very hard work that he is doing as a member of the Small Business Committee. As one who has been a charter member of this committee since it became a legislative committee in 1975, instead of an ad hoc or select committee, as it had been for years and years and also of which I had been a member upon my arrival to Congress some 27 years ago, he is to be commended because the gentleman is quite correct. This administration zeroed out, as it did many of the other programs that in some cases over a period of 30 years the Congress had, as a matter of national policy and priority, instituted and had sustained. So this administration with Mr. Reagan as the Chief Captain, said everything that was done was wrong. As the gentleman well said awhile ago, given the reason that SBA was not carrying out its function, it wanted to eliminate it no less than 3½ to 4 years ago.

The truth is the reason that it could not function was that the administration had literally crippled it through the budget recommendations that the President has been sending to the Congress since 1981 which, like other areas of our domestic budget, would zero out the program.

The gentleman should know that the record is here. It is stark, it is unhappy, it is sad, it is tragic, but it is a record.

For example, every one of the 29 minority, so-called and described minority, which is ethnic and racial minority, savings and loan institutions have within the last year and one-half totally disappeared in America. There is not one left. They are all gone.

Now these institutions were founded as the direct result of action originating in the Small Business Committee before it was even a legislative committee; then undertaken in a statutory way by the Congress, gave rise in the days of the early seventies, late sixties, to minority business enterprises in the financial institutions, both savings as well as banking.

But I think it is tragic, I think it is one of the most poignant, dramatic evidences of the total failure of this administration to sustain those programs that address the core question of the mainstream and backbone of economic life in our country which is the small business, the real small business.

So I want to compliment the gentleman from Maryland because there will be another day. I think the very fact that a candidate for the Presidency who has been in power all those years—you know, the Nixon administration used to have a statement that was incorporated and has been in every succeeding Republican organizational and national political effort, and that is, "Don't look at what we say, but look at what we do."

And I think that that is cynical, I think that those of us that share the responsibility of representing at least some sacred segment of America, should call it for what it is, redouble our efforts and reclaim success in a better day which I think will be soon with us.

I again end up by complimenting the gentleman from Maryland. His entrance into our Congress—this is his first Congress—I wanted the record to show that he has been preeminent, not only in the small business community, but in the Subcommittee on Housing and Community Development which I happen to have the honor to chair.

I think the record ought to show that his emergence and service in the Congress is one that has served a national purpose very well and with great distinction.

Mr. MFUME. I thank the gentleman from Texas for those kind words and for associating with my remarks also earlier as they relate to the Minority Business Development Agency.

Mr. Speaker, I would like to reiterate again the offer that I have extended to the Vice President who apparently, at least, through a spokesperson, has indicated that he has, unlike the President in many respects, a greater sensitivity toward the plight of minority business development in this Nation. Again, I say I was encouraged to read the Vice President's remarks through his spokesperson that he would make the Minority Business Development Agency and its existence within the Department of Commerce a priority.

So, Mr. Vice President, if in fact you are listening we certainly would appreciate your appearance at the committee hearing and welcome your support of my bill, and to say also, if I may take a moment and speak on behalf of many small businesses in this Nation that may be run by a Democrat or a Republican—they are small and minority businesses nonetheless—they do not seek welfare, they do not seek special breaks or special treatment. All they seek is fair share and a fair chance to compete equally in this society.

We have to remember, I think, that the backbone of any democracy, the economic backbone is really built on small businesses.

Minority business enterprise fits into that fold also because it creates jobs, it adds to a tax base, it brings about, I think, a sense of worth and a sense of dignity for many people who want to compete economically.

I believe our Nation has a moral obligation certainly to do everything possible and everything it can do to make sure that those businesses have a fair chance. Again, they are not asking for a handout or for welfare, but just a chance to compete on a level playing field and to do so to the best of their ability.

So I want to commend again all of those Members of the House, both Republican and Democrat, who have looked at the Minority Business Development Agency, recognizing its development in 1969 under then-President Richard Nixon was, in fact, the right way to go and for those who are as confused as I am about why we now see attempted this year, as last, by the current administration to do away with that agency under the guise of placing it under the Small Business Administration.

DISCUSSION OF PROBLEMS AS A RESULT OF THE CURRENT DROUGHT

The CHAIRMAN pro tempore (Mr. CARDIN). Under a previous order of the House, the gentleman from Texas [Mr. CHAPMAN] is recognized for 5 minutes.

Mr. CHAPMAN. Mr. Speaker, I rise today to discuss with my colleagues and point out some of the problems that we in America are experiencing as a result of the current drought, lack of rain throughout America. Of course, the best solution and one for which we should all pray is a good rain. But in the meantime, we have responded with the appointment of a task force of House and Senate Members who are working in a bipartisan fashion toward solutions that will address what most surely will become a severe national disaster in the next few weeks.

□ 1530

I would be remiss, I think, if I did not point out at the outset and compliment the work that the Secretary of Agriculture has done and the attention he has given to this national problem. I know that yesterday he appeared before the meeting of the task force and expressed not only his concern but the activity and actions that the Secretary, through his department, is administering to the farmers and producers of America.

This is a bipartisan drought. It demands bipartisan solutions. It is going to require that we work as Americans in this Congress and throughout this land for programs that will provide the kind of relief quickly that our agricultural producers need to see their way through this problem.

I would like to take just a few minutes today to discuss and perhaps point out some of the programs and perhaps express some thoughts that a Member from Texas has as to some of the things that I hope the task force and the Secretary and this Congress will consider as a way perhaps of relieving some of the problems we will experience.

First and foremost, I think we should address these issues in a way that will provide solutions quickly. It does very little good for our agricultural producers or for the farmers and ranchers in east Texas to be told that there are programs which will provide them relief, yet they must walk through a maze and over a tightrope of rules, regulations, forms, and procedures that make relief virtually impossible to obtain.

One of the things that I hope the task force will address and the Secretary will address very quickly is how we can consolidate the programs in a way of management so that the benefits that are already in law can be provided to our producers very quickly.

I would like to point out some things that I hope will be a part of those programs, things that I think can be provided either under current law or with a minimum of work so the Congress will help target relief to our agricultural producers. First, under the Emergency Feed Program, it applies to beef cattle producers only, and I would hope that the task force and the Congress would consider expanding this to the dairy industry and the dairy producers as well, because that is an industry that is critical and vital in my home district.

I would ask that the Secretary of Agriculture approve the haying on Conservation Reserve Program lands. Haying on Conservation Reserve Program lands is approved for only 30 days under this current program. I hope the task force and the Secretary will consider extending the time this haying may be permitted on this property. I realize the importance of protecting our national lands and the land that is within the Conservation Reserve Program, but it is important in this crisis that we provide our farmers with the means of feeding their livestock.

Mr. Speaker, I think we need to make modifications to our Disaster Insurance Program. I would propose that we suspend the premiums for

farmers who have already signed up for Federal crop insurance, and furthermore I would propose that we suspend the provision for planting requirements. If a farmer has already signed up for crop insurance but has not yet planted his crop, the farmer should not be required to plant.

Just yesterday I received a call from a producer just outside Texarkana, TX, who is spending $15 an acre to plant 15,000 acres of soybeans, and he said to me, "Congressman, there is no chance, there is zero chance that these beans will ever germinate. Yet to participate in the program and be entitled to Federal crop insurance, I must plant the soybeans."

It seems that perhaps there we have a program that has slightly gone awry when this producer must spend that kind of money to qualify for benefits, knowing that each dollar he spends is literally going down the drain.

I would hope that the task force would consider assistance for farmers with nonprogram crops. I know that was discussed yesterday in the task force meeting, since I was there and heard the concerns of the agricultural producers throughout America who are not specifically involved in Federal farm programs, those who grow beans, vegetables and fruits. They have been equally hit by the drought, and these products are equally important to all of us as Americans, and they are important to our agricultural economy.

Relief programs must be extended and targeted to this group of farmers as well. Poultry producers have also been hard hit by the drought situation. I hope the task force and this Congress will consider the establishment of temporary credits through the Farmers Home Administration that will allow for the installation of insulation and large fans in poultry houses that will help provide relief in this situation.

Mr. Speaker, I would like to remind my colleagues that we must quickly consider a repeal of the diesel fuel tax, that onerous tax that we in the Congress have imposed on the farmers of this country, a tax that they must pay and then apply for a rebate later. This tax is unfair, it is counterproductive, and in the current drought situation it is only going to complicate and make worse the problems our farmers face. And as a part of that, we should also repeal the heifer tax. The preproductive expenses and the way we have changed the accounting for our family farmers was never well reasoned in my judgment. It is not logical, it does not make sense, and in this current situation it is only going to make the problems of the family farmer worse.

Mr. Speaker, as I say, we have got to work together on this problem. The problem demands a quick, bipartisan resolution, the consolidation of programs, and this Congress responding quickly to the needs of America's agricultural producers. I hope that we can prevent a national calamity by being reasonable and responsible to the needs of our agricultural producers.

I plan to be in meetings with the farmers in my district in the days and weeks ahead, asking for their input, their concern, and their help on what we can be doing in the Congress, and I hope to be a constructive part of the solutions that must be found to avert what surely may be a national calamity.

Mr. Speaker, we must work together. We must work soon, and we must do what we have to do quickly to make sure that this national calamity is averted.

UNITED STATES DANCING TO THE TUNE OF FOREIGN MONEY

The SPEAKER pro tempore (Mr. CARDIN). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the American people are a very fair-minded, generous people. However, I have heard from some of them over this past week who have expressed difficulty in understanding the Defense Department cutting off research and development funds to American contractors in May, on May 20 to be specific, for whatever reasons, and then inviting 13 Japanese firms, including Toshiba to participate in a seminar and even to go so far as to provide them with a tour of R&D and other defense facilities. It is abhorrent to me that Toshiba was invited to participate in this seminar after selling our sensitive technology to the Russians. I have been reading stories about our need for foreign loans and the sale of assets to balance our trade accounts, but do we really need to go this far? I question that.

Do we need to do business with a company which deliberately, after signing an agreement with us, sold that precious technology? This sale enabled the Russians to develop quieter submarines, which in turn affected our national security, and, naturally, the national security of the whole Western World. It also is going to cost the American people at least $30 billion and maybe as much as $60 to $100 billion to offset the loss of that security.

□ 1540

My father always told me "You know a man by his word," and in this country many people did business on a handshake. Well, Toshiba did not honor its contract, nor its word. Any American company, any American company selling secrets to affect our national security, not only would be barred from doing business with the military, but it would face jail sentences and also would be ostracized by Americans.

Mr. Speaker, are we operating under a double standard in favor of foreign firms? It appears we are by inviting Toshiba to this defense seminar.

My colleagues know with all that is going on around Washington these days in the defense business, the defense world, and hearing that Japan, Inc. meaning all the Japanese firms, have spent more than $100 million lobbying in Washington this past year, that I cannot help but wonder whether some of that lobbying money helped pave the way for that invitation. The Defense Department actually is giving 13 Japanese companies a selected tour of R&D facilities and instructing them. Imagine this: We are even instructing them, according to the newspaper reports, how Government procedures function and how we deal with foreign interests.

Oh, boy; we are really great.

We all know that research and development is essential to keep a nation competitive, and that the United States has been the leader in innovation and creativity of products and that R&D is the heart of competitiveness.

Now any good American farmer will tell you that it really is not necessary to instruct a fox what to do in a chicken coop. All that can be done is to hope that the fox does not get all of the chickens. Well, let us hope that the Japanese fox does not eat our defense and arms industry as they have targeted and literally destroyed our semiconductor, machine tools, and a dozen other industries as I have been relating here on the floor as I have been reading bit by bit out of the book "The Japanese Conspiracy."

The Toshiba story, however, is only one example of the foreign interest stories which appeared in the paper over the past weekend. At the heart of these stories is our trade balancing jobs.

I have here a story from the Washington Post on June 19 entitled "Money Talks: How Foreign Firms Buy U.S. Clout," by Pat Choate. Pat also wrote that very excellent book called "The Hi-Flex Society," which spells out the impact of high technology on our industry and society.

Mr. Speaker, before reading the story I want to point out that foreign firms make a point of claiming that they are providing jobs by investing here. Well, according to the Harper's Index in the May issue this is not so. The estimated number of jobs created by American companies in Japan was 336,000. And the estimated number of jobs created in the United States by Japanese firms was 230,000.

There is one big difference. There is a difference of 106,000 more in Japan

than in the United States, but there is also another big difference, and that is: How much control do we allow a Japanese firm to have in this country over that corporation versus how much do they allow for an American firm over in their country? It is a big difference.

To achieve this very unhealthy balance of trade the Washington Post article points out that 152 Japanese companies have hired 113 firms for Washington representation.

Now that is that lobbying money that we are talking about, and I will include the list of firms in the RECORD at this point:

JAPAN

Ajinomoto USA: Mike Masaoka Associates; Miner, Fraser & Gabriel Public Affairs (Edward Gabriel, J. Peter Segall).

All Nippon Airways Co.: Daniel J. Edelman, Inc.; Global USA, Inc.; SMC Internat'l (Sandra S. Mitchell); Zuckert, Scoutt and Rasenberger (James L. Devall).

American Honda Motor Co.: Toni Harrington, Manager, Government and Public Relations; Shogo Iizuka, Senior V. President; Schmeltzer, Aptaker and Sheppard (Michael Brown) Wilmer, Cutler and Pickering (Lloyd N. Cutler, Ronald J. Greene).

American Japanese Trade Committee: Mike Masaoka Associates (Mike M. Masaoka).

Asahi Chemical Industry Co.: Barnes, Richardson and Colburn (James S. O'Kelly).

