HOUSE OF REPRESENTATIVES—*Tuesday, June 27, 1989*

The House met at 12 noon.

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

We recognize, O gracious God, that You have created us in Your image—with our thoughts, our abilities, our responsibilities, and our gifts. On this day we place before You our motivations and attitudes that govern so much of what we do. We know, O God, that our actions follow our innermost feelings and intentions and so we pray that we may seek to do righteousness, to desire peace with each person, to treat people with respect, particularly those near to us, and always wish for others the good we wish for ourselves. Bless our thoughts and desires, O loving God, and cleanse us of selfishness, so we will truly be able to act with justice, with respect, with love and mercy. 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.

Mr. PAXON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 96, not voting 40, as follows:

[Roll No. 108]

YEAS—296

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Combest
Conte
Conyers
Cooper
Cox
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schulze
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Watkins
Waxman
Weiss
Weldon
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—96

Armey
AuCoin
Baker
Ballenger
Barton
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Gallegly
Gekas
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McGrath
Miller (OH)
Molinari
Murphy
Oxley
Parris
Pashayan
Paxon
Ridge
Roberts
Rogers
Roukema
Schroeder
Sensenbrenner
Sharp
Shays
Sikorski
Slaughter (VA)
Smith (MS)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Tauke
Thomas (CA)
Vucanovich
Walker
Weber
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Bentley
Bilirakis
Bryant
Collins
Costello
Courter
Dwyer
Edwards (OK)
Engel
Fields
Flake
Florio
Garcia
Goodling
Hoagland
Kolter
Leach (IA)
McCloskey
Mollohan
Neal (MA)
Neal (NC)
Nelson
Nowak
Patterson
Porter
Price
Rahall
Rhodes
Rohrabacher
Savage
Schaefer
Schuette
Schumer
Staggers
Stokes
Tauzin
Upton
Vander Jagt
Williams
Wright

□ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from Tennessee [Mrs. LLOYD] to lead the house in the Pledge of Allegiance.

Mrs. LLOYD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 923. An act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project."

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

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison County, IL.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 694) "An Act to amend the Energy Policy and Conservation Act to extend the authority for the strategic petroleum reserve, and for other purposes," with an amendment.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 428. An act to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution;

S. 634. An act to develop a national policy for the utilization of fuel cell technology;

S.J. Res. 81. Joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week";

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 115. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week";

S.J. Res. 127. Joint resolution designating Labor Day weekend, September 2 through 4, 1989, as "National Drive for Life Weekend";

S.J. Res. 134. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "National Disability Awareness Week"; and

S.J. Res. 161. Joint resolution to designate the week of October 22, 1989, through October 28, 1989, and the week of October 21, 1990, through October 27, 1990, as "National Adult Immunization Awareness Week."

HOUR OF MEETING ON THURSDAY, JUNE 29, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, June 28, 1989, it adjourn to meet at 11 a.m. on Thursday, June 29, 1989.

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

There was no objection.

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 distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], how we are going to proceed for the next day or two.

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

Mr. MICHEL. Mr. Speaker, I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I would like to announce that we will have 14 suspensions on the schedule today. The votes on all the suspensions, if there are any called for, will be postponed until after debate on all suspensions.

Members should note that there will be a resolution considered last that has to do with the Supreme Court decision on the flag, and that vote, along with the others, would be postponed until the end of the day.

We then will have H.R. 2136 to limit the length of time an individual may be incarcerated for civil contempt.

We will then be going in at 10 a.m. on Wednesday, and we will be going late on Wednesday to try to make as much progress as we can on the energy and water appropriation and then on the continuation of the foreign aid bill.

Mr. Speaker, if things go well, we hope to be able to be finished on Thursday at a reasonable hour. We are looking to try to finish by around 6 p.m. on Thursday. We will be starting at 11 a.m. on Thursday, and that was the purpose of my unanimous-consent request.

Mr. MICHEL. Mr. Speaker, would the gentleman from Missouri [Mr. GEPHARDT] venture a guess as to how long we will be going then, say, tomorrow, on Wednesday night?

Mr. GEPHARDT. Mr. Speaker, it is hard to exactly predict, but we will be going into the night; about 8 o'clock would be the hoped-for time of ending on Wednesday. We hope to make enough progress to then be able to finish out on Thursday.

□ 1230

CONSTITUTIONAL AMENDMENT PROHIBITING DESECRATION OF FLAG

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

Mr. MICHEL. Mr. Speaker, we have scheduled today a resolution expressing the profound concern of this House over the Supreme Court's decision in Texas versus Johnson.

I intend to support the resolution, but it's quite clear to me that we have to do much more.

There are those who feel we can address the issue by statute, but I've talked with constitutional scholars who tell me the issue can only be dealt with by constitutional amendment.

I was pleased to note that President Bush has reached the same conclusion.

For over 32 years in the House, I have had an instinctive conservative's dislike of amending that great document.

But the 5 to 4 decision of the Supreme Court leaves me with no alternative but to propose an amendment to the Constitution authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set civil and criminal penalties for the act.

I agree with Chief Justice Rehnquist who said in dissent:

> The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas . . .

I view this proposed amendment to the Constitution as not only "pro-flag" but "pro-first amendment".

And in no way is my proposal an attack on the Court. To the contrary, it is the persuasiveness of the dissents written by the Chief Justice and by Justice Stevens that serve as inspiration for my decision. Even Justice Kennedy, who joined the majority, recognizes the troubling aspects of the decision.

As I said, I view this as a serious, even solemn, matter. I ask the support of our fellow Americans, regardless of party, as we work to protect Old Glory.

Unfurl the flag, fly it, flaunt it, argue about it if you want to, but don't desecrate it—that is all we're asking. Surely that view reflects the common sense of the American people.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 28, 1989

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may be permitted to sit during the 5-minute rule on Wednesday, June 28, 1989, to complete markup of H.R. 2461, the DOD authorization bill.

Mr. Speaker, this has been cleared with the Republican side.

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

There was no objection.

THE NEED FOR CONSTITUTIONAL AMENDMENT PROHIBITING FLAG DESECRATION

(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, I'm happy to be the first Democrat to publicly agree with the remarks of the distinguished minority leader BOB MICHEL regarding the need to amend our Constitution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO PROTECT THE FLAG

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

Mr. SOLOMON. Mr. Speaker, this morning the President of the United States threw his weight behind the bipartisan effort of this Congress to correct the terrible decision by the U.S. Supreme Court striking down our laws that protect and respect the American flag. After due consultation with a number of legal scholars and with a number of organizations, today myself and about 100 Members of this Congress from both sides of the aisle will be introducing legislation, a constitutional amendment, to protect the flag. If you would like to be an original sponsor of this legislation with myself and those on both sides of the aisle, we will be dropping the bill in at 3 o'clock this afternoon. We encourage your cosponsorship.

TIME TO PROTECT RIGHTS OF VICTIMS OF CRIME

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

Mr. TRAFICANT. Mr. Speaker, in the past the Supreme Court ruled that Communists can work in defense plants, mass murderers must be set free if their rights were violated, demonstrators can even burn the American flag, and last week the Court said Congress had no right—no right to stop dial-a-porn. The court said that even photographers have the right of free speech.

Now, I ask you today, what is next? How about dial-a-crime or dial-a-fix? What will the Supreme Court tolerate next, folks?

Now, yesterday they ruled, and I do agree, that a 16- and 17-year-old subject to the murder penalty could face the death penalty.

I say it is about time that we protect victims' rights; but 1 out of 5 is not that great. A 200 batting average never got anybody into the all star game, let alone the Hall of Fame.

It is time in this Congress to protect the rights of victims.

LAST YEAR A DROUGHT, THIS YEAR A FLOOD

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, last year Mother Nature gave us a drought and this year returned with a flood. Our farmers in Ohio are facing severe economic harm due to serious flooding in southwestern Ohio.

Following a round of meetings with farmers in my district, I discovered that this year could easily be more of a disaster for many farmers than was 1988. Farmers are unable to meet planting deadlines for corn and other crops outlined by the Federal Crop Insurance Corporation [FCIC]—20 to 25 percent of my farmers were unable to plant any crops and thus will not receive any crop insurance that they have paid for.

As of this week, only 70 percent of the corn is planted and very little more will be attempted. Only 30 percent of the soybean crop is planted. Hay is still in the field, but quality is deteriorating. Unless the first cutting can be removed soon, we will not get the second and third cuttings normally expected.

After the losses of last summer's drought, I do not believe our farmers can stand another disaster. The time has come to provide our farmers with real relief from Mother Nature's twists of fate. The drought relief bill of 1988 drained our reserves of corn and seed and provided only short term relief. The bill for that relief is now due.

I urge my colleagues to consider legislation to forgive the deficiency payments that are now due from last year's drought and concentrate our efforts on salvaging this year's crop. Let the Federal Crop Insurance Program provide the protection to our farmers that it was intended to provide and not penalize them for Mother Nature. We simply cannot afford another agricultural disaster.

OUTRAGE OVER SUPREME COURT DECISION ON DESECRATION OF THE FLAG

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise today to express my outrage over the recent Supreme Court decision which allows the desecration of the American flag. This decision is an insult to our Nation's veterans and it sends the wrong message to our Nation's children. The argument that the flag is only a symbol is the argument of those who have no understanding of what America is about. The strength of that symbol lies in the willingness of many millions of Americans to fight and die for it. Yesterday, my friends at U.S. 101 Radio in Chattanooga, TN, presented me with a petition, signed by literally thousands of my constituents who share this view. My constituents and I do not understand how the Supreme Court failed to recognize that we, as a free people, must bear faith with those that gave their lives to defend this country, and that we bear faith with those people by cherishing and protecting our flag. I would like to urge my colleagues to work toward passage of a constitutional amendment that would put an end to this abomination and restore dignity to the symbol of our great Nation.

□ 1240

THE CLEAN OCEANS ACT

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

Mr. PAXON. Mr. Speaker, this weekend there were three more oil spills in the oceans, three more reasons for this House to pass our Clean Oceans Act with my provisions to protect Lake Erie and the Great Lakes from spills.

Yesterday I took an inspection tour of the Buffalo waterfront with the U.S. Coast Guard, and one thing was very, very clear. Western New York could experience an environmentally devastating spill that could affect our fresh drinking water supply. That is why I sponsored the Clean Oceans Act, and that is why I fought for provisions to make this act apply to our Great Lakes and Lake Erie and to put the costs of cleanups on shippers, not on the taxpayers.

My colleagues, in our community in western New York, the fresh waters are our most vital natural resource. Let us pass the Clean Oceans Act now to protect the Great Lakes and our oceans.

SAVINGS AND LOANS MUST BUY RESPONSIBLE ASSETS

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

Mr. DORGAN of North Dakota. Mr. Speaker, last week the House passed an amendment prohibiting savings and loans from investing in and buying junk bonds.

It makes no sense to me that we would bailout the savings and loans industry in this country and then go ahead and say, "You keep buying junk bonds, high-risk junk bonds. That is just fine. The old American taxpayer will pick up the bill when you are confronted with the losses." It makes no sense to me.

It has been a sweetheart deal in this country. Those who issue junk bonds, the big operators, issue these bonds to get rich and to engage in hostile takeovers and then place them with some of their big-shot friends in the savings and loans. They get rich from the fees. Then when they go sour, the old American taxpayer pays the bill.

Here is a study that was done that shows that the early junk bonds issued have a 34-percent default rate. They are called junk, because they are high risk, and they are junk assets.

It is about time to stop it. This is symbolic of the casino game going on in this country, and the American taxpayer is sick and tired of paying the bill.

The place to start is to say that those institutions whose deposits are guaranteed by the Federal Government shall not buy and shall not hold junk bonds. "If you want to buy junk, open a junkyard. If you want to run a savings and loan, then buy responsible assets so that the American people are not going to pick up the bill for your losses."

LEVERAGE CAN HELP MOVE CHINA AWAY FROM REPRESSION

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

Mr. BROOMFIELD. Mr. Speaker, too often the United States speaks with so many voices that its foreign policy becomes a paper tiger.

Last week, the House showed that it was capable of working towards a bipartisan and unified response on events taking place in China. I understand that the pressures for one-upsmanship in this body are great, so great that the consensus on China may be lost.

That would be tragic. We still have a small bit of leverage with the Chinese leadership. We can throw that influence away to register our righteous indignation at China's policies, or we can use that leverage to help move China away from repression.

The Bush administration is doing a good job in a very difficult situation. I urge our leadership on both sides to do what they can to make sure that the administration is given the flexibility to respond quickly to events in China as they develop.

ISSUE DECIDED BY SUPREME COURT NOT WHETHER FLAG-BURNING REPULSIVE AND ABHORRENT

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

Mr. WEISS. Mr. Speaker, as one privileged to have been granted American citizenship and as one who has served in our Armed Forces and as one privileged to have been elected to serve in this body, I take second place to no one in my respect for the flag or the Constitution and the Bill of Rights of the United States.

Desecration of either is equally abhorent to me. But the issue decided by the Supreme Court is not whether or not flag-burning is repulsive and abhorrent. It is.

What makes America different from most other governments, what makes America such a great democracy, is that we do not silence the political expression of even those with views we most fundamentally disagree. That is what the Supreme Court ruled last week in a 5-to-4 majority comprised of two-dyed-in-the-wool liberals, two Reagan conservatives, and one Nixon middle-of-the-roader.

In the 200 years since the adoption of the Bill of Rights, the Constitution has been amended only 16 times, mostly to expand our rights. It will be tragically ironic if, in this year of its celebration, we were to adopt an amendment weakening the Bill of Rights.

Mr. Speaker, I am proud to be an American. I know that we have nothing to fear of the flag-burners. We have a great deal of fear from those who have lost faith in the Constitution.

WASHINGTON POST EDITORIAL POLICY LUDICROUS

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

Mr. PARRIS. Mr. Speaker, the Washington Post in its editorial policy has gone from liberal to ludicrous.

In this morning's editorials, they suggested that every Member of Congress who opposed the recent Supreme Court decision on flag-burning should leave the country and go to find one where we would be more comfortable with limited freedom of expression.

In a new twist the Post's motto is apparently: "America, hate it or leave it." They suggest that I and my colleagues might go to China, where there is no flag-burning and no dissension at all.

There is a big difference between the American flag and the Chinese flag. Our flag represents the hopes and aspirations of all mankind for freedom, opportunity, and self-determination, and it is a symbol for thousands who died protecting it. The other represents oppression and totalitarianism and it has been dyed red in the blood of its own people.

Members of the Congress who love our flag and have endorsed a constitutional amendment to defend it need not find another country, as the Post suggests, and certainly will not be following, if there is any justice at all, where the editors of the Washington Post ought to go.

FEDERAL EMPLOYEES' ADOPTION REIMBURSEMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, society is beginning to recognize that there are different ways to build a family. One option that has always existed is adoption. But high costs prohibit many interested people from adopting children.

Many of the costs incurred by adoption are similar to those involved in biological childbearing. But the big difference is that insurance policies do not cover adoption while they do cover childbearing. The costs of adopting a child can run upward of $10,000, making it a prohibitive expense for many prospective parents.

For many years, the Federal Government has been encouraging private employers to support adoption among their workers. It's time we do the same for Federal employees. Today, I am reintroducing a bill to reimburse Federal employees up to $2,000 for reasonable and necessary adoption expenses.

This bill is very similar to a military adoption program Senator GORDON HUMPHREY and I initiated last Congress. Evidence so far indicates that this program has enabled many service men and women to adopt children. I am certain that a similar program for Federal employees would be as welcome.

CONGRESS CUTS MEDICARE WHILE TREASURY PAYS PHILIPPINE DEBTS

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

Mr. ROTH. Mr. Speaker, today the American taxpayer got the short end of the stick from the U.S. Treasury, to the tune of $1 billion. At the very hour this morning when Medicare went under the budget knife in our Ways and Means Committee, a Treasury official told me they want $1 billion in U.S. taxpayer funds to pay the Philippine—not the American—national debt.

This makes no sense, and should outrage every American. Why are we cutting Medicare to pay another country's debts?

Our Ways and Means Committee also should wonder why they are jumping through tough budget hoops, only to see the results of their hard work wasted a half world away in a country which already has a $4 billion foreign aid backlog that they can't spend fast enough.

Common sense always seems to be in short supply in Washington, but this $1 billion ripoff is the most ill-conceived idea I've seen in a long time.

I will have an amendment to the foreign aid bill to fix this problem, and every Member who cares about the American taxpayer, I think, should support it.

THE 1989 WORLD CANOE AND KAYAK CHAMPIONSHIP

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, many of my colleagues have talked about the flag this morning, and I, too, want to talk about the flag, but I want to talk about the last 10 days up in western Maryland on the Savage River.

We have had the pleasure of hosting the 1989 World Canoe and Kayak Championship. The Italian president of the International Canoe Federation, Sergio Orsi, said that this was one of the finest international meets he has been able to attend.

NBC is doing a 1-hour airing of a composite of 48 hours of filming they did on July 2.

I am so pleased with the 2 years of planning and the 650 volunteers who have worked so hard to host this event where 26 nations participated. To John Lugbill, who is our outstanding men's canoeist, Dave Hearn, and Jed Prentice, who won a gold medal, to Kathy Hearn, Dave's sister, Dana Chladek, and Jennifer Stone, who won a second in the women's kayaking, to Lecky Haller and Jeff McEwen, constituents of mine who almost won one, but came so close, Erick Jackson and Joe Jacobie, who tried so hard, all of these fine young American athletes have such pride with their flag and representing their country.

□ 1250

But to Bill and Abbie Endicott, our U.S. team coaches who have worked so hard to make sure that this special event will be included in the Olympics in 1992, let me say that it is a job well done.

CONSTITUTIONAL AMENDMENT TO BAN DESECRATION OF THE FLAG

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

Mr. SMITH of New Hampshire. Mr. Speaker, the recent Supreme Court decision declaring unconstitutional a State law prohibiting desecration of the flag has rightfully outraged most Americans. They are furious at a decision that says it is acceptable to destroy the symbol that represents the freedoms and values of the United States of America.

As Jay Leno said last night, "In most communities in America it is against the law to burn leaves, but a bonfire of the American flag is okay."

President Bush has called for the adoption of a constitutional amendment to overturn the Supreme Court's decision, and I commend the President for his initiative. I call upon you, Mr. Speaker, to convene a special session of this House this July 4 for the purpose of adopting a constitutional amendment that makes it unlawful to desecrate the American flag. While I realize such a session would require us to cancel or postpone appearances in our districts, I believe our constituents would be more than willing to have us miss the local parade in order to rectify this misguided decision of the Supreme Court.

Mr. Speaker, a poll in last week's Newsweek indicates that more than 70 percent of the American people support a constitutional amendment to ban the desecration of the flag. The President has called for it; the American people want it. Let us meet on July 4, Mr. Speaker, and pass it. It would be a fitting tribute on our Nation's 213th birthday.

I ask for my colleagues' immediate support on this matter.

CONSTITUTIONAL AMENDMENT ON FLAG BURNING

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

Mr. VOLKMER. Mr. Speaker, I am disgusted, as are the people of my Missouri district.

We are disgusted because in Missouri, unlike at the U.S. Supreme Court, we do not think it is all right to burn our U.S. flag. In Missouri we revere, we honor, we respect the flag. It is beyond our comprehension that Americans anywhere, including those on the Supreme Court, would think it is anything less than criminal to destroy our flag.

I am offering legislation that would, simply put, return Old Glory to its rightful position in our hearts, our minds, and in the law books of our land.

If we can't rely on the Supreme Court to revere our flag then we will change the Constitution to mandate that reverence.

My legislation is simple. It would add to the Constitution the following words: "The Congress and the States shall have the power to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act."

It saddens me that we need to add these 29 words to the Constitution. But if it takes these simple words to return our national flag to its revered glory, then so be it.

EXPENDITURE TARGETS

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

Mr. YOUNG of Alaska. Mr. Speaker, health care is one of the most important issues debated by Congress every year.

In a very subtle way, our health care system is being threatened by a proposal creating health care expenditure targets.

Unfortunately, this proposal would only create health care rationing.

And I do not think any of us want medical care rationed to our families or constituents.

Our friends, the Canadians, have tried this proposal. It has failed miserably.

Residents in Vancouver are waiting 1 to 3 months for surgical and routine consultations.

They are waiting 6 to 18 months for admission to a long-term placement bed.

In Quebec, patients are waiting 8 to 9 months for coronary bypass surgery.

Clearly, this proposal is a failure and people are paying with their lives.

I do not think that we want to force our doctors to withhold necessary medical care because of target expenditures.

I urge my colleagues to reject this unnecessary proposal.

REGARDING DIAL-A-PORN

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

Mr. DINGELL. Mr. Speaker, last Friday the Supreme Court found that

the "Dial-A-Porn" provisions passed by the Congress a year ago are unconstitutional. By virtue of the Court's decision, today there is no statutory underpinning for regulations to protect our children from purveyors of smut over the telephone.

This decision should have come as no surprise. As many of us pointed out at the time, there is a constitutional way to curb the access of minors to indecent telephone messages. But ideology triumphed over common sense, and Congress passed a bill that was patently unconstitutional.

While the authors of the law may have scored a couple of political points, they bear full responsibility for the situation they have now created.

Until Congress acts responsibly on this issue, young people will be undeterred if they seek out indecent telephone dial-up-services. Today, I plan to introduce a bill that will deal effectively with the problem, and pass constitutional muster.

I invite my colleagues to put aside ideology and join in a responsible effort to deal with a serious problem, and legislate an effective remedy for Dial-A-Porn service.

CENSUS EQUITY ACT

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

Mr. RIDGE. Mr. Speaker, every 10 years, our country redistributes the power of the government to the citizens of our country. We do this through the census and reapportionment. This redistribution is the only constitutionally mandated purpose for the decennial census.

While census figures are of immeasurable assistance to our government for funding and planning, their main purpose is clear—they are the basis for distribution of congressional seats.

Unfortunately, the integrity of these calculations have been jeopardized by an administrative decision of the Census Bureau.

For no apparent reason, the Census Bureau has refused to include service personnel stationed overseas when reapportioning congressional seats. These are citizens of the United States. Citizens who vote, pay taxes, and who are willing to make the ultimate sacrifice for their country. Yet they will not be afforded the full weight of their vote.

In the same arbitrary manner, the Census Bureau has, and will continue to count illegal aliens for purposes of reapportionment. Last week, 25 of my colleagues joined me in introducing the Census Equity Act, which will exclude illegal aliens and include service personnel stationed overseas for the reapportionment count.

Reapportionment is the redistribution of the power of government to the governed. Reapportionment defines the scope of the political community of the United States. As the Supreme Court stated in *Cabell* v *Chavez-Salido*, 454 U.S. 432 (1982), "[s]elf government, whether direct or through representatives, begins by defining the scope of the community of the governed and thus of the governors as well: Aliens are by definition those outside the community." We do not count foreign tourists who, incidentally, enter the United States legally. Yet, the Census Bureau willingly counts those who have entered this country in direct violation of its laws.

Mr. Speaker, I ask my fellow colleagues to join me in correcting this inequity by cosponsoring the Census Equity Act.

BANNING DESECRATION OF THE FLAG

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

Mr. MAZZOLI. Mr. Speaker, this past Saturday, I presented an American flag which had been displayed over the U.S. Capitol to residents of Lourdes Hall, a facility administered by the Housing Authority of Louisville.

In presenting the flag, I had no intention of doing more than describing why all Americans should respect the flag. However, Mr. Speaker, I found myself addressing the Supreme Court's recent and unfortunate decision pronouncing desecration of the flag to be constitutionally protected speech and expression.

I am no constitutional scholar. But, I find the dissenting opinions to be far more persuasive in their reasoning and logic than the majority opinions.

From the comments I received after my remarks, it was clear that the residents of Lourdes Hall agreed with me.

If the Court's decision is constitutionally correct, then the Constitution itself needs to be amended so that expressions of unhappiness or dismay with our Nation can no longer take the form of desecration of our proud flag.

LIMIT THE SCOPE OF THE HATE CRIMES STATISTICS ACTS

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

Mr. DANNEMEYER. Mr. Speaker, later today I will ask my colleagues to oppose an item on the Suspension Calender—H.R. 1048, the Hate Crimes Statistics Act. My purpose is to afford my distinguished colleague from Florida, [Mr. JAMES], and I, the opportunity to offer two amendments to the bill.

My amendment would simply restrict the scope of the bill by requiring the Attorney General to collect data on the number of hate crimes which manifest prejudice based on race, color, religion, and national origin—the categories recognized in the 1964 Civil Rights Act.

Why does this Congress want to elevate homosexuality above gender, age, mental capacity, and economic circumstances as a legitimate category of redress under our civil rights laws?

The amendment I intend to offer would require the Attorney General to collect data only on those categories already recognized in the 1964 Civil Rights Act and would give him discretionary authority to collect data on other categories—such as gender, age, mental capacity, and economic circumstances—where he believes it is necessary to do so.

In my opinion, our society should not enshrine homosexuality on a pedestal alongside race and religion as the primary focus of our civil rights laws. This legislation establishes a precedent which I believe very few of my colleagues would want to see put into law, that homosexuality is somehow deserving of special protection under the law.

I urge my colleagues to support my effort to defeat H.R. 1048 on the Suspension Calender so it can be properly amended. Do not let the sexual revolutionaries hijack the freedom train.

□ 1300

LIMIT TERM OF SUPREME COURT JUSTICES

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

Mr. APPLEGATE. Mr. Speaker, I agree with a lot of the Members who got up and talked about a constitutional amendment on burning the flag. I think it is a terrible thing. I am having an amendment prepared myself. I am also glad to hear this morning that the President of the United States came out and he is supporting a constitutional amendment.

However, why do we not take a look at changing the way the Court is appointed? Why do we not give the people in this country a little bit more of an input. I have introduced legislation in years past in the form of a constitutional amendment. Here is what it does, and it is very simple: First of all, it would limit the terms and number of years to 12 years, unless a member comes from a lower Court, and then the member could go from there to the Supreme Court and could be a member for 24 years.

However, after the first 6 years of appointment, members have got to go back to the Senate to be reconfirmed. By going back to the Senate for recon-

firmation, at least the people of the country will have an opportunity to have their voice heard through the U.S. Senate.

I think it is a very good way to go, give the people, we the people of the United States, an opportunity to have a little bit of input into how these U.S. judges are appointed. So I ask Members to join me in this venture.

LEGISLATION TO PREVENT DIAL-A-PORN

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

Mr. DREIER of California. Mr. Speaker, like every Member of this body, I cherish the first amendment to the Constitution. Like every American, I cherish the first amendment to the Constitution. I was saddened by the decision that was made by the Supreme Court last Friday dealing with this Dial-a-Porn situation. I have to point, however, to our prescient colleague, the gentleman from Michigan [Mr. DINGELL], who stood in this well and said that the bill that we were prepared to pass out last year was unconstitutional. He was absolutely right.

Attempts have been made by the Federal Communications Commission, three times, to try and implement this. They failed every time.

The decision has been made, Mr. Speaker, by the Court. Now we have to pick up the pieces and determine exactly where we go from here to assure that young Americans to not call in to get these indecent messages over the telephone. I am very pleased to join with my colleague, the gentleman from Michigan [Mr. DINGELL], and my colleague, the gentleman from Massachusetts [Mr. MARKEY], in cosponsoring legislation which will address this terrible problem.

U.S. ALTERNATIVE FUELS COUNCIL MEMO NO. 62789: CHEVRON OIL COMMENDED

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

Mr. ALEXANDER. Mr. Speaker, yesterday I visited and reviewed the work of the South Coast Air Quality Management District in the Los Angeles region.

As we know, about 50 percent of the smog and 100 percent of the carbon monoxide in the Los Angeles area comes directly from the tailpipe emissions of gasoline-powered motor vehicles. Yesterday, on Monday, I attended the opening ceremonies of a methanol fuel pump at a Chevron station in Anaheim, CA. Methanol is one of the alternative motor fuels that is offered to lessen the smog problem in southern California.

As a member of the U.S. Alternative Fuels Council, I wish to commend, to congratulate, to applaud the positive actions of Chevron Oil Co. in giving to motorists in the southern California area an alternative motor fuel, a clean air fuel, that will help reduce smog through providing cleaner air. Such actions by industry are to be applauded. I believe the remarks of Kenneth T. Derr, CEO and chairman of the board of Chevron, are important. Mr. Derr said it was the policy of his company to be socially responsible by protecting the environment. He said that Chevron was committed to supporting the cleanest alternate fuel. I congratulate Mr. Derr on this policy. The American people are the winners when a company such as Chevron adopts such an enlightened stance.

Thanks to Chevron, Californians can look forward to a cleaner breath of fresh air.

OVERTURN SUPREME COURT DECISION

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

Mr. OXLEY. Mr. Speaker, I had the opportunity and the pleasure to address the graduation ceremonies of Buckeye Boys' State at Bowling Green University on Sunday morning. I have done that for the last 5 years, and it is an excellent program. I was thrilled when I got there to find in the wake of the Supreme Court decision on the flag-burning case, that the delegates at Buckeye Boys' State, over 1,200 fine young men throughout Ohio, passed a resolution, unanimously, asking Congress to pass a constitutional amendment to overturn that dreaded decision.

It was a pleasure to me to have an opportunity to speak to those young men and find out how excited they were at the prospect of this House, and the Senate, moving expeditiously.

Then I was also pleased to know that people from my hometown of Findlay, OH, will be organizing a group demonstration, peaceful demonstration, on Thursday of this week that will again protest the flag decision, and asking Congress to pass a constitutional amendment to overturn that decision.

Findlay, by an act of Congress, is Flag City, U.S.A. The President addressed that this morning in his news conference, and nowhere are people more upset than in Findlay, OH, Flag City, U.S.A., about this decision.

I have introduced and will be introducing legislation today that will overturn the Supreme Court decision. It is a constitutional amendment. I ask my colleagues to support me in this effort. I think we owe the people of our district and throughout Ohio and throughout the Nation, our steadfast efforts at overturning this terrible decision.

DIAL-A-PORN PREVENTION AND CORRECTIONS ACT OF 1989

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

Mr. MARKEY. Mr. Speaker, today I am joining with Chairman DINGELL in introducing the Dial-a-Porn Prevention and Corrections Act of 1989. It is time for an end to partisan bickering and the beginning of effective action to once and for all protect children from the vile influence of pornographic phone services.

This legislation is a direct response to the Supreme Court's 9 to 0 decision last week striking down the attempt in the last Congress to ban all indecent telephone messages to adults and minors. The Court's decision was no surprise: Chairman DINGELL and I, among others, argued in the last Congress that such a result was likely, and sought to implement a technologically feasible and constitutionally permissible approach to keeping dial-a-porn away from children. At every turn, that alternative was rejected in a sea of rhetoric. But the tide has turned, and now is the time to move forward toward a real-world solution to this problem.

This legislation reflects both the results of the Supreme Court's decision and the same technological approach employed last year in the conference report to H.R. 5, the Elementary and Secondary Education Act. First, the bill would make illegal the provision of any obscene speech. Second, it would mandate that no indecent speech could be provided except when a telephone customer subscribes in advance to receive the product in their home. There would be no permitted unauthorized intrusion of dial-a-porn anywhere. In the last Congress, this technological approach was endorsed by the National Parent Teachers Association, and the United Council of Churches. It was recognized as acceptable by the regional Bell operating companies, by AT&T, by GTE, the Information Industry Association, and the American Civil Liberities Union.

Mr. Speaker, it is time for the mindless shouting to end and the time to wipe out the scourge of the pernicious preying upon innocent children.

AMENDMENT NEEDED TO CONSTITUTION

(Mr. HASTERT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, contrary to the decision of the U.S. Supreme Court last week to strike down the laws of the various States prohibiting the desecration of the flag of the United States, I think there are three sets of voices that perhaps we should listen to and heed.

First of all, there are the voices of our Founding Fathers, those articulate gentlemen who wrote the Declaration of Independence, the Constitution of the United States, and the Bill of Rights. They talked about basic human rights. They talked specifically about the freedom of speech. They certainly knew what they were talking about. They intentionally did not extend freedom of speech to actions against symbols or acts of sedition.

Also, we should respect those who have gone before us, the haunting voices, Mr. Speaker, of those people who lay in prairie graves, who fought for this country, who died for the flag, their voices haunt Members and say that we need to stand up and be counted.

Last, Mr. Speaker, there are the voices of those not yet born. Those who have not yet learned the proud legacy, the patriotic history, and the stories of freedom that surround our Nation's sacred symbol.

□ 1310

When we start to allow our symbol of freedom, the symbol of this great Nation, to be desecrated, we cheat all Americans of their proud heritage.

Mr. Speaker, it is time for a constitutional amendment protecting the flag of the United States from those who would attempt to defile it, and I think we need to bring that forward as expeditiously as possible.

A PROPOSAL TO AMEND THE HATE CRIME STATISTICS ACT

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

Mr. DOUGLAS. Mr. Speaker, this afternoon we are going to be taking up H.R. 1048, and I would like to urge the House to vote no on taking that bill up under suspension of the rules. That is the Hate Crime Statistics Reporting Act, which I voted for in the Judiciary Committee, as did most of us on that committee.

What we want to do is to enable the suspension to be blocked so that we can have an amendment offered that was not voted upon during that committee session on the bill. That is an amendment that would add union violence to the different categories to be studied by the Attorney General.

The National Institute of Labor Relations Research has documented over 5,000 instances of labor-inspired violence since 1975. If the bill is not voted up on suspension, we can offer again an amendment which was rejected in the Judiciary Committee that would add organized labor violence to that bill.

I think the bill is sufficiently supported by all of us so that whether we are in favor of or against H.R. 1048, it is only fair that we have an opportunity to make it a better bill and more inclusive. A vote for suspension is a vote in favor of union violence, and a vote to not suspend the rules is a vote to enable us to put that amendment on the bill so that we can deal with union violence in addition to crimes involving race, creed, color, and religion.

THE COMMONSENSE SIDE OF THE FLAG-BURNING ISSUE

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

Mr. DORNAN of California. Mr. Speaker, all this rush of patriotism in the well during the last week over the flag-burning issue is not posturing; it is not just patriotism. I believe it is common sense.

It is hard in 1 minute to tell a story that is the antithesis, the exact opposite of desecration of the flag, but there was an incident that happened with our POW's in those horrible hellhole camps in Vietnam. The lack of guts on the part of the 90th, 91st, and 92nd Congresses, in collusion with the worst public servant that has ever existed in the history of this Nation, Robert Strange McNamara, caused some of our men to be held for 7 and 8 years, and one man for 9 years.

During that period some of our heroic POW's got down on their hands and knees and looked for little pieces of blue and red thread. Then they took apart an old dirty white T-shirt and wove an American flag. It was found eventually after months of them pledging to it and saluting it at night, and then it was desecrated and destroyed and the men tortured.

What was their response? To go right back on their sore knees and look for little pieces of thread again, take apart another dirty T-shirt, and make another tiny cloth flag. That one they managed to smuggle out in the spring of 1973, and it is now displayed proudly in one of our military museums.

That respect for that symbol is why it is common sense to tell this story, and to whom? To a dozen or half a dozen insensitive thugs who want to burn our Stars and Stripes that they cannot violate the sensitivities of tens of thousands, maybe several hundred thousand mothers, fathers, brothers, surviving widows, sons, and daughters all across this country who know that somebody from their family died protecting everything that flag symbolizes and in some specific cases even gave their lives to take a torn-apart standard of this country, our national ensign, Old Glory, off the field of battle.

A VOW TO PROTECT THE FLAG

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

Mr. STUMP. Mr. Speaker, as is evident, I am not a very big guy, but as a combat veteran of World War II, I say to those who would choose to desecrate the flag that they had better not try to do it in my presence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

VETERANS' HEALTH-CARE PROGRAMS AMENDMENTS OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 901) to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes, as amended.

The Clerk read as follows:

H.R. 901

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE; DEFINITION OF SECRETARY.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health-Care Programs Amendments of 1989".

(b) REFERENCES TO TITLE 38.—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 other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) SECRETARY DEFINED.—For purposes of this Act, the term "Secretary" means the Secretary of Veterans Affairs.

TITLE I—PERSONNEL PROVISIONS

SEC. 101. PREMIUM PAY FOR LICENSED PRACTICAL OR VOCATIONAL NURSES AND NURSE ASSISTANTS.

(a) IN GENERAL.—Section 4107(e) is amended by adding at the end the following new paragraph:

"(11) For purposes of this subsection, an employee of the Veterans Health Services and Research Administration who is a licensed practical or vocational nurse or a nurse assistant shall be treated in the same manner as a registered nurse.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 102. REVISION OF CERTAIN LIMITATIONS ON OUTSIDE EMPLOYMENT FOR CERTAIN EMPLOYEES.

Section 4108 is amended by adding at the end the following new subsection:

"(e) Any provision of this title limiting employment outside of the Department by an employee of the Department shall not apply to an employee described in section 4104(3) of this title.".

SEC. 103. REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL WHO ARE RETIRED MILITARY PERSONNEL.

(a) EXTENSION TO ALL HEALTH-CARE PERSONNEL.—Section 4107(i) is amended—

(1) by inserting ", and registered nurse positions," after "physician positions"; and

(2) by adding at the end the following new sentence: "The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the first day of the first pay period beginning on or after the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 104. REVISION IN LIMITATION ON PAY OF CERTAIN PHYSICIAN POSITIONS.

(a) ENHANCED PAY FLEXIBILITY FOR EXTREMELY-DIFFICULT-TO-FILL PHYSICIAN POSITIONS.—Section 4107 is amended by adding at the end the following new subsection:

"(k) In the case of specific physician positions in a specialty which the Secretary has determined to be a specialty in which it is extremely difficult to recruit and retain physicians, the Secretary may waive the applicability to any such position of—

"(1) the limitations in subsection (d)(3) of this section and section 5308 of title 5; and

"(2) paragraphs (2) and (3) of subsection (g) of this section.".

(b) EFFECTIVE DATE.—Subsection (k) of section 4107 of title 38, United States Code, shall take effect on the first day of the first pay period beginning on or after the later of (1) October 1, 1989, or (2) the date of the enactment of this Act.

SEC. 105. APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS.

Section 4106 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may appoint qualified individuals in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title).

"(2) For purposes of this subsection, an individual shall be considered to be a qualified individual if the individual—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) is appointed to and has successfully completed a clinical education program affiliated with the Department.

"(3) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

SEC. 106. LEAVE-SHARING PROGRAM.

(a) AUTHORITY FOR PROGRAM.—Section 4108 is amended by adding after subsection (e) (as added by section 102) the following new subsection:

"(f)(1) The Secretary may carry out a leave-sharing program for employees subject to this section who face medical emergencies (either for themselves or family members). Any such program shall be consistent with the leave-sharing programs authorized in subchapter III (beginning with section 6331) and subchapter IV (beginning with section 6361) of chapter 63 of title 5 for employees appointed under title 5.

"(2) The authority to carry out such a program shall terminate on September 30, 1994.".

(b) EFFECTIVE DATE.—Subsection (f) of section 4108 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1989.

TITLE II—HEALTH PROGRAM AMENDMENTS

SEC. 201. EXTENSION OF EXPIRING PROGRAMS.

(a) RESPITE CARE.—Section 620B(c) is repealed.

(b) STATE HOME GRANT AUTHORITY.—Section 5033(a) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(c) HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(d) ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.—Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 379) is amended by striking out "and 1988" and inserting in lieu thereof ", 1988, 1989, 1990, and 1991".

(e) ANNUAL REPORT ON PTSD.—Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2693) is amended by striking out "three" and inserting in lieu thereof "six".

SEC. 202. HOUSING PROGRAM.

Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (38 U.S.C. 1820 note; 101 Stat. 1320) is amended—

(1) in subsection (a)(3)(B)(i), by striking out "solely as a shelter" and inserting in lieu thereof "as a shelter or as transitional housing";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) VETERANS PARTICIPATING IN COMPENSATED WORK THERAPY PROGRAM.—(1) To assist veterans who are participants in a compensated work therapy program authorized under section 618 of title 38, United States Code, the Secretary of Veterans Affairs may convey to persons described in paragraph (2) real property and improvements described in subsection (a)(2) for an amount not less than 75 percent of the fair market value of such real property and improvements.

"(2) The Secretary may convey such property to persons who enter into an agreement with the Secretary to employ veterans who are participants in a compensated work therapy program authorized under such section 618.

"(3) The Secretary may include appropriate enforcement provisions in any agreement described in paragraph (2), including provision for reasonable liquidated damages."; and

(4) in subsection (d), as redesignated by paragraph (2), by striking out "subsections (a) and (b)" and inserting in lieu thereof "this section".

SEC. 203. COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK.—(1) Subsection (b)(1) of section 618 is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(2) Subsection (c)(1) of such section is amended by striking out "carrying out the provisions of" and inserting in lieu thereof "furnishing rehabilitative services authorized in".

(b) AUTHORITY TO ESTABLISH AND OPERATE THERAPEUTIC AND REHABILITATIVE ACTIVITIES TRANSITIONAL HOUSING.—(1) The Secretary may carry out a demonstration program of transitional housing in accordance with this subsection. Under that program, the Secretary may purchase, lease, or otherwise acquire residential housing and may operate each residence acquired under this subsection as transitional housing for veterans described in paragraph (2).

(2) The veterans for whom transitional housing may be provided under this subsection are veterans—

(A) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 618 of title 38, United States Code; or

(B) who are furnished therapeutic work pursuant to subsection (b) of that section.

(3) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this subsection as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

(4) A residence may be operated as transitional housing for veterans described in paragraph (2) under the following conditions:

(A) Only veterans described in such paragraph and a house manager may reside in such residence.

(B) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

(C) In the establishment and operation of housing under this subsection, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(D) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings

of the Federal Government shall not apply to such property.

(5) The Secretary shall prescribe the qualifications for house managers for transitional housing operated under this subsection. The Secretary may provide for free room and subsistence for house managers in addition to or instead of payment of a fee for such services.

(6) The Secretary may operate as transitional housing under this subsection—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(7)(A) In the case of the purchase of any property referred to in paragraph (6)(A), the Secretary shall transfer from the Special Therapeutic and Rehabilitation Activities Fund to the Loan Guaranty Revolving Fund the amount equal to the amount that the Secretary would charge for the sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(B) In the case of any residential property purchased by the Secretary of Veterans Affairs from the Department of Housing and Urban Development under this section, the amount charged by the Secretary of Housing and Urban Development for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of such property to a nonprofit organization or a State for use as a shelter for homeless persons.

(8) Subject to the authority, direction, and control of the Secretary, the Chief Medical Director shall be responsible for the management, maintenance, and disposition of property acquired for the purpose of this subsection.

(9) The Secretary shall prescribe—

(A) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

(B) appropriate limits on the period for which such persons may reside in transitional housing.

(10) The Secretary may dispose of any property acquired for the purpose of this subsection. The proceeds of any such disposal shall be credited to the Special Therapeutic and Rehabilitation Activities Fund.

(c) AVAILABILITY OF THE SPECIAL THERAPEUTIC AND REHABILITATION ACTIVITIES FUND FOR COMPENSATED WORK THERAPY COMMUNITIES.—Section 618(c) is amended—

(1) in paragraph (1), by inserting "and for the purpose of carrying out section 203 of the Veterans' Health-Care Programs Amendments of 1989" before the period at the end of the first sentence; and

(2) in paragraph (2)—

(A) by inserting "and all funds received by the Department as rent under section 203 of the Veterans' Health-Care Programs Amendments of 1989" in the first sentence after "paragraph (2) of such subsection,"; and

(B) by adding at the end the following new sentence: "The Secretary may also distribute out of the fund such amounts as may be necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such section 203.".

(d) REPORT.—After the program under this subsection has been in effect for three years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations for continuation or expansion of the program as the Secretary considers appropriate.

SEC. 204. ELIGIBILITY FOR OUTPATIENT MEDICAL SERVICES.

(a) CONFORMITY WITH ELIGIBILITY FOR INPATIENT CARE.—Section 612(a) is amended—

(1) in paragraph (1), by striking out "determines are needed—" and all that follows in that paragraph and inserting in lieu thereof "determines are needed to any veteran who is eligible for hospital care under section 610(a)(1) of this title, subject to the same limitations as apply under subparagraphs (A) through (I) of that section with respect to eligibility for hospital care under that section.";

(2) by striking out paragraphs (2) and (3);

(3) by redesignating paragraph (4) as paragraph (2) and in that paragraph striking out "paragraph (5)" and inserting in lieu thereof "paragraph (3)";

(4) by redesignating paragraph (5) as paragraph (3) and in that paragraph striking out "paragraph (4)" and inserting in lieu thereof "paragraph (2)"; and

(5) by redesignating paragraph (6) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1989.

TITLE III—HEALTH-CARE MANAGEMENT

SEC. 301. PROGRAM FOR IMPROVED SYSTEM FOR COLLECTION OF FEES.

(a) PROGRAM.—(1) The Secretary shall carry out a program for the establishment of an improved system for the administration and collection of fees and other amounts payable to the United States under Department of Veterans Affairs receipts programs.

(2) For purposes of this section, the term "Department of Veterans Affairs receipts programs" means provisions of law administered by the Veterans Health Services and Research Administration under title 38, United States Code, for the collection of fees and other amounts payable to the United States, including the provisions relating to—

(A) fees charged to third parties;

(B) amounts recoverable by the United States under section 629 of title 38, United States Code; and

(C) amounts payable as first-party medical copayments authorized in such title.

(b) AUTOMATED PROGRAM FOR BILLING AND COLLECTION.—(1) As part of the system established under subsection (a), the Secretary shall provide for the development of an automated program to carry out billing and collection of fees and other amounts. The automated program shall have the capability to process each Department of Veterans Affairs receipts program listed in subparagraphs (A) through (C) of subsection (a)(2).

(2) In developing the billing and collection program required by paragraph (1), the Secretary shall use services of the private sector to the maximum extent feasible.

(3) Not later than January 31, 1992, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of this subsection during fiscal years 1990 and 1991. The report shall be based on a study, to be done in consultation with the Comptroller General of the United States, comparing the experience in carrying out this subsection through the use of employees of the Department at not more than 20 medical centers with the experience in carrying out this subsection through the use of contractor services at not more than 20 medical centers.

(c) ALLOCATION OF AMOUNTS COLLECTED.—(1) The Secretary shall defray costs of administering the automated program, including the costs of any contract under the program, from amounts received by the Secretary through the program.

(2) Of amounts collected or recovered by the Secretary for any fiscal year under the Department of Veterans Affairs receipts programs listed in subparagraphs (A) through (C) of subsection (a)(2) that remain after costs are defrayed pursuant to paragraph (1), the Secretary shall cover into the general fund of the Treasury as miscellaneous receipts an amount equal to the amount which was estimated by the Congressional Budget Office in February 1989 to be the total amount which would be recovered or collected for fiscal year 1990 under those receipts programs (assuming this section had not been enacted).

(3) Of amounts collected or recovered by the Secretary for any fiscal year under the Department of Veterans Affairs receipts programs listed in subparagraphs (A) through (C) of subsection (a)(2) that remain after costs are defrayed pursuant to paragraph (1) and the requirement of paragraph (2) has been met, the Secretary shall allocate remaining amounts as follows:

(A) 50 percent shall be credited to the Medical Care Account of the Department of Veterans Affairs.

(B) 50 percent shall be credited to the Nursing Home Revolving Fund of the Department.

(4) The Secretary shall prescribe regulations for the allocation to the medical centers of the Department of amounts credited to the Medical Care Account of the Department under paragraph (3). Those regulations shall be designed to provide incentives to directors of medical centers to increase the recovery and collection of amounts owed to the United States under programs listed in subsection (a)(2) that are attributable to health care and services furnished at their medical centers and, in the case of medical centers at which such recovery and collection has been at above average levels, to maintain and increase such levels.

(d) NURSING HOME REVOLVING FUND.—Section 5016 is amended—

(1) by striking out "realized from a transfer pursuant to" in subsection (a)(1) and inserting in lieu thereof "referred to in section 629 (g)(3) and; and

(2) by striking out "may be made only as" in subsection (b)(1) and inserting in lieu thereof "shall be made subject to such limitations as are".

(e) EFFECTIVE DATE.—This section shall apply with respect to funds collected or recovered after September 30, 1989.

SEC. 302. ELIGIBILITY OF MILITARY DEPENDENTS FOR HEALTH CARE UNDER SHARING AGREEMENTS.

Section 5011(g)(5) is amended by inserting after "title 10" the following: "or a dependent (as defined in section 1072(2) of such title) who is eligible for care under section 1076 of such title".

SEC. 303. CHAMPVA PROGRAM.

(a) LIST OF BENEFICIARIES.—The Secretary shall compile an accurate and complete list of individuals eligible as of October 1, 1989, for benefits under section 613 of title 38, United States Code. Such list shall be compiled not later than October 1, 1989, and shall be maintained and periodically updated thereafter. The Secretary may pay bene-

fits under that section only to persons whose names are included on the list.

(b) PROGRAM REVIEW.—Not later than October 1, 1989, the Secretary shall establish a procedure for the periodic review of the need for, the cost effectiveness of, and the appropriateness of the provision of health care by the Secretary under section 613 of such title.

(c) INSPECTOR GENERAL REVIEW.—Not later than December 1, 1989, the Inspector General of the Department of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the compliance of the Secretary with subsections (a) and (b). If the report indicates that the Secretary is not in compliance with either such subsection, the Secretary shall promptly submit to those committees a report explaining the reason for any such noncompliance and the plans of the Secretary to correct the deficiency.

(d) STUDY OF ALTERNATIVES.—(1) The Secretary shall carry out a study of alternative methods for providing for the costs of health care which are currently provided under section 613 of such title. In carrying out the study, the Secretary shall consider methods which would result in a substantially unchanged cost to the United States while providing improved health benefits at lower costs to beneficiaries.

(2) The Secretary shall submit a report on the results of the study to Congress not later than one year after the date of the enactment of this Act.

(3) There is authorized to be appropriated the sum of $500,000 to carry out the study under this subsection.

SEC. 304. CANTEEN SERVICE.

(a) LIMITATION ON EMPLOYMENT.—Section 4203 is amended by adding at the end the following new subsection:

"(c) A contract or other agreement may not be made by or on behalf of the Service for performance by an individual not directly employed by the United States of any activity otherwise performed by an individual employed by the United States who is compensated with nonappropriated funds.".

(b) INDEPENDENT STATUS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.—Section 4208 is amended—

(1) by striking out "It is the purpose of this chapter that, under" and inserting in lieu thereof "Under the"; and

(2) by adding at the end the following: "The head of the Service may not be required to report to or be supervised by any official of the Department other than the Secretary and Deputy Secretary.".

SEC. 305. COMMUNITY NURSING HOMES.

(a) RESCISSION OF REGULATION.—The amendment to Veterans' Administration medical regulations relating to the use of community nursing home care facilities that was effective as of May 23, 1988, and which is further described in subsection (b) is hereby rescinded, and the provisions of regulations replaced by such regulations described in subsection (b) are hereby restored.

(b) REGULATION DESCRIBED.—Subsection (a) applies to the amendment to title 38 of the Code of Federal Regulations section 17.51a published in the Federal Register on April 21, 1988 (53 Fed. Reg. 13120).

SEC. 306. PROVISION OF PROSTHETIC APPLIANCES.

Section 5023 is amended—

(1) by inserting "(a)" before "The Administrator"; and

(2) by adding at the end the following:

"(b) The Secretary shall develop standards, based on the number of eligible veterans seeking prosthetic and sensory aids services from the Department at a medical facility, for the staffing of medical facilities of the Department to provide for—

"(1) the assignment of sufficient numbers of qualified disabled prosthetic representatives at each medical center; and

"(2) the operation of prosthetic and sensory aids services at each medical facility with an active prosthetic patient load.

"(c) The Secretary shall carry out a program for the training and continuing education of prosthetic representatives, orthotists, prosthetists, and other health care professionals involved in providing and prescribing prosthetic services.

"(d) Not later than February 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the funding and operation of the prosthetics program of the Department. Each such report shall include the following:

"(1) A description and analysis, by medical center, of the duration of time between the date on which each order for prosthetic services was placed by an eligible veteran during the period of time covered by the report and the date on which such service was delivered. Such analysis shall include a statement of the following:

"(A) A list of facilities at which the duration of time exceeded 5 days in any case.

"(B) The number of orders, shown by facility, for which the duration of time was more than five days and the actual amount of time elapsed in filling each such order.

"(C) The total dollar amount of orders for which the duration of time was more than five days.

"(D) The reasons for the duration of time for delivering services in accordance with such orders being in excess of five days.

"(2) A statement of the number of medical facilities at which qualified disabled prosthetic representatives are employed and the number of medical centers operating Prosthetic and Sensory Aids Services.

"(3) A description of the training provided to prosthetic representatives, orthotists, prosthetists, and other health care professionals involved in providing and prescribing prosthetic services.

"(4) A description of the actions taken during the period covered by the report to expedite the purchases of prosthetic appliances.".

The SPEAKER pro tempore. Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

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

GENERAL LEAVE

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 901, the bill under consideration, and also on the next four bills to be brought up for consideration, H.R. 1199, H.R. 2557, H.R. 2569, and H.R. 1334.

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, H.R. 901, as amended, contains several personnel provisions that would make improvements in certain health care programs of the Department of Veterans' Affairs [DVA]. It was reported out of our committee unanimously by voice vote. Specifically, this bill extends programs that have been evaluated and shown to achieve desirable results and to be cost-effective. This bill also addresses one of the most compelling problems in the DVA medical care system: attracting and keeping the dedicated, well-trained staff that is the foundation of the DVA's Veterans' Health Services and Research Administration. The bill would also make some management changes to improve the delivery of medical services. The various provisions are summarized in a blue sheet summary here at the table.

In general, Mr. Speaker, the provisions of this bill recognize the reality that every dollar available to the DVA must be carefully weighed so that high-quality care is delivered to our Nation's veterans on a timely basis.

The problems with recruitment and retention of medical care staff are well known in American medicine, especially in the area of nursing personnel. The Federal environment makes the challenge even more difficult. The recent survey of DVA medical centers—House Committee Print No. 10, 100th Congress, documented that DVA medical centers are staffed at a much lower level than their community neighbors and that, in addition, they suffer from unfilled vacancies across all of the medical professions. H.R. 901, as amended, would address some of these findings.

First, the bill would authorize Saturday/Sunday premium pay for licensed practical/licensed vocational nurses and nurse assistants in order to recruit and retain these health care professionals. During recent hearings on recruitment and retention of nurses, attention was focused on the serious problems of recruiting and retaining licensed practical and vocational nurses and nurse assistants for DVA employment. The services of persons in these occupations are becoming more critical due to the national shortage of registered nurses.

In the committee's nationwide survey, over 1,200 licensed practical and vocational nurse vacancies were reported to exist within the DVA medical care system. A significant reason for the Department's difficulty in recruiting and retaining these valuable personnel was reported in testimony to the committee as pay or pay related. The lack of premium pay was listed as a disadvantage to DVA em-

ployment by 24.7 percent of the medical center directors responding to the above-mentioned survey. Currently such pay is discretionary for LPN/LVNs, but under this section they, as well as nurse assistants, would be treated in the same manner as a registered nurse for purposes of this provision only. It is imperative that the DVA increase its ability to compete for these necessary medical personnel. An increase in such personnel would help relieve some of the burdens placed on our already overworked registered nurses. This in turn would have a domino effect by helping in the recruitment and retention of RNs and result in our designed goal of providing high-quality care to our Nation's veterans.

Second, H.R. 901 would explicitly authorize outside employment, commonly called moonlighting, for the so-called hybrid employees whose appointment, pay, and other authorities are in both title 5 and title 38 of the United States Code. These include physical therapists, respiratory therapists, LPN/LVNs, pharmacists, and occupational therapists. Public Laws 98-160 and 100-322 contained authorization for the DVA to set rates of pay and qualifications standards for the aforementioned employees. The Congress emphasized, in the report language accompanying the legislation which created the hybrid occupational groups, that the intent was to provide the pay and appointment flexibility that was necessary to ensure that the DVA might continue to compete for these hard-to-recruit personnel.

Mr. Speaker, in order to clarify the intent of the Congress with specific regard to employment outside the DVA and in the interest of improving the ability of the DVA to compete for these employees, section 102 of the reported bill would explicitly authorize outside employment for these personnel to the extent that it does not interfere with their primary obligations within the DVA medical care system.

I would add here, Mr. Speaker, my understanding is that the outside employment is not solely oriented to supplementing the pay of these professional health care employees. Rather, the outside work would likely consist of teaching students in one of these occupations, conducting continuing medical education classes, or giving public health lectures to civic groups for pay. In these difficult times of medical personnel shortages, it is important that the DVA implement such practices in order to better assist with the recruitment and retention of these much needed employees.

Another provision related to nurses is one that would allow retired military nurses to keep their military retirement pay if they choose to work as nurses in the DVA. While there may be only a small pool of such nurses, their experience would be a valuable resource to the DVA. The disincentive to working in the DVA's medical care system under current law is that they would lose part of their retirement pay if they worked at a Federal job. Some people may consider such limits justified in order to prevent so-called double dipping.

Retirement pay, however, is a reward that has been earned through dedicated service and in view of the severe shortage of nurses we should take every opportunity to increase the number of those who want to work for the DVA. In response to expressed concerns, the committee set a limit on the duration of this waiver authority for 3 years. At that time, the extent of the use of the authority will be assessed as will the associated costs and benefits.

Mr. Speaker, another provision in H.R. 901 applies to individuals who have a recognized degree in an allied health profession and who have completed a clinical education program affiliated with the DVA. Such individuals would be able to accept an appointment with the DVA without having to go through the Office of Personnel Management process for civil service employment.

As described in a 1982 report to the Congress, highly motivated allied health-care employees who might consider employment with the DVA become frustrated with the length and complexity of the civil service procedures. The DVA, as part of its statutory mission to develop and carry out a program of education and training of health-care personnel for the Nation, annually trains more than 50,000 allied health professions students through clinical education programs in DVA facilities. Fewer than 6 percent of these students take jobs with the DVA.

We hope that this provision would aid in the recruitment and retention of allied health professionals. Mr. Speaker, I also want to stress that the individuals who are so directly appointed be graduates who meet the DVA's high standards as evidenced by academic credentials and by successful completion of an affiliated DVA clinical education program. Mr. Speaker, this kind of effort is needed in order to address the severe shortages of medical personnel that the DVA is currently facing.

The last provision in H.R. 901 that concerns the recruitment and retention of medical personnel is section 104 which would authorize the Secretary to waive the applicable pay restrictions for physicians in extremely difficult to recruit and retain specialties. During committee hearings and through the use of surveys, the particular difficulty in recruiting certain physician specialties was documented. The main reason given for this difficulty was low Federal pay. Since many medical center directors are having trouble filling these positions, they have been forced to contract out for these services at substantially higher costs. Such contracts totaled $19.6 million in fiscal year 1988.

It is not the intent of the committee to apply this waiver authority to all physicians in the designated scarce medical specialties. Instead, the committee expects that the authority would be used to employ physicians in lieu of contracting for such services. The DVA needs these services Mr. Speaker, but in these times of fiscal constraint a reasonable alternative must be found. It is the belief of the committee that this provision will provide just such an alternative.

H.R. 901 would also authorize the establishment of a 5-year leave-sharing program for DVA health-care employees appointed under title 38. Under current law title 38 employees are covered by a temporary 1-year program which terminates on September 30, 1989. Title 5 employees used to be covered by a temporary program also, but under Public Law 100-566 they were placed under a 5-year program. By extending the 5-year program to title 38 employees, the DVA would be able to avoid possible adverse morale problems associated with having part, but not all of its employees, eligible for participation.

This program would permit the voluntary transfer of annual leave from one employee to another in order to help employees cope with emergency leave situations, such as when an employee is faced with an extended illness and has only a limited amount of personal leave time available. It is the intent of the committee to provide equitable leave-sharing programs for both title 5 and title 38 employees.

Mr. Speaker, as I stated earlier this bill extends programs that have been evaluated and shown to achieve desirable results and to be cost-effective. There are five program extensions addressed by this bill.

First, the bill would provide ongoing authority for the DVA's Respite Care Program, which under current law is scheduled to expire on September 30, 1989. The ultimate goal of respite care is to help veterans with severe chronic illnesses remain at home for as long as medically possible. It is widely agreed that, where medically feasible, allowing a person to remain at home is better for the person's overall health status than institutional care. It is, also, a far more efficient and cost-effective way to meet individuals health-care needs. Under the Respite Care Program, the DVA provides chronically ill veterans who reside at home with brief, planned periods of care in DVA facilities in order to provide the veteran's immediate care givers—usually

family members—with some relief from the physical and emotional rigors of continuous home care. This is a program that has worked very well in the past and the committee expects that it will continue to do so in the future.

Second, H.R. 901 would extend the DVA's State Home Grant Program for 3 years. Under this program the DVA provides grant support to assist States in the construction and acquisition of State home facilities and, also, in the renovation of existing facilities to be used in the State Home Program, with the DVA providing up to 65 percent of these costs.

The State Veterans' Home Program has grown from 11 homes in 11 States in 1888 to 58 DVA recognized homes in 36 States. These homes currently have over 18,000 beds and in fiscal year 1988 provided more than 4.8 million days of care. These facilities make it possible to provide care to many more veterans than can receive care in DVA facilities, while at the same time doing so in a cost-effective manner. The projected increase in the elderly population of the United States is being experienced earlier in the veteran population than in the general population. The number of veterans over the age of 65 was 4.6 million in 1985 and is predicted to increase to 7.2 million by 1991 and to peak at 8.9 million veterans in 1999. In 1999, 60 percent of all males over the age of 65 will be veterans.

Third, H.R. 901 would extend for 3 years the Department's authority to conduct a pilot program, originally authorized under Public Law 100-322, to provide community-based residential care to homeless chronically mentally ill veterans. The pilot program has been implemented and there is evidence of its success; however, the 1-year timeframe originally established under Public Law 100-322 now appears to be insufficient to complete a comprehensive assessment.

Mr. Speaker, there has been considerable hearing testimony, broadcast media reports, and editorials concerning the type and scope of problems relating to homeless persons. Most estimates suggest that many homeless may be eligible for veterans benefits and that a significant proportion are chronically mentally ill. An additional 3 years would be sufficient time to evaluate the scope and impact of the effect of this program on the homeless veteran population.

Fourth, H.R. 901 would extend for 3 years the so-called means test reporting requirement. Under Public Law 99-272, the Congress provided for reform of veterans' eligibility for DVA medical care and authorized third-party recovery from health-care insurers for non-service-connected disabled veterans who obtain health care in DVA facilities. This so-called means test was implemented in response to budget reconciliation instructions to achieve specified cost savings. The law required the Secretary to provide to the Congress a report on the effects of the eligibility reforms contained in the bill.

Mr. Speaker, the current budget situation facing the DVA Medical Care Program represents numerous potential alternative action by the DVA. Fundamental in making these decisions is accurate information regarding the operations of the medical care system. I believe that the report required by Public Law 99-272 contains much important information that the DVA can use in these efforts. Therefore, the reporting requirement should be extended for an additional period of time.

Fifth, H.R. 901 would extend the reporting requirement of the Chief Medical Director's Special Advisory Committee on Post Traumatic Stress Disorder. In 1980, the American Psychiatric Association's diagnostic and statistical manual officially recognized PTSD as a diagnosis and identified combat as a potential stressor. At that time, because of the relatively recent acceptance by the medical community of this disorder, procedures for diagnosing and treating PTSD were not well established. In an effort to address the problems, a special advisory on PTSD was established under Public Law 98-528 to advise the Chief Medical Director on diagnosis, treatment, and a wide range of PTSD related issues.

Recent research suggests that about 15.2 percent of male and 8.5 percent of female Vietnam theater veterans are currently suffering from PTSD. Mr. Speaker, we believe that the special committee has been instrumental in helping the Department develop procedures to evaluate, recognize, and treat those veterans who are suffering from this disorder. Therefore, the reporting requirement should be extended, as the special committee is continually providing advice in this area.

Mr. Speaker, as I discussed before, the problems associated with medical and psychiatric treatment of chronically mentally ill veterans present an enormous challenge to the DVA. During the last 20 years, the Department, in conjunction with a national movement to deinstitutionalize psychiatric inpatients, has closed over 30,000 psychiatric beds. With the advent of deinstitutionalization, patient work became a therapeutic activity which was designed to increase the patient's capability to develop vocational skills necessary for community reentry. H.R. 901 would authorize programs for the further development of these skills as well as offering incentives to people who would help run these programs.

Specifically, the bill would expand the compensated work therapy programs of the Department, which is authorized to operate them under section 618(b) of title 38. The purpose of these programs is to provide a clinical procedure for evaluating the patient's vocational or avocational interests, aptitudes, and skills. It also assesses the patient's physical and mental capacities for work in actual employment situations. These programs encourage the development of good working habits. The programs, however, are faced with limitations.

Current law restricts contracting to private industry or other sources outside the DVA. It is the belief of the Department's general counsel that such language also restricts contracting with other governmental agencies as well. The result of such restrictions is that in some areas of the country, particularly rural ones, the opportunities for establishing CWT programs are foreclosed. Mr. Speaker, in view of the enormous potential and prior success of these programs, it makes sense to allow the CWT programs to contract with an array of private and governmental entities, including the DVA. I believe that such latitude will increase not only the number of CWT programs available to eligible veterans, but also that more veterans, through participation in these programs, will make a successful transition back into the community.

Mr. Speaker, H.R. 901 would offer incentives to people who enter into agreements with the Department to employ patients who are part of the DVA's CWT programs. The bill would authorize the Secretary to convey properties to such persons at not less than 75 percent of the fair market values for such properties. I believe that such incentives will induce more people to participate with the DVA in the operation of such programs.

Work and treatment, however, are not the only problems associated with chronically mentally ill patients in the context of helping them make the transition back into the community. The need for transitional or therapeutic living space is critical to the success of any of these therapeutic programs. This problem is addressed in H.R. 901, which would specifically provide that patients involved in a therapeutic program may also participate in a therapeutic residential living program.

Given the overwhelming success of the existing programs and the enormous potential of additional ones, the committee strongly supports the expansion of these programs authorized in H.R. 901.

H.R. 901 would also require the DVA to provide outpatient care, except dental services, to all category A veterans for whom hospital care is mandated under section 610 of title 38. The reported bill would not change the eligibility for outpatient care for catego-

ry B and C veterans. Under current law, the Department is required to furnish needed outpatient care for the treatment of a service-connected disability of any veteran; for any disability of a veteran who has a service-connected disability rated at 50 percent or more; and for veterans disabled as a result of DVA treatment or vocational rehabilitation. In addition, the Department is required to furnish outpatient care for the pre-hospital care, care to obviate the need for hospital care, and postinstitutional followup care for veterans having disabilities rated at 30 or 40 percent. This same care is required to be provided to veterans who have an income at or below the pension aid-to-attendance income level.

By mandating outpatient care to a limited and defined group, veterans would be able to predict the likelihood of receiving care from the DVA. Similarly, the DVA and the Congress would have a basis for allocation of resources to fund services. The DVA would be authorized to continue providing outpatient care to the extent possible to category B and C veterans where space is available and in certain cases, where the veteran agrees to pay a certain fee in connection with the receipt of care. We believe that the Federal Government should clearly identify those veterans, who as a matter of public policy, should receive health care and then mandate that they be provided such care in DVA facilities.

In a directly related issue, I would emphasize the testimony presented in recent hearings that outpatient services are much less expensive than services provided on an inpatient basis. The committee perceives that a statutory entitlement only for hospital care may provide an incentive for delivering needed care, whether requiring hospitalization or not, on an inpatient basis. The mandate in the reported bill to provide needed outpatient care should neutralize this bias. Some people fear that this would be costly. Let me quote directly from the CBO cost estimate: "According to DVA statistics on the disposition of applications for medical care, only about 0.4 percent of all category A applicants for outpatient care are denied care for reasons that would be eliminated by this bill." There are two other factors that could cause an increase in the demand for care by category A veterans. The fact that these veterans would now be entitled to care and the publicity surrounding the change could draw veterans to DVA facilities who might otherwise have sought non-DVA care. When category A veterans were granted entitlement to inpatient care in Public Law 99-272, an increase of only 1.5 percent resulted in inpatient episodes.

Also, all category A veterans, except those with disabilities rated 50 percent disabling or more, would be entitled to all needed outpatient care under this provision. Under current law, they are eligible only for pre- and posthospital care and care to obviate the need for hospital care. This expansion of eligibility is also expected to result in only a very small increase in outpatient visits. There is very little medically necessary outpatient care that cannot be viewed as obviating the need for inpatient care. This is evidenced by the fact that in fiscal year 1988 only around 1,700 category A veterans were turned away because they were ineligible for such care. These 1,700 denials represent only 0.2 percent of applications for which outpatient care was provided.

Mr. Speaker, the committee anticipates that these provisions will allow the DVA to provide cost-effective services to more veterans.

The third group of provisions in H.R. 901 have to do with management concerns. First, H.R. 901 would require the DVA to carry out a program for the establishment of an improved management system for the administration and collection of fees and other amounts payable to the United States under the DVA receipts program. As part of the proposed system, the Secretary would be required to provide for the development of an automated program to carry out the billing and collection of fees and other amounts. One such program was developed in the Department's medical region 2 and indicated that this one medical center could increase revenue by over $6,000,000 per year.

There is little incentive, however, for the DVA medical centers to incur the costs associated with such a program because under current law all receipts from such programs must be sent to the Treasury. In these times of tight budgets and severe personnel shortages, few medical center directors are willing to commit the needed resources and personnel for this type of program. As a result, it has been estimated that between $500 million and $2 billion go uncollected annually.

H.R. 901 would require the Secretary to establish a program for the billing and collection of fees that utilizes the technology and expertise of the private sector in these matters to the maximum extent feasible. After 2 years, the Secretary would be required to submit a report to the Senate and House Committees on Veterans' Affairs which compares the experience of carrying out this program through the use of employees of the DVA at not more the 20 medical centers with the experience of carrying out the program through the use of contractor services at not more than 20 medical centers. The Secretary would be required to defray the costs of administering the automated program, including the costs of any contracts under this program, from the amounts received through the program. It should be noted that this legislation authorizes contracts for both billing and collection services which the Secretary determines to be in the interest of the Government. Thus, the limitations on authority to contract under the Debt Collection Act of 1982 (Public Law 97-365, as amended) which are set out in a 1985 Comptroller General opinion (64 Comp. Gen. 366) are not for application in this case. Of the amounts that remain after administrative costs are defrayed, the Secretary would be required to transfer into the general fund of the Treasury an amount equal to the amount which was estimated by the Congressional Budget Office in February 1989 to be the amount which would have been collected for fiscal year 1990 had this program not been implemented.

It is important to note, Mr. Speaker, that this program is not designed to take money that has previously gone to the Treasury to help reduce the budget deficit and give it to the DVA. After the administrative costs have been paid and the Treasury has received its specified amount, then the Secretary would allocate the remaining amounts by placing 50 percent of these moneys in the Department's medical care account and 50 percent in the nursing home revolving fund.

The Secretary would prescribe a method to allocate to the medical centers the moneys retained in the medical care account in such a way so as to avoid penalizing those medical centers which, prior to the implementation of this program, were performing the collections process well. Further, the Secretary provides real incentives to the medical center directors to increase recovery of amounts owed and that these funds not be retained by central office for its own purposes. I strongly believe that the opportunity should be taken to learn from the private sector in this matter. The incentives provided in this provision should not only serve to enhance the revenues generated by the recovery authority in law, but should also serve to alleviate some of the fiscal problems currently facing the DVA.

There is also a provision in H.R. 901 that would allow, on a space-available basis, the dependents of active duty military personnel to receive care in a DVA facility through DVA/DOD sharing agreements. Under current law, such dependents cannot be treated in Department facilities. Mr. Speaker, the DVA/DOD sharing agreement program has proven to be a tremendous success. It was authorized under Public Law 97-174 and since that time approximately 250 locally initiated agreements have been signed. These agreements allow the two agencies to share their respective capabilities to deliver medical care.

Bills were introduced in both the House and the Senate in 1986 and again in the House in 1987, which sought to remove the restriction on the DVA treating dependents under DVA/DOD sharing agreements. No action was taken on these bills, but the success of the sharing program encourages us to once again propose this change. I want to be very clear, Mr. Speaker, that an eligible veteran would never be denied care because of a dependent receiving care.

I am very committed to the DVA/DOD sharing program. It has proved its efficiency and effectiveness for both Departments. An example of this can be seen in Albuquerque, NM, where the Air Force occupies the sixth floor of the new DVA hospital and is operating 40 beds. The DVA provides all ancillary support to the in-house Air Force staff. Tertiary care for Air Force beneficiaries is either purchased from the Department or the community. The Air Force manages the emergency room and a new Air Force outpatient clinic has been constructed next to the hospital which will allow further sharing opportunities. Another example is found in Las Vegas, NV, where the DVA has agreed to share in the construction costs and use of a new Nellis Air Force Base Hospital. The joint venture hospital is scheduled for occupancy in fiscal year 1993 and the DVA will have 52 of 129 hospital beds. There will be many opportunities for savings which involve shared equipment purchases, consolidated procurement of supplies, and sharing of scarce clinical specialists. Mr. Speaker, as you can see these sharing agreements are both beneficial and cost-effective and as I have stated before the committee is strongly committed to them.

Third, H.R. 901 would require the Secretary to compile an accurate and complete list of individuals who are eligible for benefits under the Civilian Health and Medical Program of the Veterans Administration. It would also require the Secretary to maintain and periodically revise this list. It is clear that action must be taken promptly by the Department to correct serious deficiencies which have been identified in the administration of CHAMPVA. According to the Department's inspector general, an estimated 15 percent of all CHAMPVA program beneficiaries in 1986 were considered to be ineligible. According to the inspector general, DVA spending for individuals not eligible for CHAMPVA program benefits was projected to be $29.7 million during fiscal years 1987 and 1988.

Fourth, H.R. 901 would prohibit securing by contract or agreement the performance of a veterans canteen service activity by an individual not directly employed by the United States, when such an activity is being performed by an employee of the United States who is compensated with nonappropriated funds. The bill would also require that the head of the canteen service report directly to the Secretary or Deputy Secretary.

Established as an independent entity within the DVA, the veterans canteen service makes available to hospitalized and domiciled veterans merchandise and services which are essential to the comfort and well-being of these veterans. Financially self-sustaining, the Congress provides no funds for the canteen service. The committee has conducted several oversight hearings, with the most recent being on June 23, 1988. During this hearing, witnesses reported that the DVA had ordered a resumption of the process for soliciting bids for contracting out canteen food service activities under the provisions of OMB Circular A-76. To date, no bids have been awarded to be contracted out under this practice.

Mr. Speaker, only 60 percent of the canteens are profitable and the excess revenues generated by them enable the canteen service to continue to operate the 40 percent that are not. By allowing for the potential contracting out of canteen food services, we run the risk of depleting much of that excess revenue. In my view, proposals to contract out such canteen services are based on the false assumptions that Government appropriations could be reduced on the one hand and services improved on the other. As already noted, Congress appropriates no funds for the canteen service; canteen operations pay their own way and therefore, inclusion of such canteen services in the A-76 process will not reduce Federal appropriations.

Fifth, H.R. 901 would rescind the Department regulation setting an arbitrary 45-day limit on the length of extensions for stays in community nursing homes. By law, when a veteran is placed in a community nursing home the maximum length of stay at DVA expense is 6 months, unless an extension is granted. It was never the Congress' intention to place a 45-day limit on the length of these extensions and, therefore, in H.R. 901 we would rescind the DVA initiated regulation.

The last provision contained in H.R. 901 concerns the procurement and delivery of prosthetic services and devices. On April 26, 1989, the Subcommittee on Hospitals and Health Care held a hearing on the status of the DVA's medical care system. The testimony illuminated the severity of the problems associated with the provision of prosthetics for veterans. At the hearing, a growing problem with delays in the provision of prosthetic devices and appliances was identified. The subcommittee heard reports that the delivery of items such as artificial limbs, wheelchairs, and other equipment was being delayed weeks and in some cases months. Applications for prosthetic items were backlogged at many medical centers. There were instances where veterans were being held in the hospital due to an inability of the medical center to discharge the veteran because of shortages of essential items necessary for daily living.

Mr. Speaker, such occurrences are inexcusable. H.R. 901 would require the Secretary to establish staffing standards based on the number of eligible veterans seeking prosthetics and sensory aids services from DVA medical care facilities. In addition, the bill would require the Secretary to carry out a program of training and continuing education of prosthetic representatives and other health care personnel involved in providing prosthetics and sensory aids services. Finally, this section would require the Secretary to provide a report on the funding and the operation of the Department's prosthetics program to the Senate and House Committees on Veterans' Affairs. Specific description and analysis of delays between ordering and receiving prosthetic services and the reasons for the delays would be required to be included in the report.

I expect to use this report to ensure timely, high-quality provision of prosthetic and sensory aids services to the highest priority veterans, those with service-connected disabilities. The reporting requirement authorized in the bill would enable the committee to monitor the actual status of the funding of prosthetics services.

Mr. Speaker, it is our hope and intention that this provision will provide the stimulus to the DVA to assign a higher priority to the provision of prosthetic services to our Nation's veterans.

Mr. Speaker, on Friday, June 23, 1989, the committee was advised by the chairman of the Committee on Ways and Means that he strongly objected to a provision which was contained in H.R. 901 as ordered reported by our committee. There follows a copy of the chairman's letter.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 22, 1989.

Hon. SONNY MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR SONNY: As you know, the Administration has recently suggested that the Veterans' Administration be allowed access to taxpayer information in order to verify beneficiaries' income eligibility for programs administered by the Veterans' Administration. This issue also was discussed last year in connection with H.R. 5114, the Veterans' Health-Care Programs Amendments of 1989.

It has come to my attention that the Committee on Veterans' Affairs is considering inclusion of this provision in H.R. 901, the Veterans' Health-Care Programs Amendments of 1989.

I strongly object to inclusion of this provision in legislation to be reported by your

Committee. As you know, Section 6103 of the Internal Revenue Code prohibits the disclosure of tax returns and return information with exceptions for authorized disclosure in certain specific instances. Thus, access to taxpayer information is a matter clearly within the jurisdiction of the Committee on Ways and Means.

In the past this Committee has attempted to cooperate with other committees regarding the use of taxpayer information. However, this Committee has also reserved its right to determine those specific instances and circumstances in which taxpayer information could be utilized.

In light of this, the Committee on Ways and Means has included an income verification provision in the fiscal year 1990 budget reconciliation measure. I would, therefore, request that the Committee on Veterans' Affairs not include this provision in the bill before you. If this matter is included, I will be forced to request a sequential referral of the bill.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

In compliance with the wishes of the chairman of the Committee on Ways and Means, we deleted this provision from our bill. The letter from the chairman was a most unusual communication for several reasons. To receive this communication on the day after our committee had met to consider this provision made it very difficult to accommodate the chairman of the Ways and Means Committee. I believe that we had provided adequate notice of our intention to mark up this particular legislation, which I would like to describe for my colleagues.

During the 100th Congress, we worked closely with the Committee on Ways and Means to craft legislation which would give the Secretary of Veterans' Affairs access to certain taxpayer earning information. There are several veterans' benefits which are needs-based, such as non-service-connected disability pension payable to wartime veterans with low incomes and who have permanent and total disabilities not related to their military service. For purposes of this program, a veteran who has attained age 65 is presumed to be totally and permanently disabled. In addition, the eligibility criteria for DVA hospital, nursing home, domiciliary, or outpatient care requires the DVA to obtain income information.

In all of these programs, eligibility determinations are made by the DVA on the basis of income data which have been self-reported by the beneficiary. The DVA inspector general has conducted several matches of beneficiary reported data against other data bases. These efforts revealed material discrepancies between data reported by some beneficiaries and data from other sources. In order to assess the extent of the discrepancies, Senator FRANK MURKOWSKI, the ranking minority member of the Senate Committee on Veterans' Affairs, requested that the General Accounting Office [GAO] conduct a review of the accuracy of self-reported beneficiary income using certain income tax data bases maintained by the Internal Revenue Service [IRS]. GAO's findings indicated that, considering only discrepancies greater than $100, the potential 1984 overpayments totaled $182.5 million paid to nearly 149,000 DVA pension beneficiaries. The GAO further found that only $25.3 million of these overpayments could have been identified by the DVA using existing resources and procedures. Access to the same third-party and self-employment IRS and Social Security Administration [SSA] data available to other Federal agencies for purposes of eligibility determinations would have permitted identification of over $157.2 million in erroneous payments, according to the GAO. GAO recommended that the Congress allow the DVA access to such information to permit verification of self-reported beneficiary income.

As ordered reported H.R. 901 would have required the Secretaries of the Departments of Health and Human Services and Treasury to disclose taxpayer earning information to the DVA for purposes of income verification in connection with its needs-based pension programs under chapter 15 of title 38 or other laws administered by the DVA; parent's dependency and indemnity compensation under section 415 of title 38; compensation based on individual unemployment ratings; and health-care services furnished on the basis of income, incapacitation, or resources under sections 610(a)(1)(I) and (2)(A) (hospital care 610(b) (domiciliary care), and 612(a)(2)(B) (outpatient care) of title 38. The bill would have also amended chapter 53 of title 38, relating to special provisions in connection with DVA benefit programs, to add a new section 3117, which would prohibit the Secretary from using such IRS and SSA information without first independently verifying such data, notifying the individual concerned, and allowing the individual fair opportunity to contest Department findings based on such information. Finally, the provision would have required that the DVA notify benefit recipients and applicants that the income data they provide to the DVA for the purpose of establishing initial or continuing eligibility for benefits would be subject to verification by means of matching against information in reports submitted by employers, financial institutions, and other third parties to the IRS and SSA. The bill ordered reported would have required that the DVA provide this notice within 90 days of the date of enactment and prior to initiating verification and matching of data. Subsequently, the DVA would be required to provide notice of the income-verification program to all new applicants for the benefits involved or for health-care services based on income status and periodically to renotify all recipients.

As I said, it seemed very unusual that the Committee on Ways and Means would object to consideration of this legislation since our committee had notified the committee of our intent to report the measure. The Department of Veterans' Affairs has been seeking access to records of the Internal Revenue Service for a number of years. In most instances, those requests have been rebuffed, although the Committee on Ways and Means has reported legislation to give almost every other means-tested program access to whatever information is needed to insure program integrity. Following the issuance of the GAO report requested by Senator MURKOWSKI, our committee decided to act on the GAO recommendation. H.R. 5114, which our committee ordered reported during the second session of the 100th Congress, included a provision which is almost identical to the provision contained in H.R. 901. We had worked with the Ways and Means Committee in drafting the provision. Unfortunately, due to the press of other legislative business, this provision was not enacted into law.

Earlier this year, I had informal discussions with the Director of the Office of Management and Budget about ways to increase funding to support the veterans' health care system. During the course of these discussions, I mentioned this proposal and our intention to act on it again this year. We felt reasonably confident that despite any noticeable enthusiasm for this measure on the part of the administration in prior years, or the Committee on Ways and Means, the proposal had merit and should be enacted.

In light of this, my colleagues might be led to believe that there were serious reservations about our proposal. In fact, what has happened is that the Committee on Ways and Means has considered the provision which we reported last year and recommended its inclusion in the budget reconciliation measure for fiscal year 1990. Although the Committee on Ways and Means has not provided our committee with a copy of its proposed legislative language, I am very interested in how it will solve a particularly vexing problem with respect to the implementation of this authority. The provision which our committee ordered reported gave access to return information to the Secretary of Veterans' Affairs. However, merely granting access does not save money; the Secretary must review each case individually and resolve any discrepancy between information obtained by the Secretary and information furnished by the beneficiary. This measure does not generate any new revenue or raise taxes; all of

the savings will accrue in the Veterans' Pension Program, which falls within budget function 700. Thus, the concern about implementation is not an academic concern.

According to both CBO and GAO, the estimated implementation cost of this measure is approximately $14 million. In order to assure that sufficient funds would be available to the Secretary of Veterans' Affairs to implement this proposal, our committee proposed to insert language making funds available for this purpose. Without this language, CBO assumed that the Secretary of Veterans' Affairs would decline to utilize this authority, and there would be no savings from the adoption of this legislation.

In light of the recent action by Congress to provide additional funding in the 1989 supplemental appropriations bill just passed for the DVA's general operating expenses account in order to prevent further reductions in the quality and timeliness of service to veterans, I believe it is certain that the Secretary cannot implement this authority without additional funds to employ additional staff in the Veterans' Benefits Administration. What this means is that if the Ways and Means Committee does not come up with a means of providing appropriations to cover the cost of implementation, it will not be implemented, and there will be no savings.

The Committee on Ways and Means has been vigilant in asserting jurisdiction over this matter; I will be just as vigilant with respect to any language reported by the Committee on Ways and Means which may impose new burdens on the Secretary of Veterans' Affairs unless the means of meeting those burdens are also addressed.

Mr. Speaker, I do want to thank the very able ranking member of the full committee, Mr. BOB STUMP of Arizona, and the very able ranking member of the Health Care Subcommittee for their continued hard work and dedication, not only on this bill, but the others we are considering today.

I urge my colleagues to support H.R. 901, as amended.

□ 1320

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

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

Mr. Speaker, H.R. 901, as amended, revises and extends a variety of Department of Veterans' Affairs health care policies and programs. It also authorizes establishment of priorities for Department of Veterans' Affairs outpatient care.

The members of the Hospitals and Health Care Subcommittee have put together a good package responding to the needs of the Department of Veterans' Affairs health care system. I urge my colleagues to support it.

I also want to express my appreciation to the distinguished ranking minority member of the Subcommittee on Hospitals and Health Care, Mr. HAMMERSCHMIDT, for his efforts on this legislation. His commitment and dedication to veterans throughout the country is well known.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of H.R. 901, the Veterans' Health-Care Programs Amendments of 1989. This bill represents the collective work of the Subcommittee on Hospitals and Health Care, of which I am the ranking member. It is the result of many hearings and hours of careful deliberation. Like most of the work of the Committee on Veterans' Affairs, H.R. 901 has strong bipartisan support.

H.R. 901 contains health care issues of significant importance to our Nation's veterans. In light of the budget constraints, it has been an extremely difficult year for the subcommittee in terms of identifying legislation which would improve the operations of the Department of Veterans' Affairs health care system.

Mr. Speaker, H.R. 901 does make substantial improvements to programs under the direction of the Veterans' Health and Research Administration. And we do so with very little new spending. When we do authorize new appropriations, it is important to point out that we have identified a cost-recovery provision which will more than cover the cost of enactment.

Specifically, H.R. 901 provides for improvements in the ability of the Department of Veterans' Affairs to recruit and retain certain health care professionals. The bill addresses such improvements in a variety of ways, such as pay improvements as well as the implementation of a no-cost, innovative employee program known as leave-sharing.

H.R. 901 also authorizes a transitional housing demonstration program to combine with an already authorized DVA program known as the Compensated Work Therapy Program. This new authorization would allow the DVA to provide a therapeutic residential living program to aid the discharge and reintegration of psychiatric patients back into the community.

The program is further improved by authorizing discounts on the sale of DVA difficult-to-sell foreclosed properties to nonprofit organizations for use as transitional housing for homeless veterans in addition to use as shelters as provided in current law.

In order to provide therapeutic work for veterans under the DVA's compensated work therapy program, H.R. 901 authorizes the DVA to establish work contracts with Federal agencies, rather than being limited to contracting only with private and nonprofit entities as the law currently requires

A very important section of H.R. 901 pertains to improvements to the DVA prosthetics program. Recent reports to the committee continue to indicate that the DVA health delivery system is in serious financial crisis. Surveys by the committee have confirmed these allegations.

Although not reflected in official DVA statistics, committee staff found a significant reduction in the capacity of the medical centers to deliver medical services to veterans. Official operating beds have been closed due to staff shortages. The stopgap solution to address the shortages of health care personnel was to transfer money from other operating accounts, including prosthetics, to fund personnel costs.

Specifically, the committee survey found that medical center directors were literally raiding other accounts to meet unfunded requirements in recurring operating expenses. It was determined by the survey that over $44 million had been taken from drugs, medical supplies, and prosthetics moneys. That is an average of $411,250 for each individual medical center.

On September 7, 1988, the House Committee on Veterans' Affairs, Subcommittee on Hospitals and Health Care, held a hearing on the status of Department of Medicine and Surgery operating funds. The committee received testimony from representatives of veterans' service organizations as well as DVA medical center directors and DVA central office personnel.

The testimony illuminated the severity of the problems facing the provision of prosthetics to veterans. The hearing identified a growing problem with delays in the provision of prosthetic devices and appliances which are in many instances essential to the veteran. The committee heard reports that items such as artificial limbs, wheelchairs, and other equipment were being delayed weeks and in some instances months.

Applications for prosthetic items were backlogged at many medical centers. There were instances where veterans were being held in the hospital due to an inability of the medical center to discharge the veteran because of shortages of essential items necessary for daily living.

The results of this hearing made it clear that the shifting of funds quarter by quarter during the fiscal year from the prosthetics account was having a detrimental effect on the ability of the DVA to provide needed services to eligible veterans.

On April 26, 1989, the Subcommittee on Hospitals and Health Care held an additional hearing on the matter as a followup. The subcommittee received testimony from Mr. Frederick Downs, Jr., director of the DVA's Prosthetic

and Sensory Aids Service. His testimony verified that the problems identified in 1988 were still occurring.

Mr. Downs in response to questioning by subcommittee members was able to give his recommendations for improvements in the DVA's provision of prosthetic services.

The reporting requirement authorized in H.R. 901 will enable the committee to monitor the actual status of the funding of prosthetic services. In so doing, the committee will be able to carry out its oversight function with regard to the reported delays and reductions in service. In addition, H.R. 901 addresses the need to establish the prosthetic service as a priority.

Specifically, the bill will authorize improvements in the service by requiring the Secretary of Veterans' Affairs to develop staffing standards and a program for the training and continuing education of prosthetic representatives, orthotists, prosthetists, and other health-care professionals involved in prescribing and providing prosthetic equipment to veterans.

Mr. Speaker, I believe that such amendment to section 5023 of title 38 will provide the stimulus to the Department of Veterans' Affairs to assign a higher priority to the provision of prosthetic services to our Nation's veterans. Due to the severity of budget constraints, Members of Congress have been advised of recent reductions in veterans' access to DVA medical care.

I respectfully submit that there are certain aspects of DVA health care that we just cannot afford to reduce. The provision of prosthetics services is one of those. It must be a priority. The area of prosthetics is where the Department of Veterans' Affairs has been the recognized leader, in this country and even worldwide.

H.R. 901 also requires the Secretary of Veterans' Affairs to furnish needed outpatient care to all veterans in category A. This provision will bring eligibility for outpatient care into conformity with the current eligibility for hospital care. The Committee on Veterans' Affairs attempted this change last Congress.

Unfortunately, the provision was dropped in conference with the other body. Congress has already determined that category A veterans are veterans of the highest priority. There are other important provisions contained in H.R. 901. In the interest of time, I will not attempt to overview all of them.

It is notable however that many of these provisions were passed by the entire House in the second session of the 100th Congress. Since we were unable to reach agreement with our counterparts in the other body, we are considering these provisions once again.

Mr. Speaker, I believe the legislation we are moving today is fiscally responsible and at the same time, establishes new and improved directions for health care delivery to our Nation's veterans. I want to thank the distinguished chairman of the Committee on Veterans' Affairs, the Honorable G.V. "SONNY" MONTGOMERY and the ranking minority member, the Honorable BOB STUMP.

Veterans continue to be well served by the strong advocacy of these two gentlemen.

Thank you, Mr. Speaker for this opportunity to state my support for H.R. 901. I urge the support of my colleagues.

Mr. MONTGOMERY. Mr. Speaker, I would like to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for his kind words, as well as the gentleman from Arizona [Mr. STUMP].

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman, for yielding this time to me, and I also thank him for his efforts in the passage of this legislation.

Mr. Speaker, I want to direct myself to section 204 of the bill which deals with the subject of eligibility for outpatient medical services by our Nation's veterans.

I originally introduced this section of the legislation as H.R. 1780 to address a problem which came to my attention earlier this year when I was notified by the Adam Benjamin, Jr., Outpatient Clinic in the Fifth Congressional District of Indiana that they would be turning away some category A veterans from outpatient care. I was very disturbed when I received that report because I was under the impression that in fact the VA had to provide services to category A veterans, and that is true with regard to hospital care.

However, Mr. Speaker, what I learned was that in fact there is a different standard for services for outpatient care, and a number of very deserving category A veterans could legally be turned away. Those could include former POW's, victims of agent orange, veterans of World War I, some service-connected veterans with less than a 50-percent service-connected disability. I do not believe the number of those veterans who are now being turned away is large, and in fact the Congressional Budget Office analyzed the estimated cost of this provision and found that for fiscal year 1989 the cost of the legislation would be $40 million in authorization levels and $34 million in outlays with an increase of about $5 million a year through 1993. But for those veterans who are now being denied care, it certainly is very important that they have access to the VA health care system.

Mr. Speaker, I believe further that by providing care to many of these veterans on an outpatient basis we can avoid the necessity of care on inpatient basis at a future date which might be more expensive.

I encourage the passage of this legislation with the provision of section 204 to conform eligibility for outpatient services with that currently in existence for inpatient care, and I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] again for his work on this legislation and for the inclusion of this particular provision.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Indiana [Mr. JONTZ].

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, I rise in support of H.R. 901, to amend title 38 of the United States Code, to improve the programs for the recruitment and retention of health-care personnel of the Department of Veterans' Affairs, to extend certain expiring programs of that Department, and for other purposes. First, I would like to commend the Committee on Veterans' Affairs for bringing this measure before the House today.

This bill will make important contributions to expand and improve on the commitment to provide adequate health-care to our Nation's veterans. The bill authorizes and extends a variety of health and housing programs. The respite care program would be made permanent and the State Veterans' Home Programs would be reauthorized through fiscal 1992.

Mr. Speaker, this is something of an omnibus bill. It covers many areas of great need. Measures are included to enhance the recruitment and retention of nurses as well as to improve certain Department of Veterans' Affairs programs. For example, premium pay on weekends would be provided for all nurses and nurses assistants. The chairman's statement, and the committee report describe in detail the bill, and the work of the committee. However, I do want to call attention to one area of the bill that I think is especially notable.

Section 204 of the bill would require the Department to furnish outpatient care, except for dental services, to all category A veterans for whom hospital care is already mandated. This would include veterans with service-connected disabilities, former prisoners of war, non-service-connected veterans with salaries of less than $16,466 for singles and $19,759 for veterans with one dependent. The bill would not change the eligibility for outpatient care for category B and C eligible veterans.

Mr. Speaker, under current law, only veterans with service-connected disabilities rated 50 percent disabling or

greater are eligible for all needed outpatient care. Other category A veterans are eligible for pre- and post-hospital care and care that would obviate the need for inpatient care.

Mr. Speaker, as stated in the committee report, by mandating health-care to a defined, limited group, veterans will be able to predict the likelihood of receiving care from the Department, and the Department and Congress will have a basis for allocation of resources. This is certainly a positive step. Outpatient care is much less expensive than inpatient service. The requirement to provide needed outpatient care will improve the system by encouraging health-care decisions to be made on the basis of good medical judgment, without any bias toward inpatient care.

I encourage my colleagues to support this bill. It's a positive step for our veterans.

□ 1330

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 901, the Veterans' Health Care Program Amendments of 1989, and I would like to commend the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for their unceasing efforts to improve veterans health-care.

H.R. 901 addresses a number of veteran health-care issues. specifically, the provisions for health-care personnel include allowing the Department of Veterans' Affairs to exceed maximum salary limitations in order to attract "difficult-to-recruit" physicians. The bill also establishes a 5-year leave-sharing pilot program for employees and extends premium pay to licensed practical or vocational nurses and nurse assistants during overtime and on Saturdays.

In total, these personnel provisions are intended to increase incentives to attract skilled nurses and physicians. Currently, this intention is especially important, since the Department of Veterans' Affairs has recently been plagued with a critical shortage of professional health-care workers.

In regard to health-care programs, H.R. 901 makes permanent the provision of respite care to eligible veterans. The pilot program of contract community-based care for homeless and chronically ill veterans would be extended for 3 years.

H.R. 901 would also require the VA to provide outpatient medical services to eligible veterans. To the extent these resources are available, the VA may furnish such services to veterans with non-service-related disabilities.

Mr. Speaker, the betterment of veterans health-care is of paramount importance at this time. H.R. 901 is directed toward providing improved, and more affordable care to America's veterans. Accordingly, I urge my colleagues to join in support of the Veterans' Health Care Programs Amendments of 1989.

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

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

The SPEAKER pro tempore (Mr. JONTZ). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 901, as amended.

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

A motion to reconsider was laid on the table.

VETERANS' NURSE PAY ACT OF 1989

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1199) to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses, as amended.

The Clerk read as follows:

H.R. 1199

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

SECTION 1. RESTRUCTURING OF NURSE GRADE LEVELS AND PAY.

(a) NEW GRADES ESTABLISHED.—(1) The Secretary of Veterans Affairs shall restructure the current nurse grades of the Department of Veterans Affairs so as to provide four grade levels for nurses employed by that Department under section 4104(1) of title 38, United States Code. Those grade levels shall be established with the following relationships to the current nurse grades and to pay grades under the General Schedule under title 5, United States Code.

1. Entry grade	*Junior and associate grades*	*GS 6-10*
2. Intermediate grade	*Full and intermediate grades*	*GS 9-12*
3. Senior grade	*Senior and chief grades*	*GS 12-14*
4. Director grade	*Assistant director and director grades*	*GS 14-16*

(2) For purposes of paragraph (1), the term "current nurse grades" means the grades in effect on the effective date of this Act for nurses employed by the Department of Veterans Affairs under section 4104(1) of title 38, United States Code.

(b) PAY STRUCTURE AND ADMINISTRATION FOR NEW NURSE GRADES.—Subchapter I of chapter 73 of title 38, United States Code, is amended by inserting after section 4107 the following new section:

"§ 4107A. Nurses: grades, rates of pay, and administration of pay

"(a) The Secretary shall maintain four grade levels for nurses employed by the Department under section 4104(1) of this title. Those grade levels shall have the following relationships to pay grades under the General Schedule under title 5.

"Nurse Grades	*GS Grades*
Entry grade	*GS 6-10*
Intermediate grade	*GS 9-12*
Senior grade	*GS 12-14*
Director grade	*GS 14-16*

"(b) The rates of basic pay for those nurse grades shall, for each grade, be established pursuant to this section. The minimum and maximum rates of basic pay for each nurse grade shall be the lowest minimum, and the highest maximum, respectively, rate of pay for the General Schedule grades corresponding to that nurse grade.

"(c)(1) The range of basic pay for each nurse grade shall be divided into twenty equal increments, known as 'steps'. Rates of pay within a grade shall be established only as full steps. Any increase within a grade in the rate of basic pay payable to a nurse shall be by one or more of such step increments. The director of each medical center may (subject to this section) determine the standards and criteria for such increases.

"(2) Regulations prescribed under this section shall provide—

"(A) that the rate of basic pay of each nurse of the Department employed under section 4104(1) of this title shall be increased at least one step increment in that nurse's grade not less often than every two years that the nurse holds that grade (unless the Secretary determines that the performance of the nurse during the preceding two years has not been satisfactory); and

"(B) that whenever a nurse is given a new duty assignment which is a promotion, the rate of basic pay of that nurse shall be increased at least one step increment in that nurse's grade.

"(3) A nurse of the Department serving in a head nurse position shall while so serving receive basic pay at a rate two steps above the rate that would otherwise be applicable to the nurse.

"(d) A nurse who is promoted to the next higher nurse grade shall be appointed in that grade at a rate of basic pay that is greater than the rate of basic pay applicable to the nurse in the lower grade.

"(e) Under regulations which the Secretary prescribes for the administration of this section, the director of a medical center of the Department may provide step promotions within a grade, or may pay a cash bonus, to a nurse employed at the medical center who has qualifications, experience, or achievement which the director determines exceed the standards for the nurse's grade. In making such a determination, the director shall consider the following:

"(1) Service with relevant professional committees or groups.

"(2) Service in a responsible office in a professional nursing society.

"(3) Educational attainment (including certification).

"(4) Publication of articles in professional journals.

"(5) Exemplary job performance.

"(6) Other appropriate evidence of professional stature.

"(f)(1) The Secretary shall provide (in regulations prescribed for the administration of this section) that the director of a medical center of the Department, in appointing a person under section 4104(1) of this title as a nurse for employment at that medical center, may appoint that nurse at a rate of basic pay in excess of the minimum rate of basic pay applicable to the grade in which the appointment is made (but not in excess of the maximum rate of basic pay for that grade) without a requirement for prior approval at any higher level of authority within the Department if the director determines that it is necessary to do so in order to obtain the services of nurses employed under section 4104(1) of this title in that nurse grade at that medical center.