Ass'n for the Advancement of Human Rights in Japan: Heron, Burchette, Ruckert and Rothwell; Parry and Romani Associates Inc. (Carmen G. Lowrey, Romano Romani).

Bank of Japan: Wilbur F. Monroe Associates (Wilbur F. Monroe).

Bank of Tokyo Trust Co., Epstein Becker and Green, Mike Masaoka Associates (Jennifer Smith).

Brother Industries, Ltd.: Hill and Knowlton Public Affairs Worldwide.

Brother Internat'l, Inc.: Richard W. Bliss; Tanaka, Ritger and Middleton (H. William Tanaka).

Central Union of Agricultural Cooperatives (ZENCHU): Arter & Hadden (Georgia H. Burke, William K. Dabaghi, Tom McDonald); Lerch and Co., Inc. (Donald G. Lerch, Jr.)

Chuba Electric Power Co.: Tatsuo Yagi, Chief Representative.

Communication Industries Ass'n. of Japan: Anderson, Hibey, Nauheim and Blair (Stanton D. Anderson); Mintz, Levin, Cohn, Ferris, Glovsky; and Popeo, P.C. (Charles D. Ferris).

Council of European and Japanese Nat'l Shipowners' Ass'ns: Kirlin, Campbell and Keating (Russell T. Weil), Peter G. Sandlund, Washington Representative.

Daiwa Securities Co., Ltd.: Heron, Burchette, Ruckert and Rothwell (Thomas A. Rothwell, Jr.).

Electric Power Development Co. Ltd.: Takeo Hirai, Chief Representative.

Electronic Industries Ass'n of Japan: Anderson, Hibey, Nauheim and Blair (Robert A. Blair); Hill and Knowlton Public Affairs Worldwide (Ralph Goldberg); Mudge Rose Guthrie Alexander and Ferdon; Saunders and Company (Steven R. Saunders); Shaw, Pittman, Potts and Trowbridge; Tanaka, Ritger and Middleton (B. Jenkins Middleton, H. William Tanaka).

Export-Import Bank of Japan: Deckert Price & Rhoads (Allan S. Mostoff).

Fanuc, Ltd.: Global USA, Inc.

Federation of Bankers Ass'ns of Japan: Shaw, Pittman, Potts and Trowbridge (John L. Carr, Jr.).

Federation of Japan Tuna Fisheries Cooperative Ass'ns: Anderson and Pendleton.

Flat Glass Ass'n of Japan: Tanaka, Ritger and Middleton (Patrick F. O'Leary, H. William Tanaka).

Florida Council on Asian Affairs: Saunders and Company (Brian Riendeau, Steven R. Saunders).

Fuji Heavy Industries Ltd.: Willkie Farr and Gallagher.

Fuji Photo Film U.S.A.: Daniel J. Edelman, Inc. (Daniel J. Edelman); Patton, Boggs and Blow (Ronald H. Brown); Tighe, Curhan & Piliero (Daniel J. Piliero, II).

Fujinon, Inc.: Marks Murase and White (Matthew J. Marks); Tighe, Curhan & Piliero (Pamela J. Mazza, Danial J. Piliero, II).

Fujitsu Ltd.: Akin, Gump, Strauss, Hauer and Feld (Warren E. Connelly, Richard Rivers); Paul, Hastings, Janofsky and Walker (Richard M. Fairbanks, III, G. Hamilton Loeb).

Hitachi America Ltd.: Hill and Knowlton Public Affairs Worldwide (Gary Hymel, Donald F. Massey); McDermott, Will and Emery (Robert S. Schwartz, Carl W. Schwarz); Jack McDonald Co. (Jack McDonald, Myron G. Sandifer, III).

Hitachi Ltd.: Junichi Aoki, Senior Representative; Global USA, Inc.; Hill and Knowlton Public Affairs Worldwide, Hiroshi Kitazki, Representative; McDermott, Will and Emery (Carl W. Schwarz), Powell, Goldstein, Frazer and Murphy (Stuart E. Eizenstat); TKC Internat'l, Inc.

Hitachi Metals, Ltd.: Graham and James (Stuart E. Benson, Mary Dennison, Michael A. Hertzbert, Lawrence R. Walders).

Industrial Bank of Japan, Ltd.: Wilbur F. Monroe Associates (Wilbur F. Monroe).

Internat'l Public Relations Co.: Civic Service, Inc. (Roy Pfautch); TKC Internat'l, Inc.

Izumi Seimitsu Kogyo Kabushiki Kaisha: Graham and James (Stuart E. Benson, Michael A. Hertzbert, Lawrence R. Walders).

Japan Aero Engines Corp.: Global USA, Inc.

Japan Aluminum Federation: Mudge Rose Guthrie Alexander and Ferdon.

Japan Auto Parts Industry Ass'n; Robinson, Lake, Lerer & Montgomery (James H. Lake).

Japan Automobile Manufacturers Ass'n; William C. Duncan, Deputy General Director; Akihiko Miyoshi, General Director, Washington Office; John P. Sears Law Offices (John P. Sears); Tanaka, Ritger and Middleton (H. William Tanaka), Elizabeth J. Vick, Public Relations Director.

Japan Automobile Tire Manufacturers Ass'n: Tanaka Ritger and Middleton (James Davenport, B. Jenkins Middleton, Michele N. Tanaka).

Japan Bearing Industrial Ass'n: Tanaka Ritger and Middleton (H. William Tanaka).

Japan Bicycle Ass'n: Bishop, Cook, Purcell & Reynolds (Bill Alberger).

Japan Center for Information and Cultural Affairs: Kaye, Scholer, Fierman, Hays and Handler.

Japan Chemical Fibers Ass'n: Internat'l Business and Economic Corp.

Japan Deep Sea Trawlers/Hokuten Trawlers Ass'n: Garvey, Schubert & Barer.

Japan Economic Institute of America: Eileen Marie Doherty, Government Relations Analyst; Barbara Warner, Political Economist.

Japan, Embassy of Dechert Price & Rhoads (Allan S. Mostoff); Laxalt, Washington, Perito & Dubuc; Milbank, Tweed, Hadley & McCloy; Ragen, Tremaine, Kreiger, Schmeer and Neill (Walter H. Evans, III); Saunders and Company (Steven R. Saunders); Sutherland, Asbill and Brennan (Douglas E. Rosenthal); Tanaka, Ritger and Middleton (H. William Tanaka); Verner, Liipfert, Bernhard, McPherson and Hand, Chartered (Leonard E. Santos); Washington Resources and Strategy, Inc (William R. Sweeny, Jr.).

Japan Export Metal Flatware Industry Ass'n. Tanaka, Ritger and Middleton (H. William Tanaka).

Japan External Trade Organization (JETRO) Mike Massoka Associates; Craig J. Spence Assoc., Inc. (Craig J. Spence); Verner, Liipfert, Bernhard, McPherson and Hand, Chartered (Leonard E. Santos).

Japan Fair Trade Center: APCO Associates (Kevin G. Nealer); Arnold and Porter (Patrick F.J. Macrory).

Japan Fisheries Ass'n: Frank, Richard A., Law Offices of Ginsburg, Feldman and Bress (David Ginsburg, Steven R. Perles, P.C.

Japan Galvanized Iron and Steel Exporters Ass'n; Wilkie Farr and Gallagher (Noel Hemmendinger).

Japan General Merchandise Exporters Ass'n: Tanaka, Ritcher and Middelton (H. William Tanaka).

Japan, Government of: Lerch and Co. Inc. (Donald G. Lerch, Jr.); Wilbur F. Monroe Associates (Wilbur F. Monroe); Tanaka, Ritcher and Middleton (H. William Tanaka).

Japan/Korea-Atlantic and Gulf Freight Conference: Warren and Associates.

Japan Lumber Importers Ass'n: Internat'l Business and Economic Research Corp.; Mudge Rose Guthrie Alexander and Ferdon (David P. Houlihan).

Japan Machine Tool Builders Ass'n: Anderson, Hibey, Nauheim and Blair (Stanton D. Anderson); Mibank, Tweed, Hadley & McCloy.

Japan Machinery Exporters Ass'n: Anderson, Hibey, Nauheim and Blair (Stanton D. Anderson).

Japan Metal Forming Machine Builders Ass'n: Anderson, Hibey, Nauheim and Blair (Santon D. Anderson).

Japan, Ministry of Foreign Affairs of: Eddie Mahe, Jr. & Assoc.; Saunders and Company (Steven R. Saunders).

Japan, Ministry of Internat'l Trade and Industry of: Wellford, Wegman and Hoff (W. Harrison Wellford).

Japan Pottery Exporters Ass'n: Tanaka, Ritger and Middleton (H. William Tanaka).

Japan/Puerto Rico and Virgin Islands Freight Conference: Warren and Associates (Charles F. Warren).

Japan Railway Technology Corp: Mike Masaoka Associates (Mike M. Masaoka).

Japan Special Steel Exporters Ass'n: Willkie Farr and Gallagher (William H. Barringer, Noel Hemmendinger, Zygmunt Jablonski).

Japan Telescopes Manufacturers Ass'n: Mike Masaoka Associates (Mike M. Masaoka).

Japan Times, The: Saunders and Company (Eric Edmondson, Brian Reindeau).

Japan Tobacco, Inc: Daniel J. Edelman, Inc. (Stephen K Cook); Hoppel, Mayer and Coleman (Neal M. Mayer); Internat'l Business-Government Counsellors, Inc. (John F. McDermid); Yutaka Komine, Director, Milbank, Tweed, Hadley & McCloy; Kazuya Takahashi, Exec. Director.

Japan Trade Center: Hill and Knowlton Public Affairs Worldwide; Mike Masaoka Associates (Mike M. Masaoka); Tanaka, Ritger and Middleton (B. Jenkins Middleton, H. William Tanaka); TKC Internat'l, Inc.

Japan Tuna Fisheries Cooperative: Anderson and Pendleton (Edmund E. Pendleton).

Japan Wire Products Exporters Ass'n: Willkie Farr and Gallagher (Noel Hemmendinger).

Japan Woolen and Linen Textiles Exporters Ass'n: Internat'l Business and Economic Research Corp.

Japanese Aircraft Development Corp.: Global USA, Inc.

Japanese Productivity Center: Daisaku Harada, Director, U.S. Office.

"K" Line Air Service (U.S.A.), Inc.: Robert N. Meiser, P.C.

Kawasaki, Kisen Kaisha, Ltd.: O'Connor & Hannan (George J. Mannina, Jr.); Warren and Associates (Charles F. Warren).

Kawasaki Motors Corp., USA: Paul, Hastings, Janofsky and Walter (Mark L. Gerchick); Fred B. Rooney.

Keizai Koho Center: Saunders and Company (Steven R. Saunders).

Kiutetsu World Express (U.S.A.), Inc.: Robert N. Meiser, P.C.

Komatsu Forklift, Ltd.: Graham and James (Michael A., Hertzberg, Lawrence R. Walders).

Komatsu Ltd.: Arnold and Porter, Global USA, Inc.

Konishoruku Photo Industry U.S.A.: Ginsburg, Feldman and Bress; Jones, Day, Reavis and Pogue (Robert M. Brown, Jerome J. Zaucha).

Kyocera Corp: Global USA, Inc.

Makita Electric Works Ltd.: Bell, Boyd and Lloyd (William Zeitler); Hill and Knowlton Public Affairs Worldwide (Anna Maria Dresen).

Manufactured Imports Promotion Organization (Japan): Norihiro Kono, Director, Washington Office.

Marubeni America Inc.: Lerch and Co., Inc. (Donald G. Lerch, Jr.).

Matsushita Electric Corp. of America: Morgan, Lewis and Bockius; Patton, Boggs and Blow (Ronald H. Brown); Weil, Gotshal & Manges (Bruce H. Turnbull).

Matsushita Electronic Corp.: Weil, Gotshal & Mange (Jeffrey P., Bialos, Eric P. Salomen).

Minebea Co.: Tanaka, Ritger and Middleton (H., William Tanaka).

Mitsubishi Corp.: Barnes, Richardson and Colburn (Edgar Thomas Honey); Winston and Strawn (L. Daniel O'Neill).

Mitsubishi Electric Corp.: Baker and McKenzie (Thomas P. Ondeck, William D. Outman, II); Robinson, Lake, Lerer & Montgomery (James H. Lake); Saunders and Company (Steven R. Saunders).

Mitsubishi Internat'l Corp.: Gordon Epstein, Manager; Jiro Kamimura, General Manager; Motoatsu Sakurai, Deputy General Manager.

Mitsubishi Trust and Banking Corp.: Civic Service, Inc. (Roy Pfautch).

Mitsui and Co.: Barnes, Richardson and Colburn (James S. O'Kelly); Steptoe and Johnson (Charlene Barshesky, Richard O. Cunningham, Susan G. Esserman).

Mitsui and Co. (U.S.A.), Inc.: William C. Bell, Research Associate, Government Reserach Corp.; Arthur E. Klauser, Senior V. President; Ronald Soriano, Assistant to the General Manager; Elaine L. Swanson, Research Associate.

Mitsui O.S.K. Lines, Ltd.: Warren and Associated (George A. Quadrino, Charles F. Warren).

Nakajama All Co.: Patton, Boggs and Blow (Thomas Hale Boggs, Jr.).

NEC Corp.: Coudert Brothers (Mark D. Herlach); Hill and Knowlton Public Affairs Worldwide, Manatt, Phelps, Rothenberg & Evens; Paul, Weiss, Rifkind, Wharton and Garrison (Thomas J. Fortune, Robert E. Montgomery, Jr.)

NEC Electronics (USA) Inc.: Dorsey and Whitney; Paul, Weiss, Rifkind, Wharton and Garrison (Robert E. Montgomery, Jr.).

New Energy Development Organization: Toshiaki Yamamoto, Chief Represenative.