"(2) Such a determination may be made by the director of a medical center only in order—

"(A) to provide pay in an amount competitive with the amount of the same type of pay paid to nurses at non-Federal facilities in the same labor market;

"(B) to achieve adequate staffing at the medical center concerned; or

"(C) to recruit nurses with specialized skills, especially nurses with skills which are especially difficult or demanding.

"(3) Whenever the director of a medical center exercises authority under this subsection without prior approval at a higher level of authority within the Department, the director shall—

"(A) document in writing the reasons for employing the nurse concerned at a rate of pay in excess of the minimum rate of basic pay applicable to the grade in which the nurse is appointed (and shall retain that document on file); and

"(B) in the first budget submission of the director prepared after the nurse is employed, include documentation for the need for such increased rates of basic pay.

"(g) A nurse employed under section 4104(1) of this title who (without a break in employment) transfers from one medical center of the Department to another may not be reduced in grade. The rate of basic pay of such a nurse may be established at the new medical center in a manner consistent with the practices at that medical center for a nurse of that grade.".

(c) REPEAL OF LIMITATION ON HOURLY RATE OF OVERTIME PAY.—Section 4107(e)(5) of such title is amended by striking out ", not to exceed" in the first sentence and all that follows through "Nurse Schedule".

(d) CONSOLIDATION OF NURSE PAY PROVISIONS IN NEW NURSE PAY SECTION.—(1) Subsection (e) of section 4107 of such title (as amended by subsection (c)) is—

(A) transferred to the end of section 4107A of such title, as added by subsection (b);

(B) redesignated as subsection (h); and

(C) amended by striking out "the rate of basic pay provided for nurses in subsection (b)(1) of this section" in paragraph (1) and inserting in lieu thereof "basic pay";

(2) Subsection (h) of section 4107 of such title is—

(A) transferred to the end of section 4107A of such title (as amended by paragraph (1));

(B) redesignated as subsection (i); and

(C) amended in paragraph (2)—

(i) by striking out "one thousand two hundred and forty-eight" in subparagraph (B) and inserting in lieu thereof "1,248"; and

(ii) in subparagraph (C)—

(I) by striking out "subsection (e)(5)" both places it appears and inserting in lieu thereof "subsection (h)(5)"; and

(II) by striking out "subsection (e)" and inserting in lieu thereof "subsection (h)".

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 4107(b) of such title is amended by striking out the items under the heading "NURSE SCHEDULE" and inserting in lieu thereof the following:

"Entry grade.

"Intermediate grade.

"Senior grade.

"Director grade.".

(2) The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 4107 the following new item:

"4107A. Nurses: grades, rates of pay, and administration of pay.".

SEC. 2. PROCREATIVE SERVICES FOR MARRIED VETERANS WITH SERVICE-CONNECTED DISABILITIES WHICH IMPAIR THEIR ABILITY TO PROCREATE.

Section 612 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may provide to a married veteran (and, if necessary, the veteran's spouse) procreative services to the extent reasonably necessary to overcome the effects of a service-connected disability of the veteran which prevents or impairs the ability of the veteran and the veteran's spouse to conceive a child. Such services may not include—

"(1) procedures to conceive a child using gametes of an individual other than the veteran or the veteran's spouse;

"(2) procedures to conceive a child through in vitro fertilization; or

"(3) the services of a surrogate gestational mother.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1989.

The SPEAKER pro tempore (Mr. VOLKMER). Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

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

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

Mr. Speaker, H.R. 1199, as amended, would provide a solution to the problem of nursing staff shortages which is critical to our efforts to maintain high quality care within the Department of Veterans Affairs [DVA] and to restore services to a level adequate to treat all eligible veterans. The bill would make much needed improvements in the DVA's nurse pay system, one of the most important tools available to recruit registered nurses into the DVA medical system from an already too small pool of nurses nationally. In addition, it would offer certain procreative services to specific and clearly defined group of service-connected disabled veterans. The bill was reported out of our committee unanimously by voice vote. The various provisions of the bill are summarized in a "blue sheet" summary available for Members, and I will discuss them here as well.

For several years, the Committee on Veterans' Affairs has been aware of serious and growing difficulties in the ability of the DVA to attract and retain registered nurses. This problem was highlighted by a survey conducted by the House Veterans' Affairs Committee staff last year. We found that some medical centers have had to shut down wards while others have been unable to open newly constructed ones because they simply do not have the necessary nursing staff to operate them. Mr. Speaker, without the proper amount of nursing personnel, the DVA is hard pressed to meet the growing need for medical care demanded by our Nation's veterans.

This shortage of nurses is not endemic to the DVA, but as the largest single medical care system in this country it is the most adversely affected. It is impossible for the Department to compete with the private sector for these scarce medical personnel without addressing their greatest point of concern—salaries authorized under the DVA's current nurse pay system.

H.R. 1199 condenses the current nurse pay grades from eight to four and divides each new pay grade into 20 equal increments known as steps. The intent of the committee is to provide local hospital directors with the flexibility to meet local conditions with respect to demand and the costs of recruiting and retaining nurses. We expect that the directors will carefully assess local market conditions before establishing the pay rates. This will ensure that while departmental nurse salaries may not be as much as those offered in the private sector, they will at least be more competitive with them. One anticipated benefit will be that the Department will have current information on the costs of nursing personnel when the proposals for annual departmental budgets come to the Congress.

Dividing the grades into 20 equal steps will offer some structure to the system. However, it is not our intention that these steps should allow increased rigidity. Rather, we intend with these changes to provide greater flexibility across the board in the nurse pay system and they should not be misinterpreted as a signal or an opportunity to make the system more rigid.

Mr. Speaker, in another version of a nurse pay bill that came before the committee, language was included that explicitly set out specialties among nurses that were especially difficult to recruit and retain for the DVA. These included intensive care nurses, nurse anesthetists, long-term care nurses

and others. We decided that the rigidity proposed by such a statutory list was inconsistent with the fluid nature of nurse personnel supply and demand across our diverse Nation. Therefore, we opted to give flexibility to local hospital directors to meet the unique circumstances facing the local facility. Nothing in H.R. 1199, as amended, precludes a nurse in one speciality area from receiving higher pay than other nurses of similar seniority at the same facility. Some people might say that would have a deleterious effect on morale. I do not believe that. The nature of a competitive marketplace includes diversity of pay for scarce supplies of personnel. If the result is that nurses enter a more highly paid specialty, then the higher pay will have achieved its goal.

Mr. Speaker, the committee has heard a lot of testimony from the various nursing organizations within the DVA about how overworked and underpaid they are and yet the fact remains that they continue to work for the Department. They do so because they are dedicated, loyal employees. They do so because the DVA, despite its problems, is still a high quality health care delivery system. However, we cannot continue to rely on this dedication and loyalty alone. We must make the DVA a viable option to the private sector for nursing personnel and a more competitive salary structure would go a long way toward accomplishing this goal.

Mr. Speaker, H.R. 1199, as amended, would also authorize the DVA to furnish certain procreative services to those veterans whose eligibility for DVA medical care has always been the highest priority—those disabled in service. Medical science has made great advances over recent years in a large number of disciplines. I am proud to say that the Department of Veterans' Affairs has played a starring role in those advances.

Among these advances is knowledge about reproduction. Much can now be done medically to aid in overcoming infertility. The DVA has suggested that such services may be beyond its authority because the infertility services do not repair, but rather overcome physiological problems. Well, if that were true, wheelchairs which also only help to overcome disabilities, would fall outside the Department's authority as well.

Mr. Speaker, in order to clarify the situation involving a highly emotional subject for veterans and their spouses who are precluded from conceiving a child because of a service-connected condition, our committee included a provision in H.R. 1199, as amended, to authorize procreative services.

Now I hasten to add that these services would be provided only to the extent reasonably necessary to overcome the effects of a service-connected disability of the veteran, which prevents or impairs the ability of the veteran and the veteran's spouse to conceive a child. The inability to conceive, therefore, would be required to be directly linked to a service-connected disability in order to use this authority. There are other restrictions as well. These services would not include in vitro fertilization or the use of donor gametes from an individual other than the veteran or the veteran's spouse. The bill would specifically allow, however, services to the veteran's spouse in the event and to the extent that overcoming the veteran's service-connected procreative disability requires such services.

Mr. Speaker, it is not known exactly how many veterans will participate in this program. The Congressional Budget Office estimates that very few service-connected veterans would use the authority. However, that does not reduce the value or the benefit to those who qualify. I believe that for those veterans who want to have a family and cannot due to service-connected impairments—we should offer help.

Mr. Speaker, I urge my colleagues to support H.R. 1199, as amended.

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

Mr. Speaker, I rise in support of H.R. 1199, as amended, the Veterans' Nurse Pay Act of 1989. It makes badly needed revisions in the pay scale for nurses so that the Department of Veterans' Affairs may become more competitive in the health-care professional marketplace.

Before yielding to the ranking minority member to comment on the bill, I want to recognize the leadership and hard work of the distinguished chairman of the full committee, and subcommittee, the gentleman from Mississippi, SONNY MONTGOMERY.

Our veterans are indeed fortunate to have him as their chief advocate in this House. His determination on their behalf is unsurpassed as exemplified by congressional action last week providing urgent supplemental funding for the Department of Veterans' Affairs. As the ranking minority member of the full committee, I want to personally thank him for his consistent bipartisanship and his counsel on issues of importance to our Nation's veterans.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking minority member of the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee.

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

Mr. Speaker, I rise in support of H.R. 1199, as amended, the Veterans' Nurse Pay Act of 1989. The bill provides for increased flexibility on the part of the Department of Veterans' Affairs so that the agency can more effectively respond to the negative effects that the national nursing shortage is having on veterans' access to medical care.

The Subcommittee on Hospitals and Health Care have held many meetings at which the national nursing shortage has been in the forefront. It has become increasingly obvious that the Congress must take rapid action to improve the ability of the Department of Veterans' Affairs to compete for adequate numbers of registered professional nurses.

Through surveys conducted by the committee, we have been able to determine that nursing shortages have resulted in reducing veterans' access to needed medical services. In fact, the committee has reported that up to 30 percent of DVA operating beds have been closed due to funding and staff shortages.

The committee has also substantiated reports that new facility activations have been delayed, and in some instances, remain delayed due to funding and health care personnel shortages. Veterans' access to outpatient care has been critically reduced and in the case of certain category B and C veterans, completely denied.

It also seems clear from committee hearing records, that the capacity of the DVA medical system to deliver care has decreased substantially. The reports and testimony regarding staff, funding and bed levels are consistent in magnitude and direction to support this conclusion.

We have all agreed that the DVA is indeed experiencing difficulties in its ability to recruit and retain professional nurses. The time has come to send legislation to the President. The future of DVA medical centers depend on favorable action.

H.R. 1199 will also address the provision of certain medical services to veterans who are service-connected for disabilities which impair their ability to have children. This provision is supported by the major veterans organizations, and the other body has similar legislation.

The number of veterans, male and female who would qualify for treatment is quite small. Accordingly, the Congressional Budget Office has estimated that the cost of enactment of this provision would be less than $500,000.

Technology in recent years has advanced to the point where it is fairly simple to treat certain fertility impairments. It is important that we allow our service-connected veterans access to such treatment, should they desire to have a family.

Mr. Speaker, my colleagues, Mr. MONTGOMERY and Mr. KENNEDY, have

explained the bill. I simply want to urge my colleagues' support of this measure.

Mr. STUMP. Mr. Speaker, the gentleman from Mississippi [Mr. MONTGOMERY] started off explaining the bill, but a major contributor to our bill was the gentleman from Massachusetts [Mr. KENNEDY], who I know is going into a more comprehensive explanation.

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

Mr. KENNEDY. Mr. Speaker, first I want to thank our distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, the ranking minority member, BOB STUMP, and their able staff, for their support and leadership on this legislation. It has been a privilege to serve with both these men on the Veterans' Affairs Committee and I look forward to working with them on many more veterans' issues in the years to come.

The debate over the supplemental appropriations has convinced every single Member in this House, that the VA medical system is facing a crisis of an enormous proportion. We know that VA hospitals have been forced to take beds out of service, deny patient care to war-injured veterans, and cut back on essential patient services. Passing the supplemental was an important step in lessening the crises, but there is much more work that we need to do in order to reestablish the VA's reputation as a quality, medical institution. The next step is the passage of this legislation the Veterans' Nurse Pay Act.

The past years of budget cuts and freezes has caused an immense nursing shortage in the VA. There are over 2,400 RN vacancies which has seriously undermined the VA's ability to deliver quality, timely care. The continuous underfunding of salaries is the principle cause of the nursing shortage and unless we do something to reverse this trend, our veterans will continue to be turned away from VA hospitals because we are just simply running out of nurses to care for sick veterans. VA nursing salaries are grounded in title V of the general schedule which fails to provide the flexibility local hospital directors need to recruit and retain registered nurses. Currently, the GS pay scale for a registered nurse just out of college is $17,542 per year. This may be sufficient for the limited areas of the country where there is no nursing shortage, but for 75 percent of the VA medical centers, this salary is totally inadequate to recruit and retain qualified registered nurses. Nurses in the VA can receive special salary rates, but the problem with special salary rates is by the time a hospital administrator receives the go-ahead from the VA central office to implement the new rates, nursing salaries in the private sector have escalated again, placing the administrator in the constant game of catchup. Another problem with special salary rates is that in areas such as New York, Boston, and San Francisco, labor costs far exceed the limit placed on special salary rates.

H.R. 1199 also provides nurses with the incentive to excel in their practice by rewarding them for assuming head nurse positions, publishing professional articles, and attaining clinical certification. But most importantly, this legislation will reward nurses for choosing to work at the Veterans' Administration by allowing them to receive pay competitive with the private sector.

The other aspect of H.R. 1199 will provide vital medical services to veterans who have a service-connected disability which impair their ability to have a child. These services include widely practiced medical procedures such as artificial insemination, drug therapy, and the GIFT procedure. This bill does not include more controversial measures such as in vitro fertilization, or surrogate mothers. For less than half a million dollars, we may be able to provide some 16,000 men and 1,300 women with the chance to become parents. Access to this medical care may be the best service we can offer these men and women.

I urge my colleagues to vote for H.R. 1199 which includes the nursing provisions and the medical services for childless veterans.

□ 1340

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the former ranking member of the Committee on Veterans' Affairs, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate him taking me out of turn so that I can get up to the Committee on Rules meeting which starts in a few minutes.

I want to take a minute just to commend the chairman of the full committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from Arizona [Mr. STUMP], who took my place as the ranking member on the full committee, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

This legislation is the most badly needed legislation we have in this Congress today. As the gentleman from Massachusetts has spoken about Boston and New York and Albany, NY, we have serious problems today in replacing nurses who have left to go to the private sector and in attracting those new nurses coming out of nursing schools where there is a real drought of nurses today.

I think the time may come when this committee may want to consider a nurses' reserve officers training program where we can offer scholarships to these nurses, full scholarships, if they will then guarantee so much time, say, 5 years to their country in service of the armed services or in the veterans' hospitals. This is something we ought to work together on, because I think the time will come when we are going to have to go to a program like that.

Mr. Speaker, I take off my hat to the committee. It is good to see they are still out there doing that great job for America's veterans.

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

Mr. SOLOMON. I am happy to yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Speaker, first of all, I want to say how delighted I am to see the gentleman from New York [Mr. SOLOMON] speaking in favor of the remarks. He was a tremendous member of the Committee on Veterans' Affairs, and we miss him for the short period of time that he has been away.

I also want to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who has been an inspiration, although he stands on the other side of the aisle. The fact is the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has done a wonderful job in representing the interests of our veterans, and I appreciate the support he has given on this for the nurses involved with the VA who so badly need a helping hand here in the Congress.

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

Mr. WALSH. Mr. Speaker, I would like to thank the gentleman from Arizona for allowing me to address the House.

Today I rise in support of the House Veterans' Affairs Committee actions regarding H.R. 1199—the Veterans' Nurse Pay Act of 1989. I am proud to be a cosponsor of this important bill. I commend the Chairman, Mr. MONTGOMERY, and all the members of the committee for moving this bill diligently through the legislative process.

Our great Nation is faced with a serious problem that affects our VA health-care system. As I stand here today, that system is slowly deteriorating. Aside from the fact that the majority of our veterans' population is now aging and requires more specialized care, more money, and better equipment than ever before, veterans' hospitals are also losing nurses. Because the current pay system for VA nurses is so outdated, we are losing a great number of qualified nurses to hospitals outside the VA health-care system.

As freedom-loving Americans, it is our responsibility to care for our veterans' population in the best possible

way. We cannot allow the VA hospital system to crumble. Maintaining the quality of those hospitals is the least we can do for the brave men and women who risked their lives for our Nation.

My district, the 27th of New York, has a large veterans' hospital in Syracuse. The VA facility is not competitive in the local marketplace in the hiring of new nurses. With the passage of H.R. 1199, they will be able to overcome this obstacle.

H.R. 1199 addresses the recent problems our veterans' hospitals have had to face in dealing with the recruitment of a nursing staff. This bill provides greater flexibility in the pay system which helps to attract the nurses into the system. As for the retention of those nurses, there are also pay incentives set up within the bill, giving the directors of local veterans' medical centers the ability to offer these nurses who are dedicated to helping our veterans, wages that are competitive with the private sector.

Therefore, it is for this reason that I strongly support the passage of this legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member wants to commend the gentleman from Massachusetts, [Mr. KENNEDY], for introducing H.R. 1199, the Veterans' Nurse Pay Act of 1989. I would also like to recognize the efforts of the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP], for their energy and leadership in bringing this issue before us in such a timely fashion. As a cosponsor of H.R. 1199, this Member urges my House colleagues to vote in support of this measure.

On March 30 of this year this Member once again visited the Veterans' Medical Center in Lincoln, NE. During my tour of the facility, I met with the nursing staff. The problems noted by this fine VA nursing staff including working under high stress situations, often working 6 to 7 days in a row, and working 2 or 3 weekends a month. Furthermore, the VA nurses noted that the increased care level of the veteran patients resulted in a need for a high level of nursing expertise. As a result, they were fearful that with the present trend of reducing the number of nurses at the Lincoln Veterans' Medical Center they would be unable to continue to provide top quality nursing care to our Nation's veterans. We in the Congress must act to provide the financial incentives that are necessary to recruit and retain nurses in the VA system so as to provide this Nation's veterans with the medical care that they need and deserve.

The passage of H.R. 1199 will assist in achieving the goal of adequate health care for our veterans. The bill provides for a more flexible pay scale for nurses by reducing the number of pay grades from eight to four and by providing a wider salary range within each grade. Local hospital directors are given the authority to use higher starting salaries as a recruitment incentive to attract nursing personnel. However, these salaries would still have to be justified in the next budget process. H.R. 1199 will give VA nurses long overdue incentives for choosing to work within the Department of Veterans' Affairs by allowing them to receive pay that is competitive with the private sector. I ask each Member of the House to vote for our country's veterans by voting for H.R. 1199.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1199, the Veterans' Nurse Pay Act of 1989, and I thank the gentleman from Massachusetts [Mr. KENNEDY] for his sponsorship. I also commend the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for bringing this measure to the floor at this time.

H.R. 1199 addresses an important health-care issue. The difficulty which the Department of Veterans' Affairs has had in attracting and retaining registered nurses. The current payment provisions have created a critical shortage of registered nurses.

This situation has caused the temporary closure of approximately 13,000 VA hospital beds.

H.R. 1199 would enable the Veterans' Administration to offer salaries which are competitive with private hospitals. This bill creates a new payment schedule for nurses, which will condense the eight current VA nurse pay grades into four, and divide each of the four grades into 20 steps.

The terms under which VA nurses shall be promoted are also outlined in the measure. An increase of at least one pay grade step every 2 years will be granted to all nurses. Furthermore, nurses who receive promotions involving additional duty will receive an automatic one-step salary increase and all head nurses will receive a two-step salary increase.

Finally, this legislation would empower VA hospital directors to adjust salaries in order to attract necessary nurses.

Mr. Speaker, H.R. 1199 provides a much needed remedy. Accordingly, I have cosponsored this measure and I urge my colleagues to join in support of the Veterans' Nurse Pay Act of 1989.

□ 1350

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I do want to congratulate the ranking member of the committee, the gentleman from Massachusetts [Mr. KENNEDY], for sponsoring this bill. As a member of the Appropriations Committee, we find the nursing problem is serious throughout the whole Nation. So I congratulate the Veterans' Affairs Committee today for upgrading at least four levels in pay raises so that we can attract and keep our good nurses in the veterans' program.

I represent Ann Arbor, MI, and we have a VA hospital. In my last trip over there just 3 weeks ago, it was indicated that we are about 24 nurses shy and unable to find them. We find hospitals competing and the private sector competing for nurses all over the Nation, and obviously it is an economic and salary level problem. I congratulate this committee for upgrading and keeping on top of a very serious national problem.

I am going to cosponsor some amendments in the appropriation bill to establish and extend the Nursing Commission which Dr. Bowen, former Secretary, established to look at the other aspects of regional differences, economic differences, as the gentleman from Massachusetts [Mr. KENNEDY] pointed out, and labor problems also, because I really think nurses are getting hurt with the low economic status they receive, and I congratulate this committee for an outstanding piece of legislation and encourage all of my colleagues to vote yes on this bill, H.R. 1199.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the very able gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I would like to take a moment to discuss the budget resolution assumptions for veterans' programs. I think most Members will recall we had an interesting struggle in the Budget Committee and on the floor of this House and in the Conference Committee to allocate enough money to the veterans' function so that we could do all of the things we wanted to do for the veterans. Even so, we still have to stay within the 302(b) allocations.

When we pass bills like this one, we have to know where the money is coming from, and with which other programs it is going to be competitive. Earlier in the year we passed a grave liner bill that will cost about $4 million. This one will be in the same neighborhood, $5 million to $10 million according to CBO, although the Department of Veterans' Affairs really

expects the bill to cost nearly $35 million in the first year.

When one looks at the give in the budget that has already been improved, one wonders where that is coming from, and most expections are that that is going to come out of the COLA increase which many Members of the House are sworn to give in the full amount of 4.9 percent. But that $457 billion which is the 4.9 COLA increase may have to give for administrative costs and, in fact, actual costs of programs like the ones we pass today.

I mention these things so that Members will be apprised of the difficulties and know that these programs are going to be competitive, and we still have battles to wage in the Appropriations Committee.

Mr. Speaker, I believe that this program and the one to follow, which relates to pensions, are meritorious, and I believe the committee has made the correct decision. I intend to vote for them. But I do want Members to know that there may be difficult competitive times in the future.

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

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY], the author of this legislation.

Mr. KENNEDY. Mr. Speaker, basically I wanted to just address some of the concerns that were just articulated by the gentleman from Minnesota [Mr. FRENZEL].

The estimates we have received for the cost of this bill were somewhere between $5 million and $10 million, and that estimate was done by the CBO. As the ranking minority member is well aware, the special salary rates have been fully funded by the budget resolution, and we are well within the 302(b) allocation. So I do not know what the problem is. But I think we are well within the guidelines that we were provided by the Appropriation Committee and the Budget Committee.

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

Mr. KENNEDY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I believe the gentleman from Massachusetts is correct on the statement he has just made.

Mr. KENNEDY. I thank the gentleman.

Mr. BRENNAN. Mr. Speaker, I rise today in support of H.R. 1199, the Veterans' Nurse Pay Act. This urgently needed measure will begin to put our veterans' hospitals across the country back in the position of providing the best medical care available to our veterans.

In my State of Maine, State's only VA medical center has suffered continuous losses of talented nursing personnel who are forced to leave not because of a disregard for veterans, indeed, I have met many such nurses and they are among the best advocates for veterans' causes anywhere, no, these nurses are leaving because they simply can no longer rely on their salaries to make a decent living and retain their professional competitiveness.

The need to change the Federal wage structures that have caused this crisis is now an urgent national priority. A 1988 House Veterans' Affairs Committee study detailed 2,400 vacancies in nurse positions at VA hospitals across the country. H.R. 1199 will make salaries more competitive with the private sector, give local hospital directors greater flexibility in assigning competitive wages, grant nurses more incentives to stay at VA hospitals, and provide them with opportunities for career advancement.

Mr. Speaker, our veterans deserve the best medical care we can provide. But they cannot be cared for without a trained and motivated nursing staff. Our veterans' nurses should be given the respect and compensation they deserve. Today, let us pass H.R. 1199 and show our respect and appreciation for two groups in this country who do not receive enough of either, veterans and nurses.

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the Veterans' Nurses Pay Act. Veterans are among this country's most dedicated and decorated servants. Yet, those who care for our mentally and physically ill veterans are leaving hospitals around the country, because the salaries and benefits afforded them are not competitive with others in their profession.

What a sad irony that those who deserve our greatest respect are losing the care they deserve, simply because we aren't paying veterans' nurses enough. What a sad message we are sending to veterans.

In a study last year, the Veterans' Affairs Committee found registered nurse staffing levels for VA medical centers were 29 percent less than their private-sector counterparts. The study also found there were 2,400 vacant nurse positions in veterans' facilities.

I am speaking in favor of H.R. 1199, the Veterans' Nurses Pay Act. This bill allows hospital directors to increase salaries for veterans' nurses without the approval of the Veterans' Affairs Department.

Let's show veterans how much we support them. They've given so much to this country. It's only right we give them the care they deserve.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of the legislation before us, the Veterans' Nurse Pay Act of 1989. This legislation has been given careful consideration by the Veterans' Affairs Committee and the Hospitals and Health Care Subcommittee.

I commend the author of the bill and my colleague on the committee, JOE KENNEDY of Massachusetts, for his hard work in this area. I also applaud the chairman, SONNY MONTGOMERY; the ranking member of the full committee, BOB STUMP; and the ranking member of the subcommittee, JOHN PAUL HAMMERSCHMIDT.

Mr. Speaker, the nursing shortage in our VA hospital system is a very serious problem on which we must take action. In Indianapolis, the Roudebush VA Medical Center has had an extremely difficult time attracting and retaining qualified nurses because private hospitals are offering higher salaries. As a result, the hospital has been forced to close two wards to patients. This is an intolerable situation.

The Veterans' Nurse Pay Act will give VA hospital directors the flexibility they need to offer competitive salaries to nurses in their communities. This is going to help the veterans in Indiana and across the country because it will help VA hospitals keep all of their wards open and fully staffed.

I am a cosponsor of this bill and I urge its adoption.

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to express my support for H.R. 1199, the "Veterans' Nurse Pay Act of 1989."

Across the country, Department of Veterans' Affairs hospital beds have been unavailable as a result of the critical shortage of nurses that threatens the quality of care delivered to our Nation's veterans. In fact, the West Haven DVA Medical Center in my home State of Connecticut reported last year that they had to close off 71 beds because of their nursing shortage.

Last month, I had the pleasure to attend the Veterans' Affairs Subcommittee on Hospitals and Health Care's field hearing at the West Haven Medical Center. Testimony received during this hearing regarding the shortage of health care professionals at DVA hospitals reinforced the dire need for action on this matter.

This important legislation will greatly assist Department of Veterans' Affairs hospital administrators in the recruitment and retention of registered nurses by significantly restructuring the nurse pay system. I believe that the time is now to act on this matter to ensure that our DVA hospitals can reopen closed wards and restore the quality of patient services to deserving veterans.

Mr. LANCASTER. Mr. Speaker, I rise in strong support of H.R. 1199, to improve the recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses. This bill, in conjunction with H.R. 901, will help improve the health care system for our Nation's veterans. I commend the Committee on Veterans' Affairs for its work in this area, and urge my colleagues to support this bill.

Mr. Speaker, in its 1988 study, the Committee on Veterans' Affairs found that registered nurse staffing levels for VA medical centers were 29 percent less than their private-sector counterparts. The study also showed that there were 2,400 vacancies in authorized nurse positions in veterans' facilities. The bill address this serious problem by replacing the current eight salary levels for nurses with four broader pay ranges, and gives discretion to directors of local veterans medical centers to offer salaries to new nurses within those ranges. The bill would allow hospital directors to increase salaries without prior approval from the Veterans' Affairs Department in order to recruit and retain nurses, and require annual reports to the Department regarding these increases.

Mr. Speaker there is more to this bill than simply improving the recruitment and retention

of nurses serving in VA medical centers, but this is certainly an important part of the bill. Nurses are in integral part of the VA medical care system. Without recruiting and retaining good nurses, our VA medical system will suffer. This bill takes important steps to address this problem. I urge my colleagues to join the Committee on Veterans' Affairs in supporting H.R. 1199.

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1199, as amended.

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

The title of the bill was amended so as to read:

"A bill to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans' Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans' Affairs to provide certain procreative services for married veterans' with service-connected disabilities which impair their ability to procreate.".

A motion to reconsider was laid on the table.

JAMES J. HOWARD VETERANS' OUTPATIENT CLINIC

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2557) to designate the outpatient clinic of the Department of Veterans' Affairs to be located on New Jersey State Route 70 in Brick Township, New Jersey, as the "James J. Howard Veterans' Outpatient Clinic".

The Clerk read as follows:

H.R. 2557

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

SECTION 1. DESIGNATION.

The outpatient clinic of the Department of Veterans' Affairs to be located on New Jersey State Route 70 in Brick Township, New Jersey, shall be known and designated as the "James J. Howard Veterans' Outpatient Clinic".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, map, regulation, document, record, or other paper of the United States to the outpatient clinic referred to in section 1 shall be deemed to be a reference to the "James J. Howard Veterans' Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 2557 would name the new Department of Veterans' Affairs outpatient clinic in Brick Township, NJ, for our late colleague, the Honorable James J. Howard.

The bill is cosponsored by the entire New Jersey delegation and supported by the State veterans' organizations, as required by committee procedures.

The gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, ranking minority member of our Subcommittee on Hospitals and Health Care, and the ranking minority member on the Public Works and Transportation Committee worked very closely with Jim Howard on that committee, and he will certainly discuss and explain the bill.

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

Mr. STUMP. Mr. Speaker, I urge my colleagues to support H.R. 2557.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to urge your support and the support of my colleagues on H.R. 2557, a bill to designate the veterans' outpatient clinic located in Brick Township, NJ, as the "James J. Howard Veterans' Outpatient Clinic."

As you know, many Members of this body, myself included, were supporters of this bill last Congress. Unfortunately, the measure was deleted in conference.

James J. Howard (Jim—as we knew him) served the Third Congressional District of New Jersey from the 89th through the 100th Congresses and died in office on March 25, 1988. Mr. Howard served as chairman of the Committee on Public Works and Transportation from the 96th Congress until his death.

Many of my colleagues here today remember Mr. Howard as a devoted protector and promoter of the best interests of veterans and their dependents. He was an outspoken advocate of benefits paid to veterans with disabilities incurred while in military service as well as dependency and indemnity compensation paid to their survivors.

Mr. Howard voted consistently for legislation to maintain adequate staffing levels at VA medical facilities. Recognizing the need for greater emphasis on ambulatory treatment, and in particular, the need for a VA medical facility to serve veterans in the central New Jersey region.

He worked closely with our colleagues, CHRISTOPHER H. SMITH and JAMES J. FLORIO, two distinguished members of the Committee on Veterans' Affairs to establish the very clinic we are attempting to name in remembrance of him. The clinic became a reality as a result of Public Law 100-322.

Mr. Howard's unwavering record on behalf of veterans is a legacy of concern and compassion for their well-being. It is a record of a distinguished individual who recognized the importance of veterans' benefits and who worked hard to maintain the Nation's commitment to care for those men and women who have served in its defense.

I believe it is fitting to pay tribute to the memory of Congressman Howard. We have the support of the entire New Jersey delegation on this measure so I recommend that we take favorable action on this bill.

□ 1400

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

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds in closing remarks. I want to commend two members of the committee for their work to establish this outpatient clinic, the members of our committee, JIM FLORIO and CHRIS SMITH. They have been deeply involved in getting a clinic at New Jersey. Now we named it for Jim Howard.

Mr. ANDERSON. Mr. Speaker, I wish to express my support for H.R. 2557, to designate the James J. Howard Veterans' Outpatient Clinic in Brick Township, NJ. As a colleague of Jim Howard's on the Committee on Public Works and Transportation, I know how hard he worked to have this much needed facility located in Brick Township to meet the needs of the many veterans at the New Jersey shore.

The fact that this clinic is located in Brick Township is a tribute to Jim Howard's ability to get things done. As the many members who served with Jim during his 23 years in this Chamber can attest, when he set his mind on something, there was no stopping him.

That was true in this case in which he was determined that there would be a clinic to serve the veterans of northern Ocean County, NJ. There would be no clinic in Brick Township without Jim Howard, therefore it is fitting that the clinic bear his name. It is also fitting that his colleagues in the House pay this tribute to Jim Howard by enacting the name by statute, rather than allowing an administrative agency to make the designation.

I also want to commend my colleague from the Committee on Public Works and Transportation, JOHN PAUL HAMMERSCHMIDT, for following through on this legislation. I know the gentleman from Arkansas, as the ranking Republican member of the committee, worked closely with Jim Howard and fully appreciated his contributions to this Nation in many fields. I also want to commend Mr. MONTGOMERY, the Chairman of the Committee on Veterans' Affairs, for moving this legislation to the floor.

As Jim Howard's colleague on the Committee on Public Works and Transportation Committee, I can easily attest to his work to improve the Nation's infrastructure. He was proud of his work on the Interstate Highway System, on mass transit, on clean water and water resources development.

At the same time, he devoted his tremendous energy to making the Nation's highways safer places for everyone using them. He was intensely passionate about safety legislation such as the 55-mile-per-hour speed limit and the 21-year-old minimum national drinking age, as well as many other safety issues which the committee enacted during his chairmanship.

Jim Howard's achievements extended beyond public works and transportation, however. He also numbered among his achievements, education legislation that resulted in the construction of Ocean County Community College and legislation on the 200-mile fishing limit. The veterans' outpatient clinic is another example of his efforts.

Jim Howard had many plans ambitious programs to upgrade and restore the infrastructure. At the time of his death last year, much of that work remained undone. The Veterans' Outpatient Clinic in Brick Township is one part of his work that was finished. It will be there, serving the veterans.

Mr. Speaker, I am proud to join with my colleague from the Public Works and Transportation Committee, JOHN PAUL HAMMERSCHMIDT, the members of the Committee on Veterans' Affairs, and the New Jersey delegation in supporting H.R. 2557 naming the James J. Howard Veterans' Outpatient Clinic.

Mr. FLORIO. Mr. Speaker, I am pleased to join in expressing support for H.R. 2557, to designate the outpatient clinic in Brick Township, NJ, as the James J. Howard Veterans' Outpatient Clinic. As a cosponsor of this legislation, I am thankful for this timely action on legislation that honors our late colleague and friend.

I am indeed proud to have been a colleague of Jim Howard's and to have served with him in representing New Jersey. As a member of our delegation, Jim Howard worked tirelessly to promote the interests of his constituents and the well-being of both our State and our Nation. During the 23 years that he served the Third Congressional District of New Jersey, Jim Howard demonstrated compassion and understanding, and a love for serving his constituents and his country.

I know that I am joined by many of my colleagues, by Jim Howard's family and by his constituents in saying that we have missed him. But Jim left us a legacy that will be remembered by many generations to come. As chairman of the House Public Works Committee, Jim Howard fought for rebuilding our Nation's infrastructure in a way that made sure that environmental concerns were given top priority. His efforts showed his strength and compassion in dealing with such key issues as environmental protection, funding for mass transit and our Nation's roadways, and airport safety. I welcomed Jim Howard's help in many efforts, including the reauthorization of Superfund. His record of accomplishments is long and he will be remembered as a legislator who cared about his constituents enough to fight for them.

There is another dimension to the life of Jim Howard that we should draw attention to today. Many of you may know that Jim Howard served his country in the Navy during World War II, in the South Pacific, and was a member of the Veterans of Foreign Wars. He dedicated his efforts to making sure that the veterans in his district were treated fairly and with honor. Recognizing the serious health care needs of the veterans in his community, Jim Howard joined me in seeking to authorize an outpatient clinic in Brick Township, NJ. This outpatient clinic, which is scheduled to open for business this coming fall, will serve a number of the needs of the veterans in that area. The need for more facilities in New Jersey is severe. Jim Howard and I recognized that and fought for this facility.

It is therefore only appropriate to dedicate this facility to Jim Howard's memory in the hope that the many generations of veterans who will be served by this clinic will remember the hard work and dedication of our late colleague.

I urge my colleagues to support this legislation.

Mr. UDALL. Mr. Speaker, today the House will vote on H.R. 2557, a bill to name the newly constructed Veterans' Administration Outpatient Clinic in Brick Township, NJ, the James J. Howard Veterans' Clinic. I am proud to support this legislation.

Jim Howard, a respected colleague and close personal friend would have been honored to see the fruits of his labors culminate in this much needed veterans facility. Congressman Howard was a strong supporter of the brave men and women who served this country in the Armed Forces. His voting record on veterans legislation is proof of his unwavering commitment to their needs.

Jim Howard's personal efforts with the Veterans' Administration helped to bring about the clinic that will be named in his honor. This clinic will make the veterans' outpatient servcies available to the many veterans who now live in northern Ocean County.

As I have previously stated, Jim Howard and I were close friends. I know first hand of his 3-year battle with the White House to secure the needed funds that made this facility possible. Jim was never one to back away from a fight. He knew the facility was critical for the many veterans in his district. As Will Rogers once said "We live in an age of urge. We do nothing till somebody shoves us." Jim provided the shove to get this clinic built.

Marlene Howard and his three daughters can be proud of Jim's many accomplishments. I know they will be honored to have Jim remembered in such a fitting manner.

Mr. PALLONE. Mr. Speaker, it gives me great pleasure to support this bill that will officially designate the Veterans' Outpatient Clinic to be built in Brick Township, NJ, in the memory of my predecessor, the late Jim Howard, who represented the Third District of New Jersey so ably for so many years.

In moving H.R. 2557 in this Congress, the House reinforces the action it took in the 100th Congress, when led by our distinguished ranking member, the gentleman from Arkansas, similar legislation was passed and sent to the Senate.

It would appear that the crush of events in the waning days of that session precluded action by the other body. It is my understanding that the former Director of Veterans' Affairs gave his complete support to the initiative begun in the House and transmitted that assurance to the other body.

Therefore, Mr. Speaker, what we are doing today is to reinforce the overwhelming sentiment expressed last year by the House to name this new medical facility for the man who worked tirelessly with our local officials and medical community to bring it to fruition.

Jim Howard was a veteran of World War II who never forgot the needs of his fellow veterans. While fate struck him down much too soon, the action we take here today will asure that his memory will live on as long as this Clinic stands.

Mr. SHUSTER. Mr. Speaker, I am honored to join my colleagues supporting H.R. 2557, designating the James J. Howard Veterans' Outpatient Clinic in Brick Township, NJ. It is a fitting tribute to the late Jim Howard, and a demonstration of the love and affection felt for him by friends, neighbors and colleagues. He would, I believe, be proud to have his name associated with this clinic.

During his service to the citizens of the country and his district, Jim worked tirelessly to improve our roads and waterways, and today his legacy remains—safer highways and cleaner water. His commitment to the infrastructure of our Nation is demonstrated by such things as his efforts to increase the gasoline tax to fund highway improvements, the establishment of a mass-transit account to serve both urban and rural areas, and passage of clean water bills that funded sweeping improvements to the water systems of communities across America. He championed causes such as national drunk driving laws and safety belt usage, along with the 55 m.p.h. speed limit. And while not always successful, he always fought for the safety of the people on our highways and in our communities.

Jim will be remembered by all for his work in the Congress, and the naming of the veteran's outpatient clinic in his native New Jersey will demonstrate to all the friendship and respect with which he was regarded.

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2557.

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

A motion to reconsider was laid on the table.

ALEDA E. LUTZ DEPARTMENT OF VETERANS' AFFAIRS MEDICAL CENTER

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2569) to designate the Department of Veterans' Affairs Medical Center in Saginaw, MI, as the "Aleda E. Lutz Department of Veterans' Affairs Medical Center."

The Clerk read as follows:

H.R. 2569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Veterans Affairs medical center in Saginaw, Michigan, shall after the date of the enactment of this Act be known and designated as the "Aleda E. Lutz Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Aleda E. Lutz Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 2569 would name the Department of Veterans' Affairs Medical Center in Saginaw, MI, for Aleda E. Lutz.

This bill was introduced by our colleague, BOB TRAXLER, and is sponsored by every Member of the Michigan delegation. The bill has been approved by the chartered veterans' organizations in the State.

Lieutenant Lutz entered service in February 1942 and died on November 1, 1944, in the crash of a C-47 hospital plane in the south of France. She was the first women to receive the Distinguished Flying Cross. She was a highly decorated and courageous service member who helped save the lives of thousands of wounded soldiers during World War II.

Mr. Speaker, Lieutenant Lutz served her country with great honor and she deserves to have this excellent medical facility bear her name.

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

Mr. Speaker, I rise in support of H.R. 2569 and urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I rise in support of H.R. 2569, a bill I introduced that would officially designate the Veterans' Affairs Medical Center in Saginaw, MI, in the honor and memory of First Lt. Aleda L. Lutz.

I would like to thank the distinguished chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY from Mississippi, and the committee's distinguished ranking minority member, Mr. STUMP from Arizona, for their help in bringing this legislation before the full committee in such an expedient and efficient manner.

I would also like to note the support of all of my colleagues from the great State of Michigan as well as the support of all the members of the Veterans' Affairs Committee. I feel it is also important to recognize the assistance given to our effort by the organized veterans' groups in Michigan. I appreciate your unanimous approval of this measure.

Ms. Lutz was a true heroine of World War II and a resident of Saginaw, MI. She was an original member of the 802d Medical Air Evacuation Squadron, and while attending the 15 wounded soldier's was killed in a tragic plane crash in southern France on November 1, 1944. She was a leader in her squadron, flying over 190 missions spanning over 800 hours in the air. During that time she evacuated approximately 3,500 patients and her fellow nurses were quoted as saying that no one died under her hand.

Her valiant service earned her the Distinguished Flying Cross for extraordinary achievement. According to news reports from the era, she was the first woman to receive this prestigious award for service in World War II. The official citation issued by the Department of the Army called attention to "her selfless devotion to duty and outstanding proficiency (which) reflected the highest credit upon herself and the Armed Forces of the United States * * * (T)hroughout her long period of service, Lieutenant Lutz distinguished herself through her superior professional skill and courage."

Another honor accorded to Ms. Lutz after her death was the renaming of the captured French luxury liner, *Colombie,* in her honor. After its conversion to a medical facility, the U.S. Army hospital ship *Aleda E. Lutz* carried a compliment of 18 doctors, 44 nurses, and 188 enlisted attendants and was able to provide care for 800 patients at any one time.

In 1949, the Veterans' Administration expressed their desire to dedicate the new hospital in Saginaw to the memory and legacy of Aleda Lutz. Unfortunately, their wish did not come true before the hospital was completed and formally dedicated on September 3, 1950. The Saginaw VAMC, however, has unofficially been known as the "Aleda Lutz Hospital" for nearly 40 years. Today, I am seeking to officially note and commemorate a recognition bestowed upon Ms. Lutz by the Saginaw community.

Perhaps one of the best statements about Aleda Lutz comes from a letter written by Maj. Frederick Holt, the commanding officer of the 802d Squadron, to Helda Lutz, the lieutenant's sister:

Her outstanding characteristics, however, do not appear on any records but remain in the memories of all who came in contact with her over here. I can say without hesitation that her consistent cheerfulness and kindness under any conditions endeared her to her sister nurses, the flight surgeons of the squadron, our enlisted men, as well as all others with whom she had any contact. In her work as flight nurse she not only gave her patients the best of medical care but also unfailingly created an atmosphere of cheerfullness which enabled her patients to forget their physical and mental distress.

It is my sincere hope that my colleagues will join me in honoring this great heroine by voting for H.R. 2569.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2569, a bill to name the Department of Veterans' Affairs Medical Center in Saginaw, MI, in memory of the late Lt. Aleda E. Lutz.

Lieutenant Lutz distinguished herself as a very dedicated and courageous member of the Armed Forces. She died while in service to the Nation. Her service and response to the Nation's call to duty exemplify the reasons why the Nation and the Congress remain strongly committed to providing veterans with the quality health care which they have earned.

The compassion and perseverance under the adversity of war demonstrated by Lieutenant Lutz are deserving of tribute. The Aleda E. Lutz Department of Veterans' Affairs Medical Center would be the first DVA facility to bear the name of a female veteran. Her courage and patriotism deserve to be memorialized for generations to come.

I urge the adoption of H.R. 2569.

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

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

I would like to pass on to you, Mr. Speaker, and the other Members of the body, as I understand it Lieutenant Lutz is one of those exceptional persons. Not only was she a qualified nurse but she was also a qualified pilot in our military services.

We certainly are hopeful for our colleagues' support for this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill H.R. 2569.

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

A motion to reconsider was laid on the table.

REMOVING LIMITATION RELATING TO PAYMENT OF PENSION TO CERTAIN VETERANS FURNISHED HOSPITAL CARE

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1334) to amend title 38, United States Code, to remove a limitation relating to the payment of pension to veterans furnished hospital care by the Veterans' Administration on a long-term basis, as amended.

The Clerk read as follows:

H.R. 1334

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

SECTION 1. REMOVAL OF LIMITATION ON PAYMENT OF PENSION TO VETERANS FURNISHED LONG-TERM HOSPITAL CARE BY DEPARTMENT OF VETERANS' AFFAIRS.

Section 3203(a)(1) of title 38, United States Code, is amended by striking out "hospital or" each place it appears in subparagraphs (B) and (D).

SEC. 2. REDUCTION IN PERIOD OF MARRIAGE OF CERTAIN SURVIVING SPOUSES FOR ELIGIBILITY FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 418(c)(1) of title 38, United States Code, is amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1989.

The SPEAKER pro tempore. Is a second demanded?

Mr. STUMP. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

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

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

Mr. Speaker, H.R. 1334, as amended, would make certain improvements in pension and indemnity compensation programs administered by the Department of Veterans' Affairs.

Mr. Speaker, I want to commend the gentleman from Ohio [Mr. APPLEGATE], the chairman of the subcommittee, for his continued leadership in insuring that benefits to our Nation's veterans are administered fairly and timely. This subcommittee is one of the most active in conducting oversight visits in the field and oversight hearings on programs under its control.

Again I thank the gentleman, the distinguished chairman of this subcommittee. I also want to commend the ranking minority member, BOB MCEWEN, also from the State of Ohio, for the good work.

To explain the bill at this time, I yield such time as he may consume to the gentleman from Ohio, Mr. DOUG APPLEGATE.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman from Mississippi, chairman of the committee, for yielding time to me.

Mr. Speaker, H.R. 1334, as amended, would liberalize provisions of law relating to survivors' death benefits and also liberalize provisions affecting nonservice-connected pensions for certain hospitalized veterans.

Section 1 of H.R. 1334 would remove a current provision in the law which limits, to $60, the amount of pension payable per month to a single veteran who is being furnished hospital care by the DVA for any period after the end of the third full calendar month following the month of admission.

This requirement can work a hardship on a veteran if he or she has ongoing obligations such as rent or loan repayments. If the veteran has no saving available, it is quite possible that he could lose his home. Not only is there potential for harm to the veteran, the DVA must also keep tabs on these cases. They must be identified, appropriate action must be taken to reduce the award, and then, upon discharge, further action must be taken to restore the proper benefit. Given the lengthy delays in claims processing we have observed, this change would be beneficial to the veteran as well as the DVA.

Section 2 of the bill would reduce the length of marriage required in order for certain surviving spouses to be eligible for death benefits paid at DIC rates. In general, if a veteran who dies of a non-service-connected cause has been rated totally disabled due to a service-connected disability for at least 10 years prior to his death, his widow is eligible for a death benefit which is paid at DIC rates as if the veteran's death were service connected. Eligibility is conditioned on the veteran and his widow having been married for at least 2 years prior to the veteran's death, or for no set time if a child was born of the marriage.

The general marriage duration requirement under DIC, for service-connected deaths, is only 1 year. This provision simply conforms the two programs by requiring only 1 year of marriage in either situation. It was passed by the House last year as part of the compensation COLA bill but was not accepted by the other body.

Mr. Speaker, I urge favorable consideration of this bill.

□ 1410

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

Mr. Speaker, I rise in support of H.R. 1334, as amended, and also want to thank the ranking minority member of the Subcommittee on Compensation, Pension and Insurance, the gentleman from Ohio [Mr. MCEWEN].

He has become one of our most forceful and outspoken members on behalf of veterans' benefits and adequate funding for those benefits.

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

Mr. MCEWEN. Mr. Speaker, I rise in support of H.R. 1334, and I subscribe to everything the distinguished chairman has said in outlining the legislation. We agree on the need for finding a remedy for the rules which presently cause great hardship for a small, but not insubstantial, population of veterans.

I suppose the most fundamental point to this legislation is that sick veterans do get better. Medical science continues to advance, finding cures and treatments which we did not previously know were possible. That is a source of hope and encouragement for our veterans. But consider the case of the veteran with a spinal cord injury, who is already receiving a nonservice-connected pension. A skin injury to this individual frequently leads to skin breakdown and damage to adjoining muscles and bone.

Doctors are able to treat these conditions through transplants and grafts. But this healing process can be slow, requiring hospital stays of more than 3 months. Thanks to modern medical procedures, the veteran suffering from conditions like these, stands a good chance of having his health largely restored. But consider the price of recovery.

Under present law, this healed veteran, who may have been hospitalized for, say, 4 or 5 months, will have had this pension cut to $60 per month after the first 90 days. Upon leaving the hospital, our veteran may have a host of new problems of a financial nature. This veteran, who is reliant upon his pension to help him meet his mortgage, rent, property tax, electricity or other regular monthly obligations, has now experienced a 2-month lapse in this urgently needed pension. Mr. Speaker, with plenty of real-life examples to cite as empirical evidence, we can predict with troubling certainty that this veteran may lose his home or worse.

All of which raises this question: What is gained by nursing our veterans back to health if our laws will leave them impoverished and hopeless in this process? How does society profit from saving a few months of pension payments if the society then must assume the burden and associated costs of a newly homeless veteran? Too often this is the result of present law, which is why I urge adoption of H.R. 1334.

In addition, Mr. Speaker, I also wish to support that portion of the bill which amends the eligibility criteria for certain recipients of dependency and indemnity compensation. This provision will standardize eligibility criteria for the survivors of totally disabled service-connected veterans.

I wish to take this opportunity to commend the chairman of our committee, SONNY MONTGOMERY, and our ranking member, the gentleman from Arizona [Mr. STUMP] for their steadfast leadership in behalf of veterans, and to the chairman of the subcommittee, Mr. APPLEGATE, my friend and colleague from Ohio, for his authorship and bringing this bill forward for consideration.

I recommend passage of this legislation and urge my colleagues to support it.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 1334, legislation to remove the limitation relating to the payment of pensions to veterans who are furnished hospital care by the Department of Veterans' Affairs on a long-term basis. I would like to commend the chairman of the Subcommittee on Compensation, Pension and Insurance, the gentleman from Ohio [Mr. APPLEGATE] for introducing this important legislation and the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking member of the committee, the gentleman from Arizona [Mr. STUMP] for their commitment to bettering the lives of our veterans and active members of the Armed Forces.

H.R. 1334 will remove the limitation on pension payments to veterans without spouses or children who are receiving hospital care for more than 3 months from the Department of Veterans' Affairs.

In removing this restriction, this legislation removes an undue hardship which is placed upon a hospitalized veteran who must meet financial obligations. For a sick veteran who often faces the loss of his home, this bill is of vital importance.

Furthermore, this legislation will reduce the period of time for which a surviving spouse must have been married to a veteran in order to receive dependency and indemnity compensation.

Accordingly, Mr. Speaker, I urge my colleagues to join today in support of this worthy bill.

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1334, as amended.

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

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to remove a limitation relating to the payment of pension of veterans furnished hospital care by the Department of Veterans' Affairs on a long-term basis and to reduce the period of time that a surviving spouse must have been married to a veteran who dies while in receipt of compensation for a service-connected disability in order for the surviving spouse to be eligible for dependency and indemnity compensation.".

A motion to reconsider was laid on the table.

EXTENDING MOST FAVORED NATION STATUS FOR HUNGARY FOR 5 YEARS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 5 years, as amended.

The Clerk read as follows:

H.R. 1594

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

SECTION 1. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF HUNGARY.

Subject to section 2, during the 5-year period beginning on July 4, 1989, nondiscriminatory treatment (most-favored-nation treatment) applies to the products of the Peoples' Republic of Hungary.

SEC. 2. REQUIREMENT FOR BILATERAL COMMERCIAL AGREEMENT.

The nondiscriminatory treatment provided for under section 1 shall apply only during such time within the 5-year period referred to in that section that there is in effect between the United States of America and the Peoples' Republic of Hungary a commercial agreement that meets the requirements set forth in section 405(b) of the Trade Act of 1974 (19 U.S.C. 2435(b)); except that, notwithstanding the provisions of paragraph (1) of such section, the renewal of the commercial agreement after the date of the enactment of this Act shall be for a period ending not sooner than July 4, 1994.

SEC. 3. COORDINATION WITH JACKSON-VANIK AMENDMENT.

During the 5-year period referred to in section 1, the provisions of section 401, 402, 404, 405 (a) and (c), and 407 of the Trade Act of 1974 are suspended with respect to the Peoples' Republic of Hungary except to the extent necessary for the inclusion of that country within the appropriate waiver procedures of section 402(d) for purposes of extending nondiscriminatory treatment (if the President decides to recommend such extension) to Hungarian products after July 3, 1994.

□ 1420

The SPEAKER pro tempore (Mr. PANETTA). Under the rule, a second is not required on this motion.

The genleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 1594, a bill to extend most-favored-nation [MFN] status to Hungary for 5 years. Hungary has been granted MFN treatment on an annual basis under the Jackson-Vanik waiver process since 1978. During that time, the Committee on Ways and Means has not received a single complaint about Hungary's record on emigration. The President himself has indicated in a recent message to Congress that "Hungary has continued to take a positive and constructive approach to emigration matters."

Mr. Speaker, I had the privilege of leading a delegation of members of the Committee on Ways and Means to Hungary earlier this year. We met with General Secretary Grosz and a number of other Hungarian Government and business officials. We observed firsthand and were quite impressed by the dramatic steps Hungary has taken toward a more pluralistic political system and market-oriented economy. I believe it is time for the United States to recognize and reward Hungary's behavior as we recently did for Poland with the passage of H.R. 2550. I also believe that Members need only look to Hungary's consistently good performance during these past 11 years that it has enjoyed MFN status, to realize that there is little risk that Hungary will take a sharp turn away from the reforms which it has launched.

H.R. 1594 would remove Hungary from the conditions of the Jackson-Vanik amendment, as contained in the Trade Act of 1974, and grant MFN to Hungary unconditionally for 5 years. This bill is a timely and appropriate response to the bold reforms and

strong emigration record of the People's Republic of Hungary.

I urge my colleagues to support this important bill.

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

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

Mr. Speaker, I join the distinguished chairman of the Ways and Means Committee in supporting H.R. 1594, a bill extending for 5 years most-favored-nation tariff treatment to the People's Republic of Hungary. Providing nondiscriminatory tariff treatment to Hungary on a more permanent basis is, in my view, a just reward—and a modest one—for that country's ongoing commitment to free emigration and to enhancing fundamental human rights.

Under existing law, Hungary has enjoyed most-favored-nation status for more than 10 years. During this time, that country's emigration laws and practices have been carefully reviewed under the criteria of the Jackson-Vanik amendment, and each year the President has recommended a waiver permitting MFN to be extended to Hungary for another year.

Although emigration is the sole focus of the Jackson-Vanik amendment, fundamental human rights, including religious freedom and worker rights, have alway been scrutinized during consideration of the annual waiver.

Hungary's record in this regard has been excellent, and recent actions by the Government and the Hungarian Parliament have underscored the country's commitment to progressive reforms. However, the 1 year waiver policy lends uncertainty, especially to the business community, as to whether the United States policy toward Hungary will continue to include liberal tariff treatment. Since businesses usually plan for the longer term, the possibility of a change in tariff treatment, however remote, tends to weaken business ventures in that country.

Hungary's progressive position among Eastern-bloc countries is very important to the United States and one which we should encourage whenever possible.

Just last week, the House passed under suspension of the rules a bill to extend OPIC loans to Hungary, as well as promote cultural and educational exchanges, and in doing so praised Hungary's liberal path. This bill we are considering today will also express the appreciation of the United States for Hungary's long-standing record on free emigration and free-market business practices.

I feel obliged to make note of the fact that the administration opposes this legislation, although it is strongly sympathetic to what this bill is trying to do. However, I believe their opposition to be mild, and is based primarily on their desire to have sole discretion to give or take away MFN. The Congress clearly has a role to play in reviewing Hungary's record and in deciding appropriate incentives like the one embodied in this bill. Also, the administration would like to wait until the Hungarian Parliament acts this fall to codify its already liberal emigration practices.

We feel confident that Hungary intends to keep its promises to put in place new emigration laws, and this legislation designed to reward a good 10 years of effective policies need not be delayed.

Mr. Speaker, I believe H.R. 1594 is appropriate and desirable and in the national interest of the United States. I urge my colleagues to vote "Yes" on H.R. 1594 and extend MFN to Hungary for 5 years.

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

Mr. GIBBONS. Mr. Speaker, we have no further requests for time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL], a respected member of our committee.

Mr. FRENZEL. Mr. Speaker, the bill before us has been described by the distinguished chairman and the distinguished vice chairman of the committee. I urge all Members to vote positively for the bill.

This is a 5-year extension of MFN to Hungary, which has earned annual extensions for the last decade based on its splendid record on immigration and family reunification.

When MFN was first granted to Hungary, there were nervous Members of this body who wondered if it was a good idea. Since that time, we have renewed MFN about 10 times for Hungary, and it looks to me as though Hungary's record has been spotlessly clean. Hungary has led Eastern Europe and the Comecon group in its dedication to the principles of free immigration and of family reunification.

When the President sent his message to the Congress urging that MFN be extended again this year, he indicated that every person in Hungary who had applied for immigration had had that right granted under the current policy. The fact that Hungary is going to codify that policy into law is really only frosting on the cake, for we ought to look at the record, not the promise.

For Hungary, the record has been excellent.

Mr. Speaker, this legislation is going to allow a 5-year extension, allowing Hungarian companies and American companies to make longer-range plans to improve economic activity between our two countries, to the betterment of the human condition in both countries.

It is also going to serve as a model for our relationships with other nonmarket economies which may want the same privilege under most-favored-nation and now, having seen the success in Hungary and seeing the trade advantages it has been rewarded, may be willing to take the same more liberal attitude toward immigration.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 1594, legislation to provide most-favored-nation status to Hungary for 5 years.

The significant political and economic reforms that have recently occurred in Hungary should not go unnoticed. Just last year, I joined with the majority of my colleagues in supporting the Roth amendment to the fiscal year 1989 miscellaneous international affairs authorization bill in striking Hungary and Romania from OPIC authorizations. However, since that time, substantial and serious reforms have been made in Hungary warranting a change in U.S. policy. Last week, the House, with my support, passed H.R. 2550, extending OPIC coverage to Hungary.

Along those same lines, the liberalizing movement in Hungary also warrants a change in this Eastern European maverick's MFN status. In 1974, title IV of the trade act tied MFN treatment of Communist countries to their emigration policies. The Jackson-Vanik amendment, as it is called, lists specific criteria which Communist countries must meet in order to receive MFN status. The Jackson-Vanik amendment does allow the President to waive the prohibition on MFN status to countries not meeting the criteria if such a waiver would help better promote the amendment's objectives. Hungary, for the past 11 years, has received such a waiver annually.

Today, Hungary is close to approaching total compliance with the provisions of the Jackson-Vanik amendment. For example, many of the restrictions on travel to neighboring western countries, like Austria, have been lifted. The result has been massive weekend traffic jams to Vienna where the shopping is still much better, despite Budapest's economic reforms. Interestingly, unlike in the past, these Hungarians are willing to return home—a sure sign that real changes have been made in Hungary. Another sign of change is Hungary's protest in the Conference on Cooperation and Security in Europe [CSCE] of neighboring Romania's construction of border barricades, Eastern Europe's newest wall. Again, it is telling that Romania's wall is to keep its citizens from fleeing to Hungary. Hungary has

taken positive and exemplary action toward increasing emigration.

Since my eye-opening visit to Hungary in January of this year with H.R. 1594's sponsors, Messrs. FRENZEL, GIBBONS, and LANTOS, additional progress has been realized. Two weeks ago, special tribute was paid to former leader Imre Nagy, who was deposed by the Red army after it brutally crushed the 1956 unprising—a popular revolt spurred in part by Nagy's liberalizing movements. The hard-liners who followed Nagy had branded him a traitor. Last week, the ruling leadership was again shuffled with those favoring greater economic and political reforms gaining additional power.

Our previous carrots to Hungary, in the form of Western economic assistance, have promoted this change. While there are still many internal and external obstacles, the private sector is beginning to flourish. There is genuine and vast support for the free enterprise system—even among those in the ruling Communist Party. They know that Hungary's economic survival depends on the success of this Western style economic reform. The state-controlled Soviet style planned economy has been a dismal failure. Real economic reform naturally prompts political reform. This axiom is true to Hungary. There has been a relaxation of political controls and political pluralism is on the rise. Clearly, more must be done. However, as a further signal of our support for these efforts and to promote continued progress. I believe we should reward Hungary by changing its MFN status. Instead of relying on an annual Presidential waiver, Hungary now will have graduated to receiving a 5-year MFN status.

However, despite all of this encouraging change, Hungary is still a Communist country within the Warsaw Pact Alliance. Economic and political liberalization were crushed by Soviet tanks 33 years ago. Sixty thousand Soviet troops still occupy Hungary today, although some have left and more will. As we have been witnessing in China, a country until just recently we praised for progressive reforms, the repression and brutality of Communism can swifty return. However, our positive incremental actions—like the MFN proposal before us today—provide the flexibility to meet any changes. Just as easily as we grant this new MFN status, we can revoke it.

If there is a possibility of removing the Iron Curtain, or at least drawing it open to let the light of freedom and liberty penetrate, that possibility best exists in Hungary. An important, yet often overlooked benefit of the steady pattern of reform in Hungary is the difficulty that would be incurred in repealing it. Certainly, we can help strengthen the reform movement and further solidify its foundations by providing the aid needed to make it successful, H.R. 1594 does just that. And, the more successful the reform movement is, the more difficult and painful it is to repeal. Of course, greater freedom and continued reform in any Warsaw Pact country benefits our national security and helps diminish the threat against our European NATO allies.

I urge my colleagues to join me in supporting this worthy legislation.

□ 1430

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LANTOS], who knows firsthand why this should be extended.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS], my good friend, for yielding this time to me. I want to salute him for his leadership on this issue, as well as the gentleman from Minnesota [Mr. FRENZEL], both of whom have carried the main brunt of this legislation.

Mr. Speaker, anyone keenly attuned to history and its ironies and anyone who is inspired by faith and hope in the irrepressible human spirit could not help but be moved this spring as Hungarian soldiers began to dismantle the Iron Curtain that has painfully divided Europe for four decades. The removal of the barbed wire fence was a symbolic opening of freedom within Hungary and a signal of its reaffiliation with Europe.

Equally remarkable, Mr. Speaker, was the rehabilitation of Imre Nagy, the leader of the 1956 democratic revolution that was crushed by Soviet invasion. Nagy was secretly executed by Soviet troops and buried in an unmarked grave, yet just a few days ago, with government consent, he was reburied. His reinterment was a major historic occasion with participation of Hungary's prime minister, the speaker of its parliament and its political leadership.

The promise held by the dramatic political and economic changes in Hungary pose a profound challenge and an historic opportunity for the United States to encourage and support potentials for freedom and democracy in Eastern Europe.

Mr. Speaker, I do not mean to exaggerate Hungary's march toward liberty, nor to minimize the internal and external obstacles in its path. They are many, and they are great.

Nevertheless, those of us committed to freedom can only welcome the palpable progress and the even more promising trends in Hungary which go well beyond the rest of Eastern Europe and, of course, the Soviet Union.

Mr. Speaker, Hungary is embarking on sweeping reforms that will dismantle one-party rule, a state-run economy and emulate the economic and political models of such neutrals as Sweden, Finland, and Austria. A quiet revolution for economic freedom is occurring slowly, but steadily. New laws to let the private sector blossom and to free capital movement are steps toward a free market and a mixed economy. Individual enterprises and private shareholding companies, aided by eased taxation, will make new ventures more profitable and much less risky. A new law on foreign investments permits foreign firms to buy into domestic companies or to set up wholly owned subsidiaries. By the early 1990's, if the trend persists, half of Hungary's economy could well be in private hands.

Yet without political freedom there is no economic freedom, and political reform is moving at an almost dizzying pace, spurred on by reformers and the democratic opposition. Freedom of association and expression, a free press and free publishing and a multiparty system are already legalized. These reforms, along with citizens' rights, the rule of law, impartial justice, and free trade unions are all to be enshrined and institutionalized in a new constitution, now being drafted, which will be voted on next January.

Mr. Speaker, there are grave risks. All of these incremental reforms could result in a crisis of systemic transition. Already the economic reforms have sparked an inflationary spiral, exacerbated discord between the poor and the newly rich, and increased unemployment and impatient pressures for higher living standards. And yet another omnious note: On a per-capita basis Hungary is the most heavily indebted country in Eastern Europe.

Mr. Speaker, this is all the more reason for the United States and its Western allies to help ease the transition. Hungary presents an important opportunity and an enormous challenge to us.

There is much that Washington can do. Our policies and actions can make an enormous difference by aiding a reform-minded regime to overcome the difficulties during the transition to a market-oriented economy.

I think it is extremely important that we pass this piece of legislation. It will be a symbolic gesture telling the Hungarians that we welcome the economic and political reforms they have already instituted, that we want them to go all the way, and we want to welcome them into the community of free and democratic nations.

Mr. Speaker, I endorse the legislation with all possible emphasis at my command.

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

Mr. GILMAN. Mr. Speaker, I regret to differ with my colleague, the gentleman from California [Mr. LANTOS] and some of my other colleagues, as I

rise in opposition to this measure extending most-favored-nation [MFN] status to Hungary and in support of the administration view which, while sympathetic to the intent of the measure, opposes the bill because the current law provides a preferable way to extend most-favored-nation status to Hungary.

Mr. Speaker, I fully recognize the recent significant progress that has been made in Hungary more than, probably, any other Soviet-bloc nation and that the rising tide of democracy in Eastern Europe is nowhere more apparent than in Hungary. While we congratulate the Hungarian administration for their forward steps in pluralism and undertaking positive, exemplary action in removing obstacles to immigration, I believe that extending MFN status for a 5-year period takes away the President's flexibility.

The Jackson-Vanik amendment to the Trade Act of 1974 allows the President to waive any of the provisions when he deems it appropriate, and I think that Hungary's forward steps in moving toward considering a new immigration law this fall will enable the President to make that determination on his own.

The gentleman from California [Mr. LAGOMARSINO] just a few minutes ago recited for us how the problems in Beijing underscored what can unexpectedly happen to a regime which we thought was moving in the right direction and which could suddenly be overturned.

Accordingly, Mr. Speaker, I urge my colleagues: Let us not proceed too hastily. Allow the President to utilize his flexibility, which I'm certain will be utilized in the event that the proposed immigration laws are adopted this fall by Hungary, and let's not take the unprecedented step of adopting a 5-year ironbound measure that will not allow the President to undertake the kind of steps he may very well be inclined to undertake later on this year.

Mr. Speaker, for these reasons I urge my collegues to oppose this measure.

Mr. FRENZEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, I rise in support of the resolution, and I must say that there is no other person in this body who can speak with more authority than the gentleman from California [Mr. LANTOS].

Mr. Speaker, the gentleman from California [Mr. LANTOS] led our congressional delegation to Hungary this January in which we had an opportunity to visit with the leaders of that country, and I was extremely impressed with the reforms that are going on, the pluralism that is going on, the private sector initiative that is going on, and the real changes that are occurring in this society.

□ 1440

I think we were asked at several of the meetings about our intentions to extend most-favored-nation status and what we might do as a government. I think today we can state very forcefully that we have taken notice of the reforms going on in Hungary, of the exciting possibilities for these people, and that we stand to say on a good-faith effort that we support what you are doing and that we are supplying this support for a 5-year term.

Now, it has been argued that it is taking away flexibility from the administration, who would like to have a 1-year extension. Heaven forbid if something were to happen to change the course of events in Hungary, we, of course, could come back here and eliminate the 5-year extension and we could reduce it or eliminate it entirely. I do not see that as a real problem, but I do see a problem when America has a chance to reward people who are taking considerable risks, both personal, financial, political, and all sorts of risks in their society, to move toward a democratic representative type of government with the freedoms that we enjoy and recognize and human rights that we reward that in some fashion with this type of recognition.

Again, I commend my colleague, the gentleman from California [Mr. LANTOS] who so vigorously and forcefully has stated today why we should support this proposition.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would just say that I have the same kind of reservations and cautions that the gentleman from Maryland was just stating; however, I would lean just the other way slightly, opposing this legislation, on the basis that if we continue to grant 1-year at a time this favored-nation status, we keep the pressure not only on those Hungarians moving in our direction, but also on the Soviet Union; so without disagreeing with the gentleman from Maryland, he is absolutely right.

The gentleman from California [Mr. LANTOS] I think has laid it out clearly, but as the administration says, we can accomplish more and move them more toward democracy by giving them a 1-year extension.

I would call to your attention that this body voted unanimously last Thursday on my amendment which reinstated Hungary as one of those Communist nations that is prohibited by law from receiving foreign aid.

So let us not be contradictory. Let us thank them and move them and urge them to do what is right in moving toward democracy, but let us not take away that encouragement by extending it for 5 years.

I would urge defeat of the bill.

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

There is a time in history when we should move, and this is one of those times.

The people of Hungary have demonstrated almost ever since World War II that they seek and yearn for freedom, but it has been impossible for them to obtain it. They are close now. It is time for us to take them off probation and to extend a helping hand. Forty years of ostracism from the West is long enough, too long, in my book.

This is not foreign aid. This is just decent treatment for a very decent people, and we need to do that.

It is unbecoming of the United States to carry a chip on its shoulder when people have tried and strive hard to do what is right.

I hope that this House will practically unanimously support this piece of legislation.

Mr. BEREUTER. Mr. Speaker, today this body considers most-favored-nation status for Hungary. We are able to do this because of the remarkable progress that country is making in free market economic reform, because of its expansion of political liberties, and because of its positive attitude toward emigration matters. This progress is far beyond what any of us could have envisioned just a few short months ago.

It was not long ago that Hungary successfully ousted its long-time dictator, Janos Kadar, and replaced him with more moderate leaders. However, even this change fortunately has not satisfied the forces of reform. Only last week the Communist Party selected an even more reform oriented leadership. The new leadership seeks to establish warm relations with the West, and hopes to win the popular support of the people. Elections have been set for next year, and the Communist Party, with good cause, apparently believes that it will lose control of the government unless it responds to the people.

Mr. Speaker, the Communists in Hungary feel threatened for good reason. Opposition political parties have been formed to challenge them in the upcoming election. Until recently it was impossible to conceive of a Warsaw Pact nation where political parties view for political control in an election where the results have not been rigged. Yet that is exactly where Hungary is heading. Indeed, Communist leaders have recently been consulting with Western Europe political parties for advice on facilitating the formation of counterpart parties in a new pluralistic Hungarian form of government.

Hungary also has been ahead of its East European neighbors in expanding its economy, in establishing joint ventures with Western businesses, and in providing an environment suitable for foreign investment. There are, for example, Western radio stations that have been licensed to begin broadcasts in Budapest.

Mr. Speaker, the situation in Hungary admittedly is far from perfect. But while Hungary has a long way to go before it achieves true political and economic freedom, it has made very substantial progress. And, this progress should be recognized. Granting of MFN on a multi-year basis recognizes Hungary's progress, and it sends a message to nations such as Czechoslovakia and the German Democratic Republic that political reform fostering democratization of their societies does indeed have its rewards.

President George Bush soon will be traveling to Hungary, Mr. Speaker. It would be fitting if the Congress moves speedily to approve this MFN legislation before the President makes his trip. This Member would urge the overwhelming approval of H.R. 1594.

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

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

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 1594, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 166

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Nevada [Mr. BILBRAY] be stricken as a cosponsor of House Joint Resolution 166.

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

There was no objection.

1988 DISASTER ASSISTANCE EXTENSION ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2467) entitled the "1988 Disaster Assistance Extension Act", as amended.

The Clerk read as follows:

H.R. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "1988 Disaster Assistance Extension Act".

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TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

SECTION 101. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—(1) Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop, the Secretary shall make a disaster payment available to such producers at a rate equal to—

(A) 65 percent of the established price for the crop for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than 75 percent for the crop.

(2)(A) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural Act of 1949 shall be reduced by the quantity on which a payment is made to the producers for the crop under paragraph (1).

(b) ADVANCE DEFICIENCY PAYMENTS.—(1) This subsection shall apply only to producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, or rice.

(2)(A) Subject to subparagraph (B), if because of damaging weather or related condition in 1988 or 1989 the total quantity of the 1989 crop of the commodity that the producers are able to harvest on the farm is less than the result of multiplying the farm program payment yield established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage prevented from being planted (because of a natural disaster, as determined by the Secretary) for such crop (hereinafter referred to as the "qualifying amount"), the producers shall not be required to refund any advance deficiency payment made to the producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) with respect to that portion of the deficiency in production that does not exceed 34 percent of the qualifying amount.

(B) Producers on a farm shall not be eligible for the forgiveness provided for under subparagraph (A), unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) The Secretary shall allow producers on a farm who elected, prior to the date of enactment of this Act, not to receive advance deficiency payments made available for the 1989 crop under section 107C of the Agricultural Act of 1949, to elect (within 30 days after the date of the enactment of this Act) whether to receive such advance deficiency payments.

(4) Effective only for the 1989 crops of wheat, feed grains, upland cotton, and rice, if the Secretary determines that any portion of the advance deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, such refund shall not be required prior to July 31, 1990, for that portion of the crop for which a disaster payment is made under subsection (a).

SEC. 102. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—Effective only for producers on a farm who elected not to participate in the production adjustment program established under the Agricultural Act of 1949 for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, if the Secretary of Agriculture determines that because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that such producers are able to harvest on the farm is less than the result of multiplying 65 percent of the county average yield established by the Secretary for such crop by the sum of acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment

available to such producers. The payment shall be made to the producers at a rate equal to—

(1) 65 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(2) 90 percent of the basic county loan rate (or a comparable price if there is no current basic county loan rate) for the crop, as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted to the commodity for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATIONS.—The amount of payments made available to producers on a farm for a crop of a commodity under subsection (a) shall be reduced by a factor equivalent to the acreage limitation program percentage established for such crop under the Agricultural Act of 1949.

(2) Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

SEC. 103. PEANUTS, SUGAR, AND TOBACCO.

(a) DISASTER PAYMENTS.—(1) Effective only for the 1989 crops of peanuts, sugar beets, sugarcane, and tobacco, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of the county average yield (or program yield, in the case of peanuts) established by the Secretary for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers. The payment shall be made to the producers at a rate equal to—

(A) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop (or in the case of a crop of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 35 percent, but not greater than 75 percent, of the farm's effective marketing quota for 1989); and

(B) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop (or, in the case of burley tobacco or flue-cured tobacco, for any deficiency in production greater than 75 percent of the farm's effective marketing quota for 1989).

(2) For purposes of paragraph (1), the payment level for a commodity shall be equal to—

(A) for peanuts, the price support level for quota peanuts or the price support level for additional peanuts, as applicable;

(B) for tobacco, the national average loan rate for the type of tobacco involved, or (if there is none) the market price, as determined under section 104(a)(2); and

(C) for sugar beets and sugarcane, a level determined by the Secretary to be fair and reasonable in relation to the level of price support established for the 1989 crops of sugar beets and sugarcane, and that, insofar as is practicable, shall reflect no less return to the producer than under the 1989 price support levels.

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers and any change in quotas for the 1989 crops of tobacco.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR PEANUTS.—Notwithstanding any other provision of law—

(1) a deficiency in production of quota peanuts from a farm, as otherwise determined under this section, shall be reduced by the quantity of peanut poundage quota that was the basis of such anticipated production that has been transferred from the farm;

(2) payments made under this section shall be taken into account whether the deficiency for which the deficiency in production is claimed was a deficiency in production of quota or additional peanuts and the payment rate shall be established accordingly; and

(3) the amount of undermarketings of quota peanuts from a farm for the 1989 crop that may otherwise be claimed under section 358 of the Agriculture Adjustment Act of 1938 (7 U.S.C. 1358) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such peanuts for which payment has been received under this section.

(e) SPECIAL RULES FOR TOBACCO.—Notwithstanding any other provision of law—

(1) the amount of undermarketings of quota tobacco from a farm for the 1989 crop that may otherwise be claimed under section 317 or 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) for purposes of future quota increases shall be reduced by the quantity of the deficiency of production of such tobacco for which payment has been received under this section; and

(2) disaster payments made to producers under this section may not be considered by the Secretary in determining the net losses of the Commodity Credit Corporation under section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)).

(f) SPECIAL RULE FOR SUGAR.—A producer of the 1989 crop of sugarcane or sugar beets that is unable to process the commodity into sugar due to the inability of local processing plants to process sugar as a result of damaging weather or related condition in 1989 shall be eligible for disaster payments in accordance with subsection (a) for any loss in sugar production attributable to such inability. Disaster payments made available under this subsection for such loss of production shall be reduced by an amount equal to any proceeds received by the producer from the disposition of that portion of the crop on which disaster payments are made.

SEC. 104. SOYBEANS AND NONPROGRAM CROPS.

(a) DISASTER PAYMENTS.—(1)(A) Effective only for the 1989 crops of soybeans and nonprogram crops, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, the total quantity of the 1989 crop of the commodity that the producers on a farm are able to harvest is less than the result of multiplying 65 percent of—

(i) with respect to soybeans, the State, area, or county yield, adjusted for adverse weather conditions during the 1985, 1986, and 1987 crop years, as determined by the Secretary; or

(ii) with respect to nonprogram crops, the yield established by the Commodity Credit Corporation under subsection (d)(2),

for such crop by the sum of the acreage planted for harvest and the acreage for which prevented planting credit is approved by the Secretary for such crop under subsection (b), the Secretary shall make a disaster payment available to such producers.

(B) The payment shall be made to such producers at a rate equal to—

(i) 65 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 35 percent, but not greater than 75 percent, for the crop; and

(ii) 90 percent of the applicable payment level under paragraph (2), as determined by the Secretary, for any deficiency in production greater than 75 percent for the crop.

(2) For purposes of paragraph (1), the payment level for a commodity shall equal the simple average price received by producers of the commodity, as determined by the Secretary subject to paragraph (3), during

the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

(3)(A) The Secretary shall make disaster payments under subsection (a) on a crop by crop basis, with consideration given to markets and uses of the crops, regulations issued by the Secretary.

(B) For purposes of determining the payment levels on a crop by crop basis, the Secretary shall consider as separate crops, and develop separate payment levels insofar as is practicable for, different varieties of the same commodity for which there is a significant difference in the economic value in the market.

(4) For purposes of determining the total quantity of the 1989 nonprogram crop of the commodity that the producers on a farm are able to harvest under paragraph (1), the Secretary shall exclude commodities that cannot be sold in normal commercial channels of trade and shall exclude dockage, including husks and shells, if such dockage is excluded in determining yields under subsection (d)(2).

(b) PREVENTED PLANTING CREDIT.—The Secretary shall provide prevented planting credit under subsection (a) with respect to acreage that producers on a farm were prevented from planting to the 1989 crop of the commodity for harvest because of damaging weather or related condition in 1988 or 1989, as determined by the Secretary. Such acreage may not exceed the greater of—

(1) a quantity equal to the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1987 minus acreage actually planted for harvest in 1989; or

(2) a quantity equal to the average of the acreage on the farm planted (or prevented from being planted due to a natural disaster or other condition beyond the control of the producers) to the commodity for harvest in 1985, 1986, and 1987 minus acreage actually planted to the commodity for harvest in 1989.

The Secretary shall make appropriate adjustments in applying the limitations contained in the preceding sentence to take into account crop rotation practices of the producers.

(c) LIMITATION.—Payments provided under subsection (a) for a crop of a commodity may not be made available to the producers on a farm unless such producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(d) SPECIAL RULES FOR NONPROGRAM CROPS.—(1) As used in this section, the term "nonprogram crop" means all crops (including sweet potatoes) for which crop insurance through the Federal Crop Insurance Corporation was available for crop year 1989, and other commercial crops (including sweet potatoes) for which such insurance was not available for crop year 1989, except that such term shall not include a crop covered under section 101, 102, or 103, or soybeans.

(2) The Commodity Credit Corporation shall establish disaster program farm yields for nonprogram crops. The yield for a farm shall be based on proven yields, if the producers on the farm can provide satisfactory evidence to the Commodity Credit Corporation of actual crop yields on the farm for at least one of the immediately preceding three crop years. If such data do not exist for any of the three preceding crop years, the Commodity Credit Corporation shall establish a yield for the farm by using a county average yield for the commodity.

(3) It shall be the responsibility of the producers of nonprogram crops to provide satisfactory evidence of 1989 crop losses resulting from damaging weather or related condition in 1988 or 1989 in order for such producers to obtain disaster payments under this section.

SEC. 105. CROP QUALITY REDUCTION DISASTER PAYMENTS.

(a) IN GENERAL.—To ensure that all producers of 1989 crops covered under the provisions of sections 101 through 104 are treated equitably, the Secretary of Agriculture may make additional disaster payments to producers of such crops who suffer losses resulting from the reduced quality of such crops caused by damaging weather or related condition in 1988 or 1989, as determined by the Secretary.

(b) ELIGIBLE PRODUCERS.—If the Secretary determines to make crop quality disaster payments available to producers under subsection (a), producers on a farm of a crop described in subsection (a) shall be eligible to receive reduced quality disaster payments only if such producers incur a deficiency in production of not less than 35 percent and not more than 75 percent for such crop (as determined under section 101, 102, 103, or 104, as appropriate).

(c) MAXIMUM PAYMENT RATE.—The Secretary shall establish the reduced quality disaster payment rate, but such rate shall not exceed 10 percent, as determined by the Secretary, of—

(1) the established price for the crop, for commodities covered under section 101;

(2) the basic county loan rate for the crop (or a comparable price if there is no current basic county loan rate), for commodities covered under section 102;

(3) the payment level under section 103(a)(2), for commodities covered by section 103; and

(4) the payment level under section 104(a)(2), for commodities covered under section 104.

(d) DETERMINATION OF PAYMENT.—The amount of payment to a producer under this section shall be determined by multiplying the payment rate established under subsection (c) by the portion of the actual harvested crop on the producer's farm that is reduced in quality by such natural disaster in 1988 or 1989, as determined by the Secretary.

SEC. 106. EFFECT OF FEDERAL CROP INSURANCE PAYMENTS.

In the case of producers on a farm who obtained crop insurance for the 1989 crop of a commodity under the Federal Crop Insurance Act, the Secretary of Agriculture shall reduce the amount of payments made available under this subtitle for such crop to the extent that the amount determined by adding the net amount of crop insurance indemnity payment (gross indemnity less premium paid) received by such producers for the deficiency in the production of the crop and the disaster payment determined in accordance with this subtitle for such crop exceeds the amount determined by multiplying—

(1) 100 percent of the yield used for the calculation of disaster payments made under this subtitle for such crop, by

(2) the sum of the acreage of such crop planted to harvest and the acreage for which prevented planting credit is approved by the Secretary (or, in the case of disaster payments under section 101, the eligible acreage established under sections 101(a)(1) and 101(a)(2)(A)), by

(3)(A) in the case of producers who participated in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the established price for the 1989 crop of the commodity;

(B) in the case of producers who did not participate in a production adjustment program for the 1989 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, the basic county loan rate (or a comparable price, as determined by the Secretary, if there is no current basic county loan rate) for the 1989 crop of the commodity;

(C) in the case of producers of sugar beets, sugarcane, peanuts, or tobacco, the payment level for the commodity established under section 103(a)(2); and

(D) in the case of producers of soybeans or a nonprogram crop (as defined in section 104(d)(1)), the simple average price received by producers of the commodity, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

SEC. 107. CROP INSURANCE COVERAGE FOR THE 1990 CROPS.

(a) REQUIREMENT.—Subject to the limitations under subsection (b), producers on a farm, to be eligible to receive a disaster payment under this subtitle or forgiveness of the repayment of advance deficiency payments under section 101(b), must agree to obtain multiperil crop insurance under the Federal Crop Insurance Act for the 1990 crop of the commodity for which such payments or forgiveness are sought.

(b) LIMITATIONS.—Producers on a farm shall not be required to agree to obtain crop insurance under subsection (a) for a commodity—

(1) unless, with respect to producers of a crop planted in 1988 for harvest in 1989, such producers' deficiency in production, with respect to a crop planted in 1988 for harvest in 1989 for which a disaster payment under this subtitle otherwise may be made, exceeds 65 percent;

(2) where, or if, crop insurance coverage is not available to the producers for the commodity for which the payment or forgiveness is sought;

(3) if the producers' annual premium rate for such crop insurance is an amount greater than 125 percent of the average premium rate for insurance on that commodity for the 1989 crop in the county in which the producers are located;

(4) in any case in which the producers' annual premium for such crop insurance is an amount greater than 25 percent of the amount of the payment or forgiveness sought; or

(5) if the producers can establish by appeal to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)) that the purchase of crop insurance would impose an undue financial hardship on such producers and that a waiver of the requirement to obtain crop insurance should, in the discretion of the county committee, be granted.

(c) IMPLEMENTATION.—(1) The Secretary of Agriculture shall ensure (acting through

the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act and located in the counties in which the assistance programs provided for under sections 101 through 105 are implemented) that producers who apply for assistance, as described in subsection (a), obtain multiperil crop insurance as required under this section.

(2) Each producer who is subject to the requirements of this section may comply with such requirements by providing evidence of multiperil crop insurance coverage from sources other than through the county committee office, as approved by the Secretary.

(3) The Secretary shall provide by regulation for a reduction in the commissions paid to private insurance agents, brokers, or companies on crop insurance contracts entered into as a result of the requirements of subsection (a) sufficient to reflect that such insurance contracts principally involve only a servicing function to be performed by the agent, broker, or company.

(d) REPAYMENT OF BENEFITS.—Each producer subject to the requirements of this section shall make immediate repayment to the Secretary of any disaster payment or forgiven advance deficiency payment that the producer otherwise is required to repay at any time (prior to the end of the 1990 crop year for the commodity involved) that the crop insurance coverage required of the producer under this section is cancelled by the producer.

SEC. 108. CROPS HARVESTED FOR FORAGE USES.

Not later than 15 days after the date of the enactment of this Act, the Secretary of Agriculture shall announce the terms and conditions by which producers on a farm may establish 1989 yield with respect to crops that will be harvested for silage and other forage uses.

SEC. 109. PAYMENT LIMITATIONS.

(a) LIMITATION.—Subject to subsections (b) and (c), the total amount of payments that a person shall be entitled to receive under one or more of the programs established under this subtitle may not exceed $100,000.

(b) NO DOUBLE BENEFITS.—No person may receive disaster payments under this subtitle to the extent that such person receives a livestock emergency benefit for lost feed production in 1989 under section 606 of the Agricultural Act of 1949.

(c) COMBINED LIMITATION.—No person may receive any payment under this subtitle or benefit under title VI of the Agricultural Act of 1949 for livestock emergency losses suffered in 1989 if such payment or benefit will cause the combined total amount of such payments and benefits received by such person to exceed $100,000. If a producer is subject to the preceding sentence, the person may elect (subject to the benefits limitations under section 609 of the Agricultural Act of 1949) whether to receive the $100,000 in such payments, or such livestock emergency benefits (not to exceed $50,000), or a combination of payments and benefits specified by the person.

(d) REGULATIONS.The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this section, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this section.

SEC. 110. DE MINIMIS YIELDS

(a) DISASTER PAYMENTS.—The Secretary of Agriculture shall determine a de minimis yield for each crop eligible for reduced yield disaster payments under this subtitle. The de minimis yield shall be set at a level that will minimize any incentive provided by the prospect of disaster payments to abandon crops that have a value that exceeds the cost of harvesting. In no case may the de minimis yield be less than the amount of production that, when valued at current market prices, equals the average cost of harvesting the crop, as determined by the Secretary. Any producer whose actual yield for a crop is equal to or less than the de minimis yield for such crop shall be considered as having an actual yield of zero for the purpose of calculating any reduced yield disaster payments for such crop under this subtitle.

(b) CROP INSURANCE.—If the actual yield for a crop on a farm is equal to or less than the de minimis yield for the crop determined by the Secretary pursuant to subsection (a), neither the Federal Crop Insurance Corporation (including its agents and employees), nor companies reinsured by the Federal Crop Insurance Corporation (including their agents and employees) may require the destruction of any portion of that crop as a condition for making a full crop loss indemnity payment to a producer under the terms of a valid contract of insurance on such crop.

SEC. 111. DEFINITIONS.

(a) The term "damaging weather" for purposes of this subtitle includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof.

(b) The term "related condition" for purposes of this subtitle includes but is not limited to insect infestations, plant diseases, or other deterioriation of a crop of a commodity either before or after harvest which is accelerated or exacerbated naturally as a result of damaging weather.

Subtitle B—Forest Crops

SEC. 121. ELIGIBILITY.

(a) DROUGHT LOSS.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 122, to eligible tree farmers that planted tree seedlings in 1988 or 1989 for commercial purposes but lost such seedlings as a result of drought or related condition in 1989, as determined by the Secretary.

(b) LIMITATION.—An eligible tree farmer shall qualify for assistance under subsection (a) only if such tree farmer's tree seedling mortality, as a result of the natural disaster, exceeds 35 percent (adjusted for normal mortality).

SEC. 122. ASSISTANCE.

The assistance provided by the Secretary of Agriculture to eligible tree farmers for losses described in section 121 shall consist of either—

(1) reimbursement of 65 percent of the cost of replanting seedlings lost due to drought or related conditions in 1989 in excess of 35 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

SEC. 123. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subtitle may not exceed $25,000, or an equivalent value in tree seedlings.

(b) REGULATIONS.—The Secretary of Agriculture shall issue regulations—

(1) defining the term "person" for the purposes of this subtitle, which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988; and

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

SEC. 124. DEFINITION.

As used in this subtitle, the term "eligible tree farmer" means a person who produces annual crops from trees for commercial purposes or who grows trees for harvest for commercial purposes, and owns 1,000 acres or less of such trees.

SEC. 125. DUPLICATIVE PAYMENTS

The Secretary of Agriculture shall establish guidelines to ensure that no person receives duplicative payments under this subtitle and the forestry incentives program, agricultural conservation program, or other existing Federal programs.

Subtitle C—Additional Assistance

SEC. 131. NEW CONSERVATION MEASURES.

(a) IN GENERAL.—(1) In the case of an owner or operator of land who has entered into a conservation reserve program contract under subtitle D of title XII of the Food security Act of 1985 (16 U.S.C. 3831 et seq.) and hays or grazes livestock during the 1989 crop year on acreage subject to such contract as authorized by the Secretary of Agriculture, the Secretary may not reduce the amount of rental payments made to such owner or operator as the result of such haying or grazing to the extent that the owner or operator—

(A) carries out additional conservation practices, approved by the Soil Conservation Service in consultation with appropriate Federal and State agencies, to enhance soil, water, and wildlife conservation on or in thje vicinity of lands subject to such contract; and

(B) pays the costs of carrying out such practices.

(2) The amount of the reduction prohibited under paragraph (1) shall equal one-half of the amount paid by the owner or operator to cover the costs of carrying out the conservation practices.

(b) CONSERVATION PRACTICES.—For purposes of subsection (a), the term "conservation practices" includes—

(1) establishment of permanent shelterbelts and windbreaks;

(2) restoration of wetlands;

(3) establishment of wildlife food plots; or

(4) planting of trees.

SEC. 132. ASSISTANCE FOR PONDS.

Section 607(b)(2)(B) of the Agricultural Act of 1949 (7 U.S.C. 1471e) is amended by inserting "or ponds" after the word "wells".

Subtitle D—Administrative Provisions

SEC. 141. INELIGIBILITY.

(a) GENERAL RULE.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this title.

(b) QUALIFYING GROSS REVENUES.—For purposes of this section, the term "qualifying gross revenues" means—

(1) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(2) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

SEC. 142. TIMING AND MANNER OF ASSISTANCE.

(a) TIMING OF ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Agriculture shall make full disaster assistance available under this title as soon as practicable after the date of the enactment of this Act.

(B) Notwithstanding any other provision of law, no payment or benefit provided under this title shall be payable or due until such time as a completed application for a crop of a commodity therefor has been approved.

(2) A person eligible to receive payments under subtitle A shall make application for such payments not later than March 31, 1990, or such later date that the Secretary, by regulation, may prescribe.

(b) MANNER.—The Secretary may make payments available under subtitle A in the form of cash, commodities, or commodity certificates, as determined by the Secretary.

SEC. 143. COMMODITY CREDIT CORPORATION.

(a) USE.—Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation in carrying out this title.

(b) EXISTING AUTHORITY.—The authority provided by this title is in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

SEC. 144. LIMITATION ON OUTLAYS.

(a) PURPOSE.—It is the purpose of this section, through the reduction provided under subsection (b), to limit the amount of outlays by the Commodity Credit Corporation for each of the fiscal years ending September 30, 1989 and September 30, 1990 in carrying out this title to an amount equal to any reduction in outlays by the Commodity Credit Corporation for that fiscal year in carrying out the price support and related programs for 1989 crop commodities.

(b) REDUCTION.—(1) Not later than July 31, 1989 or 30 days after the date of enactment of this Act whichever is later, the Secretary of Agriculture shall estimate, based on the economic and technical assumptions used in preparing the supplemental summary of the budget submitted pursuant to section 1106 of title 31, United States Code, the amount of outlays by the Commodity Credit Corporation, including outlays for the conservation reserve program established pursuant to subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), and the Federal Crop Insurance Corporation, for the period consisting of the two fiscal years ending September 30, 1989 and September 30, 1990 that would result, in the absence of this section, from the provisions of this title. This amount is referred to in this section as "paragraph (1) outlays".

(2) The Secretary shall determine for each of the fiscal years ending September 30, 1989 and September 30, 1990 the amount derived by subtracting—

(A) the outlays, other than those outlays to carry out the purposes of this Act and any other Act enacted after January 3, 1989, by the Commodity Credit Corporation for that fiscal year, as estimated in the supplemental summary of the budget submitted pursuant to section 1106 of title 31, United States Code; from

(B) the outlays by the Commodity Credit Corporation for that fiscal year, as estimated in the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code.

This amount is referred to in this section as "paragraph (2) outlays".

(3) The Secretary shall allocate the paragraph (1) outlays between the fiscal years according to this paragraph. If the paragraph (1) outlays—

(A) do not exceed the sum of the paragraph (2) outlays for the two fiscal years, the Secretary shall allocate the paragraph (1) outlays between the fiscal years in such a manner that the paragraph (1) outlays in each fiscal year do not exceed the paragraph (2) outlays for the fiscal year.

(B) exceed the sum of the paragraph (2) outlays, the Secretary shall, to the extent practicable, allocate the paragraph (1) outlays between the fiscal years in such a manner that the proportion by which the paragraph (1) outlays exceed the paragraph (2) outlays in each fiscal year is equal.

(4) Notwithstanding any other provision of this Act, the Secretary shall make pro rata reductions in all disaster payments, forgiveness of advance deficiency payments, and other assistance provided under this title in a fiscal year by a proportion equal to the proportion by which the paragraph (1) outlays, allocated as provided under paragraph (3), exceed the paragraph (2) outlays for the fiscal year.

SEC. 145. REGULATIONS.

The Secretary of Agriculture or the Commodity Credit Corporation, as appropriate, shall issue regulations to implement the provisions of this title as soon as practicable, without regard to the requirement for notice and public participation in rule making prescribed in section 553 of title 5 United States Code, or in any directive of the Secretary.

TITLE II—MISCELLANEOUS

SEC. 201. PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE.

Section 504(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1464(b)(2) is amended by—

(1) striking out "and" at the end of subparagraph (D);

(2) redesignating subparagraph (E) as subparagraph (F); and

(3) inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of the 1990 crop year, acreage in an amount equal to not to exceed 20 percent of the permitted acreage for a program crop, if—

"(i) the acreage considered to be planted is planted to canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guaule, milkweed, or meadowfoam;

"(ii) the producers on the farm plant for harvest to the program crop at least 50 percent of the permitted acreage for such crop; and

"(iii) payments are not received by producers under section 107D(c)(1)(C), 105C(c)(1)(B), 103A(c)(1)(B), or 101A(c)(1)(B), as the case may be; and".

SEC. 202. LIVESTOCK WATER DEVELOPMENT PROJECTS.

Section 607 of the Agricultural Act of 1949 (7 U.S.C. 1471e) is amended by adding at the end thereof the following new subsection:

"(c) Nothwithstanding any other provision of law, the Secretary may make available at least $25,000,000 to provide special assistance under subsection (b)(2) for livestock emergencies in 1988 and 1989.".

SEC. 203. LIVESTOCK TRANSPORTATION ASSISTANCE.

Section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d) is amended by adding at the end thereof the following new subsection:

"(f) Nothwithstanding any other provisions of law, the Secretary may make available at least $25,000,000 to provide livestock transportation assistance under subsection (a)(6) for livestock emergencies in 1989.".

SEC. 204. ANIMAL UNIT METHODOLOGY STUDY AND REPORT.

The Secretary of Agriculture shall conduct a study on the methodology and justification of the calculations used to determine the animal unit figure used for purposes of the emergency feed program and the emergency feed assistance program under section 606 of the Agricultural Act of 1949 (7 U.S.C. 1471d), and report to Congress the results of such study within 90 days of the date of enactment of this Act.

SEC. 205. EMERGENCY WATER ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an emergency water assistance program, to be administered through the Farmers Home Administration, to provide grants to public and private entities that supply water to rural communities to enable such entities' water supply systems to recover from losses and damages to such water supply systems resulting from drought conditions in calendar year 1988 or 1989.

(b) ELIGIBLE RECIPIENTS.—Applicants eligible to receive a grant under this section are public and private entities that supply water primarily to rural areas, rural communities, or cities or towns that have a population not in excess of 15,000 inhabitants.

(c) APPLICATIONS.—To be eligible to receive a grant under this section an applicant shall submit an application to the Secretary, at such time and in such form as the Secretary may prescribe, that contains—

(1) evidence that the applicant suffered from problems related to severe water depletion as a result of drought conditions in calendar year 1988 or 1989;

(2) a certification that, in the absence of a grant under this section, the applicant's water supply system is not, or will not be, able to supply adequate amounts of water as a result of losses or damages resulting from drought conditions in calendar year 1988 or 1989; and

(3) any other information that the Secretary may require.

(d) USE OF GRANT.—Any entity that receives a grant under this section shall use the proceeds of such grant only for purposes of providing for the recovery of that entity's water supply system from any loss or damage resulting from drought conditions in calendar year 1988 or 1989.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 to carry out this section.

(g) EXISTING AUTHORITY.—The authority provided by this section is in addition to, and not in place of, any authority granted to the Secretary under any other provision of law.

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

□ 1450

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act, and I urge my colleagues to vote for passage of this important legislation.

The drought of 1988 has not ended in many parts of the United States. Although the east coast has experienced rain for much of the spring--in fact, too much rain—many other parts of the Nation have suffered continuing drought.

In many areas of the Great Plains States, insufficient rainfall since last summer has exacerbated the already deficient topsoil and subsoil from last year's drought. Even though rain has recently fallen over some of these areas, it fell too late to save the winter wheat crop.

Across the major winter wheat-producing States—Kansas, Texas, Colorado, and Oklahoma—the drought continues to be rated by the U.S. Department of Agriculture as severe to extremely severe. As a result of receiving only 20-50 percent of their normal yearly rainfall, and experiencing extreme fluctuations in temperatures, freezes, and wind storms, farmers in these States have seen irreparable damage done to their winter wheat crop and livestock pastures.

According to the USDA, winter wheat production has already declined by almost 10 percent from last year's reduced levels. Private analysts expect that by harvest, an additional decrease of 5-10 percent will occur. The winter wheat harvest normally produces 75 percent of yearly wheat production.

Winter wheat was not the only crop affected by these poor weather conditions. Large sections of the Nation's most productive agricultural areas face severe and widespread subsoil moisture shortfalls. As of late May, 96 percent of the cropland in Iowa was deficient of subsoil moisture, as was 98 percent of the cropland in Nebraska, 71 percent in Minnesota, 84 percent in Kansas, and nearly 60 percent in Missouri.