Nippon Benkan Kogyo Co., Ltd: Akin, Gump, Strauss, Hauer and Feld (Warren E. Connelly).

Nippon Cargo Airlines: Lord Day & Lord, Barrett Smith (Joanne W. Young); Williams and Jensen, P.C. (John J. McMackin, Jr.); Zuckert, Scoutt and Rasenberger (James L. Devall).

Nippon Electric Co., Ltd.: Coudert Brothers (Milo C. Coerper).

Nippon Kokan K.K.: Willkie Farr and Gallagher (William H. Barringer).

Nippon Steel Corp.: Steptoe and Johnson (W. George Grandison, Daniel J. Plaine).

Nippon Telephone and Telegraph Corp.: Civic Service, Inc. (Roy Pfautch); Winston and Strawn (L. Daniel O'Neill).

Nippon Yusan Kaisha (NYK) Line: Pettit & Martin (Harry W. Cladauhos, John H. Korns, George W. Thompson Jr.); Warren and Associates (George A. Quadrino, Charles F. Warren).

Nisei Lobby: Mike Massoka Associates (Mike M. Massoka).

Nissan Aerospace Division: Charles Louis Fishman, P.C.

Nissan Chemical Industries Ltd.: Graham and James (Stuart E. Benson, Michael A. Hertzberg).

Nissan Industrial Equipment Co.: Arnold and Porter (Patrick F. J. Macrory).

Nissan Motor Co., Ltd.: Arnold and Porter (Patrick F. J. Macrory); Charles Louis Fishman, P.C.; Manchester Associates, Ltd. (John V. Moller).

Nissan Motor Corp in U.S.A.: Franklin J. Crawford, Director, Government and Public Affairs; Dorsey and Whitney; Yutaka Suzuki, Vice President, External Relations.

Nomura Research Institute: Kiyohiko Fukushima, Manager, Washington Office; Wilbur F. Monroe Associates (Wilbur F. Monroe).

Ohbayashi Corp.: Saunders and Company (Eric Edmondson, Steven R. Saunders).

OKI Electric Industry Co., Ltd.: Saunders and Company (Brian Riendeau); Wilmer, Cutler and Pickering (Robert C. Cassidy, Jr., John D. Greenwald).

Onoda Cement Co., Ltd.: Tanaka, Ritger and Middleton (Patrick F. O'Leary, H. William Tanaka).

Sambo Copper Co., Ltd.: Sharretts, Paley, Carter and Blauvelt (Beatrice A. Brickell, Peter O. Suchman).

Sanyo Electric Co., Ltd.: Patton, Boggs and Blow (Ronald H. Brown); Sharretta, Paley, Carter and Blauvelt (Peter O. Suchman).

Seiko-Epson Corp.: Saunders and Company (Steven R. Saunders).

Sharp Electronics Corp.: Marks Murase and White (Matthew J. Marks); Patton, Boggs and Blow (Ronald H. Brown); Tighe, Curhan & Piliero (Daniel J. Piliero, II).

Shigehiro Uchida: Graham and James (Eliot J. Halperin).

Shows Line, Ltd.: Hoppel, Mayer and Coleman (Neal M. Mayer); Warren and Associates (George A. Quadrino Charles F. Warren).

Sony Corp.: Arent, Fox, Kintner, Plotkin & Kahn; Debevoise and Plimpton (Robert R. Bruce, Jeffrey P. Cunard); Miller and Chevalier, Chartered (Donald Harrison); Patton, Boggs and Blow (Ronald H. Brown).

Subaru of America: Alfred Gloddeck, Manager, Regulatory Affairs.

Sumitomo Bank Ltd.: Shaw, Pittman, Portts and Trowbridge.

Sumitomo Corp.: Stafford, Burke and Hecker (Kelly H. Burke, Guy L. Hecker, Thomas P. Stafford).

Sumitomo Corp. of America: Mike Massoka Associates (Patti A. Tilson); Robert N. Meiser, P.C.

Sumitomo Electric Industries, Ltd.: Marks Murase and White.

Sumitomo Metal Industries, Ltd.: Marks Murase and White; Wilmer, Cutler and Pickering (John D. Greenwald, David Westin).

Sumitronics Inc.: Robert N. Meiser, P.C.

Suntory Internat'l: Mike Massoka Associates.

Suzuki Motors Co., Ltd.: Pettit & Martin (Harry W. Cladouhos).

Suzuki of America: Robinson, Lake, Lerer & Montgomery (James H. Lake).

Taiyo Fishery Co., Ltd.: Garvey, Schubert & Barer.

Takata Corp.: Mike Massoka Associates (T. Albert Yamada).

TEAC Corp.: Patton, Boggs and Blow (Ronald H. Brown).

Toa Nenryo Kogyo Kabushiki Kaisha: First Associates Inc. (Floyd I. Roberson).

Tokyo Electric Co., Ltd.: Kelley, Drye and Warren (Edward M. Lebow).

Tokyo Electric Power Co.: Kazuo Asano, Director and General Manager Koichi Miyamoto, Manager.

Tokyo Juki Industrial Co., Ltd.: Dorsey and Whitney.

Toshiba America, Inc.: Anderson, Hibey, Nauheim and Blair (Robert A. Blair): Arent, Fox, Kintner, Plotkin & Kahn (Burton V. Wides); Dickstein, Shapiro and Morin (John C. Drill); Mudge Rose Guthrie Alexander and Ferdon (Jeffrey S. Nelley, N. David Palmeter); Worldwide Information Resources (WIRES) Ltd. (Richard J. Whalen).

Toshiba Corp.: Anderson, Hibey, Nauheim and Blair (Robert A. Blair); Dickstein, Shapiro and Morin (Leonard Garment, James R. Jones, G. Joseph Minetti); Daniel J. Edelman, Inc.; Mudge Rose Guthrie Alexander and Ferdon (Julia Christine Bliss, David P. Houlihan, David A. Vaughan); Patton, Boggs and Blow (Ronald H. Brown).

Towa Optical Manufacturing Co.: Mike Massoka Associates (Mike M. Massoka).

Toyo Menka Kaisha, Ltd; Sedam and Shearer.

Toyo Umpanki Co., Ltd.: O'Melveny and Myers (Kermit W. Almstedt, Greyson Bryan, Sheila J. Landers).

Toyota Motor Corp.: Arent, Fox, Kintner, Plotkin & Kahn (John D. Hushon, Burton V. Wides); Jones, Day, Reavis and Pogue; Miller and Chevalier, Chartered.

Toyota Motor Sales, U.S.A.: Robert C. Daly, National Industry Affairs Manager; Hogan and Hartson (Clifford S. Gibbons, Gerald E. Gibert); Charles E. Ing, Legislative Affairs Manager; Kendall and Associates (William T. Kendall); Mike Massoka Associates (Mike M. Massoka, Patti A. Tilson, T. Albert Yamada); C. Douglas Smith, Government & Industry Relations Manager; Motoyuki Tsutsui, V. President; Kenji Ueno, Senior Exec. Coordinator; Koichi Watanabe, Senior V. President; Worldwide Information Resources (WIRES) Ltd. (David W. Secrest, Richard J. Whalen).

Trans-Pacific Freight Conference of Japan/Korea: Warren and Associates.

Universal Public Relations Co.: Civic Service, Inc. (Roy Pfautch).

Yamaha Motor Corp.: Wald, Harkrader and Ross; Willkie Fary and Gallagher (William H. Barringer, Stephen (Greiner).

Yamaichi Internat'l: Brownrigg and Muldoon.

Yamashita Shinnibon Steamship Co.: Warren and Associates (George A. Quadrino, Charles F. Warren).

Yamazaki Machinery Works, Ltd.: Finnegan, Henderson, Farabow, Garreti and Dunner (Brain G. Brunsvold).

"Foreign interests are spending more money than our most prestigious organizations representing American business," the Post articles states. For this representation and grassroots activity they pay more than $100 million; that is what I referred to a minute ago, and listen to this: more than the combined budgets of the U.S. Chamber of Commerce, the National Association of Manufacturers, the Business Round Table, the Committee for Economic Development and the American Business Conference. In other words, the Japanese interests spent more money in lobbying here in Washington than all of the American organizations combined.

I also question if foreign corporations should be permitted to operate political action committees and become involved in the financing of American elections. According to the Post article they spent $2 million in the 1968 election cycle.

Now my colleagues know that the thing that really bothers me, I think as much as anything, is why our media does not go after that, why our media simply reports the facts and lets it go. I could imagine how our media would go after any American companies or any American group that spent $2 million anywhere overseas in political action money to try and influence the legislatures in the other countries. This disturbs me a great deal, and let us refer to this article a little bit. It was a well laid out, big article.

And under that title, "Money Talks: How Foreign Firms Buy U.S. Clout," it says, "When senior statesman Elliot Richardson appeared on the national television "It's Your Business" a couple of months ago, he was addressed throughout the show as "Mr. Ambassador," because he was an Ambassador representing our Government at one time. He was also Secretary/Cabinet officer on two or three of the three Cabinet posts. His comments on the many benefits of growing foreign investment in this country were accorded the respect due to one who has held three Cabinet posts, three, and a score of other high-level Government positions at home and abroad. Never mentioned throughout the program, and this is important here again how the media fails to identify everything in this country, was the fact that Richardson now is representing other interests, those of the recently formed Association of Foreign Investors in America.

Richardson is only one among scores of other high-level Government officials, according to Pat Choate's article, including former Vice President Walter Mondale, 18 senior Presidential aides, 6 Senators, 10 Congressmen, and 4 top-level military officers who have become spokespersons, advisers or lobbyists for foreign companies and their governments in recent years.

James H. Lake, and this one breaks my heart, named last week as an unpaid adviser to the Bush campaign, for example, was already regarded as an especially effective representative for European and Japanese interests because of his close ties to United States Trade Representative Clayton Yeutter to whom he provided advice on staffing and organization of the United States Trade Representative Office and to earlier Reagan-Bush campaigns.

The involvement of these former officials illustrates that, as foreign ownership of U.S. assets expands, foreign owners are seeking to protect their interests by deepening their involvement in our domestic politics. Aping their American competitors, they are lobbying, politicking and propagandizing on an unprecedented scale, and often much more effectively. As a result, America's trade and economic policies—a sure focus for debate at this week's economic summit—are often shaped as much by foreign companies and their governments as by U.S. interests.

□ 1550

And it goes on about the $100 million or more that they spend, passing up all the American organizations, and it asks in this article:

Should foreign corporations be permitted to operate PACs and become involved in the financing of American elections—as they now are to the extent of at least $2 million in the 1988 election cycle?

Has Congress become too susceptible to political pressures generated by grass roots propaganda campaigns sponsored by foreign corporations and their governments and can tighter lobbying and disclosure laws reduce this pressure?

How pervasive is foreign support of research and policy analysis on international economic issues by think tanks and scholars who generate the ideas for America's political candidates, elected officials and policymakers? Would expanded support for such research from U.S. foundations, businesses and government be desirable?

Mr. Speaker, I ask unanimous consent to include the entire article in my statement today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

MONEY TALKS: HOW FOREIGN FIRMS BUY U.S. CLOUT

(By Pat Choate)

When senior statesman Elliot Richardson appeared on the national television program "It's Your Business" a couple of months ago, he was addressed throughout the show as "Mr. Ambassador." His comments on the many benefits of growing foreign investment in this country were accorded the respect due to one who has held three Cabinet posts and a score of other high-level government positions at home and abroad. Never mentioned throughout the program was the fact that Richardson is now representing other interests: those of the recently formed Association of Foreign Investors in America.

Richardson is only one among scores of former high-level government officials—including former Vice President Walter Mondale, 18 senior presidential aides, six senators, 10 congressmen and four top-level military officers—who have become spokespersons, advisers or lobbyists for foreign companies and their governments in recent years. James H. Lake, named last week as an unpaid adviser to the Bush campaign, for example, was already regarded as an especially effective representative for European and Japanese interests because of his close ties to U.S. Trade Representative Clayton Yeutter (to whom he provided advice on staffing and organization of the USTR office) and to earlier Reagan-Bush campaigns.

The involvement of these former officials illustrates that, as foreign ownership of U.S. assets expands, foreign owners are seeking to protect their interests by deepening their involvement in our domestic politics. Aping their American competitors, they are lobbying, politicking and propagandizing on an unprecedented scale, and often much more effectively. As a result, America's trade and economic policies—a sure focus for debate at this week's economic summit—are often shaped as much by foreign companies and their governments as by U.S. interests.

This year, for example, 152 Japanese companies and government agencies have hired 113 firms for Washington representation. For this representation and grass-roots activities they will pay more than $100 million—more than the combined budgets of the U.S. Chamber of Commerce, the National Association of Manufacturers, The Business Roundtable, the Committee for Economic Development and the American Business Conference—the five most influential business organizations in Washington.

This kind of muscle can pay off. In this year's political battle over the trade bill, for example, a coalition of European, Canadian and Japanese lobbyists masterminded the defeat of a legislative proposal that would have enabled the federal government to monitor foreign investment in this nation—something other governments do as a matter of course. Similarly a coalition of European and developing nations overwhelmed efforts by American firms to close a major loophole in the dumping laws that permits the import of goods sold at below production cost once a third country incorporates them into another product.

No one doubts that foreign interests are entitled to representation in Washington. But one may raise questions about the nature and form of such representation:

Should former high-ranking U.S. officials—people who are privy to Washington's economic and trade strategies—be permitted to lobby for foreign economic rivals?

Should foreign corporations be permitted to operate PACs and become involved in the financing of American elections—as they now are to the extent of at least $2 million in the 1988 election cycle?

Has Congress become too susceptible to political pressures generated by grass roots

propaganda campaigns sponsored by foreign corporations and their governments and can tighter lobbying and disclosure laws reduce this pressure?

How pervasive is foreign support of research and policy analysis on international economic issues by think tanks and scholars who generate the ideas for America's political candidates, elected officials and policymakers? Would expanded support for such research from U.S. foundations, businesses and government be desirable?

While growing foreign investment in the United States is partially documented, the escalating foreign efforts to shape America's trade and economic policies are virtually uncharted. One aspect of this influence is, however indisputable: Foreign lobbying is well-staffed, well-organized and well-financed.

Canada, the next most active country after Japan, currently has 61 organizations representing its government and firms. Third in line are the British with 44 lobbying, public relations and law firms representing their interests in Washington. There are now almost 8,000 foreign agents registered with the Justice Department.

Not all would-be foreign agents are as blatant in their approach as former Commerce Department official Robert Watkins. Watkins was criticized by some U.S. firms and members of Congress as insufficiently tough in representing U.S. interests when he was in charge of efforts to open Japanese markets to U.S. auto parts in 1986 and 1987. Just as the negotiations were concluding last fall, Watkins sent a letter to Japanese auto parts manufacturers offering to organize and lead a lobbying association to represent their interests in this country.

Watkins is probably an extreme case. But the easy availability of many well-connected former U.S. government officials certainly increases the effectiveness of foreign lobbying. Since 1980, more than 100 former federal office-holders have joined the ranks of many others who once held important U.S. positions and now advise or speak for foreign companies and their governments.

Watkins is probably an extreme case. But the easy availability of many well-connected former U.S. government officials certainly increases the effectiveness of foreign lobbying. Since 1980 more than 100 former federal office-holders have joined the ranks of many others who once held important U.S. positions and now advise or speak for foreign companies and their governments. Former officials are unusually effective representatives: They have a special knowledge of the inside workings. of U.S. trade, investment and related economic strategies. Moreover, like James Lake, they have privileged access to high-ranking friends, former colleagues and subordinates who still work within the government.

Ex-officials are also excellent public relations people. Their expertise is often sought out by the media through which they can advance positions by writing editorial pieces, appearing on television and commenting on trade matters. But when they do so, they are generally identified only as knowledgeable former government officials. Those who are required to file foreign-agent registrations with the Justice Department are supposed to attach a copy of their registration statement with any testimony they give before Congress. An informal check shows that fewer than 2 percent do.

Foreign interests also have the diplomatic edge in Washington. A key function for foreign ambassadors is opening political doors for their country's economic interests and, when necessary, escalating trade matters into national issues.

For most American companies, the only comparable political access comes from the direct involvement of the Chief Executive Officer. CEOs still have a certain cachet in Washington since the powerful, after all, are intrigued by the powerful. But only a handful of American CEOs are moved to translate this fascination into Washington influence. A recent A.T. Kearney Company survey of the CEOs of 150 manufacturing companies found that only a quarter of those surveyed even try to affect public policies.

Furthermore, as U.S. companies become more dependent upon foreign sources for financing, components and supplies, their willingness to complain about predatory foreign trade practices diminishes. Witness the cacaphony of conflicting responses when the U.S. finally moved to stop several years of illegal Japanese dumping of semi-conductors upon which many American companies had, in the interim, become dependent (a practice of economic entrapment which U.S. robber barons understood and applied well in the 19th century.)

Just as foreign interests invest wisley and handsomely in direct lobbying so too they invest strategically to shape public opinion to their advantage. More than 100 foreign companies, for example, have legally created their own Political Action Committees (PACs) by stimulating contributions from their American employees. Bruce Stokes reported in the National Journal that foreign-company PACs contributed more than $1.1 million in the 1985-86 election cycle. Federal Election Commission data indicate that these expenditures will rise considerably to the end of the current cycle.

In addition to lobbying and politicking, a growing number of foreign companies and their governments are propagandizing. The Japanese, moreover, are systematically integrating the three approaches into a carefully crafted grass-roots public relations campaign, the details of which have received almost no attention in the general press. Japan's campaign, like those of other nations, is designed to influence federal officials by going over their heads to U.S. voters, local officials and the press. It was begun in 1986 to deflect American criticism about the fairness of Japanese trade practices and to emphasize the benefits of Japanese investment in the United States. Its clear message: Criticism of Japanese protectionism threatens these benefits upon which America is increasingly dependent.

In late 1985, Akio Morita, chairman of the powerful Electronic Industries Association of Japan, laid out for the member companies how and why EIAJ must "seek direct contact with the American people * * * [and] make stronger efforts to convince local governments, leading to a concerted effort to have more impact on the federal government."

The EIAJ campaign is extraordinarily comprehensive. It includes: (1) staging debates and seminars in states and localities; (2) staging local events with local Japanese factories and plants; (3) publishing local newsletters and magazines; (4) exchanges with state universities and think-tanks; (5) contacting state economic development bureaus, local Chambers of Commerce and state offices of U.S. senators and representatives; (6) exchanges with local consumer organizations; seminars at the state level; (7) contacting local press representatives, and (8) introducing student exchange programs.

Japan's PR effort is also extraordinarily well-bankrolled. Craig Smith, editor of the "Corporate Philanthropy Report" estimated that between 1985 and 1986, contributions by Japanese companies to U.S. nonprofit organizations alone jumped from $50 million to $100 million.

Japanese publicists have also demonstrated a hair-trigger willingness to label criticism of Japanese protectionism as "Japan-bashing" and tough U.S. actions as "racism." In a remarkable outburst last April, for instance, Hajime Tamura, Japan's powerful Minister of International Trade and Industry, urged a presidential veto of an American trade bill he deemed "racist."

Of course, Japan-bashing does occur; and some Americans are racist. But a large number of the accusations of Japan-bashing are nothing but cynical gambits served up to weaken legitimate American complaints and to avoid substantive action. Unfortunately, these ploys often succeed.

Another source of potential influence comes from the growing number of foreign corporations and their governments supporting the work of the policy institutes and scholars who supply elected officials and other policy makers with ideas. While the views of these institutes and scholars are genuinely held, significant foreign funding amplifies their particular perspectives and gives them a sharp competitive advantage in the idea marketplace.

A good example of this dynamic is the work of the Institute for International Economics, almost certainly the think tank with the greatest influence on trade policy thinking in Washington. It was created—and, until recently, principally financed—by monies provided by the West German government through the German Marshall Fund of the United States. This support is now augmented with funds from Japan and U.S. donors.

From its inception, the Institute has been a strong advocate of laissez-faire trade policies. Its studies have minimized both contributions of foreign protectionism to America's trade deficit and the feasibility of reciprocal actions to reduce that protectionism.

A measure of the Institute's influence is the wide and quick acceptance of its estimates that Japanese protectionism contributes relatively little to the U.S.-Japan trade deficit. For example, in 1981 Institute scholars estimated that the Japanese barred only $2 billion of U.S. exports—an amount that, as author and former trade official Clyde Prestowitz has pointed out, could be accounted for by restrictions on sales of U.S. tobacco products alone. Commerce Department analysts, by contrast, calculated that the figure for 1982 was closer to $20 billion.

In early 1985, the Commerce Department compiled a short list of U.S. products, such as citrus and soda ash, excluded by Japanese protectionism and worth an estimated $17 billion—then equal to about half the U.S.-Japan trade deficit. Later that year, however, an Institute report made a startling, widely reported assertion: America's trade and economic practices were actually more protectionist than Japan's. The Institute concluded that Japanese protectionism contributed only $5 billion to $8 billion to the U.S.-Japan trade deficit—about 10 to 15 percent.

This 10-to-15-percent estimate has been quoted so often that its source is seldom cited any longer and its validity never questioned. Japanese negotiators use it as proof

that their trade barriers are minimal. The administration has used it to oppose tough new provisions in the current trade bill against predatory practices including the controversial Gephardt amendment whose author, Rep. Dick Gephardt (D-Mo.), himself cited the Institute estimate. And yet ongoing work by scholars estimates that Japanese protectionism, in all its many forms, may now deflect an annual amount of U.S. exports roughly equal to the $50 billion-plus U.S.-Japan trade deficit.

As foreign investors increase their holdings in this country, it is understandable that they will make every effort to protect those interests. Far less understandable are the jaded attitudes of U.S. policymakers, politicians and public towards the conflict of interest that can certainly arise where high government officials and advisers trade in their expertise for well-paid positions representing foreign interests.

The most important step toward curbing undue foreign interests is to eliminate the American overconsumption that has led to our reliance on foreign loans and foreign purchases of U.S. assets to balance our trade accounts. Beyond that we need stricter ethics laws, better enforcement of existing laws and—especially—a commitment by future administrations to set and enforce the highest standards of conduct for government officials.

Finally, it would be helpful if the media would more carefully identify the affiliations of former government officials who now serve as foreign agents or advisers, as well as those of independent experts. Perhaps few if any of these spokespersons and commentators are influenced in their opinions by the sources of their livelihoods, but certainly there can be no harm in giving readers and viewers all the information that might help them balance their judgment of what they read and hear.

Well, we see how much foreign influence there is around us here in Washington.

The Post had another article, "How Foreign Money Is Changing Washington," by Paul Farhi.

Foreign money is flowing into Washington, according to that Post article, because the decline of the value of the dollar against foreign currencies during the past 3 years makes American assets relatively cheap. Foreign firms find it to their advantage both politically and financially to have factories or other operations in America, the world's largest consumer market.

Today's foreign interests own between 16 and 30 percent of all commercial real estate in downtown Washington. And of course, we know already the Japanese interests own about 46 percent of the commercial properties in downtown Los Angeles, and on and on we go.

The Post article also points out that we are a Government town and the foreign interests are profiting from the toil of our Government workers, not the Americans.

Mr. Speaker, I will include that article, "How Foreign Money Is Changing Washington," at this point. I will just touch on one or two paragraphs.

HOW FOREIGN MONEY IS CHANGING WASHINGTON

(By Paul Farhi)

You don't need to be an international economist to understand how foreign money is transforming the Washington area. Take a typical day.

You awaken and wash up with a bar of Dove soap. You dress in a Brooks Brothers suit or an outfit purchased at Bloomingdale's and hop into your car, which sports Michelin tires and parts supplied by Marada Inc. At your downtown office in the U.S. News and World Report Building, you cozy up to a Fujitsu computer or use a Northern Telecom phone system.

At lunchtime you pick up an out-of-town business associate who is staying at the Embassy Suites hotel. After work you shop at a Benetton store or maybe Laura Ashley, paying for it with money from a First American Bank cash machine.

For a late snack, you eat cookies made by Keebler Co.

In each instance, foreign-owned companies with operations a few miles from the White House produced or marketed what you're eating, wearing, driving and working on. Other foreign investors own your office building, the hotel, the stores and the bank.

Most consumers know that Sony ships its VCRs here from Japan and Hyundai brings over cars from South Korea. But less obvious is that a bar of Dove soap comes from a Baltimore factory owned by the giant Dutch marketer Unilever, or that Brooks Brothers is owned by a British concern, Marks & Spencer PLC. And while General Motors makes its own cars in Baltimore, Marada, a Canadian-owned company, produces the parts.

Foreign money is pouring into the Washington area, and not just the kind that goes to finance the federal deficit. In recent years, foreign investors have become an important component in the local economy as the owners of such "hard" assets as plants, equipment and office buildings.

According to a new study by the Washington/Baltimore Regional Association and interviews with other analysts, the region is one of the nation's strongest magnets for francs, yen, pounds, marks and other international currencies. Consider:

Between 1980 and 1987, direct foreign investment in the area grew by about $4.2 billion, or about 168 percent. Total direct foreign investment—that is, the value of all hard assets held by foreigners—was estimated at $6.7 billion at the end of last year.

The region's 914 foreign affiliates employed 85,458 workers as of last year, a 54.5 percent gain between 1980 and 1987. The total is equivalent to the combined work forces of such home-grown companies as MCI Communications Corp., Gannett Co. Inc., Giant Food Inc., Geico Corp., and Potomac Electric Power Co.

Foreign interests own between 16 percent and 30 percent of all the commercial real estate in downtown Washington, according to the District of Columbia's Office of International Business. The Kenneth Leventhal & Co. accounting firm estimates that Japanese landlords alone own $510 million worth of downtown property.

Although the region's 168 percent growth in foreign investment during 1980-87 lags slightly behind the national average of 173.2 percent, the national picture is distorted by heavy foreign investment in a few key areas. The New York metropolitan area, for example, attracted nearly 40 percent of all major foreign transactions in 1986, while foreign investment in California climbed a staggering 565 percent between 1977 and 1984, driven by huge infusions of Asian money.

By contrast, the Washington metropolitan area gets a disproportionate share of foreign investment relative to its size. The nation's 10th most-populous region as measured by the Census Bureau in 1985, the Washington-Baltimore market had the fourth-highest number of major transactions by foreign investors in 1986, ranking behind the New York, Los Angeles and San Francisco areas, according to the Department of Commerce. Most of the money—78 percent—comes from Canada and Europe; a relatively small amount comes into the area from the Middle East and Asia, according to the Baltimore-Washington Regional Association.

"We've had a gut feeling for some time that this area has been a tremendously strong draw for foreign capital," said Richard W. Story, executive director of the Washington/Baltimore Regional Association. "The numbers confirm our impression."

Foreign money is flowing into this area for many of the same reasons it is flowing into the United States generally: The decline in the value of the dollar against foreign currencies during the past three years makes American assets relatively cheap; foreign firms find it to their advantage, both politically and financially, to have factories or other operations in America, the world's largest consumer market; and the United States is considered a safe investment, both for its political stability and its long-term economic prospects.

But the Washington-Baltimore corridor has its own particular attractions, according to civic boosters like Story. These include proximity to federal regulatory and research agencies, a large professioanl labor pool, a highly developed transportation system and an economy that has been called recession-proof.