As a result, Mr. Speaker, the outlook for spring-planted crops remains in doubt as well. Although recent rains have provided spring-planted crops with healthy start, experts warn that these plants, including corn and soybeans, will be highly vulnerable to drought damage this summer, should the rains not to continue.

Added to this, ironically, is the excessive moisture that some regions have experienced. Parts of Texas are today expecting in excess of 10 inches of rain from a tropical storm that landed yesterday.

In other areas, such as Indiana, Michigan, and Ohio, excessive rains have delayed planting of spring crops such as corn. Yet this moisture is deceiving because while it nourishes the shallow-rooted young plants, it remains insufficient at the deeper levels the crops will need later.

Thus we face the prospect of losing some spring-planted crops which are needed for human food and for feed, due to delays in planting and/or inadequate moisture if the rains stop.

Mr. Speaker, while we cannot do anything about the weather, the Congress can do something to aid farmers and farm communities affected by the continuing adverse weather conditions of 1989.

Last year the Congress responded quickly and effectively to the drought by passing the Disaster Assistance Act of 1988. While the drought is no longer making big headlines, the Congress' help is needed again.

H.R. 2467 would simply extend the program of disaster assistance that this body approved and the President signed into law last year. It is a program that provides limited assistance to crop producers who suffer a significant loss in normal crop production during 1989.

Farmers who lost more than 35 percent of their normal production due to damaging weather would be eligible to receive 65 percent of the applicable payment level for the crop they produce. The program, as it did last year, would be available to producers of program and nonprogram crops. Damaging weather would include drought, hail, excessive moisture, freeze, tornado, hurricane or excessive wind.

As we did in 1988, this bill would limit the amount of disaster assistance that a producer could receive to $100,000. No individual would realize more income from disaster payments than he or she would have under normal conditions. Individuals with gross revenues in excess of $2 million would not be entitled to receive disaster assistance under the bill.

The committee considered, and incorporated into the bill a number of new provisions which deviate slightly from the 1988 disaster program or are intended to clarify problems that arose in implementing the 1988 act. Specifically, the bill would:

Include as damaging weather, freeze, tornado, hurricane or excessive wind;

Require the Secretary to establish a de minimis yield for crops eligible for disaster payments and not prohibit requiring the destruction of such residual amount as a precondition for receiving a crop insurance indemnity payment under this amount be destroyed;

Expand provisions for revegetating conservation reserve acres which the Secretary authorizes for haying or grazing;

Clarify that a loss in the marketability of a crop for commercial purposes, despite normal levels of production, would be treated as an equivalent loss in production for disaster assistance purposes;

Extend authority to make payments for quality losses in crop production to all nonprogram crops;

Encourage the Secretary to provide funding for livestock assistance;

Provide added flexibility to farmers who want to plant the alternative crops of canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, or meadowfoam on permitted acres;

Provide for the deepening of farm ponds for livestock water;

Authorize a new program to provide emergency water assistance through grants to private and public entities that provide water to rural communities; and

Direct the Department to conduct a study of the manner in which it determines the animal unit figure used for the purpose of providing emergency assistance to livestock producers.

Mr. Speaker, in a letter to our colleague, Congressman GLICKMAN, regarding an earlier disaster assistance bill, Agriculture Secretary Yeutter wrote that a disaster assistance program would have to meet certain criteria:

First, the bill must be budget neutral;

Second, the bill must apply only to 1989 crops affected by drought; and

Third, the bill must be accompanied by an agreement between Congress and the administration that Federal crop insurance will be the sole vehicle for crop disaster assistance after 1989.

Mr. Speaker, H.R. 2467 meets most of these requirements.

First, as the result of an amendment to the bill offered by Congressman GRANDY, and further refinements that are incorporated into the bill that we are considering today, outlays for the disaster program will not exceed savings that are generated as a result of crop production shortfalls and higher market prices. The amount of money that USDA can provide under this bill is restricted to the amount saved from reduced deficiency payments and other costs that are already included in the budget.

The committee-reported bill is amended with clarifying language to section 144, the limitation on outlays, that has two effects.

It includes the cost of Federal crop insurance and conservation reserve programs in the calculation of title I costs.

In addition, it excludes any legislation enacted since January 3, 1989, from the calculation of the change in Commodity Credit Corporation outlays, which determines the amount of spending available for disaster assistance. This provision will remove from the total disaster assistance outlays available, the $25 million saved by Public Law 101-7, legislation which modified the Government's purchase prices for nonfat dry milk and butter.

Second, as previously noted, the bill only applies to 1989 crops. The administration would like to limit disaster assistance only to those crops affected by drought. But I would point out to my colleagues that the 1988 disaster program, which the previous administration helped draft and heartily endorsed, was not limited to drought.

H.R. 2467 simply clarifies the adverse weather conditions, in addition to drought, that would be covered. This is the only way to ensure that farmers who have been affected by adverse weather, including drought, are given fair and equitable treatment.

Finally, the bill as reported includes a requirement that any producer who accepts a disaster payment or forgiveness of an advanced deficiency payment for 1989 crops, must sign up for multiperil crop insurance for those same crops in 1990. This is similar to a provision that was included in the House bill last year, but was modified in conference with the Senate when we finalized the 1988 bill.

Mr. Speaker, it is our intent in this legislation to ensure that farmers provide their own protection against future adverse weather conditions through the purchase of crop insurance.

I would note that a Commission established by legislation authored by the Committee on Agriculture last year will report to us on July 1 with their recommendations for improvements in the Federal Crop Insurance Program. It is my hope that these recommendations will provide the basis for improving the crop insurance program and allow us to achieve the objective of farmers providing their own protection, an objective which I share with the administration.

Mr. Speaker, I believe that H.R. 2467 is a fair, equitable, and fiscally responsible bill and I ask my colleagues to join me in supporting this important legislation.

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

Mr. Speaker, I rise in support of H.R. 2467 and I commend the chairman and my other colleagues on the committee who have worked hard in a bipartisan manner to address the drought crisis that has occurred in the southwest, mainly in the area that embraces parts of Kansas, Nebraska, Oklahoma, New Mexico, Colorado, Texas, and Missouri.

The bill that has been brought to the floor addresses the financial and mental stress problems suffered by many farmers and producers in these States while doing so in a responsible, budget-neutral manner.

The drought that attacked approximately 40 States in 1988 continued its devastating effect in several Southwestern States in the fall of 1988 and the spring of 1989. Some farmers in these areas have had entire crops of wheat, cotton and other commodities destroyed by the drought, hot high winds accompanying the drought, and other disaster related conditions. The severity of the drought is already attested to by the substantial reduction in winter wheat crop production forecast by the U.S. Department of Agriculture for these areas. The winter wheat 1989 crop in Kansas alone is 40 percent below the 1988 crops. Fortunately for consumers, the drought, while devastating in many areas up to this point, is not so severe nationwide as to deny a sufficient supply of wholesome food without large increases in consumer prices. Meanwhile, the substantive provisions of this bill that provide for disaster payments are patterned after the Disaster Assistance Act of 1988 that achieved the effect of extending some help to farmers well within the budget constraints of the fiscal year 1989 Budget Resolution.

Recognizing that the committee could not hope to make up all the financial losses that farmers and producers might incur this year, the committee made this effort to give them some assistance to keep them operating in 1990 inasmuch as many of them are still recovering from the farm credit crisis in farm country that has existed in the 1980's.

However, the committee realized that the budgetary constraints that the Congress is operating under would limit how much assistance could be provided to those affected by weather disasters, and the committee designed this legislation so that it would be budget neutral. Congressman GRANDY's amendment—section 144—was adopted in committee that establishes a method of constraining outlays under this bill, as estimated by the Department of Agriculture, to the difference in estimates for Commodity Credit Corporation [CCC] outlays made by the President in the January 1989 budget and the estimate of CCC outlays for fiscal years 1989 and 1990 made by the administration in the midsession review this summer. In effect, the amendment draws on the reductions in agriculture program spending caused by higher market prices for the farm program crops that the drought—or other disasters—have created. The Congressional Budget Office [CBO] has estimated that reductions in Federal outlays for deficiency payments and price support loans will approximate over $900 million during fiscal years 1989 and 1990. Under the Grandy amendment, outlays for the 1989 crop disaster payments could not exceed that estimated reduction in Federal outlays that might otherwise have been made with favorable crop conditions. The Secretary of Agriculture is also directed to make pro rata reductions in disaster payments if the disaster claims were to exceed the amount that 1989 crop expected outlays would have been without the effect of the drought that caused higher prices—for winter wheat and other commodities—and the resulting reduction in the deficiency payment rate and other price support reductions.

The budget-neutral aspects and language of this bill have been provided to the Congressional Budget Office, the House Budget Committee, the U.S. Department of Agriculture and the Office of Management and Budget. It is my understanding that there is general agreement that the Grandy amendment will work to limit the disaster payments provided for in this bill to the reductions in deficiency payments that will occur for program crops because of the disaster—the drought has increased winter wheat prices to the point where deficiency payments will be reduced by over $900 million.

The limitations provided in section 144—the Grandy amendment—will constrain Federal outlays so as to make this bill budget neutral. Some estimates of the costs of this bill may be somewhat higher than the Congressional Budget Office estimate but such estimates generally estimate larger disaster costs that would still be capped by the Grandy amendment.

There are other provision in the bill such as that inserted by Congressman COLEMAN by an amendment—section 205—that requires the establishment of a new emergency water assistance program to be administered by the Farmers Home Administration, with an authorization level of $75 million. This type of discretionary spending for rural development was specifically contemplated by the Budget Committees and provided for in House Concurrent Resolution 106.

In conclusion, I urge your support for this bill that the Agriculture Committee brings to the floor as a bipartisan, budget-responsible bill that will assist thousands of farmers and producers as well as people in small towns

who depend on farmers and producers for their own welfare.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, June 26, 1989.

Hon. KIKA DE LA GARZA,
Chairman, House Agriculture Committee, Washington, DC.

DEAR MR. CHAIRMAN: The American Farm Bureau Federation (AFBF) is the nation's largest general farm organization representing more than 3.6 million member families in 49 states and Puerto Rico. We support H.R. 2467, the disaster assistance legislation approved by the House Agriculture Committee in late May.

H.R. 2467 will make payments to farmers who experience severe weather related losses in 1989. This bill will provide the same type of disaster assistance used in 1988 for producers suffering similar losses this year. AFBF believes this assistance is warranted based upon the extent of crop losses that have already occurred in 1989 upon the extent of crop losses that have already occurred in 1989 and the fact that in many cases the federal crop insurance program is still unworkable.

AFBF commends you for your leadership in this matter. We urge the House of Representatives to approve H.R. 2467.

Sincerely,

JOHN C. DATT,
Executive Director, Washington Office.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our colleague, the distinguished chairman of the Committee on the Budget, and a member of our committee, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act, and request permission to revise and extend my remarks.

THE CONTINUING IMPACT OF THE 1988 DROUGHT

The 1988 drought was the second worst drought in this century in geographic coverage. The 1988 grain harvest was 30 percent less than the 1987 crop, threatening grain and livestock producers with financial ruin. In response to this devastating drought, the Congress and the administration responded quickly to mitigate its financial impact by enacting the Disaster Assistance Act of 1988. Without this assistance many farmers and ranchers would have been driven out of business last year.

Unfortunately, that drought did not end with the 1988 crop year. It continued through the winter, severely affecting the 1989 winter wheat crop in the Southern Great Plains and in parts of the Northwest. The most recent USDA report estimates that the 1989 winter wheat crop will be 10 percent smaller than the 1988 crop because of the drought.

H.R. 2467, THE 1988 DISASTER ASSISTANCE EXTENSION ACT

H.R. 2467 responds to the situation faced by winter crop producers by extending the provisions of the 1988 Disaster Assistance Act to the 1989 crop year. Benefits will be available to livestock producers and to both program and nonprogram crop farmers who suffer a loss of more than 35 percent of their crop. Although this aid will not cover all of the damage to 1989 winter crops, it will provide enough aid to prevent farmers and ranchers from being forced out of business.

It is too early to tell whether the weather will have any effect on 1989 spring-planted crops, but H.R. 2467 would provide flexibility to respond should the adverse impact of the drought continue. There have been substantial rains in parts of the Nation this spring, but subsurface moisture levels are still well below normal in many areas, and drought damage could appear rapidly if new rains are not timely.

BUDGET EFFECT OF H.R. 2467

This 1989 disaster bill is also a responsible bill in budget terms. It contains a provision, the Grandy amendment, which will ensure, with the technical amendment offered by Chairman DE LA GARZA, that the disaster assistance provided by this bill will not exceed the reduction in price support spending resulting from disasters. When disasters affect crop production on a large enough scale, market prices increase rapidly in response to the production of crop supplies. This, in turn, decreases deficiency payments to farmers, including those not affected by the disaster. This is true with the drought affecting 1989 winter crops.

CBO now estimates that under current conditions price support outlays in fiscal year 1990 will be $940 million lower because of the drought than was estimated in the 1990 budget resolution. Because of the Grandy amendment, as revised, aid provided by this bill would be limited to the corresponding estimate made by OMB of the spending reduction caused by the impact of the drought on winter crops.

However, current condition estimates are not used for official scorekeeping purposes. The baseline used in the budget resolution is the benchmark for budget scorekeeping. On that basis, CBO estimates that H.R. 2467, as amended, will not increase 1990 spending, but will save $10 million.

If this bill were not on the floor under a motion to suspend the rules, it would require two waivers of Budget Act provisions—section 302(f) because of the $25 million of estimated new spending causes the Agriculture Committee's allocation to be exceeded, and section 302(c), because the committee has not yet filed its fiscal year 1990 302(b) report. Howerver, Chairman DE LA GARZA's technical amendment corrected the first concern, and it is my understanding that the committee will file its 302(b) report today, if it has not already done so. For these reasons, even if H.R. 2467 were not on the suspension calendar, I would support technical waivers of the Budget Act provisions to allow the bill to come to the floor, because the committee has acted to remove the inconsistencies with the Budget Act and because the bill limits assistance to the amount of spending reduction caused by disasters on a "current conditions" basis. We appreciate the cooperation of the Agriculture Committee in providing very important emergency aid in a manner as consistent as possible with the 1990 budget resolution.

Last year's drought bill faced a similar situation. The Disaster Assistance Act of 1988 was estimated to cost money compared to the baseline in effect at the time it was considered by the House. However, both CBO and OMB had released updated, current condition estimates which showed that the amount of aid triggered by that bill would be less than the reduction in spending caused by the 1988 drought. For that reason, the administration supported the 1988 disaster bill, and, with the Budget Committee's concurrence, the necessary Budget Act waivers were approved to allow the 1988 bill to come to the floor.

CONCLUSION

I urge members to support this bill which provides very important disaster assistance to farmers and ranchers adversely affected by the drought affecting 1989 winter crops—first, because the aid is limited to the amount that price support spending is reduced by the winter drought and, second, because the Agriculture Committee has acted to conform the bill to the requirements of the Budget Act.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Massachusetts [Mr. CONTE], the ranking member of the Committee on Appropriations, who I am sure wants to support this bill.

Mr. CONTE. Mr. Speaker, we ought to be in the movie business. Just like Columbia, Paramount, and Warner Bros., when a tried and true formula pleases the audience and makes us look good, we have just got to do it again. So here before us is the sequel to last year's "Drought I." The trouble is, this sequel, like so many in the movies, does not come close to the original. "Drought II" may still be a hit at the box office, but that will not make it break even.

This blockbuster suffers from the "bigger is better" mentality. What should have been a small, low-cost bill directed at winter wheat ballooned into a mammoth, catch-all relief bill. Everything is in there: corn, cotton, rice, soybeans, tobacco, peanuts, sugar, and on and on. Those crops have not suffered from disasters this year, and they should not be included.

But where the bill really loses focus is in the jury-rigged financing mechanism which tries to make it look like the bill will not cost us a penny.

That is not the case. CBO estimates it will cost us 90 billion pennies in budget authority and outlays next year. That is $900 million. The Department of Agriculture estimates the costs could approach $1.5 billion.

Why then do we hear that the bill is cost free? Because section 144 limits disaster assistance outlays to the amount of savings which accrue to the Commodity Credit Corporation over the fiscal year, based on OMB's January budget estimate compared with its midsession review. That may technically render it "budget-neutral" relative to the initial budget estimates, but there is a real cost in reduced savings from the Commodity Credit Corporation. And not only that, if those estimates are inaccurate, we may find out at the end of next year that we have spent more than we have saved. That is not my idea of fiscal responsibility.

I am probably about as popular as a skunk at a garden party for saying this, but we ought to send this back to the Agriculture Committee for editing. Let us narrow it down to winter wheat, which is the only crop which needs help right now. And let us limit the expense to the savings from that crop alone, not the entire CCC. Help the farmers who need help, and help the budget at the same time.

□ 1500

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN], chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains.

Mr. GLICKMAN. Mr. Speaker, I wanted to say to the gentleman from Massachusetts [Mr. CONTE], that I fought against adding honey into this particular provision. I was the one who saved this bill so that we could get the support of the gentleman from Massachusetts, and we appreciate his support very much.

Mr. Speaker, I just want to make a couple of points.

No. 1 is this bill does not spend more money than is saved by reduced deficiency payments. There is a tremendous drought out there in this country. There is a significantly smaller quantity of wheat that is being produced, which means lower deficiency payments, which means those dollars will be saved. We will spend no more than what is saved as a result of the Grandy amendment, and I think that is important to know.

Second of all, it is important to know that we are suffering extraordinary losses in the Great Plains right now. We have probably had the worst drought localized in one region of the country than any place has had since the Great Depression. We have lost between 60 percent and 75 percent of our winter wheat production in Kansas. I know in places in Nebraska, Colorado, Oklahoma, and Texas, all throughout the Great Plains they are in a similar position, so it is important to recognize that there is a tremendous human tragedy occurring out there in the heartland. That is what we are trying to deal with, that is what we dealt with last year as well.

Third of all, it is important to remember that no crop is eligible for disaster assistance unless it has suffered a 35-percent loss. The previous speaker talked about all of these crops were covered. That is not true. No crop is covered unless it suffers an actual disaster. Then those crops all over this country will potentially be covered, but if there is no disaster, there is no coverage at all.

So for all of those farmers who are suffering an extraordinary loss, let us do the same thing we did last year. Let us show compassion, let us show mercy for those people, and let us pass this bill.

Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act.

Last summer, the United States incurred the worst drought it had seen in over 50 years. In the midst of this disaster, Congress passed the Disaster Assistance Act of 1988 to aid those farmers who, without such assistance, would have lost their farms and livestock herds. Fortunately, for most of the country, especially in the Corn Belt, the drought, which ravaged that area last summer is beginning to break. This is good news indeed for American farmers and Americans in general. Rain is finally falling where it has not fallen in months—it is even falling in Kansas again.

Unfortunately, farmers have already incurred extraordinary losses this year due to the continuation of the 1988 drought. Over the Great Plains States of Kansas, northern Texas, Oklahoma, Nebraska, and parts of Colorado, where 75 percent of our yearly wheat production is produced, the 1988 drought continued through the fall and winter, killing over 22 percent of the maturing winter wheat. As a result, total winter wheat production which should have been 1.8 billion bushels, will only be 1.4 billion bushels.

In Kansas alone, where 20 percent of winter wheat and nearly 75 percent of Hard Red Winter Wheat is produced, farmers have lost over one-half of their wheat crop. Based on planting statistics, Kansas farmers had the potential to harvest approximately 450 million bushels of wheat this spring, because of the drought, they will be harvesting less than one-half—202 million bushels to be exact.

However, spring crops are still at risk of failing. If rain fails to fall in a timely manner this summer, subsoil moisture, which is still considerably deficient all over the Midwest, will not be adequate to sustain growing crops. Herein lies the danger for farmers all over America's breadbasket.

We must not forget that grain producers are not the only segment of agriculture affected during a severe drought. Since last year, all over Kansas, Texas, Nebraska, and Oklahoma, brown pastures and dry watering wells have forced cattlemen to find alternative ways to provide water, feed, and grazing pastures for their cattle. During the height of this winter's drought, Kansas cattlemen, alone, were sending six times more cattle to slaughter than normal because adequate pastures and watering holes were nowhere to be found. Luckily, the USDA provided emergency feeding assistance and haying and grazing programs for the counties in emergency conditions. However, due to the untimely and expensive feed costs, cattlemen still incurred extensive economic losses.

Although, Kansas farmers have already lost over $800 million in income due to losses in cattle and crops. However, with respect to Kansas' economy on a whole, less income means fewer dollars to spend for agricultural inputs and other durable and nondurable goods, resulting in a total economic loss of $2 billion or more to the Kansas economy.

In May, my Subcommittee on Wheat, Soybeans, and Feed Grains held field hearings in Amarillo, TX, and Great Bend, KS, to check the drought situation and talk to producers. Every wheat field I saw was dead. According to the farmers, if the drought did not kill those wheat plants, then the early spring freezes and insect infestation did. We all agreed that this situation warranted immediate action by Congress.

As a result, on May 25, 1989, the Committee on Agriculture passed the 1988 Disaster Assistance Extension Act to aid those producers who suffered losses. Just like last summer's bill, this bill provides disaster benefits to those producers who suffered annual commercial crop losses in excess of 35 percent due to damaging weather, such as drought, hail, excessive moisture, and freeze and other related conditions in 1988 and 1989. It provides benefits to participants and nonparticipants of all target price commodities and it also covers producers of soybeans and other nonprogram crops.

For incurred losses between 35 and 75 percent, wheat, feed grains, cotton, and rice program participants may collect disaster payments at a rate of 65 percent of the 1989 target price or 65 percent of the county loan rate for nonparticipants who raise program crops. It also provides disaster payments to soybean and other nonprogram crop producers at a rate of 65 percent of the average producer market price of the last 5 years, excluding the highest and the lowest. The Secretary has the discretion to make an additional payment of up to 10 percent of the applicable payment rate for the reduced quality of the actual harvested program and nonprogram crops due to adverse weather in 1989.

For any losses exceeding 75 percent, producers may collect disaster payments on the production loss at a rate of 90 percent of the applicable payment level.

Similar to last year's drought bill, producers will not be required to repay advance deficiency payments on production losses up to 35 percent. And, producers who lose 35 percent or more of their crop and receive disaster payments, would not be required to repay advance deficiency payments until July 31, 1990.

In order to help regain lost income, the bill would allow farmers to transfer 20 percent of permitted acreage for one program crop to plant industrial crops like canola, rapeseed, sunflower, safflower, and flaxseed.

The only significant deviation from last year's bill is in the Federal Crop Insurance Provision. In fact, it goes beyond last year's bill and makes the requirement more stringent. This bill requires producers to purchase Federal crop insurance if they receive any disaster payment or were allowed to keep any portion of their advance deficiency payments for crops planted in 1989. However, producers who planted crops in 1988 for harvest in 1989 will not be required to purchase crop insurance unless they suffer production losses in excess of 65 percent, which is the same as last year's bill.

Total benefits to an eligible person from programs established by this legislation are limited to $100,000. Also, combined benefits from persons receiving payments under this legislation and current livestock emergency programs is limited to $100,000, as well.

In times of shortfall in production, this year and last, we included a provision which requires the Secretary to establish a de minimis yield for each crop eligible for disaster payments to be set at a level that will minimize any incentive to abandon crops that have a value greater than the cost of harvesting the crop. This allows the producer to harvest any remaining portion of the crop without the threat of losing disaster payments.

Realizing the budget constraints, we included a spending cap which caps total spending under this legislation to the amount of savings generated through reduced commodity spending expected this year. The difference between the Office of Management and Budget's January and August budget estimates will be the amount that the programs established under this bill will be allowed to spend. If necessary, the Secretary will have the authority to prorate benefits to eligible recipients.

In closing, this bill, which is similar to last year's, but significantly dissimilar with respect to crop insurance, is needed to save many Kansas and Texas farmers and throughout areas that have to recover from the drought of 1988.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. COLEMAN], the ranking minority member of the Subcommittee on Conservation, Credit, and Rural Development.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman from Illinois for yielding me 1 minute.

Let me say I rise in support of H.R. 2467, to assist the farmers and communities who are experiencing severe drought.

There is a residual problem, Mr. Speaker, from last year's drought and previous years as well. Even though there may have been some moisture this spring, there are a number of communities, indeed a lot of farms as well and a lot of farmland that underneath the soil does not have sufficient moisture to sustain crops this year or next year, and it is going to be a continuing problem.

But let me say I think it is important that we recognize small towns and communities in many cases are having their water supply dry up. These people are also going to be helped by this bill because it provides an amendment, which I offered in committee, providing emergency water assistance programs to communities of 15,000 or fewer people. I think it is extremely important that we recognize that at a time when many of us are talking about rural development, there can be no rural development in communities where they have sustained a drought unless they have some sort of location for water to supply their communities and for future growth. That is the importance of this amendment, and I feel also the importance for this legislation as well.

Mr. Speaker, I support H.R. 2467 and urge my colleagues to adopt it.

There are two provisions contained in the bill that I offered in the full committee that are beneficial to the citizens of north Missouri who have suffered under severe and long-term drought conditions during the last year and a half. Indeed, the provisions would assist persons throughout the Midwest.

As you know, Mr. Speaker, the Midwest has been fortunate to receive rain this spring, but municipal and rural water supplies still are critically low and in some cases have been exhausted. It will be some time before those water supplies will be replenished.

H.R. 2467 establishes an emergency water assistance program through the Farmers Home Administration that provides grants to public and private entities that supply water to small, rural communities. If the water systems of those communities have been damaged because of the drought during 1988 or 1989, they probably would be eligible to receive assistance. Applicants would be entities serving rural areas including cities and towns with a population of not more than 15,000.

The applicants must submit evidence that the problems are related to the drought and must certify that the water supply system cannot or will not be able to supply adequate water supplies to communities because of the drought. Any grant can be used only for recovery from the drought.

Finally, Mr. Speaker, I should point out that this does not replace any existing program operated by the Farmers Home Administration, and it is designed to deal with the particular emergency conditions caused by the drought of the last 2 years. It is not a permanent program. As the chairman of the Budget Committee noted at the markup of this bill in the Agriculture Committee, there is money available in the budget resolution to fund this emergency program.

The other provision included in this disaster legislation deals with the rehabilitation of farm ponds at a time when many of these ponds are dry. Over the years, many farm ponds have silted or filled in and thus do not have the capacity to hold water they had when they were new. At a time when many of these ponds no longer are water impoundments, farmers could dredge or dig out these ponds so that they could regain or increase their original capacity.

Mr. Speaker, I urge passage of the legislation.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I think that it must be understood that in all fairness this legislation, H.R. 2467, is a continuation of the drought legislation from last year.

My home State of Oklahoma and my congressional district was hard hit by this drought. In fact, in northwestern Oklahoma we had areas as hard hit as any place else in the country.

It must be understood, as I stated, that this drought started last year. Last September when our farmers planted their crops, the drought was there. There was little moisture that fell through the fall, and it continued on into the winter, and during that particular period that crop had little chance to develop because of a lack of moisture. We found a root system that was inadequate, and lying upon the surface, and when the hard freezes of winter came about, it completely destroyed that crop.

Mr. Speaker, we found also a situation in which farmers in my district were unable to even harvest this particular crop. In fact, they had to plow that crop under before it even approached the time of harvest.

Mr. Speaker, I strongly support H.R. 2467, and in all fairness I urge that it be adopted by this House.

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

Mr. GUNDERSON. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. GOODLING], who is unable to be here today due to surgery, I request the attention of the gentleman from Texas [Mr. DE LA GARZA], chairman of the committee, and the gentleman from Illinois [Mr. MADIGAN], the ranking member, to address an issue involving section 104(a) of the bill and the administration of the 1988 disaster program by the Department of Agriculture under section 204 of the Disaster Assistance Act of 1988.

I note that on page 26 of the report accompanying the bill, the following section-by-section analysis of section 104(a) states what is absolutely in agreement with my understanding of what Congress intended USDA to implement in the 1988 Disaster Program as it relates to section 204 of the Disaster Assistance Act of 1988. Is that correct?

Paragraph (4) of section 104(a) does not have a counterpart in the Disaster Assistance Act of 1988. It has been added here because the Secretary of Agriculture has misinterpreted the provisions of section 204 of the Disaster Assistance Act of 1988, which is the parallel provision to section 104. It was and is the intent of section 204 of

the Disaster Assistance Act of 1988, and it is the intent of section 104 of this bill, that commodities that cannot be sold in normal commercial channels of trade are not to be considered as part of the quantity of harvested commodities. This intent has been recently confirmed in a colloquy between Mr. DE LA GARZA and Mr. WHITTEN (see CONGRESSIONAL RECORD, Apr. 26, 1989, H 1411).

Mr. DE LA GARZA. If the gentleman will yield, yes, that language on page 26 accurately states what was intended under the 1988 act, and is intended under this bill, that is the proper interpretation of these respective sections to the effect that commodities that cannot be sold in normal channels of trade are not to be treated as part of the quantity of harvested commodities. If it is not marketable it is not production. It was not intended to relate to the quality of the production.

Mr. MADIGAN. If the gentleman will yield, I concur with the chairman's statement and state further that the Department treated losses for crops such as peaches and potatoes that the commodities that were harvested but not marketable as involving a quality issue whereas in fact it was the intent of the committee and the Congress that harvested commodities that could not be marketed as such and that were unsalable and nearly worthless involved a reduction in the quantity of production and thus made producers eligible for assistance. This provision in section 104(a) does not broaden the bill viz-a-viz the 1988 act, it merely clarifies it and sets forth the proper interpretation of the act and the bill.

Mr. GUNDERSON. On behalf of Mr. GOODLING, I thank the chairman and the ranking member for the clarification of the interpretation of the pertinent sections of the act and of the bill.

Mr. GOODLING. Mr. Speaker, I want to commend the chairman and ranking minority member of the House Committee on Agriculture for taking steps to provide relief to farmers who did not receive payments under last year's drought bill because the Department considered their losses for nonprogram crops to be quality losses.

When a farmer has a peach or an apple that is greatly reduced in size because of the drought and drilled full of holes from hail or a potato which develops jelly end rot, it is not a quality loss. There is no market for this product. It is, therefore, a question of marketability.

In my 19th Congressional District of Pennsylvania, we have experienced 3, and in many instances 4, years of drought. Some of my farmers are considering leaving farming because they can no longer make ends meet. They are not bad farmers or poor managers. Like all farmers, their success depends, to a large degree, on the weather—and it just hasn't been cooperating these past few years.

My district probably produces more snack foods than any other area in this country. They use a lot of potatoes. But there was little or no market for last year's crop. The chippers refused the potatoes—and if the chippers refuse them, there is no other market.

Similarly, my peach and apple farmers could not even sell their crops to processors. The peaches were too small and too damaged by hail to even be processed into a canned product. Apples weren't even salable for apple juice. And then, to add insult to injury, many of my peach and apple farmers had to pay laborers to remove the unsalable crop from the trees.

But USDA told my farmers their problem was quality. They still had a product and, therefore, were not eligible for benefits under the Disaster Assistance Act.

Mr. Speaker, these farmers do not usually come to the Government for help. There are no Government programs which support them. But they need help now if they are to stay in business.

Last year's drought assistance law was supposed to help them. The report accompanying the 1988 Disaster Assistance Extension Act, on page 26, clearly spells out that it was and is the intention of the Congress that commodities that cannot be sold in normal commercial channels of trade are not to be considered as part of the quantity of harvested commodities. I hope USDA is listening.

Mr. Speaker, I urge the enactment of this legislation and I urge the USDA to make payments to farmers throughout this country who have suffered losses because of the 1988 drought but have been unable to obtain financial relief because USDA did not abide by the wishes of the Congress.

Again, I want to thank my colleagues on the Committee on Agriculture for this legislation. My farmers and I appreciate all of your efforts in their behalf.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 2467 and commend my friend, the gentleman from Texas, and my colleagues, the gentlemen from Kansas, Mr. GLICKMAN and Mr. ROBERTS, for their work in the committee on this legislation. In doing so, I would state I appreciate that we have some differences to work out with the administration, and I am confident that we can do that as we move through the process.

I would also like to point out that I think a false image was left by our friend, the gentleman from Massachusetts, when he argued that this is going to cost a great deal more than the budget resolution has provided for. The fact of the matter is I think the gentleman from California [Mr. PANETTA] made it very clear that with the Grandy amendment in place, we are capping the cost of this legislation to the amount of savings in commodity programs. With that in mind, I hope that my colleague will feel comfortable in voting for this from a budgetary standpoint.

In closing, I would just observe that Kansas has sustained a loss of probably $1 billion this year, and that is a conservative estimate of the loss of 40 percent of our wheat crop. Mr. Speaker, I think the legislation before us is responsible, and it is legislation that hopefully we can work to obtain the administration's support for as we move through the process.

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2467, the 1988 Disaster Assistance Extension Act as reported by the House Agriculture Committee, and in opposition to any amendments which could weaken or dilute the committee's position. I thank the distinguished committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the ranking Republican member [Mr. MADIGAN] for their diligent efforts to bring this legislation before the Congress in an expeditious fashion.

Mr. Speaker, in response to the 1988 drought and other weather-related disasters the 100th Congress passed the Disaster Assistance Act of 1988. The severe drought of 1988 was the worst agriculture disaster since the dustbowl day's of the 1930's Great Depression. This severe 1988 drought that affected much of the Nation has continued to plague regions of the Great Plains, Texas, and the Southwest. In fact, the USDA has continued to rate the drought as extremely severe with regard to the major wheat-producing States of Kansas, Texas, Colorado, and Oklahoma. Furthermore, the lack of adequate subsoil moisture reserves poses a threat to 1989's spring-planted crops.

For this reason, I am a strong supporter of the provision sponsored by the gentleman from Texas [Mr. DE LA GARZA] and approved by the full Agriculture Committee, which will establish programs to benefit producers of wheat, feed grains, upland cotton, extra long cotton, and rice as well as onions, peanuts, sugar, tobacco, and soybeans. This is not a handout, nor an unwarranted Government subsidy. Rather, it is a legitimate attempt to help our Nation's farmers hold the line against drought-induced price increases.

Mr. Speaker, this legislation will provide important relief to America's diligent and hard-working farmers. Furthermore, this legislation is important because as experience demonstrates a healthy agricultural economy coincides with the best interests of consumers and our country as a whole. For these reasons, I urge my colleagues to support H.R. 2467.

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Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 2467, the 1988 Disaster Assistance Extension Act. This bill is similar to legislation I introduced, H.R. 2394, for comprehensive disaster assistance based on the Disaster Assistance Act of 1988.

Producers from across the State of Nebraska have been devastated by the dry weather that has severely limited their ability to produce a normal crop, and they desperately need assistance.

H.R. 2467 is not a perfect piece of legislation, but it is a positive step forward in assisting producers who have been affected by weather-related conditions beyond their control. We will not be replacing a normal year's income, only providing just enough assistance to allow producers to continue production for another year.

As my colleagues will remember, the drought of 1988 was the worst drought in our Nation in nearly 50 years. This drought continues to grip the farmers and ranchers in Nebraska and throughout the Midwest.

While some States are only partially affected by this year's drought conditions, the Secretary of Agriculture has approved all 93 counties in Nebraska for emergency haying and/or grazing on set-aside and conservation acres, 48 counties have been approved for the use of Conservation Reserve Program [CRP] acres, and 42 counties have been designated for emergency livestock feed programs.

According to the USDA, in 1987 producers in Nebraska planted 2.2 million acres of wheat and harvested 85.8 million bushels for an average of 44 bushels per acre.

Nebraska producers have lost most of their crop and are expecting the smallest wheat production since 1944. In 1988, Nebraska producers planted almost 2.6 million acres of wheat, but according to USDA estimates they will only harvest 53.3 million bushels for an average of 26 bushels per acre.

Subsoil moisture is 93 percent short and topsoil moisture is 82 percent short. Almost 60 percent of the winter wheat crop is still rated poor to very poor even though many fields have already been destroyed. Pasture and range feed supplies are rated 83 percent short and almost 40 percent of the alfalfa hay crop is rated poor to very poor. Total precipitation for Nebraska is running 65 percent behind normal.

This bill covers more than just drought-related production losses. I am extremely pleased to see that farmers who suffer 1989 crop losses in excess of 35 percent as a result of excessive moisture and other natural disasters will also be covered.

Many producers in my district have experienced total crop losses due to hail damage and tornados. These farmers have hope that they will be able to survive such devastation just as their neighbors who are suffering from drought.

While I do not favor all the provisions of this bill, I believe fair and responsible assistance is generally provided.

H.R. 2467 does not, however, address the need to provide effective crop insurance coverage. Many producers find they cannot purchase adequate coverage at an affordable price. Therefore, they did not participate in the Federal Crop Insurance Program. I believe my colleagues on the Agriculture Committee agree that we must overhaul Federal crop insurance if we are to provide it as an effective replacement to disaster assistance legislation.

I also have reservations with H.R. 2467 because it does not address the sharply increased costs faced by irrigators in my district. When a dryland producer faces inadequate moisture—his crop fails and under this bill he would receive partial compensation for his losses. However, a producer who irrigates his cropland faces increased water application expenses and, without sustaining significant production losses, he will not receive compensation even though market prices will not cover his additional costs and reduced yields.

I was pleased by the timely actions taken by the Secretary of Agriculture to bring assistance to drought counties in Nebraska and across the United States. Despite the Secretary's early efforts, further assistance is needed and should be approved by this Congress. I urge my colleagues to vote for this bill.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, as we have heard today, drought has caused severe economic problems for a good portion of the country. For the second year in a row, producers have been stripped of most of their crops and, along with it, their income.

Once again, these weather conditions have not been discriminating. They have been relentless and thorough in wiping out crops throughout our Nation's Farm Belt. Consider the loss in Texas alone. Our 1989 wheat crop is projected at 58.8 million bushes—a full 42 percent below normal.

We are sorely mistaken, though, if we think these problems begin and end with the producers. At a recent hearing in Amarillo, members of the North Panhandle Bankers Association testified that about 25 percent of rural bank customers are producers. All of those producers will suffer some degree of financial loss this year, and at least 10 percent will lose their farms.

If that is not an example of adverse economic impact, then I do not know what is.

Mr. Speaker, in light of the evidence it is clear we must provide producers with some relief from the financial burden this drought has caused.

I want to express my appreciation to Chairman DE LA GARZA and the other members of the Agriculture Committee for their diligence in working to bring to the floor legislation that solves this pressing problem.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, the distinguished gentleman from Massachusetts [Mr. CONTE] made some interesting observations about this bill. But I think we need to look on the optimistic side and to congratulate the committee for the work that it has done to put its bill into shape so that it would pass budget muster.

The Grandy amendment and others have given it a current CBO rating of a savings of $10 million. That is an outstanding achievement.

The gentleman from Kansas [Mr. SLATTERY] indicated there are other improvements that need to be made along the way. But I think that the work that the Committee on Agriculture has done, and its distinguished chairman and vice chairman have done to try to meet their obligations is a good sign that they are going to continue that and will do so.

Mr. Speaker, I intend to vote for H.R. 2467 because of the outstanding work that they have done to meet their budget obligations.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, I rise in support of the passage of H.R. 2467, the 1988 Disaster Assistance Extension Act, and I strongly urge our colleagues to also lend their assistance to this modest but vital effort. Last year Congress waited until late in the season to enact the 1988 Disaster Assistance Act, and by that time almost every region of the country was suffering from some form of weather disaster that threatened the very existence of tens of thousands of family farmers.

In the bill last year, Congress acknowledged that the current program of Federal crop insurance was totally insufficient to meet even the minimal needs of those producers hard hit by natural disaster. Federal crop insurance was insufficient in 1988, and it remains insufficient in 1989. Even those who have bought policies for this year will not receive indemnity payments

large enough to cover their out-of-pocket expenses related to the 1989 crop. This leaves them in jeopardy when it comes time to repay operating loans and to pay the annual mortgage installment on their land.

In last year's bill, we rewarded those producers who had voluntarily tried to cover part of their risk by buying Federal crop insurance by allowing them to also receive a small disaster payment under the legislation. The bill before us today will continue that incentive. Hopefully, within the next year or two Congress will act to reform and improve the Crop Insurance Program so that it will eliminate the necessity of disaster bills such as H.R. 2467. But, until such time, it is only fair that we use the savings generated to USDA when natural disasters reduce overall farm program payments, and use those savings to make disaster payments to adversely affected producers.

Last year Congress "capped" the total benefits under the bill at $4 billion because in late August USDA was already able to identify at least that much in program savings due to drought and weather-related crop yield reductions. To date, only about $3.3 billion in benefits have been paid out under the 1988 act, but USDA estimates that total savings will actually be more on the order of $6 billion. So, even if the $4 billion "cap" had been reached, American taxpayers would still have saved some $2 billion.

The bill before us today contains similar limiting language. Because it is still too early in the season to accurately estimate total savings in dollar figures, this year's bill says that total payments for disaster benefits cannot exceed the total savings for the year which result from weather-related disaster crop yield reductions. So, this bill is not a "budget buster" and should not be looked at as any increase in the costs of the 1989 farm program budget as already approved by this Congress.

In fact, this bill will actually save money for the taxpayers when farm operators use large portions of the assistance to meet their payments which will become due to the Farmers Home Administration or to the Farm Credit System banks later in the year. FmHA defaults cost the taxpayers directly, and less than 2 years ago Congress granted the Farm Credit System a $4 billion line of credit which will also cost the Treasury if they are forced to draw on that line of credit more heavily in the future due to disaster-related defaults this year.

This bill is not premature. Already thousands of farmers have lost their winter wheat crops, hurricanes are pounding the Texas and Louisiana coasts, while excessive moisture has damaged many corn-growing areas in the Midwest and along the eastern shore. Farm producers and their lenders need to know now what they can count on if and when their particular operation is adversely affected by disastrous weather.

Again, Mr. Speaker, I urge our colleagues to approve this measure today. It is timely. It is modest. It is within our budget guidelines for 1989, and it is the right thing to do.

Mr. Speaker, I commend the chairman of the committee, the gentleman from Texas, Mr. DE LA GARZA, and the ranking member, the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today to urge my colleagues' support of legislation to be considered under suspension of the rules today to assist farmers suffering under our Nation's continued drought. The legislation, H.R. 2467, would extend to 1989 crops the disaster assistance provided to 1988 crops under the provisions of the drought relief bill enacted last year.

The bill provides disaster payments to eligible producers of wheat, feed grains, upland cotton, extra-long cotton, rice, peanuts, sugar, tobacco, soybeans, and nonprogram crops. As a condition for receiving payment, producers would be required to obtain crop insurance for the 1990 crop. H.R. 2467 also assists livestock producers by, among other benefits, encouraging the USDA to make at least $25 million available for water and transportation cost-sharing assistance.

My home State of Kansas is in desperate need of this legislation as drought conditions continue to persist in our Nation's No. 1 wheat-producing State. As harvest time begins, wheat farmers are bracing themselves for what is expected to be one of the lowest yields in a decade. Wheat which should now be taller than a farmer's waist is instead only 1 to 2 feet high. The USDA predicts that the 1989 harvest will be down 8 percent nationally from last year's level, but down 37 percent in Kansas, the breadbasket of the world. This situation is expected to cost the Kansas economy $1.61 billion or 3 percent of the State's total annual economic output.

Mr. Speaker, the weather, which is so vital to a successful harvest, was especially mean-spirited on this year's winter wheat crop. In fact, farmers were hit by a triple weather whammy. Last summer's drought depleted soil moisture to the extent that there was little autumn rain to help the seeds get started. This was followed by an unusually warm January, which prompted the plants to emerge from dormancy early, so that they were completely exposed and at the mercy of the arctic cold front that blasted the Nation in February. Finally, the hot, dry spring made it impossible for the wheat to overcome these winter setbacks.

Mr. Speaker, I implore my colleagues to recognize these uncontrollable, adverse weather conditions and to vote their conscience to assist those responsible for making America the largest bread producer in the world.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER], chairman of the Subcommittee on Forests, Family Farms and Energy of our full committee.

Mr. VOLKMER. Mr. Speaker, I wish to commend the chairman and ranking minority member for bringing this legislation to the floor and being prepared for a disaster, actually for many of us, maybe, before it occurs, and not waiting until after it has happened and then come forward with legislation.

I know that the people in Kansas and Oklahoma and Texas have already had their disaster but there is a good possibility that many of us will still have parts of our area still subject to disaster, and this legislation by being in place will help our farmers.

I urge all Members to support this legislation and let us get on with it and pass it and make it into law so if we have another disaster this year we will be prepared for it this time and not have to wait for regulations at the end.

Again I thank the chairman and the ranking minority member for their work on this legislation.

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 2467 and commends the leadership on both sides of the aisle for the cooperative, bipartisan effort to design a core package of drought legislation that may be needed for those farmers, particularly in the Great Plains States, who, in significant geographical pockets, continue to suffer the prolonged effects of last year's devastating drought.

This Member also commends the Secretary of Agriculture for his favorable cooperation in numerous decisions that were needed by local and State ASCS offices to combat the early effects of the drought. While the Secretary has pledged to continue to use existing authority in these mitigation efforts, there is a need to administer some of the discretionary haying and grazing regulations under the CRP Program with a greater degree of discretion and common sense.

The Secretary has recognized the importance of preserving foundation herds that have taken livestock producers in my State years to build up. Unless valuable forage is released and

the ASCS is more responsive to the immediate forage needs of livestock producers, the costs, in terms of lower herd numbers and reduced quality in breeding stock, will be experienced for years to come.

This Member strongly supports the intent of the committee with respect to H.R. 2467—that relief be based on proven commodity losses and be consistently measured across commodity lines. It is also important that the direct emergency feed programs be aimed at those producers who are unable to grow adequate stocks needed to support their foundation herds and that the program be extended. The USDA should report to Congress on how the animal unit calculations for the level for assistance are determined. This Member has long questioned the data used by the USDA to determine the daily nutritional needs of beef cattle. In addition, fortunately, the legislation includes language to authorize emergency grants for rural community water supplies and to expand opportunities for farmers who wish to plant certain alternative crops on farm program acres.

This Congress, and in particular those who will serve on the conference committee, must now draw the line on those elements that have no place in this drought relief program. While it is my hope that this legislation ultimately will not be needed by the producers in Nebraska, such assistance should be available. However, assistance through H.R. 2467 must be directed only to those who suffer substantial losses due to drought in 1989 and address the impact of drought as it affects producers in 1989. It should not be utilized generally to make major policy changes in basic farm policy.

If properly crafted and administered, the taxpayer should not be exposed to any additional costs because of the passage of this legislation. Because the bill caps total spending at the level of savings generated through reduced costs of commodity programs, no additional outlays should be necessary. Additionally, the legislation enacted should assure that those producers who do not carry Federal crop insurance should not be treated as generously as those who do participate. That would set a bad precedent, thus discouraging the higher levels of participation in the crop insurance program that it is our current national policy to encourage. In closing, I would encourage the Congress to take a very careful look at the recommendations to be made shortly by the Federal Crop Insurance Advisory Board. We will want to pay particularly close attention to any recommendation for encouraging widespread participation and avoiding the use of ineffective and drastic measures often contained in stop-gap agricultural disaster legislation.

Mr. Speaker, this Member urges support for H.R. 2467.

□ 1520

Mr. MADIGAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I rise in obvious support for H.R. 2467, and as a member in committee who was successful in drafting an amendment to garner the support of possible agricultural critics such as our friend, the gentleman from Minnesota [Mr. FRENZEL], who keeps a close eye on our spending matters in this Congress. The idea of that amendment was to say that we can spend no more in drought relief than we save in program payments, which will not be necessary unless the price of the commodity goes up.

Mr. Speaker, that is in section 144 of this legislation. It is designed as a preemptive mechanism to give Members confidence that we are not trying to spend more than has already been allotted for agriculture this year. Hence, no sequestration.

Now, our chairman of the Committee on Agriculture went further, created a perfecting amendment, and the new language makes sure that the Secretary takes into account the increased outlays for the conservation reserve program and Federal crop insurance estimating the cost of the disaster bill to exclude the outlays needed for "any act enacted after January 3, 1989." The language is designed to make sure that we ascribe those savings toward the payments that we make. The Secretary of Agriculture has the ability to prorate payments, should there not be enough money left, to prorate payments in terms of commodity payments or in terms of disaster payments.

Mr. Speaker, in closing, this is a budget-sensible piece of legislation. I urge my colleagues to support it, whether they are representing drought-strained areas of the country or not.

Mr. MADIGAN. Mr. Speaker, I yield the remaining 3 minutes to the gentleman from Kansas [Mr. ROBERTS] to close the debate on this side.

Mr. ROBERTS. Mr. Speaker, I choose not to associate myself with the remarks of my friend and colleague from Massachusetts, Mr. CONTE, but I do share some of his concerns. I would say in his own prescribed way he is not a skunk in the woodpile so much as a lonely but revered polecat. He never says enough, but we should pay attention to his concern, because we do want to bring this in under budget.

I rise in support of H.R. 2467. Simply put, the highly publicized drought of last year continued in the winter wheat belt to the extent we have had a major crop disaster.

Probably more times than my colleagues would like to be reminded, I have told this House that we grow more wheat in the big First District of Kansas than any other State; that's during normal times. And, while we are used to the vagaries of extreme weather and all of the rest of the problems and challenges that go hand-in-hand with being a wheat producer out on the High Plains, we have not been able to withstand the worst drought since the infamous "Dirty Thirties."

Several months ago, the Wheat Subcommittee held hearings in my district in Great Bend, KS, under the chairmanship of my colleague from Kansas, Mr. GLICKMAN. The subcommittee heard from our Kansas Gov. Mike Hayden, both Senators DOLE and KASSEBAUM, State legislators, our Kansas Secretary of Agriculture Sam Brownback, numerous farm organizations, and experts from Kansas State University as well as others with expertise in weather forecasting and crop conditions. Most important, we heard from beleaguered farmers and ranchers.

These are the same folks who have somehow perservered during the past decade through very difficult times and who, during the past 2 years, have begun the long road back to economic survivial. Some did not make it but for those who have, this drought has been a killing blow.

Mr. Speaker, I will spare the committee and my colleagues my speech: "We did it for corn country last year in the middle of a Presidential election, it is only fair we apply the same assistance for the beleaguered wheat farmer," I made in the House Agriculture Committee. But, let it be said this is a major crop disaster. In Kansas, we have lost one-half of our crop and the practical result on an individual farmer basis and up and down Main Street of rural and smalltown America has been devastating; an estimated economic loss of $1.6 billion to Kansas alone.