"Washington is the safest harbor in a safe harbor," said Courtland Cox, acting director of the D.C. Office of International Business. "As the seat of the federal government, we'll always have some basic strength."

Fokker B.V., the Dutch commerical airplane manufacturer, for instance, set up its U.S. subsidiary in Alexandria four years ago. Stuart Matthews, chief executive of Fokker Aircraft USA, says the company wanted to be on the East Coast to maintain overlapping business hours with its parent firm in Amsterdam. Matthews also likes the idea that his sales representatives are an airplane ride away from potential customers throughout North America, and that the subsidiary is near industry trade groups in Washington. It doesn't hurt, either, that Fokker's biggest client is Washington-based USAir Group Inc.

Although almost three-quarters of the foreign capital invested here went into real estate or manufacturing deals, Fokker may be typical of the multinationals that have set up shop in the area. Fokker doesn't manufacture anything at its Alexandria site. Its 50 employees are service and support workers—sales representatives, accountants, attorneys, administrators.

Other companies, such as Olivetti, Canon, Sharp, British Aerospace and Toshiba, have sales offices or distribution warehouses in the Washington area—reflecting the regional economy itself, which is heavily service-oriented.

As always, the large presence of foreign-owned businesses and real estate worries some people. They say foreign ownership

places Americans at the economic mercy of outsiders, subject to decisions taking place thousands of miles away.

In this view, the profit from the toil of local workers is taken from the region and repatriated to enrich Canadians, Germans, Japanese, British and Dutch nationals. Consumer advocate Ralph Nader, for one, recently complained that rents were going up so fast in buildings owned by foreigners in downtown Washington that public-interest groups were being forced out of the city.

"Down the road, we may look around and not like what's happended," said Ronald H. Daversa, president of the Suburban Maryland International Trade Association, an export-promotion group. "We may find ourselves on the outside looking in. When you have foreign ownership, you have foreign control."

Nonsense, reply those who see foreign investment as a positive economic force. Their argument goes like this: Foreign investment creates jobs, generates taxes, brings new technical skills, and may even lead to increased exports. Besides, unlike foreign investment in U.S. financial assets, foreign owners of local factories and building can't take their investment out of the country.

Downtown Washington is a case in point: A large portion of new construction in the city, such as the Market Square development on Pennsylvania Avenue and several buildings east of 15th Street NW, has been financed by Canadian, Dutch and Japanese money.

"There is no [indigenous] capital formation in D.C.," Cox said. "It would be nice if the moms and pops could raise the kind of money it takes to build a building, but moms and pops don't build big buildings." To keep the money rolling in, the District formed the Office of International Business last October.

By doing so, the District joined the long parade of states seeking foreign investment with all the fervor of a crusade.

Virginia Gov. Gerald L. Baliles had made advocacy of foreign trade a key part of his administration and has led several delegations overseas in search of markets for Virginia products and foreign investment in the state. And Maryland spends $4 million annually on international trade and tourism promotion; it recently reorganized its effort under an office called the Maryland International Division.

Maryland's effort apparently is paying off: Employment at firms owned by foreigners in the state grew 2½ times, to 50,000, between 1977 and 1986, according to Eric Feldmann, who directs the international office. Within the past few months, a German electronics test-equipment maker opened a facility in Lanham and a French luggage manufacturer opened a factory on the Eastern Shore.

But before it gets too bullish on foreign investment, Maryland, and the rest of the region, might keep an eye on what could be some nasty weather ahead. After all, some of the economic conditions that have allowed the nation to suck in foreign capital must inevitably slow, experts say, and with it will go the flurry of foreign acquisitions.

The most important of these is the expansion of the economy, which has made foreigners willing to bet on America's future. A recession could delay further capital investment from overseas. Second, the dollar appears to have stopped its slide, at least temporarily, meaning U.S. assets won't continue to come cheaply to foreigners (although dollar profits from foreign-owned businesses here won't be losing value, either). Third, if the restructing of large American companies winds down, there simply may not be as many assets for sale in the near future.

Robert Grow, director of research for the Washington/Baltimore Regional Association, says one support for foreign investment has been removed. With the repeal of the capital-gains tax exemption in the Tax Reform Act of 1986, American companies lost one incentive to sell assets. But Grow also points out the inevitable flip side: If the nation's trade and budget deficits continue to widen, the dollar would weaken again, touching off a new round of foreign acquisitions.

And how bad would that be? For government officials and workers who have gotten used to bosses from across the border, it might well be business as usual.

FOREIGN INVESTMENT

	1980	1986	1987 (estimate)	Percent change (1980–87)
In United States:				
Number of affiliates of foreign companies	6,822	9,669	10,143	48.6
Gross value of plants/equipment (billions)	$127.8	$317.6	$349.2	173.2
Employees	2,033,932	2,964,492	3,017,214	51.0
In Washington-Baltimore Area:				
Number of affiliates of foreign companies	569	865	914	60.6
Gross value of plants/equipment (billions)	$2.5	$6.1	$6.7	168.0
Employees	55,293	81,310	85,456	54.5

Note: Gross value of plants and equipment is book value.

Source: U.S. Department of Commerce; Washington/Baltimore Regional Association.

FOREIGN DIRECT INVESTMENT[1]

[Transactions by market (1986)]

Market	Number of transactions	Percent of all transactions
1. New York/northern New Jersey/Long Island	161	39.5
2. Los Angeles/Anaheim/Riverside	62	15.2
3. San Francisco/Oakland/San Jose	45	11.0
4. Washington/Baltimore	37	9.1
5. Chicago/Gary/Lake County	36	8.8
6. Dallas/Ft. Worth	21	5.1
7. Boston/Lawrence/Salem	16	3.9
8. Houston/Galveston/Brazonia	15	3.7
9. Philadelphia/Wilmington/Trenton	10	2.5
10. Detroit/Ann Arbor	5	1.2

[1]Foreign direct investment is the direct or indirect ownership by a foreign entity of 10 percent or more of the voting securities of an incorporated business, or an equivalent interest in an unincorporated business and a 10-percent or more interest in real property.

Source: U.S. Department of Commerce, Washington/Baltimore Regional Association.

It points out:

Between 1980 and 1987, direct foreign investment in the area grew by about $4.2 billion, or about 168 percent. Total direct foreign investment—that is, the value of all hard assets held by foreigners—was estimated at $6.7 billion at the end of last year.

The region's 914 foreign affiliates employed 85,458 workers as of last year, a 54.5 percent gain between 1980 and 1987.

They own 16 to 30 percent of all commercial real estate in downtown Washington, and in New York, for instance, the New York Metropolitan area, for example, attracted nearly 40 percent of all major foreign investments in 1986, while foreign investment in California climbed a staggering 565 percent between 1977 and 1984.

Now, Mr. Speaker, one of the things that none of these articles point out and why some people say, "Well, you know, Helen, why are you objecting to this money coming in here from overseas? It is good to have it."

Well, it is to a degree, but it depends on how it comes in. It depends on what is done with it and it depends on what it does to the value of properties here. If our assets are so cheap to foreigners right now to buy, they are not cheap to Americans. With so much of that kind of money coming in, the values are being inflated and making it much more difficult for the average American to buy property or to invest, and that is something that we in this Congress should be concerned about and should look into. We cannot afford the kind of prices that these foreign interests are putting on property right now, the values, because the dollar is the same as far as we are concerned, but to the outside interests it is so far down that they can come in and take it over.

Well, I hate to say that we are beginning to dance to the tune of foreign money. You know, it hurts. It hurts when the United States was really the leader for so many, many years, and should still be.

Among the things that we have to do is get our own operating deficit under control and our foreign trade deficit under control and then once again we will not have to dance to the tune of foreign money. I am sure that the American people will prefer that than the other way around.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise once again to continue "My Advice to the Privileged Orders," and wish to say at the outset that the only reason that impels my getting up today originally was to point out in a different way what the gentlewoman from Maryland has just addressed in specific instances and a subject matter that some of us have been working on and attempting to prevent as long as 22 years ago when we had the first credit crunch and the fact that so many of our people do not realize that they have no protection.

The Congress has not seen fit since 1865 to set up the safeguards that every society throughout the known history of man has had to in one form or another set up or suffer the consequences thereof, and that is the interest rate and the accessibility of credit, the allocation of that credit by select

groups not subject to the overriding dictum of the greatest interest of the greatest number.

The gentlewoman refers quite correctly to these tremendous interests, alien and foreign, but which in effect really are not. They are interrelated with the interconnected high corporate levels, both in the financial corporations as well as in our highest, richest, and most powerful and potent business corporate interests. The interlocking directorship which has existed and which the committee that I am on impelled by the then chairman, my fellow Texan, Wright Patman and myself, were attempting to address in 1960 and clear through the tenure of Mr. Patman as chairman of the Banking Committee, but at which we failed miserably because we had the strongest opposition from the great banking and financial institution representatives, the national organizations representing them, and their tremendous influence with our colleague from the Banking Committee and in the Congress generally.

The reason is that if we had been allowed to do what we intended, the Banking Committee would have addressed this question of the beginning of what now has turned out to be a flood of penetration by foreign money and substantial interests in the acquisition of not only financial institutions, banks, but related sensitive activities, such as the aircraft production corporations and the other sensitive production aspects of our economy that today literally are out of the picture.

We are now an importing nation, as the gentlewoman from Maryland has brought out on several occasions prior and today. We are no longer a producing nation. The reason is not that there are 100 percent foreign devils out there. It is that we have had a dramatic and a radical change in the way our world is constituted and the scientific breakthroughs, electronic instantaneous communication and the like, which has reduced our world to what that great leader in America used to call one world and for which he was considered to be quite un-American at the time.

The fact is that every one of my three predecessor spokesman on this House floor today spoke on an issue that today is a crisis for America, but which in all fairness to some of us, and I do not know who else is still in the Congress from that period who raised their voices—I know I am—did raise our voices and did intend to try to get some awareness, and failed in our legislative attempts to anticipate and prevent what today is a great crisis and dilemma; for instance, foreign money is elections.

Well, in 1966 in the U.S. Senate races in Texas, we had reported almost $50,000. Now, that was a lot of money in 1966 in terms of volume in election campaigns, that came from West Germany in the name of the Bonn West Germany anti-Communist front, but which actually had as its sources German industrial and other activities that had been very active during Adolf Hitler's regime.

We have got to remember, all my colleagues, I must remind you that the biggest anti-Communist of all time was Adolf Hitler, so that when we get lost in these ideological and phraseology labeling matters, we are going to lose what we ought to be targeting, and that is America's interests.

America is not only now an importing nation, it is also a debtor nation. We are the biggest debtor Nation in the world.

The newspapers reporting on the recent summit in Toronto, Canada, have as they have in every one of these economic summit meetings, talked about everything else except the most important issues that have everything to do with our well-being, that is our standard of living. Every economic summit meeting, whether the ones previous in Bonn or Tokyo or Venice, Italy, last year, have been shrouded in this mystique of international finance jargon.

What are the real implications for America? Today's headlines, for instance, talked about the summit in Toronto having arrived. They said at the conclusion they would intervene and bolster the dollar. The big story was that the dollar had risen. Well, that is very relative and it may mean absolutely nothing insofar as the critical question confronting us today is concerned.

The truth is that we have lost control of even our most powerful unaccountable institutions, such as the Federal Reserve Board.

Now, you know, they say that the mills of the gods grind slowly, but exceedingly fine. I think it is ironic and tragic that all these Federal Reserve Board Chairmen that I have had the ability to listen to in the last 27 years, and that is a total of seven to nine different Chairmen that we have had, have all had this refrain about how they had to maintain independence. What they meant by independence was that they would have no accountability, as they do not now.

Now, they wielded this tremendous power, but for whom? The Federal Reserve Board is not a Federal agency. It was created by Congress, but it is actually run and operated by the commercial banks in the United States, and actually within the last two decades by the seven and eight principal banks in the United States. They are the ones that forge the policy.

We are still operating like England used to, but ceased to do when it regained control of its own economic, fiscal, and monetary destiny; that is, the Federal Reserve Board through its Open Market Committee can determine the rise or fall of any administration, as it has, and as it might despite its efforts to intervene for political reasons, and they have been doing that openly and notoriously since 1972, but they have lost control.

It is ironic. It is like punishment from on high. It is ironic that even they have lost control, because there are now external forces which the gentlewoman has given us some more dramatic manifestations of, and I think, yes, we ought to be alarmed, but I think it is a wee bit too late.

The litany of names read of those defending those interests, well, these are high corporate officials. They come from corporate kingdoms and they are going back to corporate kingdoms, so that what we are now told in this very story about our imbalance of trade with Japan is that there are quite a number of hundreds of billions of dollars in Japan that represents American corporate business interests.

Now, that money is not coming back, because for the first time in the last report available, these same overseas or external interests, supposedly based in the United States, supposedly American corporations, but in effect transnational and not accountable to any one of these nations over which they rule, are reporting for the U.S. tax purposes and revenue now, losses rather than revenue profits.

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That means that the European Community which is now in place, the European Monetary System, the European Currency Unit now in place with Great Britain and being the key to this and which is compelled by the very fact that it is a member of the European Community to go along, so by 1992 their boast is that everything will be in place and there will be a United Europe. That means that as far as the ECU, [European Currency Unit] is concerned, the monetary system, it is in place mostly and principally to supplant the dollar ostensibly because the dollar is unstable, because it is in effect supplanted by a more stable system known as the European Monetary System or the ECU, the European Currency Unit in which West Germany has probably the greatest amount of power or control than any of the other nations.