Mr. Speaker, while this bill is on the suspension calendar it does not come to the floor without some concern. The Secretary of Agriculture has indicated several:

First, we in no way want this bill to lead to a sequestration under Gramm-Rudman-Hollings and with the Grandy amendment it should be budget neutral.

Second, this bill does provide assistance to all 1989 crops caused by damaging weather or related conditions. That means assistance would be granted to producers of crops who have yet to experience a disaster, regardless of the cause and regardless of the area affected. More to the point, since the

Grandy amendment stipulates we cannot pay out in assistance more than is saved in wheat deficiency payments, it means the wheat producer could see his deficiency payments financing producers of other crops where there has not been a major disaster and his own assistance prorated where there has been a major disaster.

The first drought bill of this session was introduced by this gentleman from Kansas and it was crop specific—only where we could clearly show we have suffered a major crop disaster. I realize that we in agriculture represent a family of sorts, but when a farmer's barn burns down, his neighbors rebuild the barn—they do not fix fences for everyone in the surrounding area. I am hopeful when this bill goes to conference we can limit this assistance to 1988 planted crops; that is, where the major crop loss has occurred, that is where the assistance should go, and that is what we can afford.

Finally, Mr. Speaker, there is the policy question in regard to Federal crop insurance. For over a decade now we have tried to reform, improve, and change Federal crop insurance to be the sole vehicle for crop disaster assistance. Simply put, it has not done the job; better in some regions for some crops, not so good in others. Well, to be sure, if we grant disaster assistance, as we are doing today, producers are not going to purchase crop insurance. I know that and I think I know that argument from many of my colleagues and officials within the USDA and OMB by heart.

That is why we have studied crop insurance yet again, appointed a special commission to do so, and are ready again to hold hearings and try to reform this program all over again. So be it. But, due to the complexity of the Federal Crop Insurance Program and the inequities, and quite frankly the lack of participation on the part of farmers, we will make every effort to jump start this program again. I have mixed emotions about that but the point is the Commission's recommendations are now in the hands of the Secretary of Agriculture and we in the Congress will not take this up until fall. In the meantime, we have had a major disaster in wheat country. We need this assistance now.

Mr. Speaker, I also know the Secretary of Agriculture is concerned about the livestock section of this bill. Since I authored those amendments, let me say I feel very strongly any disaster program must include the livestock sector. When Secretary Yeutter came to Kansas several months ago at the request of Senators DOLE, KASSEBAUM, our Governor, and myself, he knew he would see damaged wheat. What really impressed the Secretary was the sorry condition of our pastures. Needless to say the livestock producer does not have the equivalent of Federal crop insurance.

But, in the interest of budget concerns, taking into account the spotty rains we have had since the drought conditions, we made the water enhancement program and the transportation assistance program discretionary with the Secretary. While the cattleman has been hard hit, some of that assistance may not be needed.

Mr. Speaker, the last concern I wish to stress is in regard to time.

In this regard, I want to thank Chairman DE LA GARZA for expediting this bill on the suspension calendar and my colleague from Kansas, Mr. GLICKMAN for holding hearings and his leadership as well. We have assurance from the chairman of the Senate Agriculture Committee, that they will take up their version of this legislation in mid-July. I am grateful for that.

But, I must say Mr. Speaker, in my estimation if we had kept this bill crop specific or limited to 1988 planted crops and kept the livestock section discretionary, I think we could have moved this legislation on a much faster track. Our wheat farmers deserved and deserve no less.

Ms. LONG. Mr. Speaker, I am pleased that the House has moved quickly to consider H.R. 2467, the 1988 Disaster Assistance Extension Act. As a member of the Agriculture Committee, I know that my colleagues worked hard to move this legislation through the committee in a timely fashion.

If passed, this legislation would put sound mechanisms in place to assist farmers in the event of a natural disaster. The bill would provide assistance to farmers who have a loss of, or are prevented from planting, 35 percent or more of their crop. Last year it was the drought, but in the future any number of natural disasters could take a heavy toll on U.S. agriculture.

I want to take a moment to point out to the membership that in my congressional district of Indiana, farmers have had tremendous difficulty getting into the fields to plant due to excessive moisture. The Indiana State ASCS offices' latest estimates show that in Allen and Jay Counties only 30 percent of the corn and 50 percent of the soybeans have been planted. Much of the corn acreage has been planted with soybeans, but as a farmer myself, I know that these figures could mean real trouble for agriculture and related agribusiness in our area if the rain continues, or if we have an early frost.

I have been visiting farms to inspect the flooding over the past 2 months, but the proportions of the situation became apparent earlier this month when I had the opportunity to take a helicopter tour of some of the areas which have been particularly hard hit by the flooding. I witnessed firsthand the effects that standing water, saturated soil, and unworkable fields were having on area farms. I should mention that it has continued to rain every few days since I took this tour, and it is raining in portions of my district even as I speak.

Mr. Speaker, the legislation that we are considering today will put in place mechanisms which can assist farmers should the rain continue in my congressional district, and it will be in place for other areas of the country should a true disaster occur.

I commend the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Agriculture Committee, and the ranking minority member, Mr. MADIGAN, for bringing this legislation to the floor. It is a good and needed will, and I urge all of my colleagues to support it.

Mr. WEBER. Mr. Speaker, I rise in support of H.R. 2467 the 1988 Disaster Assistance Extension Act. This legislation, if passed, will provide the producers in my district with a solid insurance policy against potential financial disaster if the drought continues. The chairmen and the committee should be commended for their expeditious work on reporting a bill that meets tight budgetary requirements.

Mr. Speaker, during the early 1980's, the farmers in my district suffered through one of the worst depressions since the 1930's. Although the farm economy has rebounded, a continued drought could have the same devastating effect on rural America. This is why we need to take immediate action today and pass this legislation. We need to have this bill in place so we can distribute relief quickly and effectively to those affected by the drought.

I have noticed in recent days that the Department of Agriculture seems to have taken a wait-and-see approach to the drought and the need for this legislation. I'm sure the Department shares our concern about the potential impact of the drought on producers. But I think their position regarding the need for this legislation is penny wise but pound foolish. The Department should recognize, better than most of us, how cumbersome the process is to put a program like this into place. Furthermore, they should also understand that most producers will need to know what type of program is in place by this falls harvest. Therefore, I would encourage my colleagues to support this legislation so that the Department understands how important it is to have a drought relief program in place quickly.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of H.R. 2467, to extend the 1988 Agricultural Disaster Assistance Act to include the 1989 crops.

This bill directs the Agriculture Department [USDA] to provide disaster payments to farmers who lost more than 35 percent of their 1989 crops—or are prevented from planting them—due to damaging weather and related conditions in 1988 or 1989. The specific conditions covered by the measure are drought, hail, excessive moisture, freeze, tornado, hurricane, or excessive wind, and insect infestation, plant disease, or other crop deterioration worsened by damaging weather.

This legislation is essential to farmers in my own State of Tennessee who have recently seen their crops severely damaged by heavy flooding. I had the opportunity to tour some of these sites in my district just several days ago. I found that many farmers are in dire need of Federal assistance because of the severe damage their crops have sustained. Enactment of this proposal is essential toward that end.

Our farmers are the backbone of our Nation and we need to stand firm in our commitment to provide whatever assistance is necessary for them to maintain their viability. This legislation is an appropriate and timely response to the severe weather conditions which have persisted in so many parts of the country. I urge my colleagues to join with me in supporting the passage of the 1989 Agricultural Disaster Assistance Extension Act.

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

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2467, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. The Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2467, the bill just passed.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON POLICY, RESEARCH AND INSURANCE OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE ON TOMORROW, WEDNESDAY, JUNE 28, 1989

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that the Subcommittee on Policy, Research and Insurance of the Committee on Banking, Finance and Urban Affairs be permitted to sit while the House is sitting under the 5-minute rule on Wednesday, June 28, 1989, in order to conduct a hearing on the Crime Insurance Program, followed by a markup of budget reconciliation language.

The ranking minority member of the subcommittee, the gentleman from Nebraska, [Mr. BEREUTER], concurs in this request.

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

There was no objection.

REMOVAL OF NAME AND MEMBER AS COSPONSOR OF H.R. 2136

Mr. WOLF. Mr. Speaker, due to a clerical error, the name of the gentleman from Connecticut [Mr. MORRISON] was mistakenly added as a cosponsor to my bill, H.R. 2136, and I ask unanimous consent that his name be removed as a cosponsor.

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

There was no objection.

HATE CRIME STATISTICS ACT

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1048) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity, as amended.

The Clerk read as follows:

H.R. 1048

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 "Hate Crime Statistics Act".

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1991 through calendar year 1995, data on the incidence of criminal acts that manifest prejudice based on race, religion, homosexuality or heterosexuality, ethnicity, or such other characteristic as the Attorney General considers appropriate. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes at the Attorney General considers appropriate.

(b) CONSTRUCTION.—Nothing in this Act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

(c) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1991 through fiscal year 1996.

The SPEAKER pro tempore. Is a second demanded?

Mr. DANNEMEYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

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

Mr. SCHUMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, many Members, in this body have expressed disgust when we hear about crimes based on prejudice. From the murder in Portland, OR, of a black immigrant from Ethiopia to the burning of a synagogue in my district in Brooklyn, we have seen an explosion of attacks based on bias and prejudice. This legislation is an opportunity to begin the counterattack against crimes based on hate.

By voting for this legislation, Congress is saying "We will not tolerate fear and prejudice in America."

There are disturbing signs that the number of hate crimes has skyrocketed in this country.

□ 1530

Mr. Speaker, the New York City Police Department reported, for example, that hate crimes doubled in the last 2 years. Reports of racial violence on college campuses have also increased.

We do not have exact figures, however, on the incidence of hate crimes nationwide. We do not know how often such crimes occur, what particular regions and areas they are committed in, who the main perpetrators are, or what individuals are most susceptible to attack.

H.R. 1048 would provide us with such information. The bill requires that the Department of Justice collect statistics for a period of 5 years on crimes which involve prejudice against a person's race, ethnicity, sexuality, or religion, or other characteristics the Attorney General considers appropriate.

H.R. 1048, as marked up by the subcommittee, also authorizes the Attorney General to collect statistics on other groups if he finds a similar showing of hate violence against that group. Therefore, the collection of data is by no means limited to those groups specifically mentioned in the legislation.

The bill, as amended, has overwhelming bipartisan support. Legislation similar to H.R. 1048 passed the House in both the 99th and 100th Congresses, last year by a vote of 383 to 29.

By enacting H.R. 1048, Congress will improve law enforcement efforts against hate crimes. By enacting H.R. 1048, Congress is also demonstrating that violence is intolerable.

Mr. Speaker. I would like to thank the many Members who spent significant time on this legislation. I extend my thanks to the gentleman from Michigan [Mr. CONYERS], the sponsor, and my predecessor, the gentlewoman from Connecticut [Mrs. KENNELLY], chairman of the subcommittee, who originated the hate crimes legislation, along with many others.

Finally, Mr. Speaker, I would like to acknowledge the work of the gentleman from New York [Mr. FISH] and the gentleman from Pennsylvania [Mr. GEKAS], the ranking members of the Committee on the Judiciary and the Subcommittee on Criminal Justice.

Mr. Speaker, this bill is long overdue, and I urge the Members of the House to vote in its favor.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. Speaker, it is important to articulate a little bit of the history of this legislation, and I direct all my remarks to the gentleman from California because it is important for him to recognize what brought us here today and what the real issues are.

I, too, like the gentleman from California, had felt in the last session of Congress and the previous session that we were wading in dangerous waters when we were attempting to raise the homosexuals to a constitutionally guaranteed or protected class which was not in accord with race, creed, and color, as was already articulated in the Civil Rights Act of 1964. So I attempted at that time to say that if we were going to include the homosexuals, why not include the handicapped, the elderly, the infants, and other classes of people in our society who might be the victims of hate crimes?

The will of the Congress was to supplant my concern with placing another category juxtaposed to homosexuals; namely, heterosexuals, and put them both in the statute as protected classes without violating the age-old concern the gentleman and I have that they are not in effect constitutionally protected classes, although the people within them, of course, are protected as individuals and have all the rights the Constitution accords them.

Given all that and the fact that the will of the Congress was spoken in the last term and now reintroduced in that form in this session, I am constrained to support this legislation, especially since my amendment was adopted which protects the concerns of the gentleman from California and all others who wish to add any kind of classes or other protected groups within the thesis of this bill.

So my amendment adopted in a part of the legislation now says that the Attorney General shall have the right to add to a protected class any other groupings of our fellow American citizens who might be the victims of hate crimes. I would refer to hate crimes like those visited against the handicapped and people in wheelchairs. We have seen hundreds of incidents over the lifetime of civil rights in our country where the handicapped and the blind and others have been the victims of hate crimes. Those who are victims of child abuse, for example, should also be protected. My amendment would protect all these citizens by saying in effect that when the Attorney General detects that there is some hate crime out there which is not covered by this legislation, he has the right to add to it and gather statistics for it as well as for those that are articulated within the statute.

Mr. Speaker, I feel that my amendment, which I will fearlessly protect in conference in front of the Senate, adds a salutary theme to this bill, and I will support the bill as it is and reject or attempt to reject the position of the gentleman from California.

Mr. Speaker, I rise in support of H.R. 1048.

Violent crime against persons solely because of their race, nationality or religion unfortunately appears to be a growing phenomenon in American society. It is an evil that threatens not only the victims, but endangers society itself. This odious hate crime pits nationalities, races and religions against one another thereby tearing at the very fabric of a Nation that can survive only when its citizens harmonize their differences. Hate crime against one is hate crime against all.

That having been stated, I must explain why I support this bill today when I did not support the legislation that passed the House last Congress. Last year's bill, for the first time, added to the identified groups to be protected persons who were victimized because of their homosexuality or heterosexuality. I did not think that singling out a group that was not a constitutionally protected class was appropriate, when other groups such as women, the elderly or the handicapped, just to mention a few, were not so favored. This year during subcommittee markup, I offered an amendment, which was approved, that will permit the Attorney General to add to the list of protected groups whomever he feels it is appropriate to include.

I cannot stress too greatly the importance of this amendment because it gives this legislation a flexibility that it previously lacked. Instead of encouraging us to fight over which specific groups can get themselves included by statute, the amendment will permit the Attorney General to get about the business of finding out what hate crime exists in this country, as well as whether and where it is increasing.

Mr. Speaker, I urge my colleagues to support H.R. 1048.

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

The SPEAKER pro tempore (Mr. NAGLE). The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. GEKAS. I am sorry, but I do not have the time to yield.

Mr. CONYERS. Mr. Speaker, I simply wanted to extend my compliments to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. DANNEMEYER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the Hate Crime Statistics Act is an important and laudable piece of legislation. With its adoption, Federal law enforcement officials, for the first time, will have access to statistics which will allow a clear understanding of irrational hate motivated violence in America.

This legislation is long overdue. For too long, segments of our society have been the victims of the heinous acts of cowardly thugs who strike only when they sense a climate of dominance. The statistics provided by this act will allow Federal law enforcement officials to design and craft policies that will eliminate the environment which spawns these hate crimes. I salute my colleagues, Congressmen SCHUMER and GEKAS, for their hard work, guidance and leadership on this important measure. As strong and critical as this legislation is, I believe that it can be strengthened further.

One area which is ignored by this legislation, which I believe is a severe problem, is the thousands of acts of violent crime committed by and against union and nonunion members. At committee markup I offered an amendment, which I had hoped to offer on the floor, which would have required statistics to be kept on crimes committed against union and nonunion members, whether committed by workers, management, or union personnel. Statistics provided by various independent sources indicate that there have been thousands of incidents of union-related violence committed by and against union members.

This violence is not an isolated occurrence, but has occurred nationwide. I think it's a real problem that needs to be addressed. I know there are some here who would have immediately responded—that would have been an antiunion amendment. But just the opposite is true. This amendment would have allowed statistics to be kept on violence against union members, so that we might have an accurate picture of labor-related violence in America. We must know of those instances in which acts of violence by employers or their agents intended to intimidate employees to abandon their bargaining demands are and we also need to know of those instances in which acts of violence are committed by labor union members for the purpose of inducing an employer to pay higher wages or bestow greater benefits. In either scenario, this senseless violence is unacceptable; it must not be tolerated; and we must have the statistical data available to determine if, indeed, there is a serious problem in this area that requires legislative attention. I believe my amendment would have strengthened this legislation and, as I earlier stated, I would have liked to have had the chance to offer it on the floor.

Regardless of my concerns about this flaw in the hate crimes statistics Act, I wholeheartedly support the measure. Thank you.

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

Mr. JAMES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, let me ask, does this cover brawls in a union meeting or cops trying to protect scabs from crossing a picket line? What does the gentleman have in mind?

Mr. JAMES. It would cover all of the above, and each of the above.

Mr. CONYERS. Mr. Speaker, I want to refer to my labor colleague, the gentleman who chairs the Committee on Education and Labor, because he had a different interpretation of this.

Mr. JAMES. Mr. Speaker, I say to the gentleman it would cover any of them. That was the intention.

□ 1540

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise today to express my outrage over ongoing expressions of hate violence and hate vandalism in our country and in my congressional district. I feel strongly about this issue and am an original cosponsor of H.R. 1048.

There have been three times as many reported incidents of hate crime in Montgomery County in the first 5 months of 1989 as there were in the same period in 1988.

This past winter, the Children's Learning Center of Rockville was spray-painted in black with swastikas and such phrases as "Hitler is my friend," "eight million dead, yeah," and "go back to Africa." The Learning Center is an independent Jewish nursery school. We must do all we can to protect our children from hate violence.

The last few months, active members of the Gaithersburg community have been harassed and assaulted because of the color of their skin. A few weeks ago, in Gaithersburg, a member of the Hispanic community needed 64 stitches in his face and chest after being assaulted by a group of juveniles. We must continue to do all that we can to protect our neighbors.

The police are doing an outstanding job of stemming the tide of hatred. On March 3, 1989, 10 Skinheads were arrested by the Maryland-National Capital Area Park Police for an assault on an Asian-American student and three of his friends in Sligo Creek Park. The Skinheads arrested were charged with multiple counts of assault with intent to maim and one count of Maryland's new racial harassment law, which, in this case, could bring a 10-year sentence.

The Congress must assist State and Federal authorities in their fight against bigotry and hatred. This bill, H.R. 1048, requires the Department of Justice to collect and publish annual statistics on crimes motivated by prejudice based on race, religion, ethnicity, and sexual orientation. Nationwide data is a key to fighting hate crimes.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. EDWARDS], a distinguished member of the committee.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of H.R. 3193. The Judiciary Committee's Subcommittee on Criminal Justice has developed a compelling case for this legislation and I urge my colleagues to vote for it.

Under this bill, data will be collected nationwide on the incidence of crimes motivated by the race, religion, ethnic origin, or sexual orientation of the victim.

Data of this kind is crucial to help government—at all levels—combat these reprehensible criminal acts based on prejudice and bigotry. Obviously, we must know the scope of the problem before successful means can be found to combat it. A national effort by the Justice Department will bring the resources to bear to provide this necessary information.

H.R. 3193 has widespread support, and I submit for the record a list of the endorsers of the legislation. I would just point out that the support runs the gamut of our society—police organizations, religious organizations, ethnic organizations, civil liberties organizations, medical and health organizations, unions, many of the States attorney generals, and the list goes on.

Mr. Speaker, H.R. 1048 has been carefully crafted by the Subcommittee on Criminal Justice. It was reported overwhelmingly by the Judiciary Committee, and it deserves the wholehearted support of the House of Representatives. I urge an aye vote on the bill.

COALITION—FEDERAL HATE CRIME STATISTICS ACT

American Association of University Women.
American Arab Anti-Discrimination Committee.
American Bar Association.
American Baptist Church, USA.
American Civil Liberties Union.
American Ethical Union.
American Jewish Committee.
American Jewish Congress.
American Medical Student Association.
American Nurses Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
American Sociological Association.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Asian Americans for Community Involvement.
Asian Americans for Equality.
Asian American Resource Workshop.
Asian Community Mental Health Services.
Asian Pacific American Coalition, USA.
Center for Constitutional Rights.
Center for Democratic Renewal.
Center for Women's Policy Studies.
Chicago Catholic Women.
Chinese/Affirmative Action.
Church of the Brethren, Washington Office.
Church Women United, Washington Office.
Committee for Children.
Episcopal Church, Washington Office.
Friends Committee on Federal Legislation.
Human Rights Campaign Fund.
Indochina Resource Action Center.
International Association of Human Rights Agencies.
Jesuit Social Ministries?, National Office.
Lambda Legal Defense and Education Fund.
Leadership Conference on Civil Rights.
Endorsing Executive Committee: International Union of United Auto Workers; National Council of Churches; National Council of Senior Citizens; National Catholic Council for Interracial Justice; National Education Association; American Civil Liberties Union; National Council of Negro Women; National Urban League; NAACP Legal Defense and Education Fund; United Steelworkers of America; National Women's Political Caucus; League of Women Voters of the US; People for the American Way; Union of American Hebrew Congregations; National Organization for Women; Disability Rights Education and Defense Fund; AFL-CIO; and National Council of La Raza.
Lutheran Office of Governmental Affairs.
National Association of Social Workers.
National Association for the Advancement of Colored People.
National Black Police Officers Association.
National Coalition of American Nuns.
National Committee Against Repressive Legislation.
National Conference of Black Lawyers.
National Conference of Christians and Jews, Nat'l Capital Area.
National Congress of American Indians.
National Council of Churches.
National Gay and Lesbian Task Force.
National Gay Rights Advocates.
National Institute Against Prejudice and Violence.
National Lawyers Guild.
National Organization for Women.
National Organization of Black Law Enforcement Executives.
National Urban League.
Native American Rights Fund.
NETWORK: A Catholic Social Justice Lobby.
North Carolinians Against Racist and Religious Violance.
Organization for Chinese Americans.
People for the American Way.
Police Executive Research Forum.
Police Foundation.
Religious Action Center of Reform Judaism.
Society for the Psychological Study of Social Issues.
Southern Poverty Law Center.
Sunny von Bulow National Victim Advocacy Center.
Union of American Hebrew Congregations.
United Church of Christ, Office of Church in Society.
United Methodist Church, General Board of Church and Society.
Unitarian/Universalist Association of Churches of North America.
State Attorneys General supporting hate crime data collection: Arizona; Arkansas;

California; Connecticut; Delaware; Florida; Hawaii; Illinois; Indiana; Iowa; Kentucky; Maine; Maryland; Massachusetts; Michigan; Minnesota; Montana; Nebraska; New Hampshire; New York; Ohio; Oklahoma; Rhode Island; South Dakota; Tennessee; Vermont; Washington; West Virginia; and, Wisconsin.

Mr. Speaker, I trust that this bill will be enacted by an overwhelming vote.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I urge my colleagues today to vote "no" on suspension of the rules on H.R. 1048, the Hate Crime Statistics Act. Suspension will prevent a vote on an amendment by Congressman JAMES to require Department of Justice record-keeping on hate crimes against workers because of membership or non-membership in unions. I supported Congressman JAMES' amendment in the Judiciary Committee.

For years, union violence reform legislation has languished in the House Judiciary Committee. Opponents claim that violence in labor disputes is not serious enough to warrant Federal action.

Well, let's help prove or disprove their point. Let's have the Department of Justice compile statistics in a neutral fair-handed fashion.

A vote for suspension is a vote against investigating hate crimes in our country's workplaces. Please vote "no" on suspension of the rules on H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN], a distinguished member of the committee.

Mr. GLICKMAN. Mr. Speaker, this is an important bill. It creates an inventory to quantify the amount of criminal bigotry in this country.

Mr. Speaker, it is important to determine how many hate crimes are occurring, who is being subjected to these hate crimes, what part of the country they are happening in and whether existing laws are adequate. This bill will give us the raw data to determine the answers to those questions.

Mr. Speaker, last year, with the help of the gentleman from Michigan [Mr. CONYERS], we were responsible for passing a bill to criminalize religious bigotry in this country in terms of damage to religious institutions. That was an important symbol to America that we would not tolerate religious bigotry, particularly if it was caused in some part by a criminal motive.

This bill will give us the information to determine if this and other substantive laws need to be expanded, or if the current laws are adequate, and, Mr. Speaker, I urge its passage.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 1048, the Hate Crime Statistics Act. Criminal acts such as homicides, assaults, and threats that are based on prejudice damage the moral foundation upon which our country was built. Hate crimes are not only morally offensive but they stand in defiance of our Nation's creed, "liberty and justice for all." Undoubtedly we cannot fully comprehend the prevalence of hate crimes today without adequate statistics. Therefore, the Justice Department must take the responsibility for collecting and publishing annual statistics on these crimes. By collecting and publishing these statistics we can create a basis for understanding the range and depth of crime prompted by individual and group prejudice. Then and only then can we work effectively toward the elimination of hate crime.

Mr. Speaker, this legislation directly parallels the language of H.R. 3193, as amended by the amendment of the distinguished gentleman from Washington [Mr. MILLER], and passed on May 18, 1988 by the House in the 100th Congress. That amendment replaced the phrase "sexual orientation" with the phrase "homosexuality or heterosexuality." It is also instructive to note given previous comments, that section 2(b) indicates that nothing in this act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

Mr. Speaker, I urge support for H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], the original author of this legislation.

Mrs. KENNELLY. Mr. Speaker, with the show of support we have here today, I believe that after 4 long years of work on this legislation, 1989 is the year we will see the hate crimes bill enacted into law.

Crimes driven by hatred of a person's race, religion, ethnic background or sexual orientation, can scar not only an individual but a whole community. We just don't know the extent to which these acts are committed because no comprehensive statistics are maintained. But as a society that prides itself on its diversity and tolerance, we need to find out.

Our bill directs the Attorney General of the United States to collect and publish annual statistics about crimes motivated by hatred. Such crimes include homicide, assault, robbery, burglary, theft, arson, vandalism, trespass and threat. These statistics would then be available to Federal, State and local governments; allowing law enforcement officials to measure trends, develop enforcement strategies, and assign manpower to the areas of greatest need.

Hate crimes motivated by political, religious or social intolerance need to be distinguished from other crimes. The death of Michael Griffith in the Howard Beach neighborhood of Queens is not just a hit and run, swastikas spray-painted on a synagogue are not simply the defacement of property, a cross-burning on a front lawn is more than arson. These crimes of prejudice must be recorded as such if we are to come up with informed ways to prevent them in the future.

The basic idea behind hate crime legislation is simple: The more we know about these crimes of hate, the better chance we have to prevent them. Accurate data on when, where and how often these crimes occur will help. Four years of work on hate crime legislation has convinced me more than ever that the hate crime data this bill calls for is urgently needed by the law enforcement officials and public policy makers in this country.

There is prejudice abroad in the land. By ignoring it, we silently condone it. By documenting its existence, incident by incident, we are forced to face its reality, whereby we begin to find a solution. This is important to us as a Nation.

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

Mr. GREEN. Mr. Speaker, I rise today in strong support of H.R. 1048, the Hate Crime Statistics Act of 1989. Crimes motivated by racial, ethnic, religious, and antigay hatred are pervasive in our society, and it is unfortunate that there are no comprehensive, up-to-date statistics kept on the incidence of hate crimes. The Hate Crime Statistics Act directs the Department of Justice to compile and publish data about crimes that manifest prejudice based on race, religion, homosexuality, heterosexuality, or ethnicity. This legislation seeks to start to address the alarming problem of crimes which are motivated by prejudice.

Hate motivated crimes are still, tragically, a part of the lives of many Americans. In 1988, 1,281 anti-semitic incidents were reported by the Anti-Defamation League of B'nai B'rith. The National Gay and Lesbian Task Force reported 7,008 incidents of antigay violence in 1987. There have also been numerous documented attacks against Asian-Americans. A Los Angeles County Human Relations Commission report showed that Asians were victims of 24 percent of the hate crimes committed in 1986, up 14 percent from 1985. There is also evidence of growing Klan, neo-Nazi, Skinhead, and other hate group activity throughout the Nation.

Enough is enough, and it is high time that the Federal Government take action to study and remedy crimes motivated by hatred and ignorance. Irrespective of one's views on civil rights protections, it is critical

that Congress take a stand against hate violence. H.R. 1048 requires that statistics be assembled on the magnitude of hate crimes, enabling us to know the geographical extent and numerical frequency of such malicious and sadistic acts. Such a national, anonymous data base will provide an excellent tool for research into the causes and motivations of such attacks. There is clearly a demonstrated need to compile reliable information on this problem in order to formulate effective responses. H.R. 1048 does not endorse or provide special rights to any group of citizens. This legislation simply aims to collect anonymous statistics on acts that are clearly illegal, so that adequate and informed responses can be formulated.

In closing, I urge my colleagues to support H.R. 1048 and to oppose any efforts to defeat the bill under suspension which could lead to amendments that would weaken the scope of the legislation. Let's get a handle on the pervasive hate motivated crimes that continue to trouble our society. Vote yes on H.R. 1048.

□ 1550

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

Mr. Speaker, let me say initially, I support the gathering of statistical data for the categories of crimes that are listed in this bill.

I support the comment of my colleague, the gentleman from Pennsylvania [Mr. GEKAS] who was able to get into this bill in the subcommittee the ability of the Attorney General to add such other crimes in his or her judgment on which statistical data should be obtained. I support that.

I am standing here in the well today asking you to vote no on this matter on suspension for at least two reasons:

One, we are prevented, of course, from offering any amendments when a matter is on suspension. We all understand that is the rule.

This Member from California has an amendment that I would like to offer to this bill for the House to consider. Since it is on suspension, I cannot do that.

My colleague, the gentleman from Florida [Mr. JAMES] also has an amendment for a category of crimes that he would like to add to this bill, an amendment that he cannot offer because it is on suspension.

Last year when this matter was considered, it was on the regular calendar.

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

Mr. DANNEMEYER. I yield to my colleague, the gentleman from New York.

Mr. SCHUMER. I would just ask, is the amendment the gentleman is referring to the one that was voted down in the full committee 33 to 1, is that the one?

Mr. DANNEMEYER. The gentleman has counted correctly.

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

Mr. DANNEMEYER. Mr. Speaker, this issue I think needs to be debated on the floor of the House. Last year we had an opportunity to debate this issue on the floor of the House because the bill came up on the regular calendar where amendments could be offered. This year, of course, it is on the Suspension Calendar where amendments are not in order.

You know, early in the 1970's in this country we Americans started down a new road and the course of this new direction was whether or not we are going to affirm standards in human sexuality in our society.

In 1973, the American Psychiatric Association changed its assessment of homosexuality from abnormal to normal. Since that decision was made by the distinguished leaders of the medical profession practicing in the field of psychiatry, the homosexual community in America has used that decision time and time again as a rational basis on which to suggest we should change the laws of the culture of our society so that we will accept and equate homosexuality on a par with heterosexuality.

My State of California in 1975 repealed the law proscribing sodomy in that State, through the leadership of that distinguished member of the State assembly, Willie Brown from San Francisco. About half the States in the Union have done that. We now know what this has done to the medical status of the people of our country. This Nation is in the midst of a venereal disease epidemic. I am not talking just about AIDS, I am talking about curable venereal disease as well.

What we are witnessing today on the floor right now is one of the items on the agenda of the homosexual movement in America to use the power of the legislative arena or the court system to achieve their agenda, to accept homosexuality on a par with a heterosexual lifestyle.

I will remind my colleagues, there are at least three legislative alternatives floating around Washington today to achieve this agenda. One is a sex study buried in the bowels of HHS. It was rejected by the OMB as being inappropriate for the Federal Government to discover that, and as a result it goes back to HHS and they are now attempting to redraft the language, and like Phoenix, it will probably rise again.

Another matter relates to a bill developing a disability act for the country. Included within that definition will be persons with a communicable disease. It just boggles my mind that our society would consider granting antidiscrimination status to persons with a communicable disease in the instance of AIDS, or the virus for AIDS, noncurable, at a time when we have not even adopted the routine steps that historically our society has pursued to control communicable diseases, venereal disease, that is reportability in confidence to public health agencies, and contact tracing.

The third element, of course, is this bill on hate crime. What is involved here is to change the basic definition of the 1964 Civil Rights Act to include a new status that would have the dignity of being within the proscription of that act.

I remind my colleagues that in 1964 our society said that we will not tolerate discrimination based on race, color, religion, or national origin.

This bill before us changes that definition of that 1964 act and says that we will gather data on race, religion, homosexuality or heterosexuality, or ethnicity.

I have no objection—in just a moment I will yield to my friend. I have a few other comments first.

I have no objection, I will say again, to the gathering of statistics based on race, color, religion, or national origin, but I object in a very firm way to an effort here today that will elevate sexual preference, whether you call it heterosexuality or homosexuality, on the same basis as race, color, religion, or natural origin, and that is the very issue that I am talking about today.

One of the things you have to do in this field of politics is sometimes look and read what your opponents are saying. This quotation came from one of the homosexual publications in America, called Guide. Here is what they said:

> Ideally, we would have straights register differences in sexual preferences the way they register different tastes for ice cream or sports games. At least in the beginning, we are seeking public desensitization and nothing more. You can forget about trying to persuade the masses that homosexuality is a good thing. But if only you can get them to think that it is just another thing, then your battle for legal and social rights is virtually won.

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

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

Mr. JAMES. Mr. Speaker, while I strongly support this legislation, I have an even stronger belief in the principle of the people's House, and in the people's House the voice of every Member should be heard.

This is an important, much-needed piece of legislation, but we must not sacrifice a Member's ability to offer an amendment on a bill.

I recommend this measure be taken off the Suspension Calendar and placed on the Union Calendar, so that we may protect the sanctity of this

body in this principle of representative democracy.

This will do nothing to jeopardize the ultimate and speedy adoption of this measure, but it will do much to further our ability to deliberate on the important issues we face.

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

Mr. DANNEMEYER. I yield to my friend, the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman very much for yielding to me.

Does the gentleman in the well condone gay bashing, or does he oppose the collecting of statistics around this obscene subject?

Mr. DANNEMEYER. I think physical violence of any nature against another human being is to be condemned, and people who commit it should be prosecuted to the full extent of the law. Whether that physical violence is practiced by or against a heterosexual or a homosexual is in my humble opinion irrelevant to the purposes of this bill.

Sexual preference has no business being elevated to the same status as race, color, religion, or national origin. That is my point.

I have a few other comments I would like to make, and then I will yield to the gentleman if I have time.

Dr. David Pence is a noted physician in the State of Minnesota. He has written eloquently on what our society should do in developing a response to control the AIDS epidemic in this country. He has excellent credentials because he served time in the Federal penitentiary during the Vietnam war era because of his resistance to that war.

□ 1600

He also marched with the civil rights activists in the South prior to the adoption of the Civil Rights Act in 1964.

This is what Dr. Pence says:

> Homosexual behavior is a completely different category of activity which * * * cannot be seriously considered even an analogue of race or gender. The freedom train has been hijacked. The new agenda of the civil rights movement will not be written until the philosophical and social tenets of the sexual revolutionaries are exposed as inimical to the poor. While feminists cry for an end to patriarchy, the poor demand responsible fathers. While homosexuals cry for sexual license, the poor demand sexual discipline. While libertarians extol the victimless crime of drug use, the urban poor demand protection from the violence and social havoc of the drug industry. The civil rights agenda of the next generation will be rooted in a moral consensus that stresses community protection, self-discipline, fatherhood, chastity, work and education. By restoring its moral foundation, the civil rights movement will no longer serve the ideologies of the last 20 years but will fulfill the democratic promise of America's first two centuries.

We will affirm the heterosexual ethic for ourselves and for our kids and for this country by voting against this bill on suspension so that this Member will have an opportunity of offering an amendment to delete the reference to heterosexuality and homosexuality.

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

Mr. DANNEMEYER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding.

As the chairman of the subcommittee pointed out, the vote on the amendment in the committee was 33 to 1.

Mr. DANNEMEYER. I will reclaim my time on that point and reply to my colleague that more than one member of that committee, in case my colleague would like to know, came up to me afterwards and regretted they voted the way they did. That was one of the reasons I am standing in this well today.

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

Mr. DANNEMEYER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I appreciate the gentleman offering that statement.

Mr. DANNEMEYER. Did any of the colleagues ask the gentleman about that?

Mr. FRANK. I appreciate the offers of repentance, but in the quotation the gentleman read, he listed among the enemies of the poor, feminism. Is it also his intention to strike sex from this? He read a statement there which denounced feminists as also being antipoor. In his effort to clean this bill up is he also going to strike sex as one of the bases on which we would classify?

Mr. DANNEMEYER. I will ask my colleague: Is the gentleman suggesting we add feminism to the bill?

Mr. FRANK. No. But there is a gender reference there.

Mr. DANNEMEYER. Is that relevant to the discussion?

Mr. FRANK. The reference to sex, I think, the author of that piece the gentleman read would have considered to be an effort to introduce that.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, as a cosponsor of H.R. 1048, I rise today to urge my colleagues to support the Hate Crime Statistics Act. I want to commend my colleague, Congressman SCHUMER, chairman of the Subcommittee on Criminal Justice, for his leadership in bringing this bill to the floor.

Mr. Speaker, the first settlers to what would one day become these great United States, were fleeing from religious persecution. In fact, throughout our Nation's history, the United States has sought to be the land of the free, a nation where people are judged as individuals, not on the basis of characteristics, such as race or religion. Tragically, however, there has been a rising incidence of violent crimes in our Nation which are motivated by prejudice, hatred, and ignorance.

We are all horrified by these hate crimes, but far too many of us can recount instances of hate crimes which occured in our own communities. Last summer, in my congressional district, a cross was burned on a lawn. I cannot begin to imagine the terror the two young children who lived in the home experienced when they were awakened by the sounds and sight of a burning cross.

We must all join the chorus of outrage against these hate crimes, but there is more the Congress and the Federal Government must do. While we know these crimes exist, the Federal Government does not have a clear picture of the national scope of this problem. Presently, there are no comprehensive, accurate, and up-to-date statistics kept on the national incidence of hate crimes. We do not have accurate data as to the geographic patterns of these crimes, who the main perpetrators are or what individuals are most susceptible to attack. Without this vital information, our efforts to end hate crimes are severely limited.

My State of Maryland is one of nine States which currently monitors hate crimes. Maryland law enforcement officials have found this data to be invaluable in their efforts to prevent these ugly crimes, which tear at the very fabric of our Nation.

Mr. Speaker, legislation similar to H.R. 1048 was passed by the House in both the 99th and 100th Congress. I urge my colleagues to join me in once again supporting this vital legislation. It is unconscionable that in our Nation, which was founded on the principle of the tolerance and freedom, these crimes should exist. But in order to stop them, we must know more about them. This bill is a vital step in our efforts to bring an end to violence motivated by prejudice and ignorance. I urge my colleagues to vote for H.R. 1048.

Mr. SCHUMER. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the full committee, the gentleman from New York [Mr. FISH], who has been a leader in supporting this bill and bringing it this far.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 1048.

This legislation creates an important tool to eliminate the detestable hate crimes from modern America. The burning cross. The swastika painted on a church wall, the desecrated ceme-

tery—all these are examples of hate running rampant and endangering the very fabric of our society.

H.R. 1048 requires the Attorney General to gather data on the incidence of crimes motivated by prejudice based upon race, religion, nationality, sexual preference, or other characteristics that the Attorney General considers appropriate. It thus quantifies and illuminates manifestations of hatred against groups in our society who have been victimized merely for being who they are. The annual publication of this data, as called for by the bill, will permit law enforcement officials to develop strategies and establish priorities which can help eradicate this fearsome evil.

Two important features of the bill will help insure that the reporting requirements of this legislation will not create an unnecessary burden for the Attorney General nor outlive their usefulness. First, there is an authorization provision which will enable funds required to implement this bill to be considered separately from those required by the Attorney General for other functions of the Department of Justice. Second, this authorization extends only through 1996, when the Congress will be forced to revisit this issue and assess the effectiveness of the legislation.

Mr. Speaker, hate crimes such as we identify here deny the American dream not only to their victims but to us all. Our Nation was founded upon racial, religious, and ethnic diversity and to protect that foundation we must prevent the ending influence of hate crime. If the American dream of peace and freedom for all citizens is worth having, it is worth protecting.

We, today, affirm the vision of the founders who gave us the first amendment, freedom of religion; the experience of those who after a long and bloody Civil War, gave us the 13th and 14th amendment; and the promise held high by the statute of liberty.

This bill deserves the support of all, and I urge its adoption.

Mr. SCHUMER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, when someone burns a cross on a black family's front lawn, is that merely arson? When a swastika is painted on a synagogue, is that simply another incident of vandalism? When a man is beaten to death with baseball bats by youths yelling antigay slogans, is that just random gang violence?

These incidents are, and I quote from the bill, "criminal acts that manifest prejudice." They are hate-crimes, committed against a person solely because he or she happens to be a member of a particular class of people, whether it's a racial class, an ethnic class, a religious class, or a class identified by one's sexual orientation.

The reason such a crime is a particularly heinous thing is that its effects are not felt solely by the individual against whom the crime is perpetrated. When a Jew in Nazi Germany was singled out, Jews around the world were intimidated by that act.

The same thing is true today in this country when a Jewish talk-show host is murdered by neo-Nazis in Denver, or when a black man is run down in Howard Beach, or when a woman is shot dead on the Appalachian Trail by a man who explicitly stated that he shot her because she was gay.

The reason that race, religion and sexual orientation are in the bill is that, so far as we know, these are the principal categories of such acts based on hate. That is what all the testimony before the committee revealed. This bill has the support of all the major national religious groups, all national civil rights organizations, and a majority of the State attorneys general.

It is my belief that none of us, our families, our friends, or neighbors will be safe until the ugly and increasing tide of hate-inspired violence is stopped. Hate-motivated crime is intolerable—but until we have accurate statistics about its commission, we will remain unarmed against it.

Mr. SCHUMER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I rise in strong support of the bill. I think that when we are discussing this issue we have to remember we are all God's children.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 1048, the Hate Crime Statistics Act of 1989. I would like to commend the gentleman from Michigan [Mr. CONYERS]; the gentleman from New York, my good friend, the ranking minority member [Mr. FISH]; the distinguished chairman of the Subcommittee on Criminal Justice, the gentleman from New York [Mr. SCHUMER]; the subcommittee ranking minority member, the gentleman from Pennsylvania [Mr. GEKAS]; the gentlewoman from Connecticut [Mrs. KENNELLY]; and the gentlewoman from Maryland [Mrs. MORELLA], for the bipartisan effort to eliminate racial violence.

In 1987, the Department of Justice conducted a study of hate crimes and concluded that "there is plenty of documentation to show that the problem (of hate violence) is widespread, and considerable evidence that it is increasing."

The Hate Crime Statistics Act provides for the acquisition and publication of data about crimes based on race, religion, homosexuality, heterosexuality, or ethnicity. Furthermore, the Attorney General will be required to publish an annual summary of the data acquired under this act. As you may know, Connecticut and Maryland already monitor hate crimes. It has been shown that the data on hate crimes has been helpful in our efforts to eradicate hate crime activity.

Mr. Speaker, Congress must send a clear signal to all people that crimes based on race, religion, or sexuality will not be tolerated. H.R. 1048 is an important step toward achieving that goal. Accordingly, I urge my colleagues to join today in support of this bill.

□ 1610

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from New York for his remarks.

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

Mr. CARDIN. Mr. Speaker, I want to thank my colleague, the gentleman from New York, for yielding time to me, and I congratulate him, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Michigan [Mr. CONYERS] for their hard work in bringing this very important bill to the floor of the House.

Mr. Speaker, I rise in support of the Hate Crime Statistics Act. This legislation received the overwhelming support of the Judiciary Committee and deserves the support from the entire House.

The National Institute Against Prejudice and Violence, based in Maryland, conservatively estimates that 1 out of every 5 minority persons experiences some form of victimization based on prejudice every year. Despite some recent Supreme Court decisions on civil rights and assertions of conservative commentators, racism still exists in our society. African-Americans are now able to drink from the same water fountains as whites, use the same lavatories as whites, eat at the same lunch counters as whites, and ride at the front of buses. We have made political progress. Racism still exists and it exists in its most despicable form—violence.

It is our job as legislators to provide law enforcement officials with as many tools as possible to counter hate crimes. Maryland was the first State in the Nation to pass a data collection law. The data collected has enabled us to target where and what kinds of hate crimes are occuring. The data collected by the Baltimore County Police Department has been a vital part of their ethnic, racial, and religious violence program. It has also enabled us to educate communities about prejudice and hate. We now have resources that can help us create the most effective public policies to fight hate crimes.

During the 100th Congress this bill was approved by the House 383 to 29. We are witnessing a growth in hate crimes nationwide. It is essential for our law enforcement community to fully understand the depth and scope of this activity if it is to effectively combat it. I urge my colleagues in both bodies to expeditiously approve this legislation so the law enforcement community can get to work now.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Maryland for his remarks.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me and commend the gentleman from New York [Mr. SCHUMER], the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CONYERS], and the gentleman from New York [Mr. FISH] for their leadership in bringing this legislation to the floor.

Mr. Speaker, I rise today in strong support of H.R. 1048, the Hate Crime Statistics Act. This bill would require the Justice Department to collect and publish annually statistics on crimes which are based on race, religion, sexual orientation, or ethnicity. The need for such statistics has already been well documented. Similar legislation was passed by the House in both the 99th and 100th Congresses.

According to the Anti-Defamation League of B'nai B'rith, more hate crimes were committed in the last 2 years than in the previous two decades. This fact is even more disturbing when we consider that most of these incidents are never reported for fear of retribution. Increased activity by hate-motivated extremist groups has made the need for this legislation all the more vital.

The tremendous rise in criminal activity directed toward minorities is widespread and extremely serious. Throughout the 1980's, hundreds of acts of prejudice-motivated violence have been documented nationwide. Yet, currently there is no system of collection of statistics on these crimes at the Federal level.

The nationwide collection of hate crime statistics will provide information, that will enable the law enforcement community to better predict and prevent prejudicial violence. This type of program will also help police target limited resources into successful anti-hate violence programs. The Department of Justice has the ability, through existing technology, to enact a national process for compiling hate crime statistics.

I support this measure in its present form. Any effort to remove or limit the range of groups who could be singled out for violence would defeat the purpose of this legislation. I would also like to add threats. Hate crimes against women are just as serious and seem to be increasing in frequency. According to the National Coalition Against Domestic Violence, battering is the single biggest cause of injury to women—more frequent than auto accidents and muggings combined. It is imperative that we let women know that they are not alone by including the crimes committed against them in the statistics on hate crimes. The Federal Government must act to protect innocent victims by encouraging them to speak out and receive assistance. We will not accept crimes manifested through racial or religious hatred nor will we ever accept crimes based on sex.

Hate crimes are a national problem. In order to establish effective law enforcement strategy, reliable data on hate crimes must be available. H.R. 1048, the Hate Crime Statistics Act would provide for a comprehensive and cooperative State and Federal law enforcement effort to correct the current situation. Congress has the responsibility to ensure that all citizens are equally protected from violence and intimidation, irrespective of their race, religion, sexual orientation, or ethnic origin. I urge my colleagues to support H.R. 1048, the Hate Crime Statistics Act.

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

Mr. ENGEL. Mr. Speaker, I rise in support of H.R. 1048, the Hate Crime Statistics Act. This legislation is extremely important, and I commend the sponsors of the bill for taking this initiative. I am proud to be a cosponsor of this bill.

It is time for the Justice Department to begin collecting data on hate crimes. Although this is 1989, one might have thought that data collection on hate motivated crimes would already be a part of the Federal Government's routine statistical gathering endeavors. All evidence indicates that hate crimes are, in fact, on the rise and the documentation mandated by this bill is an important step forward in confronting these insidious crimes.

Mr. Speaker, as a new Member, I am amazed at some of the arguments put forward by some of my colleagues in opposing this bill. This bill is not sanctioning any particular life style. It is simply saying that violence against any human being for any reason ought not be tolerated.

I would like to take a few minutes to relate some facts about hate crimes which I find extremely disturbing. These facts should convince any decent American of the need to maintain these records, and to take the information we acquire as a result of the legislation's implementation, to fight back against those whose hatred results in violence against citizens of our country.

According to a report from the Anti-Defamation League of B'nai B'rith, there were 823 episodes of vandalism and desecration and 458 acts of harassment of an anti-Semitic nature in 1988. This represents a 18.5 percent increase over 1987. This marks the second straight year of substantial increases in anti-Semitic vandalism after a 4-year downward trend. This report bears witness to the importance of tracking acts of violence in this country based on such characteristics as religion, race, ethnicity and sexual orientation.

One important aspect of the B'nai B'rith report is the increased activities of the neo-Nazi skinheads. Skinheads have perpetrated their crimes against blacks, Hispanics, Jews, Asians and homosexuals in a wanton, brutal fashion.

The National Gay and Lesbian Task Force has also highlighted the serious problem of skinhead violence against gays and lesbians in their most recent report. Included in the 7,248 acts of violence against gays and lesbians this past year, crimes ranging from harassment to homicide was the beating of a gay man by pipe wielding skinheads in California. Violent acts against blacks, Asians and other minorities also continues unabated. Despite the civil rights laws which are on the books, racism continues to be a serious problem in our society. All too often racism has been the motivating factor for unprovoked attacks which do physical and emotional harm to American citizens.

Mr. Speaker, senseless, bias-related crime has become a daily activity in this country. We must put an end to it and it is not one day too soon for this Congress to act. H.R. 1408 is an important first step in constructing a record of how irrational hate manifests itself in unthinkable crimes which do harm to the fabric of our society. I urge the adoption of this legislation.

Mr. SCHUMER. Mr. Speaker, to conclude, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the lead sponsor of this legislation, the gentleman has shepherded it through three Congresses, and hopefully we will see it signed into law with broad bipartisan support.

Mr. CONYERS. Mr. Speaker, I rise at the close of debate to acknowledge the heartfelt gratitude of the leaders of the civil rights movements who are perfectly aware of the enormous importance and significance of this piece of legislation.

When the gentlewoman from Connecticut [Mrs. BARBARA KENNELLY], brought this to our attention in 1985, we thought hate crimes were on the rise. We are now positive of it.

This measure is going to send a strong signal out to everybody in the

land that this Nation, its Congress, and its Department of Justice are going to move on this by keeping a close account of the commission of these crimes. So I say to my successor, the gentleman from New York [Mr. SCHUMER] I am very pleased that he would choose this legislation to be the first that would move out of his subcommittee. To all of my friends on the other side of the aisle, the gentleman from Pennsylvania [Mr. GEKAS], who has been the ranking minority leader of the Subcommittee on Criminal Justice for many years, the gentleman from New York [Mr. FISH], and all of our colleagues, this is a bipartisan matter because this subject matter is bipartisan. We are moving out of the past. When we announced that we were going to keep statistics on this ugly subject, we were saying that we are going to be able to deal with hate crimes more meaningfully than ever before.

So, on behalf of the family in Temperance, MI, a few miles from Detroit, who had a cross burned on their lawn only a few months ago, I want to express to you their thanks. To Vincent Chin and his family in Detroit, a young Chinese man brutally murdered, I know his family will be grateful for this legislation.

Mr Speaker, I am pleased that the Committee on the Judiciary has moved quickly to bring the Hate Crime Statistics Act to the floor. I have introduced this measure in each of the last two Congresses, seen it pass the House each time with overwhelming bipartisan support, only to see the bill fail to clear the Senate. I believe, however, that this time out, the prospects for enactment are much better. The companion legislation introduced by Senator PAUL SIMON (S. 419) has already been favorably reported by the Senate Judiciary Committee March 9. It has 46 cosponsors, and floor action is expected later this summer. The bill before this committee, H.R. 1048, now has 129 cosponsors. The Department of Justice recently expressed support for the concept the bill embodies. I do recognize, however, that the Department, and a few Members would like to see some minor modifications made, but I strongly urge passage of this bill in its persent form.

H.R. 1048 simply requires the Department of Justice to collect and publish statistics on the nationwide incidence of hate crimes—those crimes motivated by prejudice based on race, religion, homosexuality or heterosexuality, of ethnicity. The bill was amended by the Subcommittee on Criminal Justice on May 18, to allow the Attorney General to include any additional category of victims he deems appropriate. I thank the gentleman from Pennsylvania, the ranking minority member on the subcommittee, GEORGE GEKAS, for bringing this particular amendment forward which seeks to make the legislation more inclusive. I am aware that interest has been expressed in having crimes against women and the elderly included in the bill, and perhaps through further congressional hearings on hate crimes, a record can be created to support action in that regard by the Attorney General.

At the recent Judiciary Committee markup of this bill, one member argued that hate crimes against gays and lesbians should not be included because they were not historically recognized in civil rights law. An amendment to accomplish that objective was soundly defeated, 33 to 1, as it was on the floor of the House when this bill was considered last year, 384 to 30. A report released earlier this month on antigay violence and victimization indicated that there were 7,248 incidents in 1988—an increase of 3 percent over 1987—ranging from verbal harassment to homicide. Clearly to leave hate crimes against gays and lesbians out of this bill, given this record, would be like leaving African Americans out of the civil rights legislation of the 1960's.

During my term as chairman of the Subcommittee on Criminal Justice, my staff and I received information from a variety of sources which indicated that there has been a constant increase in physical and psychological attacks on persons targeted simply because of their race, religion, sexual orientation, or ethnicity. We conducted a series of five hearings from 1985 through 1988 that document the need for this legislation in its present form. Testimony was received that hate crimes are both the spontaneous acts of nonaffiliated individuals, as well as being actions planned and carried out by organized groups like the Skinheads, the Aryan Nation, and The Order.

These attacks have the effect of intimidating not just their victims, but of spreading fear throughout an entire community of people. The fact that these offenses still continue to happen at all in America is an indication that the democratic values that we take great pride in, and which distinguish our society among the community of nations, are not yet shared by all of our citizens. Clearly we must do more to promote greater understanding and tolerance, and gathering information about crimes of bigotry is an important first step.

In my own State of Michigan, we still see such things as cross burnings occurring. This past March, a 6-foot cross was burned in the back yard of Charles Wilder, a resident of Temperance—located about 55 miles southwest of Detroit. Crosses were also burned on the lawn of a family in Jones, MI during December 1988, and in Redford Township and Livonia in August 1987. These incidents are not at all fading images of our segregationist past.

There have also been an increasing number of racial incidents on our State's college campuses this year. These are particularly disturbing because they indicate that many of our youth are still growing up afflicted with the scourge of bigotry. This past February, racial threats were reported against African American students at Michigan State University, Eastern Michigan University, and Albion College. Unless we are able to get a handle on this problem, it will continue to plague us well into the future.

At present, nine States—Maryland, Pennsylvania, Illinois, Connecticut, Oklahoma, Minnesota, Virginia, Maine, and Idaho—and a few local governments monitor the incidence of hate crimes. As the result, there is still much about the nature and scope of this problem that we do not know such as: whether some parts of the country experiencing more hate crimes than others, or are there patterns evident in the background of the perpetrators and victims? I believe that such information would be of great value to law enforcement personnel and legislators concerned about the eradication of this problem. With the enactment of hate crimes statistics legislation, the answers to these questions can easily be obtained.

Hate crimes are extraordinary in nature and require a special governmental response. By passing this measure to devote Federal resources to the collection of information about this problem, this Congress will demonstrate that it is concerned about the threat that racism and bigotry pose to the peace and harmony of our communities, and is willing to take effective steps to eliminate it.

Mr. Speaker, the Hate Crime Statistics Act has been endorsed by over 100 national organizations and 30 State attorneys general. Among them are law enforcement organizations such as the Police Executive Research Forum, International Association of Chiefs of Police, the Police Foundation, and the Criminal Justice Statistics Association. This is in addition to civil and human rights organizations, professional associations, and religious groups. It is a modest measure that deserves our support, and I urge all of my colleagues to vote for it.

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the Hate Crime Statistics Act. This legislation would require the Justice Department to collect data on frequency of crimes based on race, religion, sexual orientation, and ethnic background.

Mr. Speaker, we need this information. Obviously, the information will help local jurisdictions solve these crimes. But, more subtlely, we need this information so we can know more. Remember, these are crimes targeted against the very foundation of this country. These are crimes that are committed because people are different.

Mr. Speaker, this is such a dangerous trend. We can reverse it though, with more knowledge. The first step is to lift the rock, to shine the light in the corner, and to expose these awful crimes that lay underneath the rock.

Mr. Speaker, as Americans, we can't afford not to approve this act.

Mr. SCHEUER. Mr. Speaker, I am deeply disturbed by reports that crimes of hate—motivated by ethnic, racial, and sexual bigotry—are increasing. The Hate Crime Statistics Act, H.R. 1048, brings much-needed attention to religious defamation which is often construed as pranks or ordinary vandalism.

The Anti-Defamation League [ADL] has been closely tracking one type of hate crime, antisemitic vandalism, since 1960.

According to the ADL, antisemitic incidents have increased by 21 percent since 1987. In 1988 there were more crimes of hate against Jews than in any of the last 5 years with a particularly large increase in the number of such incidents on college campuses.

In addition, since the fall of 1988, neo-Nazi skinhead activities have expanded from 21 to 31 States.

At present there are no comprehensive and up-to-date statistics on these types of crimes.

Last year, by a margin of 383–29 the House of Representatives passed the Hate Crime Statistics Act. In doing so, this body expressed its repulsion for all crimes of hatred and its commitment to take action. Unfortunately, this important piece of legislation died in the Senate.

I am pleased to report that this legislation currently has earned support from over 30 State Attorneys General, 75 civil rights and religious organizations, and a variety of associations representing police officials.

Law enforcement and government officials will be in a position to confront bias-related crimes in the most effective fashion only when the scope of the problem is known. To date, both local and national responses to hate crimes have been impeded by a lack of comprehensive, comparative statistical data concerning the number, location, and types of such crimes.

In the long-term, education on the values of tolerance and diversity is the only solution to unseating the unseemly roots of hate crimes. A Federal commitment and accurate statistics are essential components of this effort.

Mr. MACHTLEY. Mr. Speaker, I would like to express my support for the Hate Crime Statistics Act we are considering today.

This legislation makes a crucial statement to the perpetrators of bigotry in our country. This legislation makes clear that malignant acts of hatred against individuals and groups will be accounted for, that we will have an accurate sense of where these incidents occur, and of how often they occur. This bill calls these criminals to task by making it clear that the U.S. Government considers acts of prejudice and bigotry crimes that merit our full and collective reproach.

We live in the best nation in the world. We live in a nation where people of all races, religions, and ethnic groups have gathered to live freely, democratically, and peaceably. It offends my sense of America's beauty that some 67 odd organizations, some 4,500–5,500 Klan members, some tiny and twisted groupings in the United States that could never even be called a minority—could sully the character of the United States with acts of cruel and misplaced hatred.

I ask my colleagues today to call to conscience these sinister symbols of hate, and to permit the calculation and identification of pernicious hate crimes which affront the integrity of the great American melting pot.

Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 1048, the Hate Crime Statistics Act, which I am also cosponsoring.

H.R. 1048 would require the Department of Justice to collect data on a variety of crimes aimed at victims based on their race, religion, sexual orientation and ethnicity. These crimes would include homicide, assault, robbery, burglary, theft, arson, vandalism, and threats. Data would be collected over a 6-year period from 1991 to 1996 for research and statistical purposes. Law enforcement agencies, as well as Congress and State and local legislative bodies will have access to this data which should prove to be helfpul in focusing law enforcement resources on protecting victims' rights.

Mr. Speaker, in recent months we have seen an alarming increase in crimes directed at individuals because of their race, religion, sexual orientation, and ethnicity. In Portland, OR last February, a young black Ethiopian man was beaten to death by two youths who were members of a neo-Nazi group known as the skinheads. Across the Nation, police have reported increased acts of vandalism and desecration at Jewish synagogues, which have been spray-painted with antisemitic graffiti and swastikas. Violent attacks directed against gay men and women are also on the increase. All of these crimes are especially reprehensible because they involve premeditation. Their victims are not totally random, but rather specifically targeted because of their race, religion, ethnicity, or sexual orientation.

Last year, the Minnesota Legislature overwhelmingly passed similar legislation, which was signed into law by Minnesota Governor Rudy Perpich. The Minnesota law, like H.R. 1048, does not confer any new special privilege or rights to any particular group. Instead, it simply gives the government the means of gathering information which is necessary to effectively respond to hate crimes. We must send the strongest possible message that we will be intolerant of the mindless intolerance of hate crimes directed against any group in our society. I urge my colleagues to join me in voting for H.R. 1048.

Mr. BRENNAN. Mr. Speaker, today the House will consider under suspension of the rules the Hate Crime Statistics Act. I stand convinced of the need for this measure.

We in this Nation are fortunate in that the quality of life here is the best the world has to offer. Because the freedoms we enjoy directly contribute to that quality, we must fiercely protect these freedoms for one and all.

When it appears that, due to discrimination by some, certain individuals enjoy lesser freedoms, it is our responsibility to restore equity. We now are being called upon to do so.

In past years, it has become evident that some segments of our society are being singled out as the object of violence and criminal activity simply because of their race, religion, ethnicity, or sexual orientation. It is imperative that we determine where and why these types of crimes are occurring. Because the Hate Crime Statistics Act will provide for the collection of data regarding crimes of hate and prejudice, it will allow us to eliminate this discrimination by targeting our resources against it.

In a broader sense, it will allow us to protect the freedoms that define this great Nation. I strongly urge my colleagues to join me in support of the Hate Crime Statistics Act.

Mr. MATSUI. Mr. Speaker, this Nation is facing an emerging pattern of violence motivated by racial hatred. A rising number of our constituents are being brutally victimized for no other reason than their race, religious heritage, or sexual preference.

Our daily newspapers have become dotted over recent months with stories documenting the growth of these hate crimes. The New York Times, the Los Angeles Times, the Wall Street Journal, and the Philadelphia Enquirer are but a few papers that have featured such stories.

Recent incidents include a couple that was seriously beaten as they came out of a convenience store by skinheads who mistakenly thought they were Jewish, and a cross-burning at a Tennessee high school for children of Japanese businessmen.

Mr. Speaker, clearly this bill will not immediately stop any crimes based on prejudice. But it will provide the statistical data needed by our law enforcement organizations to combat these types of activities. Hate crimes, motivated by political and social intolerance, must be distinguished from crimes motivated by other factors.

In looking for an appropriate response to this rising problem, we can begin by approving H.R. 1048 on this floor today. As a nation, we must have comprehensive, accurate, and up-to-date statistics on the number of hate crimes committed in this country. We must know more about this despicable form of violence if we are to effectively deal with this tragedy. This bill is a responsible first step.

Mr. Speaker, no longer can we turn our heads to the growing number of hate crimes occurring on our streets by calling them isolated incidents.

I urge my colleagues to support this bill that has the strong endorsements of organizations including the Fraternal Order of Police, the National Association of Police Organizations, the American Jewish Committee, and the Japanese American Citizens League, and I strongly encourage my colleagues to oppose any amendments that may weaken its scope.

Mr. McCANDLESS. Mr. Speaker, I abhor crime and acts of violence. Regardless of the motivation, a violent and criminal attack is, at the very minimum, in violation of basic human and civil rights of the victim.

The legislation before us, H.R. 1048, the Hate Crime Statistics Act, requires the Department of Justice to compile and publish data annually on the incidence of hate crimes. Hate crimes are crimes that manifest a prejudice against a category of victims. While this information may be of statistical interest, H.R. 1048 does nothing to stop crime of any nature; does nothing to help the victims of crime; and it does nothing to punish those who are guilty of crimes. This legislation only provides statistics.

The legislation authorizes "such sums as may be necessary," which the Congressional Budget Office estimates to be from $1 million to $10 million per year. At a time when we are undertaking a major war on drugs, at a time when the District of Columbia has come to Congress and asked that we foot the bill for more local police officers, at a time when we must begin to rebuild the prison system in the United States, I must question the propriety of spending up to $10 million a year to keep statistics. That money is desperately needed, and could be much more effectively used, in other anticrime programs.

In our efforts to reduce the Federal budget deficit, we must carefully set our spending priorities. While Federal anticrime efforts must be a high priority, statistics, no matter how noble the cause, should be far down on the list.

If H.R. 1048 would put an end to hate crimes, help the victims of hate crimes, or punish those who commit such crimes, I most

certainly would support it. But since it does none of those things, I must oppose it.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 1048, the Hate Crime Statistics Act. H.R. 1048 would require the Department of Justice to collect statistics every year for a 5-year period on crimes that manifest prejudice either on specified bases or on other characteristics that the Attorney General would consider appropriate. Similar legislation passed the House in the past two Congresses.

Currently, no national statistics are collected on the crimes. As a result, it is impossible to determine important factors, such as where these crimes are occurring and the frequency with which they are occurring, and who the perpetrators and victims are, that would be useful in attempting to combat crimes that result from prejudice against various groups in our society.

The U.S. Commission on Civil Rights has urged the Congress to enact hate crimes legislation, and a large number of groups involved in criminal justice and civil rights activities have urged the passage of this legislation. I join them in this and urge a positive vote on H.R. 1048.

The SPEAKER pro tempore. (Mr. Bosco). All time has expired.

The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 1048, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SCHUMER. 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. 1048, the bill just considered.

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

There was no objection.

RELATING TO GOVERNMENT CONTRIBUTIONS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM FOR 1990 OR 1991

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2705) relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 or 1991 if no Governmentwide indemnity benefit plan participates in that year, as amended.

The Clerk read as follows:

H.R. 2705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) if no contract under chapter 89 of title 5, United States Code, is entered into with an indemnity benefit plan (as referred to in section 8906(a)(2) of such title) for contract year 1990 or 1991, in order to compute the average subscription, charges under section 8906(a) of such title for that contract year, the subscription charges in effect for the indemnity benefit plan on the beginning date of that contract year shall be deemed to be—

(A) the subscription charges which were in effect for such plan on the beginning date of the preceding contract year, as adjusted by paragraph (2); or

(B) if subparagraph (A) does not apply, the subscription charges which were deemed under this Act to have been in effect for such plan with respect to the preceding contract year, as adjusted by paragraph (2).

(2) The subscription charges under paragraph (1)(A) or (1)(B), as applicable with respect to the contract year involved, shall be increased or decreased (as appropriate) by the average percentage by which the respective subscription charges taken into account under paragraphs (1), (3), and (4) of section 8906(a) of title 5, United States Code, for such contract year increased or decreased from the subscription charges taken into account under such paragraphs (1), (3), and (4) for the preceding contract year.

(b) Separate percentages shall be computed under subsection (a)(2) with respect to enrollments for self alone and enrollments for self and family, respectively.

(c) Any reference in this Act to a "contract year" shall be considered to be a reference to a contract year under chapter 89 of title 5, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2705, a measure which addresses an unforseen emergency situation in the Federal Employees Health Benefits Program [FEHBP].

On May 30, 1989, Aetna Life Insurance Co. notified the Office of Personnel Management that effective January 1, 1990, it will no longer offer its indemnity benefit plan to Federal employees and retirees. That notice signalled the end of a 30-year relationship with the health benefits program and means that 187,000 enrollees will have to enroll in another health insurance plan.

The impact of Aetna's decision, however, reaches far beyond those enrolled in the indemnity benefit plan. This is because Aetna's premium is used as part of the statutory formula for calculating the Federal Government's share of health premiums.

Since Aetna has dropped out of FEHBP, the Office of Personnel Management finds itself without the six premiums it needs to calculate the Government contribution to health premiums. Absent a legislative remedy to the Aetna situation, enrollee premiums could rise by more than 30 percent in 1990.

H.R. 2705 is intended to provide such a remedy to this emergency situation. The bill maintains the status quo and, according to a cost estimate prepared by the Congressional Budget Office, would have no budgetary impact. I submit the CBO correspondence to be printed in the RECORD at this point:

ANALYSIS OF H.R. 2705

Relating to the method by which Government contributions to the Federal employees health benefits program shall be computed for 1990 and 1991 if no Governmentwide indemnity benefit plan participates in that year.

Introduced on June 21, 1989 by Chairman William D. Ford of the Committee on Post Office & Civil Service (for himself, Mr. Ackerman, Mr. Gilman, and Mr. Myers of Indiana).

BACKGROUND

In order to determine the Federal Government's (employer's) share of FEHBP premiums each year, the Office of Personnel Management (OPM) is directed to determine the average total premium for six health plans. The Government's share is then a dollar amount equal to 60% of that six-plan premium average.

The six plans are:

1. Service Benefit Plan (Blue Cross/Blue Shield high option).

2. Indemnity Benefit Plan (Aetna high option).

3/4. The two largest enrollment employee organization plans.

5/6. The two largest HMOs.

Since Aetna has dropped out of FEHBP, OPM finds itself without the six premiums it needs to calculate the Government's premium share (#2 above is missing). Even without the Aetna issue, FEHBP premiums are expected to rise by approximately 15 percent. Absent a legislative remedy to the Aetna situation, enrollee premiums could rise by more than 30 percent.

PROPOSAL—A PROXY PREMIUM

In order to avoid a calculation based upon the "Big Five" instead of Big Six premiums, and a shift of $600 million in premium costs to enrollees, the proposal would direct OPM to create a "proxy premium" for the next two years to permit a Big Six calculation. The proposal maintains the status quo and does not affect the budget deficit.

The proxy premium would reflect what Aetna's premium would otherwise be had the carrier remained in the FEHBP and the government share of FEHBP premiums would be approximately the same as if Aetna had remained in the program.

For the 1990 contract year, the proxy premium would be determined by taking Aetna's 1989 premium and increasing that premium by the average increase in the

other five plans which remain part of the Big Six.

The same formula would be used for the 1991 contract year, except that the base for the 1991 proxy premium would be the proxy premium OPM created for 1990 adjusted for the average premium increase for the other five plans for 1991.

Under the proposal, the Big Six calculation would be based upon the following:

1. Service Benefit Plan (Blue Cross/Blue Shield high option).

2. Proxy Premium (for Indemnity Benefit Plan)

3/4. The two largest enrollment employee organization plans.

5/6. The two largest HMOs.

Note that the proxy premium would be utilized only if OPM is unable to contract with another carrier for a governmentwide Indemnity Benefit Plan.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, June 27, 1989.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, CBO has reviewed H.R. 2705, as introduced and referred to the Committee on Post Office and Civil Service. The bill would set the method by which government contributions to the federal employees health benefits program (FEHB) would be computed for contract year 1990 or 1991 if no government-wide indemnity plan participates in that year. The bill addresses a problem created by the withdrawal of Aetna from the FEHB program effective at the end of this calendar year.

According to the method for calculating the government share of premiums (the so-called "Big Six" formula specified in Sections 8906(a) and 8906(b) of title 5, chapter 89, of the United States Code), the government share is set at the lesser of: (A) the dollar amount equal to 60% of the average of subscription charges set by the highest level of benefits offered by (1) the indemnity benefits plan (currently Aetna, high option), (2) the service benefit plan (Blue Cross/Blue Shield, high option), (3) the two largest employee organization plans, and (4) the two largest comprehensive plans (HMOs); or (B) 75% of the actual subscription charges of the plan.

The proposal mandates a method for creating a proxy for Aetna's subscription charges if the Office of Personnel Management does not contract with an indemnity plan to replace Aetna for contract (calendar) years 1990 or 1991. That method would be to calculate an average by which the subscription charges of the other five plans in the "Big Six" change (from 1989 to 1990), and to change Aetna's 1989 subscription charges by that average change. The result would be considered a proxy for Aetna's 1990 subscription charges for use in the "Big Six" formula. The government share of FEHB premiums would then be calculated as specified in current law. The same method would be used in similar fashion to calculate the government share for 1991, using the average change in the "Big Five" subscription charges from 1990 to 1991 and applying it to Aetna's subscription charges "deemed" in effect for 1990.

CBO's baseline budget projections for government payments of FEHB premiums are based on data provided by the Office of Personnel Management. The baseline assumed continuation of the "Big Six" formula for calculating the federal government's share of FEHB premiums. The method mandated by H.R. 2705 for calculating that share in the absence of an indemnity plan would closely approximate the result that is assumed in the baseline. Use of the mandated method thus is consistent with CBO's baseline projections of government payments of FEHB premium for FY 1990 through FY 1994. The proposal as drafted would therefore have no budgetary impact when measured against the CBO February baseline.

We will be pleased to answer further questions about this estimate. The CBO contact is Alan Fairbank (226-2820).

Sincerely,

ROBERT D. REISCHAUER.

To solve the dilemma facing the health benefits program, H.R. 2705 mandates a method for creating a proxy for Aetna's subscription charges. The method would be used only in the event the Office of Personnel Management does not contract with an indemnity benefit plan in place of Aetna for contract years 1990 or 1991.

The proxy premium would replicate the Aetna premium that would have been in existence had the carrier remained in the health program.

Mr. Speaker, H.R. 2705 is cosponsored by the ranking minority member of the full committee [Mr. GILMAN] and the Subcommittee on Compensation and Employee Benefits [Mr. MYERS], as well as the chairman of that subcommittee [Mr. ACKERMAN]. This bipartisan support is indicative of the bipartisan concern we share for an already ailing program. With program reform in progress, this is not the time for fiscal opportunists to take advantage of a critical situation.

As I, along with Representative ACKERMAN and Senators GLENN and PRYOR of the Senate Committee on Governmental Affairs, wrote to OPM on June 2, 1989, "The absence of Aetna from the FEHBP must, by necessity, precipi-tate action which safeguards enrollees from both any further erosion of plan benefits or unanticipated increases in enrollee premiums." H.R. 2705 is the appropriate action.

I urge adoption of H.R. 2705 as a means to ensure that all Federal enrollees will have uninterrupted access to high quality medical care at fair and reasonable rates.

□ 1620

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

GENERAL LEAVE

Mr. FORD of Michigan. 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. 2705, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to rise in support of H.R. 2705, emergency legislation relating to the unexpected withdrawal of Aetna Insurance Co. from the Federal Employees Health Benefits Program. Earlier this month, Aetna Insurance Co. announced that it was no longer offering its traditional health insurance coverage to Federal Government employees. Aetna's plan was one of two systemwide plans offering both standard and high option insurance coverage for tens of thousands of Federal employees. Aetna's pullout impacts the Federal Health Benefits Program with serious problems in terms of plan structure and contract negotiations. The legislation before us (H.R. 2705) alleviates these problems on a temporary basis by creating a proxy for Aetna's subscription charges if the Office of Personnel Management does not contract with an indemnity plan to replace Aetna for the contract years 1990 or 1991.

Mr. Speaker, the committee is presently reviewing several options for reform of the current health benefits program. Last year, we requested the Congressional Research Service to devise several strategies for FEHBP reform. CRS issued the report last month and the committee subsequently held hearings on the myriad issues it presented. The legislation before us today merely retains the status quo until the committee has had ample time to develop legislation for total program reform.

I understand the administration has begun work on their own proposal addressing the problems presented by Aetna's withdrawal from the health benefits program. I believe that we all share the same goals of stabilizing health benefit premium costs while ensuring the best health protection for Federal employees. The pending legislation was drafted with these goals in mind and our committee looks forward to entering into discussions with the administration in order to solve any problems which may currently exist in the health benefits program.

Because of the timing of Aetna's decision to withdraw coupled with pending contract negotiations, a timely legislative response is needed to ensure a smoothly run and effective health benefits open season. Time delays could hamper OPM in its contract negotiations with the insurance carriers while adversely impacting on the scheduled open season.

Mr. Speaker, health insurance is of primary concern to all Federal employees and is an important tool in recruiting and retaining a qualified and motivated workforce. The CRS report points out that Federal employees al-

ready pay more for health insurance coverage than their comparable private sector counterparts. Now is not the time to consider alternatives that would further increase enrollee costs while damaging the Federal Government's competitiveness in the workplace. The Congressional Budget Office has indicated that the proposed legislation is budget neutral and is consistent with its baseline projections. Accordingly, I urge all of our colleagues to support passage of H.R. 2705.

□ 1630

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 2705. This measure provides relief to the Federal Employees Health Benefits Program enrollees from an unanticipated premium increase due to the Aetna Life Insurance Co.'s decision to withdraw from the health program.

Last month, the Aetna Life Insurance Co. notified the Office of Personnel Management that, effective January 1, 1990, it will no longer participate in the FEHBP. Aetna was once the second largest carrier participating in the FEHBP. However, over the past decade, the Aetna plan has lost its younger and healthier enrollees to other plans.

As a result, Aetna was left with older, and more expensive enrollees, a fact which drove up its premium to such a level that Aetna decided it was no longer prudent to continue its participation in the program.

Aetna's decision has created substantial uncertainty with regard to the allocation of premiums between enrollees and the Federal Government because the Aetna plan was one of the six FEHBP plans used to determine the Government contribution. Enrollee costs would increase by as much as 18 percent simply as a result of Aetna's departure. This premium increase is based upon a projected recalculation of the formula used to determine the Government's contribution to each enrollee's health plan. This increase is apart from any escalation attributable to medical inflation or increased utilization of health care services.

H.R. 2705 provides that the Government contribution be calculated as if Aetna still participated in the FEHBP. The bill does not authorize the appropriation of any additional amount to the health program. It simply provides protection for Federal employees, annuitants and their dependents against a significant and unanticipated premium increase.

For those reasons, Mr. Speaker, I urge my colleagues to vote in favor of H.R. 2705.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I join with my colleagues, Mr. FORD, Mr. ACKERMAN, and Mr. GILMAN, in support of H.R. 2705, the FEHBP "fix" proposal. I thank the chairman and ranking member for taking this action so quickly—for time is critical.

We are forced to bring this legislation to the House floor because the current carrier of the Federal employees health benefit plan's indemnity plan, Aetna Life Insurance Co., has notified the Office of Personnel Management [OPM] that it would no longer participate in the Federal Employees Health Insurance Program. Some 187,000 enrollees and their families, mostly retirees, will be left without health care coverage. These people will be forced to select a new health care insurance carrier.

The problem created by the pullout is that the Indemnity plan, administered by Aetna since 1959, is part of the "Big Six" formula which is used to determine the premiums paid by federal employees.

Unfortunately, for the past several years Federal employees have been hit with huge health care premium increases. As a result of the high level of uncertainty, OPM commissioned a study of the entire FEHB plan which called for a complete overhaul of the world's largest group insurance program. The FEHB plan covers more than 9 million employees, annuitants, and dependents.

The administration has informed us that it will soon present its own premium stabilization legislation. H.R. 2705 meets the same goal that the administration is pursuing: stabilize premiums for Federal employees. Until we get more information on that proposal, I support the FEHBP fix legislation which is contained in H.R. 2705. This proposal maintains the status quo and does not affect the budget deficit. The Congressional Budget Office reported that H.R. 2705 is consistent with its baseline projections and would have no budgetary impact.

I hope all my colleagues will support this urgently needed legislation. We must act quickly because the Government is currently negotiating with the carriers toward establishing the 1990 rates. If we fail to act on this legislation, the Office of Personnel Management could be forced to delay the Federal employees health benefit plan annual open season for those wishing to change plans and avoids a potential shift of $600 million in premium costs to Federal employees covered under the FEHBP.

I urge prompt consideration and passage of this important legislation.

Mr. GILLMAN. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her supporting arguments.

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

Mr. FORD of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR], a member of the subcommittee which is wrestling with the permanent solution to this problem.

Ms. OAKAR. Mr. Speaker, I want to thank my distinguished chairman and thank the ranking member, along with the gentleman from New York [Mr. ACKERMAN] and others for their say on this matter and for a quick reaction to the implications of the big 6 provider, Aetna's decision to withdraw from the Federal Employment Health Policy Program.

Mr. Speaker, I rise in strong support of H.R. 2705 which will bring no additional costs to this year's deficit calculations. However, if we fail to act in support of this legislation, Federal employees could see as much as 30 percent increase in their own health contributions. This is in addition to the 20-percent increase they suffered last year.

I think at this point, it is interesting to take a look at what the Federal Employment Health Program really is. There are about 400 programs from which Federal employees and most of the retirees can choose, and it could be said that is wonderful to have all these options. The fact is that Federal employees, unlike the private sector, particularly the larger corporations, pay 40 percent of these premiums. I, personally, have always felt that that benefit ought to be provided for as part of the Federal employment pay package. For while they have this opportunity, they have seen in the last 8 or 9 years a problem with respect to the quality and quantity of health care delivery, and they have seen repeated actions in an attempt to eliminate this system and replace it with the voucher system, et cetera.

If we do not act in this way, because we are dealing with a very, very wide spectrum type program, we really have to act expeditiously and deal with this problem of having one of the major providers withdraw from the Federal Health Employment Program.

□ 1640

I think time is of the essence. I know that some will say that we should have a chance to take a look at it and deal with it conscientiously. I wish there were more time. I am afraid that even though this is a fine program and even though it still needs improvement, many would be very, very upset if we do not expeditiously pass this bill, H.R. 2705. I think that if we were to be faced with any kind of a stalemate in this regard, the Federal workers, who are always the brunt of our

budget cuts, and the Federal retirees and career public servants, who are the easy targets, will again bear the brunt of our inability to act.

So until we can adequately address the flaws within the Federal Health Benefits Program, let us have a unanimous vote for this legislation and spare any apprehension or anxiety on the part of our Government workers, some of whom we are having a hard time retaining because they are underpaid and undervalued. If we do not pass this legislation, this would just be another blow that we would strike at those kinds of career people in particular.

So, Mr. Speaker, I urge the support of this bill by the Members. I think it is a very, very important bill. I congratulate the chairman of the committee, the subcommittee chairman, and the ranking members for their cooperation, and I hope that we can overwhelmingly support this bill and send the right signal to the Senate and to the administration that we had better act quickly.

Mr. FRENZEL. Mr. Speaker, H.R. 2705 concerns the calculation of the Federal Government's contribution to the Federal Employees Health Benefits Program. This bill retains the status quo by creating a phantom health plan to replace Aetna in the premium calculations now that Aetna has announced its withdrawal from FEHB.

Mr. Speaker, the FEHB seems to have enough cost problems already without creating a phantom plan to perpetuate those problems. I recognize that this bill is a stopgap measure designed to approximate this year's Government contribution toward employee health costs while OPM seeks to replace Aetna. The employees and the tax payers would be better served if Aetna's departure from the plan forces a long, hard look at rising health care costs both to the Government and its employees.

Instead of maintaining the high "big 6" average with this phantom plan, a "big 5" average would save the Government millions of dollars by reducing its contribution to FEHB. While this bill does not violate the Budget Act, I regret that a chance to effect budget savings is being ignored by continuing to calculate a big 6 average instead of using the big 5 that are left.

The gimmick of using a phantom plan may not violate the Budget Act, but it does violate commonsense budgeting.

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

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 2705, as amended.

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

A motion to reconsider was laid on the table.

APPROVING DESIGNATION OF THE CORDELL BANK NATIONAL MARINE SANCTUARY

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 281

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the national marine sanctuary designation entitled "Designation Document for Cordell Bank National Marine Sanctuary" that was submitted to Congress by the Secretary of Commerce on May 24, 1989, but disapproves the following terms of such designation: Designation of hydrocarbon (oil and gas) activities as activities which may be regulated within the Sanctuary and adjacent waters under article 4, section 1.c. of the final designation document for the Sanctuary.

SEC. 2. PROHIBITION OF EXPLORATION, DEVELOPMENT, OR PRODUCTION OF OIL, NATURAL GAS, OR MINERALS IN SANCTUARY.

(a) PROHIBITION.—Notwithstanding any other provision of law, the exploration for, or the development or production of, oil, gas, or minerals in any area of the Cordell Bank National Marine Sanctuary established by the designation referred to in the first section is prohibited.

(b) ISSUANCE OF REGULATIONS.—Not later than 120 days after the date on which this joint resolution becomes law, the Secretary of Commerce shall revise the regulations issued by the Secretary governing prohibited activities in the Cordell Bank National Marine Sanctuary (15 CFR 942.6) to implement the prohibition established by subsection (a).

SEC. 3. ENVIRONMENTAL IMPACT STATEMENT REQUIREMENT.

(a) REQUIREMENT.—The Secretary of the Interior shall not approve any exploration plan, or any activities described in any exploration plan (including any application for a permit to drill), pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in connection with a lease in effect on the date of enactment of this Act for block numbered 204, 246, 247, 290, 291, 334, 335, 378, 379, 422, 423, 466, 467, 510, 511, 553, 554, 555, 597, 598, 599, 640, 641, or 642 on protraction diagram NI 18-2 of the Universal Transverse Mercator Grid System, until a final environmental impact statement is issued with respect to such exploration plan.

(b) SUSPENSION OF OPERATIONS.—The Secretary of the Interior shall, pursuant to section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)), suspend operations under a lease in effect on the date of enactment of this Act on any block referred to in subsection (a), and extend any lease affected by such suspension, for the period between—

(1) the submission of an exploration plan pertaining to such block; or

(2) the date of enactment of this Act,

whichever occurs later, and the issuance of a final environmental impact statement as required under subsection (a). Nothing in this section affects the authority of the Secretary of the Interior under such section 5(a)(1) with respect to any period after the issuance of such final environmental impact statement.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUMWAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolinia [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 281 concerns two of this Nation's most sensitive coastal areas. Sections 1 and 2 deal with the proposed Cordell Bank National Marine Sanctuary, offshore California.

Section 3 deals with the possibility of oil and gas exploration offshore Cape Hatteras, NC.

In a moment, I will recognize my colleague from California, DOUG BOSCO, to explain sections 1 and 2. First, however, I would like to discuss section 3, which deals with an area adjacent to my district.

Section 3 of the resolution calls for the Interior Department to prepare an environmental impact statement before approving an exploration plan covering 24 OCS tracts offshore the First Congressional District of North Carolina.

Most of these tracts were leased in 1981 and a few were leased in 1982 and 1983. The State of North Carolina is convinced that the environmental impact statements prepared back then are inadequate.

Each EIS covered an entire OCS planning area from North Carolina to Rhode Island. As a result, North Carolina officials believe that a new EIS is needed to evaluate the environmental consequences of exploring in a smaller, more specific offshore area.

Numerous meetings among the parties involved have occurred this spring. I have met with the Director of the Minerals Management Service in the Interior Department and with officials of the Mobil Oil Corp.—the company with the most direct interest in the

first exploration plan likely to come in from that area.

I have also had conversations with Gov. Jim Martin to try to reach some accommodation on the information necessary to satisfy the State before the Interior Department approves an exploration plan.

Despite the efforts of all the parties concerned, no solution has been found. Therefore, at the direct request of North Carolina's Governor—who is a distinguished Republican and one our former colleagues here in the House—and at the request of the State's attorney general—who is a distinguished democrat.

I have attached this clearly bipartisan provision to House Joint Resolution 281 to resolve the issue. I hope that it enjoys equally bipartisan support from the House.

I feel that this amendment is necessary to move the process along, and perhaps, bring the parties together.

I would like to make it clear that I am willing to withdraw this provision before congressional passage if, in the meantime, all the parties can reach an understanding on necessary environmental documentation.

I urge my colleagues to support this amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Bosco], the sponsor of this joint resolution]

Mr. BOSCO. Mr. Speaker, I rise in support of House Joint Resolution 281, a resolution to ban oil and gas development in the Cordell Bank National Marine Sanctuary in northern California. I am very grateful for the assistance and support this legislation has received from the distinguished chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and from the chairmen of the Fish and Wildlife and Oceanography Subcommittees, Mr. STUDDS and Mr. HERTEL.

I am joined today by my colleagues BARBARA BOXER and NANCY PELOSI, who not only have offered invaluable help with this legislation, but who have been consistent, active protectors of the California coast for many years.

The resolution before us sets forth the approval by Congress of the designation of the Cordell Bank National Marine Sanctuary, signed by the Secretary of Commerce May 19, 1989. Unlike the original designation, however, the resolution would prohibit the exploration, development, and production of oil, gas, or minerals in any part of the almost 400 square miles of the sanctuary.

Mr. Speaker, as Americans react with disbelief, frustration, and anger over the environmental damage wrought in Prince William Sound in Alaska and just this last weekend in coastal areas in Texas, Rhode Island, and Delaware, it would probably come as a shock to most to learn that development of oil and gas can still occur in the most sensitive of all offshore areas—our national marine sanctuaries.

These areas are the underwater equivalent of Yosemite and Yellowstone Parks, yet unlike national parks they may still be explored for oil development. This legislation will protect the Cordell Bank Sanctuary from such development, and hopefully set a precedent so that future sanctuaries are explicitly made off limits to the dangers that commercial exploration can bring.

Mr. Speaker, the Merchant Marine Committee drafted and Congress enacted legislation in the last Congress designating the 400-square-mile Cordell Bank region as a national marine sanctuary. This marked only the eighth time since the Marine Protection, Research, and Sanctuaries Act of 1972 that Congress and the administration have seen fit to create a marine sanctuary.

We do not create a national marine sanctuary lightly or for frivolous reasons. The act requires the Government to identify marine areas of special national significance which contain highly productive and unusual ecological, research, educational, aesthetic, historical, and recreational resources as candidates for Federal protection.

The legislative record of the last Congress demonstrates convincingly that Cordell Bank fulfills these requirements. The bank itself is a unique underwater island, and the surrounding waters are populated by large numbers of rare marine animals, plants, and corals. Twelve endangered and two threatened species inhabit the region, including the California brown pelican, the blue, humpback, and sperm whales, the short-tailed albatross, and the green sea turtle.

House Joint Resolution 281 addresses whether the regulations which will protect this pristine sanctuary should explicitly prohibit hydrocarbon operations—oil and gas drilling—within the region. There is no serious debate between experts or within the Government on this matter—all parties agree that hydrocarbon operations within the Cordell Bank Sanctuary should be banned. The administration fully supports prohibiting oil and gas drilling within Cordell Bank, even though the sanctuary lies within the prospective lease sale 119 region.

Still, the official document designating the sanctuary contained an outright drilling ban for only 5 percent of the total sanctuary area. The administration contends that it did not possess sufficient authority and environmental impact data at the time to ban drilling in the entire sanctuary.

On May 19, the Acting Administrator of NOAA, Dr. William Evans, announced the beginning of a rulemaking process intended to culminate in a total drilling ban. I welcomed this constructive and important step, and I commend Dr. Evans for his approach to this matter and his stalwart support of our efforts.

Cordell Bank, though, is too important a region to be left to the vicissitudes and uncertainties of the bureaucratic rulemaking process. The permanent protection of Cordell Bank's unique resources requires legislation which will lock in protection of the environment and lock out the oil companies. That is exactly what this legislation will accomplish.

I might also say, Mr. Speaker, that most of us from California view this legislation as only a small step toward much more comprehensive protection of our coast as a whole. Our delegation in Congress has worked tirelessly to preserve the natural scenic grandeur of the coast, not just because it is one of the last pristine areas untouched by exploitation, but also because it supports marine life vital to our economy. While Cordell Bank is indeed unique, we can and will make the case to the American people that our entire northern coast is a national treasure that should be preserved and protected. It is expected that over 70 percent of the American people will live in coastal areas within the next 5 years.

As population pressures make the need for solitude and communication with Mother Nature more and more important, future generations will view with deep gratitude our actions today in setting aside these important coastal resources.

□ 1650

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I am here today to voice my strong support for House Joint Resolution 281 which calls for the prohibition of oil and gas development within the Cordell Bank National Marine Sanctuary.

Mr. Speaker, this is really a day of celebration for many of us, and it could not have been possible without the help of two people on our Committee on Merchant Marine and Fisheries, the gentleman from California [Mr. Bosco], who I will speak of later, and the chairman of that committee, the gentleman from North Carolina [Mr. JONES].

Mr. Speaker, Cordell Bank lies directly off my district's coast, and I can personally assure each and every Member of Congress that this proposed sanctuary, which has its incredibly diverse population of marine habitat, which the gentleman from California [Mr. Bosco] described, is absolutely deserving of this protection that will be afforded under this resolution.

Offshore oil drilling involves the use of many toxic materials, particularly drilling muds laden with heavy metals and toxics, and this toxic pollution which, added to the risk of small chronic oilspills and tanker accidents, could very well smother and poison the marine life of this fragile area. It is really, Mr. Speaker, an underground park that is as worthy of protection as any of our great national parks.

Mr. Speaker, it seem inconceivable that oil and mineral development could even be considered for such an environmentally sensitive area, and thus I am so proud to be a cosponsor of this legislation, and I urge my colleagues to vote in its favor.

I believe that I can safely speak for my entire district by extending my thanks to the Committee on Merchant Marine and Fisheries, of which I was a former member, and its wonderful chairman, the gentleman from North Carolina [Mr. JONES] because without his support and his work we would not even be here with this bill, and he moved this bill expeditiously, believe me.

In addition, Mr. Speaker, I want to express my deepest appreciation to the gentleman from California [Mr. Bosco], my congressional neighbor to the north. I have the privilege of sharing the representation of Sonoma County with him, and we have been working on issues of this nature for a long time, but I can say today to my colleague, the gentleman from California [Mr. Bosco] that with his work and that of the chairman, the gentleman from North Carolina [Mr. JONES], we have something of lasting significance, something that will remain for future generations, and to be able to do that even once in this Congress is a real treasure and a joy.

Mr. Speaker, the gentleman from California [Mr. Bosco] was part of all the meetings that we had with NOAA when we tried to resolve this issue short of legislation, and so was the gentlewoman from California [Ms. PELOSI] there, and I thank her, and I am grateful for her support.

We tried to resolve this issue without legislation, but we could not. NOAA declined to exercise its authority under the Marine Protection Research and Sanctuaries Act to prohibit this type of oil development and gas development within the sanctuary, and instead they did ban oil development, but only in 5 percent of the sanctuary area leaving 379 square miles unprotected and available for this oil development. This legislation remedies that mistake.

Mr. Speaker, I would argue that wherever we have in this great Nation chosen to protect these sanctuaries that we should not just designate something a marine sanctuary and then allow oil and gas drilling within it. That is a contradiction in terms. How can it be said, on the one hand, that we have a sanctuary and, on the other hand, we can drill for oil and gas? It is destructive.

So, Mr. Speaker, I would hope that we will now move, after we do this bill, to look at a more comprehensive approach where from now on when the President designates, or NOAA designates a marine sanctuary, or we designate a marine sanctuary, it automatically carries the caveat that there could never be any oil or gas drilling within that particular sanctuary.

Mr. Speaker, in closing I again want to extend my heartfelt thanks to the gentleman from California [Mr. Bosco], the gentleman from North Carolina [Mr. JONES] and to the entire Committee on Merchant Marine and Fisheries for their work. Had I sat on this committee, I could not have added to the wonderful work that they did, and I thank them very much.

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

Mr. Speaker, Title III of the Marine Protection, Research, and Sanctuaries Act [MPRSA] authorizes the Secretary of Commerce to designate certain marine areas of national importance as National Marine Sanctuaries. On May 24, 1989, the Secretary officially designated the Cordell Banks National Marine Sanctuary off the coast of California about 50 miles northwest of San Francisco.

Under the statutory provisions of the Marine Protection, Research, and Sanctuaries Act, the Congress has 45 days of continuous session in which to act to either deny the designation or change any of the terms of the designation. If the Congress fails to act in this time period, the designation, as proposed by the Secretary takes effect automatically.

NOAA in its designation document for the Cordell Banks National Marine Sanctuary, has proposed to prohibit oil and gas activities within the 18-square-mile center or core area of the sanctuary. NOAA's regulations further propose that until updated regulations can be issued, oil and gas activities should be carefully regulated by the Secretary to ensure protection of the Cordell Bank's conservation, recreational, ecological, historical, research, educational, and aesthetic values. NOAA has already stated its intention to continue its rulemaking process after the sanctuary designation legally takes place to ban all oil and gas activities within the entire 400-square-mile sanctuary.

NOAA has not, at this point, proposed this comprehensive ban in the designation document it recently issued, citing legal and administrative requirements to issue a more comprehensive supplemental environmental impact statement before doing so. House Joint Resolution 281 uses the statutory Congressional review process to make this proposed regulatory change for NOAA, thus avoiding the need for the supplemental environmental impact statement, and the delay and cost associated with preparing such a study.

Mr. Speaker, since NOAA has already proposed this more comprehensive ban on oil and gas activities within the entire National Marine Sanctuary, I believe Mr. Bosco's bill, House Joint Resolution 281, is within the proper Congressional review procedure as we envisioned it in 1984 during the amendment to Title III of the Marine Protection, Research, and Sanctuaries Act. However, I am concerned that opponents of the OCS oil and gas program will begin to view the National Marine Sanctuary Program as a convenient and effective tool to block OCS leasing in potential future sanctuary areas or designated sites. Mr. Speaker, the program is not designed for such a purpose and to do so would be an abuse of the sanctuary law. The statute specifically allows for activities such as OCS operations to be regulated and permitted so long as the purpose of the sanctuary is compatible with such activities, and indeed no such ban of oil and gas activities exists for the majority of National Marine Sanctuaries already designated and in existence today.

I am also somewhat concerned with the precedent regarding the provision Chairman Jones added to the bill during committee consideration to require an environmental impact statement for exploration activities off the coast of North Carolina.

The Outer Continental Shelf Lands Act clearly does not envision the need for an environmental impact statement at the exploration stage. Environmental impact statements are required prior to lease sales earlier in the process. Courts have ruled to this effect and my concern is that this provision may be viewed as a precedent which could further harm the OCS program, a program which is vital to the national energy security of this Nation and which has repeatedly come under unwarranted attacks by its opponents.

I know, Mr. Speaker, that Chairman Jones has been a supporter of this program in the past and has worked diligently to avoid congressional appropriations moratoria which have undermined this program. It is my understanding that negotiations are underway between the Minerals Management Service at the Interior Department and the State of North Carolina and that some accommodations may be made to alleviate the State's concerns. While I do have concerns about the precedent of this provision, I do support the chairman's efforts to alleviate his State's concerns. In this con-

text, this environmental impact statement provision may be the preferred course of action to take at this time.

□ 1700

Mr. SHUMWAY. Mr. Speaker, I know of no other speakers on my side of the aisle, and therefore, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, first I want to commend the gentleman from California for supporting this bill, with some slight reservations, and also I appreciate the fact that the Interior and Insular Affairs Committee, represented by its able chairman, looked at the bill and let it go.

Ms. PELOSI. Mr. Speaker, I rise in support of House Joint Resolution 281.

The saying oil and water do not mix, could never be more true. The recent *Valdez* oilspill is a tragic example of how oil and water resources do not mix. No marine sanctuary is a true sanctuary if the possibility of energy exploration exists within its borders.

Cordell Bank is now a national marine sanctuary, but our work is not done. A sanctuary, in the truest sense, is a refuge that allows protection. Cordell Bank's resources will never be protected unless we pursue a complete ban on oil drilling in the entire sanctuary. House Joint Resolution 281 would accomplish this goal.

As a cosponsor of the Bosco bill, and as an immediate neighbor to Cordell Bank, I am committed to full protection of its resources. Federal policy that creates a marine sanctuary is inconsistent with Federal policy that allows oil drilling.

Cordell Bank's marine resources should be inviolate, protected from the threat of an oil disaster.

Mr. Speaker, I urge my colleagues to vote in favor of House Joint Resolution 281. Thank you.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of House Joint Resolution 281, a joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary and prohibit the exploration and development of oil, gas, or minerals in the sanctuary. Cordell Bank is an extremely rich marine ecosystem on the Pacific Outer Continental Shelf [OCS] about 20 miles west of Point Reyes, CA. House Joint Resolution 281 would provide permanent protection for the Cordell Bank area and protect against oil and gas development.

I commend my colleagues Representatives BOSCO, BOXER, and PELOSI for their work on this legislation. I also commend the Chairman of the Merchant Marine and Fisheries Committee, WALTER JONES, for his fine work.

The Cordell Bank OCS area was designated as a National Marine sanctuary by the Commerce Department on May 19, 1989. The area protected by the Sanctuary is approximately 400 square miles in size. Unfortunately, the Commerce Department designation only bans oil and gas drilling in an 18-mile area in the center off the Cordell Bank. This is unacceptable. A comprehensive drilling ban for the entire Cordell Bank is absolutely necessary to protect the area. House Joint Resolution 281 would provide that protection.

House Joint Resolution 281 also contains a provision authored by Chairman JONES which bars the Secretary of the Interior from approving any oil or natural gas exploration plan in connection with certain leases on the OCS off the North Carolina coast prior to the issuance of an environmental impact statement [EIS]. This provision is needed because existing environmental data on these lease sales are inadequate and out-of-date. I strongly support this provision. It sends a strong message to the Department of the Interior that the Congress will not permit OCS oil and gas drilling to proceed when the Department has not fully studied environmental impacts associated with drilling.

The Cordell Bank oil and gas drilling ban and the North Carolina OCS lease sale EIS requirement both fall under the jurisdiction of the Interior Committee, and specifically the Subcommittee on Water, Power and Offshore Energy Resources, which I chair. The Interior Committee requested, and received, a sequential referral of House Joint Resolution 281. I am pleased we can join our colleagues on the Merchant Marine and Fisheries Committee in support of this important legislation.