At this point Great Britain is trying to make up its mind whether it will be fully integrated into ECU or the European Monetary System [EMS]. Only the 6 or 10, depending on which we want to consider as the potents or definitive members of the European Community, have to back up their currency far more gold reserves than we have. It goes back to the 1970's when Nixon's administration and President

Nixon devalued the dollar in 1971, August 15 to be precise, and took the United States and the dollar off the gold exchange system.

That was not reported that why by our press. I have not seen any kind of an account in the popular press publications that had defined it that way. Yes, if we read the Brookings Institution publications and the almost esoteric financial publications, yes, they will come around grudgingly and say that is in fact what was done, that the dollar was devalued. But it was devalued twice in rapid succession. First in 1971 and in 1973. I think I ought to remember because I was the lone voice that raised questions on the Committee on Banking, Finance and Urban Affairs, or off the Committee on Banking, Finance and Urban Affairs. The question then occurred and recurs to this day, what do we do about it?

The gentlewoman from Maryland [Mrs. BENTLEY] a few minutes ago was respectfully suggesting that it is time we do something. But what? It comes back to some of the things that we have been advocating for years and we have to start with first things first which I think is a bit too late at this point. The fact is that in the one case, the gentleman from Maryland [Mr. MFUME] spoke prior and I joined in his special order in discussing the question of the plight of small business and the inability of our Government to carry out the original congressional intent in both the basic Small Business Administration program and policy as well as some of the corollary programs such as the minority enterprise part of which has been placed in the Department of Commerce ever since the first year of President Nixon's administration because of a turf fight, a political fight between the Senator from Illinios and my Texas predecessor, Senator Tower. Incidentally, it was Senator Tower who reported the near $50,000 contribution to his campaign for reelection in 1966 from these foreign interests in Germany. Incidentally it was my committee and subcommittee and I who first uncovered the international money laundering that really later exploded as the Watergate scandal. That money laundering actually was in violation of even the meager banking laws that we had then. It was money that was going out of a Houston corporation to a Mexican bank and then ending up laundered in a Florida bank owned by one of then-President Nixon's cheek-by-jowl buddies.

The fact is that this thing has become so complicated and it is so beyond the national sovereignty and prereogatives of the United States that all we can do at this moment is try to erect an anticipatory framework of reference in order to attenuate the full impact which will be highly destructive of our standard of living and both our monetary as well as our fiscal policies.

As I have brought out every time we brought out these budgetary gimmicks, the Grambo legislation for example known as Gramm-Rudman-Hollings, the first reduction was supposed to have been on March 15 following its enactment. On March 15 everybody was announcing that the Congress, because of Grambo's legislation, had reduced the deficit by $15 billion but what they did not say was at that same date on March 15, $30 billion more had to be advanced to offset the cost of interest on that same debt.

How have we saved anything? We have a built-in situation that originated as a result of the setting up of the open market committee in the Federal Reserve Board which has an open market but it is everything except open and it has control because it can determine the interest rates of Treasury yields, Treasury bills, and everything. Anybody that has that power has the power to control the allocation of credit in this country. This is what the Founding Fathers worried about the most even when we had no Constitution, at the time when we had the First and the Second Continental Congresses.

Reading the record we see that later as we emerged under the Constitution it was the biggest issue under Andrew Jackson, who was going to determine the allocation of credit?

Interest rates is the mechanism by virtue of which wealth is transferred from one segment to another in a society. Should we be surprised that since 1981 we have a worse situation than some of these Third World countries that we denounce because of the heavy concentration in an upper small percentage group and the great masses of underprivileged and those deprived of any kind of economic power or position. We have reached the same point today.

Since 1981 we have had an upward rise in the concentrated wealth of the upper 6 percent in our country who now control the tremendous amount of more than 50 percent of the total wealth resources of this Nation. How can we say we are economically free? How can we regain our control of our destiny? We have to start one thing at a time. We should go back and start from where the Congress left off and actually allow a contradiction in the original intention of the 1913 Federal Reserve Board Act. That was the way that the old exchequer used to handle it in England until they got tired of it after World War II. They discovered that any chancellor of the exchequer could determine the rise or fall of any one of those administrations no matter what party seemed to be in control at the moment because they had that power which now the Federal Reserve Board through its open market committee can control.

Is there such a thing in human existence as an infallible institution?

We are treating the Federal Reserve Board as if it is infallible. Of course it is not. I have brought out and put in the record what would be tremendous scandals. These scandals we are reading about which incidentally are also part cause and effect of the same type of philosophy or approach, the sacrosanctity of so-called private or public enterprise. To those of my colleagues that think that free enterprise is synonymous with private enterprise, let me point to Italy and Germany where there was private enterprise until the day Mussolini died and until Hitler died. There was no free enterprise, but there was private enterprise.

This is what we have in our country today, it is uncontrollable, unaccountable, not accountable to the Congress, and the Congress has seen fit to act like a little kitten purring at the pants legs of these powerful interests. Our great vaunted free press which is really today a corporate press has concentration of newspapers that is very great. Mr. Speaker, 95 percent of the viewing time of American public television, another source of information, is controlled by three networks who in turn have a corporate structure interlocking with the banking and other great corporate structures.

We have got in the Congress a lot of accounting to do ourselves. One of these days, and I am afraid that all nations show that those days come after a great catastrophe or upheaval or social disturbance, yes, maybe the people in anger will then vent it on those who perhaps had nothing to do with it. But the case regardless of who is to blame rests on whether or not we in the Congress will respond to the critical issues which we are not even taking cognizance of even in the committees of pertinency such as the one I belong to and happen to be the ranking minority member of, the Committee on Banking, Finance and Urban Affairs.

I have not heard anybody on either side of the dome, on this side of the dome or on the other side of the dome, even so much as mention the European Monetary System, or the European Currency Unit which was first accepted, they said, in principle in May 1979 with President Jimmy Carter being the President representing us at that economic summit.

In 1985 one would have thought that the big thing of the economic meeting at Bonn was that President Reagan was going to go and put a wreath of flowers at a Nazi cemetery. That was not it at all. The real thing that came out of that which was not seen in the communique was that all of the finance ministers finally accepted the

fact that the European Currency Unit and the European Monetary System are now fleshed out, they were in place, and that decision was made 1 month before in Palermo, Italy, by these finance ministers from the European Community. So that we think, at least I do, that the time is late. Hopefully it is not too late to attenuate that which is upon us. We cannot avoid it, I do not believe.

Earlier today we also had the request based on a unanimous consent and also based on a Senate bill that came over with all kinds of attachments to it supposing to be a coinage bill, but it had this extension of the moratorium of those savings and loan institutions wanting to go from the savings and loan insurance fund known as FSLIC to the bank insurance fund known as FDIC. But they have been prevented by a high fee of exit, that is, exit fees.

□ 1620

We can argue all we want to. Why should the healthy S&L's at this point be jeopardized in their good health by those that are dead as a doornail? But the Government, through FSLIC in my State of Texas, now owns 50 percent, but they are dead as doornails. They are extracting deposits or savings, whatever you want to call it, from innocent constituents of mine attracted by high yields of interest, 10 percent, and you cannot blame them.

We have reached the point where those insurance funds are inadequate totally. What are we doing about it? Nothing. What has been the response to the cry of some of us to address this? Nothing. Singlehandedly in a body of 435, nobody can do anything.

What I am saying is that all of these are now consequences. These are evidences of something that we had anticipated, had warned of, had advocated measures. For instance, I had information, and this was after the 1974 election, that through a leak in the Federal Open Market Committee there was one major banking institution that had reaped an improper benefit. Where would the leak come from? It had to come from somebody on the Open Market Committee, as it did. When the Chairman of the Federal Reserve Board came before us, I think I made a little unhappy note by insisting that a report be given.

For years Chairman Patman and I had introduced a bill to provide for audit of the Federal Reserve Board which today you do not have, did not have then, and do not have now and never had it. On the basis of that, if the Congress were to demand an audit, it would imperil the independence of the Federal Reserve Board—this has been the only argument.

When I had, through a source that nobody would ever dream of, a little Member such as myself would have, had the facts, I raised the issue. Finally I did get the chairman, who followed and succeeded Mr. Patman, to call the Chairman of the Federal Reserve Board and inquire as to the connection between this leakage and this unjustifiably earned profit to the detriment of competing banks in the New York area. We now have such great concentration of financial resources that just in less than a 2½-mile radius in New York, there is over 45 percent of the concentrated financial resources of this country. Anyway, the Chairman of the Federal Reserve Board saw that the chairman of the Banking Committee was getting a little concerned, and he said, "All right, we are going to appoint an in-house committee to look into this," and they did. But who was the in-house committee? Who did they hire as an attorney? They hired an attorney who happened to be one of the attorneys for the very bank involved, and they came back, and there was no report. It took a year before, and I kept saying, well, what has happened, and they said, "Well, you know, this is an in-house; we don't have to tell the Congress anything, but we will; we will make a report." We finally got it a year later, and all it said was that it was not an intentional leak, that it was an error, a mistake somebody had made somewhere, some undisclosed hireling somewhere.

I redoubled the efforts to get an audit bill of the Federal Reserve Board and, again, with no results. How much of that has gone on? I introduced an impeachment resolution on the last Federal Reserve Board Chairman, whether we had jurisdiction or not, because in effect the Federal Reserve Board is not a Federal agency even though the Federal Reserve Board Act of 1913 defines the Federal Reserve Board as one that should be the fiscal agent of the U.S. Treasury.

Why, you take a dollar bill out of your pocket today and it says "Federal Reserve Note." When I came to the Congress, if I took a dollar bill out of my pocket, the chances were 9 out of 10 it would have been a U.S. Treasury note. There is a vast difference there. What is means is that we have sacrificed the economic freedom of our citizens and should now not be surprised that we have, as the gentlewoman from Maryland so dramatically brings out, these foreign interests that are now in occupation of our land, who now own these tremendous percentages of farmland, these tremendous interests beginning with the postoil boycott of the so-called recycled money, Arab oil money, that came in and accounted for the greatest increment of increase which I brought out in 1979 of our chief financial institutions in Third World countries that everybody who knew anything about it knew would never be able to pay back, and so foolishly, and so unbelievably foolishly, that no small bank in any small community would think that a board of director member of that bank would allow such tactics, that just by 1979, in August, I reported from this well that these big banks, saying that they were recycling oil money, had invested, had gone from just $3 billion in less than a year and a half time to over $45 billion in these countries.

There was such an overhang that the total capital structure, that is, if one wanted to call it assets, liquidity, not what they call regulatory accounting, assets which today are being used to consider good will instead of cash or liquidity, exceeded the total structural capitalization of these main banks, was exceeded by the size of their overhang on this debt, on this loan, our foreign debt of countries that could not then and cannot now pay back and have not paid back. All they have been able to do is reduce interest rates, roll over interest rates, but not one penny onto principal.

I think that is tragic, but it is done, and there, the Government, unless we change our system of government, and I am not advocating that, has no control.

The reason the Federal Reserve Board System was set up was that that was intended to be the protector of the general interest as the fiscal agent of the U.S. Treasury, but today the U.S. Treasury is the little errand dog, if not lap poodle, of the Federal Reserve Board, all the way around, and I must say, regrettably, to my fellow Congressmen, with our acquiesence, either through silence or overt action in sleeper clauses that passed undetected that have undone the original thrust of the 1913 Federal Reserve Board Act, so that when we talk today about this dangerous invasion of these foreign interests and moneys, how now they have invaded the very sacrosanct procedures and internal domestic political mechanisms.

Recently this administration winked at all of these Contra leaders with millions of dollars to get involved in congressional races in 1982. I had to face them in my hometown. They spent $65,000 at the local CBS channel alone, $65,000 that came from that source. In 1986, 2 years ago in Texas, there were no less than seven congressional districts that had visits and money from this same interest which were part of those coming from the very moneys Congress had appropriated for the so-called Contras.

It comes back to what I have already said: If we are wrong and we are doing something that is cutting the corners of our constitutional prerogatives, sooner or later we are going to end up very badly off.

□ 1630

There is no question about it. Every time the President, every time the Congress has offered aid to an illegal group in an external country to prepare it to undo through physical destruction and other a regime that we proclaim to the world is the legitimate regime, because we have an ambassador in that nation's capital, we have not withdrawn our ambassador, that is violating fundamental international law. It is violating three of our basic statutes.

This is the reason why I introduced an impeachment resolution last year on March 5 on the President. When I introduced the impeachment resolution on Chairman Paul Volcker, then the Chairman of the Federal Reserve Board, I did not go around making public releases or anything, and I was accused of doing it because I wanted publicity. The truth was that it was based on actions of omission and commission in violation of the trust placed in those high offices. Secretary Volcker had held secret meetings together with the president of City National of New York, Ben Wriston, the billionaire, Hunt, who had involved over 35 billion dollars' worth of banking credit in this illusory and vain and defeated purpose of controlling the silver markets.

Can my colleagues imagine, a rather minimally literate Texan, involving himself in the most intricate and in the most controlled speculative market of all, silver or gold, competing with these wizards in London and Zurich who have 400 years of experience. But 35 billion dollars' worth of banking resources?

Our banks are supposed to be set up under the law for public need and convenience. Who remembers that now in or out of Congress or among our own colleagues and peers? They have all forgotten the purpose for this.

So I say that, yes, it is good to denounce and jump on the Japanese.

Let us take the case of the construction of the trans-Siberian to Europe gas pipeline, which is functioning, supplying natural gas to Western Europe. Who built it? And was not President Reagan the one who said I am going to have an embargo? And what happened? We did not hear anything after he declared an embargo. We had to back off because all of his corporate chums were invovled in the financing of what is known as the Ruhr Gas Co. based in the Ruhr and whose principal owners were whom? Chase Manhattan through its interlocking corporations with the Standard Oil and the Gulf Oil and the British Petroleum. And, of course, a lot of American material.

The gentlewoman from Maryland talks about how American know-how has gone there. Of course it has.

But we would have these high priced lobbyists, and as well known figures ranging from Mondale to Richardson unless we had American corporate interests that were involved. As the President found out, and to his chagrin he discovered that Europe, it sure wanted that Russian Siberian gas, and it is getting it today, and it is far less vulnerable than we are to the Persian Gulf.

What about the Persian Gulf? Today's Washingtoin Post says that our leaders, the President, the Secretary of State is alarmed because the Chinese are selling ballistic missiles and every other kind to Syria, to the Middle East, that is to the Arabs. But they also have been selling them to Iran and Iraq.

Iraq was the one that killed 37 of our sailors, yet we have got our sailors in the Persian Gulf right now as I am talking under the peril of death, fighting for what? The American flag incrested on that Iranian ship? No, to defend SOCAL, Standard Oil of California and British Petroleum. That is who they are defending, that is who our sailor boys are out there exposing their lives for, and that is the long and the short of it, and these are the missiles that are going to be shot at them and have already, the so-called silkworm, which Iran has.

The President and Colonel North and Colonel Secord and all of them, they got caught with their hands in the plum there with these arms deals. With whom? With Iran.

But Israel is still in a state of war with Iraq. Israel bombed the so-called nuclear facility that the French were building in Iraq. But it is Iran that we are saying we are going to be ready to go to war right now. But the missiles, the silkworms, that resulted from the trip that Mr. Reagan and Secretary Weinberger when he was Secretary of War made to China, that was their big deal. Why? Because China was going to open to private business.

It had for years. It is our gulf corporations and others who have been doing the oil drilling that has given China the facilities offshore to produce their oil. It has been American firms. Why? There is a good profit in that. Business is business, and if there is any danger, well, we will get the American Navy to come over there and save it for them, of course.

But who is bringing out the fact that if China can sell these, this is because Vickers, of course, obtained the right by getting the license, that is, it is an American license, Americans brought up the silkworm. Mr. Weinberger thought it was a great idea because is not China against Russia, and would this not be a countervailing pact with China, that we help them in military security areas and we enable them to get the license to allow Vickers of Great Britain to produce a silkworm, and for China to sell it to Iran and the other countries. They do not care whether it is an Arab or an non-Arab country. Iran is non-Arab; Iraq is Arabic. And we have managed to get into the middle of a war because the moment we go in, as President Reagan did when he sent the marines to Beirut, you do not have to be an expert to know that we are endangering our military. We have given them no clear purpose, no clear military mission.

What are our sailors supposed to be doing in the Persian Gulf? What is their mission? To protect shipping? What about when Iraq sinks a tanker? We go along with it. If Iran attempts to sink a tanker, then we bomb them. That is taking sides, my colleagues, like the marines sent to Beirut and for 14 months I took this floor and said, Mr. President, your marines are under the shadow of death. You are defying the unanimous advice of the Joint Chiefs of Staff. They do not think the marines ought to be there, especially under those circumstances.

Oh, we were supposed to be peacekeepers, but how can we be a peacekeeper if we are going to come in and take sides with one side of a four-sided internal war, religious, and civil? You do not have to be an expert. All I think that is needed is for those of us in Congress that have the responsibility, even if we are not national Representatives, we do represent a sacred segment of this country, and one segment cannot be well off if other segments are sunk in misery, or the interests of the Nation through a willful or callous disregard by a Commander in Chief, or the unpreparedness of a Commander in Chief who callously ignores the united, the solid, the unanimous advice of the chief military experts that our Congress provides for and pays a lot of money and budgetary provisions for.

So I say all of this is one big ball of wax. It is not one of these issues external and disconnected from others.

But no matter how much we spend, no matter how many dollars or volume of dollars we say will be for defense, if the defense is not predicated on a real world, or if the value of that dollar is not there, if I had been a sustained and long-hating enemy of this country I could not have planned it better. All through history enemies have said, opponents have said, if you want to hit a foe, the best way is first to do what you can to debase his currency and his money.

We had four of the chief economists of this country before our committee, one of the committees, last year in the autumn. They were all advocating the same thing: We have to let the dollar drop. When I said how far they said, oh, well, you know, as long as necessary. But I said, well, wait, necessary to what? They said, well, until we can compete in the world. But I said, wait,

how is that, we have an intricate world. I said, gentlemen, right now as you and I are talking there is over a half a trillion dollars moving instantaneously electronically. Today we can talk about how the Japanese have invaded our country, and of course they have. They have what Jefferson used to call a standing army. He said once let your bankers take over and you will have the same as a standing army of occupation.

They certainly knew what the shooting was all about, which seems to escape us in this day in time. How in the world can we say on the one hand, as these economists were saying under the delusion that we still had the power that we might have had 10 years ago that lost not more than 3½ years ago, that it was within our power to determine how far that dollar could drop. So when I said, gentlemen, what happens if you cannot control it and you have a freefall of the dollar? They said, "We don't know."

Of course that is the danger right now. So I say let us go back to some of these fundamentals.

Some of us have been introducing legislation. I have had it in this Congress, as I have for the last 13 Congresses, and we start by bringing the Federal Reserve Board back to the control of the people through the Congress and the Presidency. Who determines the Federal Reserve Board? The Congress? No. The President? No. All he can do is affirm. But it is a self-perpetuating community emanating from the banks that it is supposed to control.

Today they have lost control of their own because that regulatory body just as in the case of FSLIC, just as in the case of the other regulatory bodies that the Congress has set up, thinking it is going to be there, have turned out to be quite fallible and have been right cheek by jowl with the very interests they were supposed to regulate.

I say, Mr. Speaker, that it is not too late to take anticipatory action to attenuate the break. There has to be action. Every bubble bursts, or if it is a balloon and you can control it, you can let it out easy. But the bubbles we build will burst.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SUNDQUIST (at the request of Mr. MICHEL), for today, on account of attending a funeral.

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 Member (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. SCHUETTE, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 5 minutes, today.

Mr. CHAPMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. HOYER, for 50 minutes, on June 29.

Mr. SUNIA, for 60 minutes, today.

Mr. WEISS, for 60 minutes, June 27, June 28, and June 29.

(The following Member (at the request of Mr. CHAPMAN) to revise and extend his remarks and include extraneous material:)

Mr. DELAY of Texas, for 60 minutes, on July 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous material:)

Mr. YOUNG of Alaska.

Mr. LOWERY of California in two instances.

Mr. EMERSON.

Mr. GILMAN in two instances.

Mr. DORNAN of California.

Mr. SKEEN.

Mr. QUILLEN.

Mr. MADIGAN.

Mr. BADHAM.

Mr. SWINDALL.

Mr. DAVIS of Illinois in two instances.

Mr. BUECHNER.

Mr. JEFFORDS.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. HOCHBRUECKNER.

Mr. MILLER of California.

Mr. HAWKINS.

Mr. DIXON.

Mr. SIKORSKI.

Mr. FASCELL.

Mr. CLAY.

Mr. PAYNE in two instances.

Mr. TORRICELLI.

Mr. LANTOS.

Mr. SABO.

Mr. HOYER.

Mr. FLORIO in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2470. An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the medicare program, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 1988, at 12 noon.

EXECUTIVE COMMUNCIATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3854. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the determination by the President that the conditions for lifting restrictions against Benin, Congo, Guyana, and Surinam have been met, pursuant to The Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

3855. A letter from the Chairman, The President's Committee on Employment of People With Disabilities, transmitting a copy of the 1987-1988 annual report; to the Committee on Education and Labor.

3856. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting notification of five new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3857. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report by the Director of the Bureau of Prisons setting forth the findings and conclusions of his investigation into allegations of violations of regulations, mismanagement, gross waste of funds, abuse of authority and creating a substantial danger to public safety by officials of the U.S. Penitentiary, Atlanta, GA, in the Cuban detainee disturbances of November 1987, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 1580. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; with amendment (Rept. 100-642, Pt. 3). ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on absence of management: the Farmers Home Administration's implementation of the Food Security Act of 1985 (Rept. 100-725). Referred to

the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Defense Department fails to assure reasonableness of contractors' health costs (Rept. 100-726). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Defense Department's foreign military sales accounting problems continue (Rept. 100-727). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on strategic defense initiative organization management deficient in key areas; program costs now double original estimate (Rept. 100-728). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1841. A bill to establish guidelines for timely compensation for temporary injury incurred by seamen on fishing industry vessels and to require additional safety regulations for fishing industry vessels; with an amendment (Rept. 100-729). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4604. A bill to extend the expiration date of title II of the Energy Policy and Conservation Act; with amendments (Rept. 100-730). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4101. A bill to amend the Federal Trade Commission Act to strengthen the authority of the Federal Trade Commission respecting fraud committed in connection with sales made with a telephone; with an amendment (Rept. 100-731). Referred to the Committee of the Whole House on the State of the Union.

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. STOKES:

H.R. 4899. A bill to authorize the Secretary of Labor to make grants to public housing agencies for the provision of literacy training, training in basic and employment skills, and support services, and to establish the Gateway Task Force; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Mr. BENNETT, Mr. MILLER of California, Mr. STARK, Mr. WOLPE, Mr. THOMAS A. LUKEN, Mr. GLICKMAN, Mr. BUSTAMANTE, Mr. EVANS, Mr. LEVINE of California, Mr. DURBIN, Mr. KLECZKA, Mr. SMITH of Florida, Mr. BATES, Mr. FOGLIETTA, and Mr. DEFAZIO):

H.R. 4900. A bill to establish as an independent establishment in the executive branch an Office of Defense Inspector General which shall be responsible for overseeing financial programs and activities of the Department of Defense and which shall be independent of the Secretary of Defense; jointly, to the Committees on Armed Services and Government Operations.

By Mr. DYMALLY:

H.R. 4901. A bill to amend part D of title IV of the Social Security Act to require each State, under the Child Support Enforcement Program, to authorize and provide for awards of child support on a retroactive basis in appropriate cases; to the Committee on Ways and Means.

By Mr. FLORIO (for himself, Mr. WAXMAN, Mr. MADIGAN, Mr. WALGREN, Mrs. ROUKEMA, Miss SCHNEIDER, Mr. RODINO, Mr. ROE, Mr. DWYER of New Jersey, Mr. STUDDS, Mr. JONTZ, Mr. GRAY of Illinois, Mr. RINALDO, Mr. GILMAN, Mr. TORRES, Mr. FOGLIETTA, Mr. MOLINARI, Mr. BEILENSON, Mr. GEJDENSON, Mr. BATES, Mr. ACKERMAN, Mr. GUARINI, Mr. SMITH of New Jersey, Mr. FAZIO, and Mr. SOLOMON):

H.R. 4902. A bill entitled: "Municipal Incinerator Act of 1988"; to the Committee on Energy and Commerce.

By Mr. HAWKINS (for himself and Mr. RICHARDSON):

H.R. 4903. A bill to codify certain portions of Executive Order 11246, to strengthen the administrative enforcement mechanism of the Office of Federal Contract Compliance Programs in the Department of Labor, to establish the education improvement fund, to create an Assistant Secretary for Federal Contract Compliance, and for other purposes; to the Committee on Education and Labor.

By Mr. JEFFORDS (for himself, Mr. BARTLETT, Mr. OWENS of New York, Mr. FORD of Michigan, Mr. PERKINS, Mr. LUJAN, Mr. HAWKINS, and Mr. GUNDERSON):

H.R. 4904. A bill to establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. LANTOS:

H.R. 4905. A bill to deny Social Security benefits to individuals deported or ordered deported on the basis of association with the Nazi Government of Germany during World War II; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 4906. A bill to to amend section 558 of the Tax Reform Act of 1984 with respect to the treatment of certain collective bargaining agreements; to the Committee on Ways and Means.

By Mr. LELAND (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mrs. COLLINS, Mr. ROYBAL, Mr. VENTO, and Mr. WILSON):

H.R. 4907. A bill to amend the Public Health Service Act to revise and extend the authority of the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, including revising and extending the program of block grants for the provision of services with respect to mental health and substance abuse; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.R. 4908. A bill to extend the deadline for producers of wheat and feed grains to sign up for the wheat and feed grains acreage limitation programs for crop year 1988 until October 31, 1988; to the Committee on Agriculture.

By Mr. MANTON:

H.R. 4909. A bill to amend the Controlled Substances Act to provide a death penalty for drug related killings; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. PEPPER:

H.R. 4910. A bill to authorize the appropriation of funds for the operation and maintenance of a special operations wing of the Air Force Reserve, to authorize the appropriation of funds for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement, and to require certain reports; to the Committee on Armed Services.

By Mr. SCHUETTE:

H.R. 4911. A bill to improve crop insurance coverage for types of dry edible beans, improve the effectiveness of the delivery system for, and increased accessibility to, crop insurance and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. ROGERS, Mr. ALEXANDER, Mr. EARLY, Mr. REGULA, Mr. DWYER of New Jersey, Mr. CARR, Mr. KOLBE, and Mr. MOLLOHAN):

H.R. 4912. A bill making a special supplemental appropriation for the fiscal year ending September 30, 1988, to enhance and speed up the war on illegal drugs and for other purposes; to the Committee on Appropriations.

By Mr. SWINDALL:

H.R. 4913. A bill to amend the Internal Revenue Code of 1986 to permit dealers to use the installment method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 4914. A bill to amend the Agricultural Act of 1949 and the Food Security Act of 1985 to allow producers for a fee to hay and graze on conservation use acreage at any time during a crop year, and for other purposes; to the Committee on Agriculture.

By Mr. WAXMAN (for himself, Mr. MADIGAN, and Mr. TAUKE):

H.R. 4915. A bill to amend the Public Health Service Act to revise and extend the program of grants for the prevention and control of sexually transmitted diseases; to the Committee on Energy and Commerce.

By Mr. DE LUGO (for himself, Mr. UDALL, Mr. MILLER of California, Mr. LEHMAN of California, Mr. KILDEE, Mrs. VUCANOVICH, Mr. SUNIA, Mr. VENTO, Mr. CLARKE, Mr. DARDEN, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. RICHARDSON, Mr. BLAZ, Mr. MURPHY, Mr. YOUNG of Alaska, Mr. EDWARDS of California, Mr. FUSTER, Mr. LUJAN, and Mr. LEVINE of California):

H.J. Res. 597. Joint resolution to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes; jointly to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. McDADE (for himself and Mr. UDALL):

H.J. Res. 598. Joint resolution designating the week of October 2 through 8, 1988, as "National Wild and Scenic Rivers Act Week"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Washington:

H.J. Res. 599. Joint resolution to designate the week beginning November 6, 1988, as "National Filipino American History Week"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. MANTON, Mr. WELDON, Mr. BORSKI, Mr. LENT, Mr. TRAFICANT, Mr.

DOWNEY of New York, Mr. MRAZEK, and Mr. MCGRATH):

H. Con. Res. 323. Concurrent resolution expressing the sense of the Congress that the decision of the Attorney General to order the deportation of Joseph Patrick Doherty to the United Kingdom was politically motivated to appease the Government of the United Kingdom and that Joseph Patrick Doherty should be released on bond during the review of his application for asylum and should be granted asylum in the United States; to the Committee on the Judiciary.

By Mr. ROSE (for himself, Mr. GILMAN, Mr. LANTOS, Mr. LEVINE of California, Mr. DYMALLY, Mr. CONYERS, and Mr. DORNAN of California):

H. Con. Res. 324. Concurrent resolution expressing the support of Congress for the Dalai Lama and his proposal to promote peace, protect the environment, and gain democracy for the people of Tibet; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Res. 483. Resolution honoring the 24th Infantry Regiment of the U.S. Army; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 988: Mr. LANTOS.

H.R. 1001: Ms. SLAUGHTER of New York.

H.R. 1028: Mr. FRANK and Mr. FLIPPO.

H.R. 1078: Mr. FOGLIETTA, Mr. VISCLOSKY, Mr. SHAW, Mr. PEPPER, Mr. GOODLING, and Mr. ROE.

H.R. 1810: Mr. COYNE and Mr. MOAKLEY.

H.R. 1918: Mr. FAZIO, Mr. KOLTER, Mr. STOKES, Mr. ROE, Mr. DYMALLY, Mr. BUSTAMANTE, Mr. STAGGERS, Mr. RANGEL, Mr. FAUNTROY, Mr. WISE, Mrs. BOXER, Mr. LEHMAN of Florida, Mr. WILSON, Mr. MCCANDLESS, Mr. BILIRAKIS, Mr. JEFFORDS, Mr. BADHAM, Mr. HORTON, Mr. WOLF, Mr. NIELSON of Utah, Mr. GRAY of Illinois, Mr. MCEWEN, Mr. DAUB, Mr. BOLAND, Mr. GUNDERSON, Mr. MARTINEZ, Mr. YOUNG of Florida, Mr. DEFAZIO, Mr. MURPHY, Mr. OBERSTAR, and Mr. GALLEGLY.

H.R. 2134: Mr. BONKER.

H.R. 2532: Mr. SAXTON and Mr. HENRY.

H.R. 2731: Mr. SCHUETTE.

H.R. 2999: Mr. TORRICELLI, Mr. LAGOMARSINO, Mr. GUARINI, Mr. CARR, Mr. FAUNTROY, and Mr. OBERSTAR.

H.R. 3143: Mr. CONTE and Mr. SHAYS.

H.R. 3361: Mr. HAMMERSCHMIDT, Mr. BRUCE, and Mr. SCHUETTE.

H.R. 3454: Mr. ASPIN and Mr. SPRATT.

H.R. 3628: Mr. TAUKE, Mr. TALLON, Mr. DANNEMEYER, Mr. WALGREN, Mr. WAXMAN, Mr. PARRIS, Mr. RAVENEL, Mr. BEVILL, and Mr. HUNTER.

H.R. 3636: Mr. MCCLOSKEY and Mr. RINALDO.

H.R. 3719: Mr. GALLO, Mr. DORNAN of California, Mr. LIPINKSI, Mr. WILSON, Mr. DARDEN, Mr. BEILENSON, Mr. THOMAS A. LUKEN, Mr. HAYES of Louisiana, Mr. BARTLETT, Mr. BROOMFIELD, Mr. ROWLAND of Georgia, Mr. HYDE, Mr. FRANK, Mr. RHODES, Mr. BATEMAN, and Mr. SKEEN.

H.R. 3723: Mr. ENGLISH and Mr. BEVILL.

H.R. 3742: Mr. CLINGER, Mr. ANDREWS, Mr. ATKINS, and Mr. RINALDO.

H.R. 3754: Mr. MARLENEE.

H.R. 3791: Mr. CLINGER and Mr. HUGHES.

H.R. 3809: Mr. MILLER of California and Mr. KILDEE.

H.R. 3907: Mr. BATEMAN, Mr. COOPER, and Mr. RAHALL.

H.R. 4013: Mr. RINALDO, Mr. JENKINS, and Mr. PENNY.

H.R. 4015: Mr. NEAL, Mr. ST GERMAIN, Mr. STANGELAND, Mr. PENNY, Mr. NIELSON of Utah, and Mr. CALLAHAN.

H.R. 4049: Mrs. KENNELLY, Mr. HERTEL, Mr. BRYANT, Mr. MARTINEZ, Mr. LANCASTER, Mr. ANDREWS, Mr. BEILENSON, Mr. SKAGGS, Mr. ROBINSON, Mrs. MARTIN of Illinois, Mr. DYSON, Mrs. SAIKI, Mr. BOSCO, and Mr. CLINGER.

H.R. 4115: Mr. BURTON of Indiana, Mr. SWINDALL, Mr. RHODES, Mr. GOODLING, and Mr. HOPKINS.

H.R. 4127: Mr. STALLINGS.

H.R. 4190: Mr. GARCIA, Mr. JONTZ, Mr. CLARKE, Mr. BEVILL, Mr. WELDON, and Mr. BARNARD.

H.R. 4277: Mr. DARDEN and Mr. COYNE.

H.R. 4338: Mr. EDWARDS of California and Mr. TORRICELLI.

H.R. 4542: Mr. FAZIO and Mr. COELHO.

H.R. 4552: Mr. FORD of Michigan, Mr. OWENS of New York, Mr. VENTO, Mr. FRANK, Mr. FOGLIETTA, Mr. BUSTAMANTE, Mr. DEFAZIO, Mr. ACKERMAN, and Mr. DWYER of New Jersey.

H.R. 4554: Mr. JONTZ, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. SISISKY, Mr. BEILENSON, and Mr. FROST.

H.R. 4603: Mr. WOLF and Mr. OWENS of New York.

H.R. 4617: Mr. SMITH of Florida, Mr. CHAPMAN, and Mr. CLINGER.

H.R. 4678: Mr. ROWLAND of Connecticut, Mr. CHAPMAN, Mr. HOCHBRUECKNER, Mr. FOGLIETTA, Mr. TORRES, Mr. DERRICK, Mr. RINALDO, Mr. GARCIA, Mr. LEATH of Texas, Mr. BATEMAN, Mr. KLECZKA, Mr. MAVROULES, and Mr. FLORIO.

H.R. 4711: Mrs. BOGGS and Mr. LIVINGSTON.

H.R. 4721: Mr. ATKINS, Mr. BATES, Mr. BIAGGI, Mr. COATS, Mrs. COLLINS, Mr. DEFAZIO, Mr. FAUNTROY, Mr. FROST, Mr. HENRY, Mr. HORTON, Mr. JEFFORDS, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. LELAND, Mr. LEWIS of Florida, Mr. MOAKLEY, Mr. OWENS of New York, Mr. PENNY, Mr. RICHARDSON, Mr. SCHUETTE, Mr. STAGGERS, Mr. STALLINGS, Mr. TAUKE, Mr. WILSON, and Mr. WOLF.

H.R. 4726: Mr. WHITTEN, Mr. BROWN of California, Mr. CHAPMAN, Mr. EMERSON, Mr. DEWINE, Mr. FROST, Mr. COELHO, Mrs. BENTLEY, Mr. EDWARDS of Oklahoma, Mr. PAYNE, Mr. BEVILL, and Mr. GARCIA.

H.R. 4758: Mr. WELDON.

H.R. 4789: Mr. VENTO.

H.R. 4862: Mrs. KENNELLY and Mr. VANDER JAGT.

H.J. Res. 417: Mr. KASICH, Mr. MRAZEK, Mr. BONIOR of Michigan, and Mr. SCHUMER.

H.J. Res. 441: Mr. DOWDY of Mississippi, Mr. KOSTMAYER, Mr. SWEENEY, Mr. BORSKI, Mr. BROOMFIELD, Mr. YATRON, Mr. YOUNG of Alaska, Mr. CHAPMAN, Mr. FAWELL, Mr. MCGRATH, Mr. COUGHLIN, Mr. HEFNER, Mr. BONKER, Mr. MILLER of California, Mr. FASCELL, Mr. ESPY, Mr. DOWNEY of New York, Mrs. COLLINS, Mr. GUARINI, Mrs. BOXER, Mr. NIELSON of Utah, Mr. WORTLEY, Mr. LEVIN of Michigan, Mr. OWENS of New York, Mr. HORTON, Mr. ATKINS, Mr. DE LA GARZA, Mr. DANNEMEYER, Mr. ROE, Mr. RODINO, Mr. FLORIO, Mr. LIPINSKI, Mr. JONTZ, Ms. KAPTUR, Mr. TOWNS, Mr. GALLO, Mr. SMITH of Florida, Mr. STENHOLM, and Mr. SHAW.

H.J. Res 463: Mr. FAUNTROY, Mr. LEWIS of Georgia, Mr. DERRICK, Mr. SPRATT, Mrs. MEYERS of Kansas, Mr. MACK, Mr. GARCIA, and Mr. MADIGAN.

H.J. Res. 464: Mr. WISE, Mr. COURTER, Mr. ATKINS, Mr. KANJORSKI, Mr. GILMAN, and Mr. FRENZEL.

H.J. Res. 526: Mr. CLARKE.

H.J. Res. 537: Mr. MURPHY, Mr. FUSTER, Mr. BARNARD, Mr. BRENNAN, Mr. TAUZIN, and Mr. MACK.

H.J. Res. 554: Mr. COELHO, Mr. SCHEUER, Mr. BRENNAN, and Mr. CHAPMAN.

H.J. Res. 559: Mr. OWENS of Utah.

H.J. Res. 578: Ms. KAPTUR, Mr. CARPER, Mr. FROST, Mr. LANTOS, Mr. HORTON, and Mr. UPTON.

H.J. Res. 580: Mr. KASICH, Mr. JONES of Tennessee, Mr. TOWNS, Mr. ROE, Mrs. PATTERSON, Mrs. COLLINS, Mr. WHEAT, Ms. KAPTUR, Mr. BEVILL, Mr. HORTON, Mr. BALLENGER, and Mr. HUGHES.

H.J. Res. 591: Mr. MANTON, Mr. RANGEL, Ms. PELOSI, Mr. GRAY of Illinois, Mr. WALGREN, Mr. ATKINS, Mr. MARTINEZ, Mr. DE LA GARZA, Mr. JONES of North Carolina, Mr. GORDON, Mr. LANTOS, Mr. HORTON, Mr. BENNETT, Mr. ANDERSON, Mr. STUMP, Mr. LANCASTER, Mr. DEFAZIO, Mrs. SAIKI, Mr. LEWIS of Georgia, Mr. CARR, Mr. ERDREICH, Mr. BEVILL, Mr. ESPY, Mr. GONZALEZ, Mr. BUNNING, Mr. BLAZ, Mr. ANDREWS, Mr. TALLON, Mr. DYMALLY, Mr. ROWLAND of Georgia, Mr. KOLTER, Mr. YOUNG of Alaska, Mr. ROE, Mr. TRAXLER, Mr. RAVENEL, Mr. HAMMERSCHMIDT, Mr. RODINO, Mr. SABO, Mr. BLILEY, Mr. FROST, Mr. LELAND, Mr. DAUB, Mr. CARDIN, Mr. RICHARDSON, Mr. BROWN of Colorado, Mr. GRAY of Pennsylvania, Mr. WHITTEN, Mr. DONALD E. LUKENS, Mr. SMITH of Florida, Mr. FAZIO, Mr. CLEMENT, Mr. FLORIO, Mrs. PATTERSON, Mr. DIXON, Mr. CHAPMAN, Ms. OAKAR, Mr. TOWNS, Mr. BERMAN, and Mr. LEHMAN of Califorina.

H. Con. Res. 304: Mr. CLINGER.

H. Con. Res. 318: Mr. JOHNSON of South Dakota.

H. Con. Res. 320: Mr. BOUCHER, Mr. AUCOIN, Mr. ST GERMAIN, Mr. WALGREN, Mrs. BOXER, Mr. DOWNEY of New York, Mr. DICKS, Ms SCHNEIDER, Mr. EVANS, Mr. MAVROULES, Mr. BONIOR of Michigan, Mr. BONKER, Ms. PELOSI, Mr. DELLUMS, Mr. WILLIAMS, Mr. OLIN, Mr. DYMALLY, Mr. BUSTAMANTE, and Mr. HOCHBRUECKNER.

H. Res. 379: Mr. CLINGER.

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. 3343: Mr. DEFAZIO.