Mr. Speaker, House Joint Resolution 281 is vital legislation. It is needed to protect the environmentally valuable Cordell Bank area from hazardous drilling and mining. I strongly urge my colleagues to join me in support of this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the joint resolution, House Joint Resolution 281, as amended.

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

The title of the joint resolution was amended so as to read:

Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 281, the joint resolution just passed.

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

There was no objection.

PALAU COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

Mr. DE LUGO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 175) to authorize entry into force of the Compact of Free Association between the United States and the Government of Palau, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 175

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

TITLE I—IMPLEMENTATION OF COMPACT OF FREE ASSOCIATION WITH PALAU

SEC. 101. SHORT TITLE.

This title may be cited as the "Palau Compact of Free Association Implementation Act".

SEC. 102. ENTRY INTO FORCE OF COMPACT.

Entry into force of the Compact of Free Association between the United States and Palau (set forth in title II of Public Law 99-658 and hereafter in this joint resolution referred to as the "Compact") in accordance with subsections (a) and (d) of section 101 of Public Law 99-658 (100 Stat. 3673) is hereby authorized—

(1) subject to the condition that the Compact, as approved by the Congress in Public Law 99-658, is approved by the requisite percentage of the votes cast in a referendum conducted pursuant to the Constitution of Palau, and

(2) upon expiration of 30 days after the President notifies the Committees on Interior and Insular Affairs and Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the effective date of the Compact.

SEC. 103. FISCAL PROCEDURES ASSISTANCE.

(a) PROCEDURES ON EXPENDING FUNDS.—Upon request of the Government of Palau, the Secretary of the Interior shall provide assistance to the Government of Palau to develop and promulgate regulations for the effective expenditure of funds received pursuant to this joint resolution, Public Laws 99-658 and 99-239, or any other Act of Congress.

(b) IMPLEMENTATION OF AUDIT RECOMMENDATIONS.—

(1) The President is authorized to negotiate an agreement with the Government of Palau under which the Government of Palau agrees to develop a plan within 120 days after an audit is submitted to that Government (or any entity or instrumentality thereof) by the Comptroller General of the United States (or his duly authorized representatives), or the Inspector General of the Department of the Interior, to—

(A) implement the recommendations made by such audit, or

(B) inform the Secretary of the Interior of that Government's objections to implementing such recommendations.

(2) Under such agreement the President may agree that the Secretary of the Interior shall provide assistance to the Government of Palau to implement such audit recommendations.

SEC. 104. ANTIDRUG PROGRAM.

(a) PLAN.—The National Drug Policy Board shall develop, in cooperation with the Government of Palau, a plan for an anti-

drug program in Palau. The plan shall be submitted to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989. The plan shall identify the specific needs and costs of such an antidrug program. It shall identify all existing resources to be allocated for its implementation by the Government of the United States and the Government of Palau, and it shall recommend priority use for additional resources, assuming such resources are made available.

(b) AGREEMENT.—Following completion of the plan, the President and the Government of Palau shall negotiate an agreement to facilitate implementation of the plan. Such agreement may include—

(1) that the Government of Palau may request, on a long-term or case-by-case basis, that the officers of United States law enforcement agencies may conduct investigations consistent with implementation of the plan in cooperation with the law enforcement agencies of the Government of Palau;

(2) that the Government of Palau or the Government of the United States may agree to provide specific resources, on a one-time or a multiyear basis, to strengthen the antidrug program; and

(3) a specific description of the technical assistance, training, and equipment to be provided to Palau by the United States necessary to implement the plan.

(c) AUTHORIZATION.—To the extent that funds are not otherwise available to appropriate agencies of the United States to implement any agreement entered into pursuant to this section, there is hereby authorized to be appropriated such sums as may be necessary.

SEC. 105. PUBLIC AUDITOR AND SPECIAL PROSECUTOR.

(a) AGREEMENT.—The President shall, upon the formal request of the Government of Palau, negotiate an agreement with the Government of Palau in accordance with section 224 of the Compact which may provide that—

(1) the Government of the United States agrees to provide the Government of Palau with assistance, subject to appropriation, under section 222 of the Compact for maintaining offices of public auditor and special prosecutor;

(2) the Government of Palau agrees to maintain and staff the independent offices of public auditor and special prosecutor established in accordance with the authority of its constitution and laws;

(3) the Government of Palau agrees to provide funding levels adequate for the effective operation of each of the offices of public auditor and special prosecutor during the period the Compact is in effect in addition to the assistance provided by the Government of the United States pursuant to this subsection;

(4) upon request of the Government of Palau the President shall provide, on a nonreimbursable basis, appropriate technical assistance to the public auditor or special prosecutor. The assistance provided pursuant to this subsection for the first five years after the effective date of the Compact shall, upon the request of the Government of Palau, and to the extent personnel are available, include (but not be limited to) the full time services of—

(A) an auditor or accountant, as determined by the public auditor, for the office of public auditor; and

(B) an attorney or investigator, as determined by the special prosecutor, for the office of special prosecutor; and

(5) the Government of the United States shall, subject to appropriation, provide the Government of Palau with such sums as are agreed to under this section, for each of the offices of public auditor and special prosecutor for the first five years after the effective date of the Compact.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

SEC. 106. POWER GENERATION.

Section 104(e) of Public Law 99-658 is amended to read as follows:

"(e) Neither the Secretary of the Treasury nor any other officer or agent of the United States shall pay or transfer any portion of the sum and amounts payable to the Government of Palau pursuant to this joint resolution to any party other than the Government of Palau, except under the procedures established by the Compact and its related agreements. No funds appropriated pursuant to the Compact, this Act, or any other Act for grants or other assistance to Palau may be used to satisfy any obligation or expense incurred by Palau prior to November 14, 1986, with respect to any contract or debt related to any electrical generating plant or related facilities entered into or incurred by Palau which has not been specifically authorized by Congress in advance, except that the Government of Palau may use any portion of the annual grant under section 211(b) not required to be devoted to the energy needs of those parts of Palau not served by its central power generating facilities and any portion of the funds under section 212(b) of the Compact for such purposes.".

SEC. 107. DEVELOPMENT PLAN FOR PALAU.

The President shall negotiate an agreement with the Government of Palau under which the Government of Palau agrees to provide current information regarding the National Development Plan proposed pursuant to section 231 of the Compact and submitted pursuant to section 101(d)(1)(C) of Public Law 99-658, including information adapting the existing plan to the first 5-year period following the effective date of the Compact, and to list all capital infrastructure projects to be financed with United States assistance.

SEC. 108. MEDICAL SYSTEM.

(a) REPORT.—The Secretary of the Interior, in cooperation with the Public Health Service, shall submit a report, including the views of the Government of Palau, to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989. The report shall present the range of options, and the cost of such options, for the upgrading of the Koror hospital.

(b) FINANCIAL ASSISTANCE REQUEST.—The Government of the United States will sympathetically consider the request of Palau for additional financial assistance to meet the need for medical facility construction based on the report made under this section, and the United States encourages Palauan financial assistance to this project in addition to funds made available by the United States.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to upgrade the Koror hospital.

SEC. 109. AUDIT CERTIFICATION.

The chief officer of any agency conducting an audit pursuant to paragraph (1) of sections 102(c) and 103(m) of the Compact of Free Association Act of 1985 (Public Law 99-239) and section 101(d)(1)(C) of Public Law 99-658 shall certify that audit.

SEC. 110. ACQUISITION OF DEFENSE SITES.

The provisions of title III of the Compact relating to future use by the United States of defense sites in Palau do not restrict the authority of the President of the United States to—

(1) request additional funding, subject to appropriation, related to the use of privately owned land in Palau pursuant to article II of title III of the Compact as may be appropriate in light of actual land use requirements, independent appraisals of such privately owned land accepted by both governments, and other appropriate documentation of actual land use costs; and

(2) consent to an extension of the time set forth in a subsidiary agreement to such article in which the Government of Palau is required to make such land available to the United States.

SEC. 111. CAPITAL IMPROVEMENTS.

(a) REPORT.—The Secretary of the Interior, in cooperation with the Government of Palau, shall submit a report to the Committees on Interior and Insular Affairs, Foreign Affairs, and Appropriations of the House of Representatives and the Committees on Energy and Natural Resources and Appropriations of the Senate by April 1, 1989 on the condition of the Palau prison. The report shall present a range of options for upgrading the prison, including replacement of the facility; the cost of these options; and alternatives for funding these options.

(b) FINANCIAL ASSISTANCE REQUEST.—The Government of the United States will sympathetically consider the request of Palau for additional financial assistance to meet the need for prison construction based on the report made under this section.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to upgrade the Palau prison.

SEC. 112. FEDERAL PROGRAMS COORDINATION PERSONNEL.

(a) ASSIGNMENT.—The Secretary of the Interior shall station at least one professional staff person in each of the Offices of the United States Representatives in the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Island to provide Federal program coordination and technical assistance to such governments as authorized under Public Laws 99-239 and 99-658. In meeting the purposes of this section the Secretary shall select qualified persons following consultations with the Interagency Group of Freely Associated State Affairs.

(b) AUTHORIZATION.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 113. REFERENDUM COSTS.

The Secretary of the Interior shall provide such sums as may be necessary for a further referendum on approval of the Compact, if one is required, or other appropriate costs associated with the approval process in Palau. There is authorized to be appropriated not to exceed $200,000 to carry out the purpose of this section.

SEC. 114. AGREEMENTS.

(a) APPROVAL.—Pursuant to section 101(d) of Public Law 99-239, the following agree-

ments are approved and shall enter into force in accordance with their terms:

(1) "Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact" signed on March 18, 1988; and

(2) "Agreement Between the Government of the United States and the Government of the Federated States of Micronesia to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact" signed on March 9, 1988.

(b) EFFECTIVE DATE ON CERTAIN AGREEMENTS.—An agreement between the United States and the Government of the Republic of Palau identical to the agreements referred to in subsection (a) of this section shall take effect upon submission to Congress of such an agreement and entry into force of such an agreement in the manner provided in section 101(d)(5) of Public Law 99-658.

(c) EXTENSIONS.—The provisions of article IX, paragraph 5(a) of the Agreement referred to in section 462(e) of the Compact of Free Association as approved by Public Law 99-239, and article IX, paragraph 5(a) of the agreement referred to in section 462(f) of the Compact of Free Association for Palau as approved by Public Law 99-658, are extended, in accordance with the terms thereof, until October 1, 1998, unless earlier terminated or further extended by the laws of the United States.

SEC. 115. STATUS OF FUNDS.

(a) OBLIGATION OF FUNDS.—In any year that funds made available by the United States for that year pursuant to this joint resolution, Public Law 99-658 or Public Law 99-239, or any other Act of Congress are not completely obligated by the Government of Palau, the unobligated balances of such funds shall remain available in addition to the funds to be provided in subsequent years.

(b) PAYMENT PROCEDURES.—The President is authorized to negotiate and conclude an agreement, including the obligation of United States funds, with the Government of Palau which shall provide the following:

(1) The sum of $28,000,000, adjusted by section 215 of the Compact at the time of its availability to Palau, shall be provided to Palau pursuant to section 211(b) of the Compact in fiscal year 1989.

(2) Palau shall pay to the United States, on or before the 15th anniversary of the effective date of the Compact, an amount equal to the net economic cost to the United States of making available the section 211(b) funds in the manner specified in this subsection rather than as provided in section 211(b).

(3) Such economic cost shall reflect the time value of money and be determined using the rate determined for an equivalent loan by the Federal Financing Bank as of the date these funds are advanced, and using an inflation rate consistent with the determinations made under the provisions of section 215 of the Compact.

(4) If the Government of Palau has not paid such net economic costs to the United States by the 15th anniversary of the effective date of the Compact, then the United States shall be automatically paid such sums from the fund established under section 211(f) of the Compact.

(5) The provision of section 211(b) funds, as appropriated by Public Law 99-349 and pursuant to this subsection, shall be in fulfillment of all United States obligations under such section 211(b) of the Compact and shall be subject to section 236 of the Compact.

SEC. 116. SUBMISSION OF AGREEMENTS.

(a) SUBMISSION.—Any agreement concluded with the Government of Palau pursuant to this joint resolution and any agreement which would amend, change, or terminate any such agreement, or portion thereof, shall be submitted to the Congress and may not take effect until after 30 days after the date on which such agreement is so submitted. An amendment or agreement substituting or in addition to the subsidiary agreement negotiated under section 212(a) of the Compact or its annex shall take effect only when approved by an Act of Congress.

(b) EFFECTIVE DATE.—The authority under section 102 of this joint resolution for the Compact to enter into force shall not be effective until the agreements set forth in sections 103 and 107 between the Governments of the United States and Palau have been concluded.

SEC. 117. TRANSITION FUNDING.

Section 104(c) of Public Law 99-658 (100 Stat. 3676) is amended to read as follows—

"(c) AUTHORIZATION FOR TRANSITION PURPOSES.—For the purposes of applying section 105(c)(2) of the Compact of Free Association Act of 1985 (99 Stat. 1792) to Palau, the terms 'fiscal year 1987', 'fiscal year 1988', and 'fiscal year 1989' shall be deemed to be the first, second, and third fiscal years, respectively, beginning after the effective date of the Compact."

TITLE II—INSULAR AREAS MATTERS

SEC. 201. SHORT TITLE.

This title may be cited as the "Omnibus Insular Areas Act".

SEC. 202. JUDICIAL ASSISTANCE.

(a) IN GENERAL.—The Ninth Judicial Circuit of the United States may provide assistance to the courts of the freely associated states. The Chief Justice of the United States or the Chief Judge of the Ninth Circuit may, upon the request of a duly authorized official of a freely associated state, authorize any circuit judge of, or district court judge within, the Ninth Circuit to serve temporarily as a judge of any court of a freely associated state.

(b) CONSENT.—The Congress hereby consents to the acceptance and retention of reimbursement or allowances for expenses related to service on a freely associated state court authorized by this section. All such reimbursement or allowances shall be reported by the judge concerned to the Administrative Office of the United States Courts.

(c) ADDITIONAL AGREEMENTS.—The President is authorized to enter into agreements with the freely associated states that are necessary or appropriate to facilitate implementation of this section.

SEC. 203. CONTROLLED SUBSTANCES IN THE FREELY ASSOCIATED STATES.

(a) IN GENERAL.—The President is authorized to negotiate agreements which provide—

(1) that the United States shall carry out the provisions of part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) as necessary to provide for the lawful distribution of controlled substances in the freely associated states; and

(2) that a freely associated state which institutes and maintains a voluntary system to report annual estimates of narcotics needs to the International Narcotics Control Board, and which imposes controls on imports of narcotic drugs consistent with the Single Convention on Narcotic Drugs, 1961, shall be eligible for exports of narcotic drugs from the United States in the same manner as a country meeting the requirements of subsection (a) of section 1003 of the Controlled Substances Act (21 U.S.C. 953).

(b) EFFECTIVE DATE.—Agreements concluded pursuant to this section shall become effective pursuant to section 101(f)(5) of Public Law 99-239 or section 101(d)(5) of Public Law 99-658, as may be applicable.

SEC. 204. NORTHERN MARIANAS COLLEGE.

The Northern Marianas College is hereby constituted a depository to receive Government publications, and the Superintendent of Documents shall supply to the Northern Marianas College one copy of each such publication in the same form as supplied to other designated depositories.

SEC. 205. MATCHING FUND REQUIREMENT.

The last sentence of section 501(d) of Public Law 95-134, as amended by Public Law 96-205, as amended (48 U.S.C. 1469a(d)), as amended—

(1) by inserting "any Federal program as it applies in" before "American Samoa"; and

(2) by inserting "or other expenditures" after "funds".

SEC. 206. VIRGIN ISLANDS.

The Revised Organic Act of the Virgin Islands is amended by striking out the second sentence of section 25 (48 U.S.C. 1615).

SEC. 207. CABRAS ISLAND.

Section 818(b)(2) of Public Law 96-418 (94 Stat. 1782) (as amended by section 504 of Public Law 98-454 (98 Stat. 1736)) is amended by striking "30 percent" and inserting "50 percent".

SEC. 208. PONAPE HYDROPOWER DIVERSION.

Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by inserting "for design and construction of the Nanpil River hydropower diversion project;" after "Ponape;".

SEC. 209. SPECIAL PROGRAMS AGREEMENT.

Section 101(c)(2)(D) of Public Law 99-658 (100 Stat. 3673) is amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "; and"; and

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

"(vii) the agreement entitled 'Agreement Concerning Special Programs related to the Entry into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau', signed on May 26, 1989.".

SEC. 210. POLITICAL STATUS OF PUERTO RICO

(a) GRANTS TO POLITICAL PARTIES.—There is hereby authorized to be appropriated to the President for grants to the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party of the Commonwealth of Puerto Rico $1,500,000, which is authorized to remain available until the sine die adjournment of the One Hundred First Congress. Grants shall be made to each such party in equal amounts, not to exceed $500,000 each. Such funds shall be made available for necessary expenses incurred after March 1, 1989, to each such party to participate in the legislative process involving the future political status of Puerto Rico, including the travel and transportation of persons, services as authorized by section 3109 of title 5, United States Code, communications, utilities,

printing and reproduction, and supplies and materials and other related services, and for administrative costs.

(b) AUDITS.—Under such regulations as the Comptroller General of the United States may prescribe, the Comptroller General shall perform a financial audit of the financial transactions made by each such party with such funds.

(c) PROHIBITION OF USE OF FUNDS.—Such funds may not be used directly or indirectly to finance the campaign of candidates for public office.

SEC. 211. CLARIFICATION WITH RESPECT TO ALLOTMENTS FOR TERRITORIES.

Section 1912A(c) of the Public Health Service Act, as added by section 2022(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:

"(c)(1) Subject to paragraph (2), the allotment under this subpart for a territory of the United States shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3); and

"(B) a percentage equal to the quotient of—

"(i) the population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate population of the territories of the United States, as indicated by such data.

"(2) Each territory of the United States shall receive a minimum allotment under this subpart of the greater of—

"(A) $100,000; and

"(B) an amount equal to 105 percent of the sum of—

"(i) the amount the territory received under section 1913 for fiscal year 1988 (as such section was in effect for such fiscal year); and

"(ii) the amount the territory received under part C for fiscal year 1988 (as such part was in effect for such fiscal year).

"(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1911 for allotments under this subpart for each fiscal year.".

SEC. 212. VIRGIN ISLANDS PRISON EXPANSION AND RENOVATION.

There is authorized to be appropriated $5,000,000 to the Secretary of the Interior for construction of a 127-bed prison barracks at the Golden Grove Prison on St. Croix, United States Virgin Islands, and for renovation of and improvements to existing prison facilities.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from the Virgin Islands [Mr. DE LUGO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from the Virgin Island [Mr. DE LUGO].

GENERAL LEAVE

Mr. DE LUGO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 175, the joint resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, during the last Congress, the Subcommittee on Insular and International Affairs, which I am privileged to chair, dedicated most of its efforts to the smallest of the eight insular areas: the western Pacific islands of Palau.

These efforts were focused on a proposed Compact of Free Association with Palau. They led the House to pass legislation to authorize the compact to be put into effect last October 6 with 406 votes.

In the closing hours of the 100th Congress, a compromise was reached on this legislation. Under it, the Reagan administration committed to fulfill the requirements of the House legislation without being required to do so by statute if the House would pass the Senate version with one mutually agreed upon amendment.

Unfortunately, the commitments that made the compromise possible were delivered literally minutes too late to get it enacted last year.

Also unfortunately, the Reagan administration didn't follow through on the compromise. The ranking Republican of the Insular and International Affairs Subcommittee, BOB LAGOMARSINO, promised, though, that the Bush administration would.

So, in March, 65 Members joined me in sponsoring House Joint Resolution 175, the legislation that the compromise requires regarding Palau.

I said then I would seek action when the Bush administration did what it could to implement the compromise. I suggested an addition to the compact be agreed to with Palau that would commit the United States to fulfill the requirements of the last Congress' House legislation.

After the Bush administration decided to honor the compromise, the State Department officer who had agreed to it in the first place, James Berg, began negotiating the needed subsidiary agreement to the compact with a Palauan commission headed by the islands' new Vice President, Kuniwo Nakamura.

Two administration proposals were made but fell short of the compromise. Meanwhile, some in Palau became concerned that the necessary consensus on the compromise would erode. Some in Washington felt that time for the compromise had run out.

Finally, after Palau's leaders spoke out in the U.N. Trusteeship Council, Mr. Berg agreed to the commitments that made agreement possible. A subsidiary agreement for this purpose was signed on May 26.

The Insular and International Affairs Subcommittee conducted a hearing June 8 to determine whether the agreement signed May 26 met the requirements of the compromise.

I am pleased to report that our hearing confirmed that the agreement generally lives up to the compromise. The differences we found between the agreement and the compromise are minor and are fair to both the United States and Palau. For the most part, the agreement commits the executive branch to take action which would have been required by the House legislation in the last Congress.

This makes it incumbent upon us to pass the legislation that the compromise requires. From conversations with the chairman of the committee of jurisdiction on the other side of the Capitol, I expect the Senate to also approve it.

A substitute for House Joint Resolution 175, as it was introduced, that I proposed was approved by the Interior and Insular Affairs Committee last week by a vote of 24 to 2.

The differences between the introduced resolution and the substitute are the following:

First, the substitute would approve the May 26 agreement, effectively making it a part of the compact and this legislation.

Second, the substitute includes a number of miscellaneous other insular measures that were included in the compromise but were not included in House Joint Resolution 175, as it was introduced.

Third, it includes a few other miscellaneous insular measures that need to be enacted soon which the administration either supports or to which it has no objection and which the chairman of the Senate committee and I have agreed to have added by the House.

We, in Washington entered into this compromise last October with the concurrence of leaders of Palau. Their support for it is important because the free association relationship that the compact would bring about would be a mutual one. Palau, after all, must also approve the compact for it to become effective.

Palau's leaders felt strongly that the original legislation we introduced on this matter a year ago offered the best chance for getting their people—who have failed to approve the compact in six referendums—to finally approve it. This was because the legislation addressed problems which had hindered approval of the compact in the past.

They agreed with us, though, to the compromise between leaders of the Interior and Insular Affairs and Foreign Affairs Committees that made overwhelming House passage possible because they recognized the need for compromise.

They also went along with the final compromise on this legislation, reached in the last hours of the last Congress, because they recognized that it provided the best improvements to the compact that we could get through implementation legislation.

The agreement fairly represents these improvements to the compact. It expands upon them as much as can be agreed. So, I want the people of Palau to understand that this still is the best agreement we can now get on compact implementation legislation.

I know that they have heard pronouncements like this before only to have these improvements made. But these improvements have been made in part through efforts that I, and other members of the Interior and Insular Affairs Committee, have fought for and my message to them is: We cannot now win more than we have already.

I also want my friends in Palau to know, though, that I remain committed to working for any other needed improvements in free association between the United States and Palau under the compact.

So, I would hope that this compromise will result not only in Congress' final approval of the compact, but final approval by Palau as well.

Palauan approval, of course, cannot be presumed. And it may be less assured than it seemed to be late last year and early this year. This is because of the long time it took for the administration to make the commitments that were needed.

Still, from what I have heard from Palau's leaders, they will try to obtain their people's approval.

The need for Palauan approval is one of the reasons we should expeditiously approve this legislation. Palau needs to know the United States position on this matter to be able to make its own decision. This legislation should frame the necessary final United States position.

Palau's leaders will then have to carefully judge how to obtain their people's final approval. For if this package does not result in Palau's approval of the compact, there may be no way to ever get it approved.

If the compact is approved under this legislation, though, our efforts and theirs to get help for Palau to be able to fairly settle its crippling power facilities debt and relieve its medical referral debts, to root out corruption and correct fiscal mismanagement, to combat drug abuse, to build a decent hospital and jail, to fix deficient infrastructure, and to assure that the Compact will not interfere with the Palauan constitutional requirement for just compensation for private lands needed for public purposes, will soon begin to bear fruit.

We would, thus, finally achieve our mutual goal of ensuring that the United States meets its essential obligations under the trusteeship. We would be able to bring trusteeship responsibility to an end as soon as possible and do it with honor.

EXPLANATION OF SUBSTITUTE

Let me now explain the substitute in some detail.

TITLE I

Title I would be the "Palau Compact of Free Association Implementation Act."

More than the language of the resolution must be read to understand title I. The legislative provisions can only be understood when read in the context of the compromise. They must be read together with the agreement signed May 26 because the agreement effectively amends the legislation.

The administration assures that the agreement, which would become a part of the legislation under title II, will constitute an international legal obligation of the United States. It must be complied with if the United States is not to face challenge for a breach of compact obligations.

The intent of title I, therefore, is as follows:

ENTRY INTO FORCE

The compact would be authorized to be put into effect: First, if it is approved by the vote required by Palau's constitution—75 percent—or a lesser percentage if Palau's constitution is amended to lower the requirement—and second, 30 days after the President has notified the Committees on Interior and Insular Affairs and Foreign Affairs of the House and the Committee on Energy and Natural Resources of the Senate of his intent to implement the compact.

FISCAL PROCEDURES ASSISTANCE

The Secretary of the Interior would be required to assist Palau in developing regulations for spending compact assistance.

Palau would be required to develop plans to implement United States audit recommendations, or in the alternative, inform the United States of its objections to implementing the recommendations within 120 days of when recommendations are made. The Secretary of the Interior would be required to provide Palau with assistance to implement recommendations.

ANTI-DRUG AND LAW ENFORCEMENT PROGRAM

The United States would be committed to provide Palau with assistance for enforcement of its narcotics and other laws and prevention and treatment of narcotics and other substance abuse.

Palau would be committed to submit a plan for an anti-substance abuse program to the United States for agency approval. The National Drug Abuse Policy Board would be required to submit a plan on this matter to congressional committees. The United States would be committed to provide Palau $400,000 a year for 5 years beginning by fiscal year 1991 as well as technical assistance for implementing the plan and for law enforcement. It is intended that the United States will provide further assistance to Palau for these purposes after the 5-year period if needed and justified by Palau. These sums would be authorized.

Palau would be committed to authorize United States law enforcement officers to conduct investigations related to enforcement of United States laws in Palau in cooperation with Palauan law enforcement agencies.

The United States would be committed to: having Federal law enforcement officers assist in enforcing substantial abuse laws in Palau and provide training and equipment for Palauan substance abuse law enforcement.

Palau would be committed to employ additional customs officers trained to detect smuggling of prohibited substances, and conduct substance abuse education and treatment efforts.

PUBLIC AUDITOR AND SPECIAL PROSECUTOR

Palau would be committed to maintain and staff the special prosecutor and public auditor offices established by its law and dedicate the necessary amount of its own funds—but not less than $100,000 a year—for each of the offices for at least 5 years.

The United States would be committed to provide the public auditor and special prosecutor with technical assistance on a nonreimbursable basis. Requests for the assistance could come from either the Government of Palau or the auditor or the prosecutor.

The assistance must include the services of an auditor or accountant for the office of public auditor and an attorney or investigator for the office of special prosecutor for at least the first 5 years after the effective date of the compact. The type of personnel required would be determined by the public auditor and special prosecutor.

The United States would also be committed to provide Palau at least $300,000 annually for the public auditor and special prosecutor offices for at least the first 5 years of the compact. $100,000 of these amounts would be required to be spent annually for each office. The additional $100,000 per year would be required to be divided between the two offices by the Government of Palau. These sums would be authorized.

In the event that Palau does not maintain public auditor and special prosecutor offices, the President would initially have to take the conference and dispute resolution steps outlined in the compact. These involve: the two Governments conferring; referral to arbitration if the dispute is not resolved within 90 days;

the naming of three arbitrators within a total of 45 days; and an arbitration decision within 30 days, unless a longer period is mutually agreed upon.

Palau would be considered in material breach of the compact if it did not comply with an arbitration decision on this matter within 180 days. In this event, the President would be required to withhold funds that this legislation, the compact, and any other law would provide Palau and take such other actions as may be appropriate. These would continue until Palau again began to maintain, staff, and adequately fund its special prosecutor and public auditor offices.

POWER GENERATION SYSTEM DEBT

Section 104(e) of Public Law 99-658, the law which approved the compact subject to the condition that another law be enacted to approve its effectiveness, would be amended to prohibit Federal officials from paying compact legislation funding to parties other than the Government of Palau except as compact agreements might provide.

This law would also be amended to prohibit Federal assistance from being used by Palau to satisfy power facilities debts incurred prior to November 14, 1986, except for funds specifically authorized by Congress to be used for this purpose.

Two funds would be authorized to settle the debt. One consists of the energy development funds provided under compact section 211(b) other than those required to be devoted to parts of Palau not served by Palau's central power facilities—$1.5 million per year, adjusted for inflation, in years 2 through 15 of the compact. The other consists of the capital development funds provided under compact section 212(b), $28 million adjusted for inflation.

DEVELOPMENT PLAN

Palau would be committed to adapt its development plan to the first 5 years of the compact; list public infrastructure and private sector projects to be financed with compact assistance in priority order; and outline how existing capital improvement debts would be paid.

MEDICAL FACILITY

Palau would be required to submit a plan for hospital construction and operation to the Departments of Interior and Health and Human Services. The Secretary of the Interior would be required to submit a report on the options for improving the current hospital facilities, prepared in cooperation with the Public Health Service, to congressional committees.

Palau would be committed to dedicate at least $5 million to hospital needs during the first 15 years of the compact. The United States would be committed to provide Palau at least $5 million for the hospital and such other amounts as provided by United States law not later than fiscal year 1991. These sums would be in addition to any provided through the end of this fiscal year and would be authorized.

The total of $10 million referenced in the agreement was based on an estimate of $9.3 million needed for the hospital in addition to funds previously granted. The most current estimate is that an additional $14 million is needed.

Our intent is that the United States will provide the amount necessary to have a decent hospital built. We support providing at least half of this—$7 million—for this project this year.

This amount is included in the fiscal year 1990 Interior appropriations bill as reported by the subcommittee. I appreciate the cooperation I have received from Interior Appropriations Subcommittee Chairman SID YATES in trying to obtain funding for this important need.

AUDIT CERTIFICATION

The head of any Federal agency which audits funds pursuant to the laws approving the compacts with Palau, the Federated States of Micronesia, and the Marshall Islands would be required to certify that the audits meet the requirements of those laws. The intent of this requirement is to ensure that a Federal official is fully responsible for determining whether compact assistance has been spent properly.

ACQUISITION OF DEFENSE SITES

The United States would recognize that: The Government of Palau will be bound by its constitution to provide fair payment for private land that the United States might require Palau to provide it for military purposes under the compact; that land is scarce and has a special importance in Palau; and that Palau wants to prevent foreign ownership of its land.

The United States would also recognize that Palauans with interests in land used by the United States for military purposes under the compact in ways that prevent private development may be entitled to compensation as if their entire interest had been taken.

The United States would be committed to request only the minimum amount of and interest in land needed for military purposes and attempt to request public, rather than private, land, if possible, for its military needs.

The Government of Palau would be committed to obtain rights to land at the Airai Airfield and Malakal Harbor for United States military use as necessary to meet United States needs for the sites. The United States would be committed to enter into agreements for financial assistance if requested by Palau to acquire land, other than at the airfield and harbor, that the United States requires Palau to provide under the compact. Palau would not be obligated to make such land available until such agreements are reached. Assistance would be required to be based on fair value of land.

The United States would be committed to extend the 60-day period that Palau has to make private land available to the United States under the compact if Palau justifies such an extension.

PRISON IMPROVEMENTS

Palau would be committed to submit a plan to the Departments of the Interior and Justice for prison construction and operation. The Secretary of the Interior would be required to report options for improving Palau's prison to congressional committees.

The United States would be committed to provide Palau $800,000 for prison improvements not later than fiscal year 1991.

These sums would be in addition to any provided through the end of this fiscal year and would be authorized.

FEDERAL PROGRAMS COORDINATION PERSONNEL

The Interior Department would be required to assign at least one professional each to the United States Representative's offices in Palau, the Federated States of Micronesia, and the Marshall Islands.

The intent is that these officers—hopefully augmented by other staff if needed—would coordinate all Federal programs in and assistance to the freely associated states. They would be selected in consultation with other agencies concerned with the freely associated states.

Their expenses would be authorized; but the intent is that stationing of the officers is required whether or not specific, separate appropriations are made for this purpose. The compromise is based on the understanding that the Interior Department has and will use existing personnel slots and funding if needed to satisfy this requirement of the compromise.

REFERENDUM COSTS

The Secretary of the Interior would be required to provide Palau funds for a seventh referendum on the compact and other appropriate costs related to the change in the political relationship between the United States and Palau. The sum of $200,000 would be authorized to be spent for these purposes; but the funds are required to be made available whether or not specific appropriations are made for this purpose. The understanding that funds exist which may be used for this purpose if needed is an important part of the compromise.

AGREEMENTS

Agreements between the United States and the Federated States of Micronesia and the Marshall Islands which would effectively amend the Compact of Free Association Act of 1985 would be approved. The agreements would enable the U.S. Repre-

sentatives in the freely associated states and the states' representatives in the United States to be called "ambassadors". An identical agreement with Palau would become effective when submitted to Congress.

Agreements with the Federated States of Micronesia, the Marshall Islands, and Palau concerning their continued eligibility under the compact for the Essential Air Services Program would be approved. The agreements would extend their eligibility through fiscal year 1998.

STATUS OF FUNDS

Palau would be authorized to spend assistance provided it by the United States for use in one year in a subsequent year.

The United States would be committed to provide Palau with the $28 million, adjusted for inflation, that the compact requires the United States to pay Palau from year 2 to year 15 of the compact for energy development in fiscal year 1989, if Palau settles its debt for the IPSECO power facilities. This debt now exceeds some $48 million but agreement has been reached to settle it for $32 million—a fair price for the facilities—under this legislation.

Palau would be required to pay the United States $3 million for costs of this advancement of funds within the first 10 years and 30 days of the compact. If Palau does not, it would be deducted from the $70 million investment fund that the United States is required to provide Palau under section 211(f) of the compact.

The Government of Palau would be committed to spend at least $7 million for the energy needs of the areas of Palau not served by the IPSECO power facilities within 15 years of compact implementation. It would also be committed not to use Federal funds other than those provided for energy and capital development under the compact to pay the IPSECO debt.

SUBMISSION OF AGREEMENTS

Agreements between the United States and Palau pursuant to this resolution, including any agreements which would in any way change such agreements, would not take effect until 30 days after being submitted to Congress.

This delayed effectiveness is intended to give Congress time to ensure that the agreements are consistent with the intent of this resolution. It would enable Congress to take action if any requirements of this legislation were not being met.

Additionally, congressional approval would be required for any change to the agreement entered into under the compact which would require the United States to construct a 53-mile road on Babelthaup Island in Palau.

TRANSITION FUNDING

Public Law 99-658 would be amended to delay the 3-year, 25-percent-per-year, phase-down of the Federal programs that would be discontinued under free association. The delay would be from fiscal year 1987 to the first fiscal year after the compact is implemented.

POWER FACILITY ASSISTANCE

It is intended that the United States would provide Palau with grant or loan assistance for operating the IPSECO power facilities as may be provided under United States law if justified by Palau.

CAPITAL INFRASTRUCTURE ASSISTANCE

It is intended that the United States would provide Palau with Department of the Interior and Corps of Engineers assistance for operating and improving United States-built infrastructure in Palau, including infrastructure which has been identified as being deficient. The infrastructure was built in fulfillment of U.S. trusteeship responsibilities. The necessary improvements have been estimated to cost $6.3 million by a Federal study, although Palauan estimates are higher.

All of the improvements identified in the study done for the Interior Department are intended to be made to the extent necessary. Improvements are to be made on a priority basis. Palau and the United States would cooperate to force any contractors responsible for deficiencies to help correct them. This effort could not be used to delay priority improvements.

Also, $8.3 million is included in the subcommittee report on the fiscal year 1990 Interior appropriations bill for the necessary repairs in Palau as well as in the Federated States of Micronesia and the Marshall Islands, which have also been parts of the Trust Territory. The cooperation of Interior Appropriations Subcommittee Chairman SID YATES is appreciated in this regard.

MEDICAL REFERRAL OBLIGATIONS

The United States would be committed to assume all existing Palauan medical debts to the United States public and private sectors, which we understand to be approximately $2 million. Debts to Federal institutions would be canceled. The United States would pay, or provide Palau with the money to pay, private health care providers for all existing Palauan medical debts.

The Government of Palau would be committed to promptly pay for all future services to its citizens at United States military medical institutions. The United States would be committed to consider providing Palau with funds to pay for future services at United States military medical institutions if justified by Palau.

TAXATION MATTERS

The United States and Palau would be committed to negotiate agreements on tax treatment—including tax exemption—of income earned by residents of the United States in Palau and vice-versa. Any agreement would, of course, be submitted to Congress.

CIVIL AIR TRANSPORT

The United States would be committed to recognize that Palau has authority to regulate civil air carrier landings within its borders except for rights already guaranteed United States carriers under a subsidiary agreement to the compact.

LAND SURVEY ASSISTANCE

The United States would be committed to providing Palau with assistance for surveying its land justified by Palau.

TRADE AND TARIFF MATTERS

The United States would be committed to negotiate agreements to ensure that Palauan textile and apparel products receive no less favorable tariff treatment than that provided to Caribbean Basin Initiative countries to the extent not prohibited by other agreements that the United States has already signed. The United States would also be committed to negotiate agreements to ensure that other Palauan products continue to receive tariff preferences no less advantageous in comparison to treatment of similar products of other countries.

MARITIME JURISDICTION

The United States would be committed to recognize that Palau has full authority to regulate submerged lands or the waters off its borders.

FEDERAL PROGRAMS

The United States would be committed to negotiate an agreement within 1 year of compact implementation on continuation of Federal programs in Palau not provided for under the compact so that Palau will not face hardship because of the phase-out of Federal programs. The United States would be committed to consider any further Palauan requests for other Federal programs as justified.

DISPUTES

The United States and Palau would be committed to try to resolve any disputes under the May 26 agreement and to submit disputes not resolved within 90 days to arbitration under the compact.

AUTHORIZATION

All United States financial assistance to Palau provided by the May 26 agreement would be authorized by the legislation.

TITLE II

Title II would be the "Omnibus Insular Areas Act."

It includes the seven provisions that were passed by both Houses of the last Congress as the "Omnibus Insular

Areas Act of 1988" but not enacted because of disputes regarding the Palau compact legislation. Enactment of these provisions is a part of the compromise on the Palau compact legislation.

As I indicated earlier, title II also includes three additional provisions which need to be enacted soon which Chairman JOHNSTON of the Senate committee and I have agreed to have the House add. They have bipartisan support and are either supported or not objected to by the administration.

SECTION 202

Section 202 would authorize the temporary assignment of judges of the ninth judicial circuit to freely associated state courts upon the request of those states.

It is assumed that such assignments will be arranged in a manner consistent with constitutional requirements of both the United States and the associated state involved.

In the case of the United States, this assumption does not require that the arrangements be made by the executive branch because of the foreign policy powers of the President. Requiring executive branch involvement could encroach upon the independence of the judiciary.

The government-to-government contacts required can be satisfied by agreements between Federal and insular judiciaries. It may be helpful, however, for there to be executive-to-executive understandings reached concerning this assistance. The language provides for such arrangements.

The work of Supreme Court Associate Justice Anthony Kennedy on this matter is appreciated.

SECTION 203

Section 203(a) would authorize the President to agree with the freely associated states regarding the distribution of legal drugs. It would permit the United States to continue to regulate the distribution of drugs to the states or to treat the states as foreign countries for the purposes of such distribution if the states agree to international conventions on distribution.

Section 203(b) provides for submission to Congress of agreements reached under this section.

SECTION 204

Section 204 would make the Northern Marianas College a Federal depository so that it will be eligible to receive all Federal publications.

SECTION 205

The intend of omnibus insular areas acts in 1980, 1983, and 1984 was to waive all requirements for insular governments to spend funds in order to have any Federal program or project apply to or take place in American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands.

Current law requires the waiver of contribution requirements of the first $200,000 per project or program by every Federal agency in each instance where such a requirement could be applied.

The intent of this section is to clarify this requirement. Thus, any requirements for insular spending under all Federal programs or projects are required to be waived to the extent of $200,000 annually, regardless of cost or any other factor. This should include, for example, projects done by Federal agencies for insular governments, such as Corps of Engineers assistance projects as well as Interior Department infrastructure operations and maintenance aid.

SECTION 206

Section 206 would amend the Revised Organic Act of the Virgin Islands. It would authorize the U.S. District Court for the Virgin Islands to sit anywhere in the territory.

SECTION 207

Section 207 would amend the limitation in existing law on the amount of the proceeds from the sale or lease of 927 acres at Guam's main port that Guam may use to develop the property to increase the percentage from 30 to 50 percent.

This property was transferred to the territory under a 1980 law. The 1984 Omnibus Insular Areas Act amended the 1980 law's requirement that all proceeds from any private use of the land be paid to the Federal Government to permit 30 percent of the proceeds to be used for development costs.

This amendment further liberalizes the original requirement. It would still, however, provide that half of the proceeds from private use of the property would be paid to the Federal Government.

SECTION 208

Section 208 would authorize such sums as may be necessary for the design and construction of the Nanpil River hydropower diversion project in the Federated States of Micronesia. It is intended that the project will proceed as described in the March 1988 Army Corps of Engineers Report entitled: "Pohnepi Island Surface Water Resources Study: A planning for Hydropower Addition to the Nanpil River Project." The project is estimated by the Senate sponsors to cost $4 million, although the insular government is expected to pay design costs for the project. It will divert additional water flows to a hydropower facility already built with U.S. funds. Additional U.S. funds would go toward construction which should increase capacity from 25 to 40 percent of the island's needs.

SECTION 209

Section 209 would require congressional approval for any change to the agreement required by the compromise on the Palau Compact legislation. It would incorporate the "Agreement Concerning Special Programs Related to the Entry Into Force of the Compact of Free Association Between the Government of the United States and the Government of Palau" signed on May 26 into the compact and this legislation.

It would do this by amending Public Law 99-658 to add the agreement to the list of subsidiary agreements to the compact which can only be amended or ended by the United States by an act of Congress.

This section is intended to ensure that the United States lives up to commitments under the agreement and this legislation unless Congress specifically agrees to any executive branch agreement with Palau or other action that would in any way change these requirements.

SECTION 210

Section 210(a) would authorize $1.5 million to be appropriated to the executive office of the President for grants in equal amounts to the Popular Democratic, New Progressive, and Independence parties of Puerto Rico. The grants could be used to defray expenses related to participation of the parties in development of legislation to authorize a referendum between enhancing the current commonwealth relationship between the United States and Puerto Rico, and statehood or independence and implementation of the preferred political status. Eligible expenses would be those incurred during this Congress after March 1 of this year. They would include: Transportation; communications; printing; materials; administrative costs; and professional services.

It is intended that grants will only be allocated to the parties as long as they participate in the process for bringing about the referendum.

Section 210(b) would require the General Accounting Office to audit the parties' use of these grants.

Section 210(c) would prohibit the parties from using these grants to in any way finance compaigns for public, including party, office.

These funds would be appropriated by the dire emergency supplemental appropriations bill for fiscal year 1989. This authorization is a part of an understanding with House conferees on the legislation.

Initially, House conferees objected to the amendment, which was sponsored by the chairman of the Senate authorizing committee, for several reasons.

One reason was that the appropriation has not yet been authorized. I promised House conferees to sponsor this provision to take care of this problem.

A second reason for objection is a concern that the appropriation would be used to lobby Congress. I have assured House conferees that the intent of this assistance is that it not be used

to subsidize lobbying by the three parties.

Instead, the funds are to be used to enable the parties, which represent the three status options, to work with the Committees on Interior and Insular Affairs and on Energy and Natural Resources of the Senate and any other appropriate committees on the necessary mutual definition of the future status options of substantial interest to the people of Puerto Rico. This would help end a stalemate on this issue which has effectively prevented action on many of the needs of our 3.3 million fellow Americans of Puerto Rico for many years.

During these years, the Federal Government has been open to resolving Puerto Rico's political status dilemma; but it has been unable to take action because the people of Puerto Rico have not decided on a change to the existing relationship. The people of Puerto Rico, conversely, have not made such a decision, in spite of a clear interest in doing so, because the specific options for change are not clear to them.

These options are much more complicated than when other areas for which the United States was responsible decided to seek statehood or independence in the past. Proposals to enhance commonwealth would also be very complicated.

Neither Congress nor the leaders of Puerto Rico can unilaterally determine the options for the future of the United States-Puerto Rico relationship. Mutual and careful definition is required. This is why the parties must participate in the development of the legislation which will set forth the options to be presented to the people of Puerto Rico and provide for implementation of the preferred option.

Safeguards are written into the legislation to ensure that these grants are only used for purposes related to the status choice and enabling Congress to live up to its responsibilities in framing them. The funds are not to be used for lobbying and are not to be used for partisan or individual political gain. So, the concerns regarding these issues should be satisfied.

The referendum proposal has its roots in a bill sponsored by the gentleman from California [Mr. LAGOMARSINO] in the last Congress which would have authorized a referendum on and implementation of statehood. It also has its roots in amendments to that bill that I developed in consultation with the Resident Commissioner from Puerto Rico, JAMIE FUSTER. They would have expanded the choice to include enhancing commonwealth and independence.

After consulting with Chairman JOHNSTON and me as well as now Deputy to the White House Chief of Staff Andy Card, the Governor of the Commonwealth, Rafael Hernandez Colon, boldly and formally proposed the referendum in his inaugural address.

The initiative of the governor, who heads the commonwealth party, was agreed to by the heads of the statehood and independence parties in a historic and patriotic agreement. The status choice was then given a boost by the President in his February 9 address to the Joint Session.

It has been the leadership of Chairman JOHNSTON that has really moved this process so far forward so fast, however. He has introduced the legislation; already conducted hearings in both Washington and San Juan; and planned markup of the bill.

He has been consulting with me and others concerned in a concerted effort to obtain the necessary authorization in this Congress. The Nation owes him thanks for his dedication to resolving Puerto Rico's status problem.

I, too, have been working on this matter and plan an intensive effort on it in the House. This authorization will help that effort.

I appreciate the cooperation that I received from the distinguished chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, ED ROYBAL, in working out the problems with this appropriation.

SECTION 211

Section 211 would make a technical correction to the Anti-Drug Abuse Act of 1988 needed to allot the intended funding for mental health and substance abuse block grants to Guam and the Virgin Islands.

This technical correction has already passed the House twice and the Senate once this year. It is not assured of being enacted through that other legislation, however, because of differences between the House and Senate unrelated to this issue.

This provision is included in the legislation with the approval of the Energy and Commerce Committee. The cooperation of chairman JOHN DINGELL in this regard is appreciated.

Although the Anti-Drug Abuse Act intended to increase the size of the insular grants from the Alcohol, Mental Health, and Drug Abuse Administration by 5 percent, the language actually provides for them to be substantially decreased. For example, the Virgin Islands grant, which should increase from approximately $1.1 to $1.2 million, would decrease to about $400,000.

Even though it is late in the fiscal year, the intent of this legislation is that there be no loss of funds to Guam and the Virgin Islands.

I appreciate the leadership of the distinguished Chairman of the Subcommittee on Health and the Environment, HENRY WAXMAN, in correcting this problem. I also appreciate the willingness of the Chairman of the Senate committee, EDWARD KENNEDY, to correct it.

The Virgin Islands, in particular, has a serious drug abuse problem. In part, it is a by-product of the territory, being a transshipment point for international smuggling into the large and lucrative market in the States.

There are substantial treatment needs which my territory does not have the resources to meet that the assistance authorized by this provision would help it to meet.

SECTION 212

Section 212 would authorize appropriations of $5 million to the Department of the Interior for grants to expand the Virgin Islands prison on St. Croix.

This project was proposed by the Bush administration in its budget for fiscal year 1990 at the request of Governor Alexander A. Farrelly. It is needed because of overcrowding in the territory's prisons so serious that requests for detention of Federal prisoners must routinely be denied.

Conditions at the territory's primary prison at Golden Grove, St. Croix, are so inadequate that the territory has been forced to agree that they violate prisoners' rights and promise that safety-threatening conditions will be corrected.

The project would expand the capacity of the prison as well as make other improvements. The only differences between this provision and the administration's proposal are that this provision would authorize $5 million for the project rather than $2 million and increase capacity by 127 prisoners rather than 100 prisoners.

Let me now explain some of the background of the Palau Compact legislation.

TRUSTEESHIP AUTHORITY

Our Nation got its first authority in Palau in some of the bloodiest battles of World War II. The United States has been fully responsible for the islands since it entered into an agreement with the U.N. Security Council in 1947 for the trusteeship administration of the former Japanese administered islands of Micronesia.

The trusteeship agreement gave the United States full powers in the Trust Territory of the Pacific Islands in an arrangement approved by the joint resolution of July 18, 1947.

This responsibility was delegated to the President by the Act of June 30, 1954. Pursuant to law, it was redelegated by executive order to the Secretary of the Interior.

CONSTITUTIONAL GOVERNMENT

The Secretary has authorized a locally determined Government of Palau to exercise the authority vested in the Department of the Interior. Of course, this delegation has not absolved the department of its full responsibility for the governing of Palau.

Palau's Government was established according to a constitution approved in 1980. The intent at that time was that Palau would exercise powers of local self-government, with the Interior Department continuing to exercise national responsibilities.

This intent changed within a couple of years. A desire to save money and avoid difficult situations, as well as a misplaced confidence that the compact was always just about to come into effect, led to an abdication of the exercise of Federal responsibilities in Palau.

A number of the most serious problems now faced by Palau resulted from this neglect. The problems require that the United States take the actions that the compromise would require so that our Nation's trusteeship obligations can finally be met.

THE COMPACT

The compact would provide Palau with self-governing authority in all matters other than those affecting security. The United States would retain full military rights in Palau.

United States rights include the authority to deny military access to any other country in perpetuity. They also include the requirement that Palau make land dsignated by the United States available for military bases for 50 years.

In combination with bases in Guam and base rights in the Northern Mariana Islands, these base rights figure into almost any scenario for alternatives to our important bases in the Philippines, which are some 500 miles from Palau.

The compact would also provide Palau with substantial assistance over 15 years. An estimate values the financial assistance at $460 million, adjusted for inflation. This does not include the value of Federal programs and technical assistance which will also be provided. It also does not include the additional assistance that this legislation would provide that I have already described.

Another benefit of the compact is that it will grant the 15,000 Palauans the right to enter and work in the United States.

OTHER AREAS

Palau is the only part of the trust territory of the Pacific Islands which has not determined its future political status. The Northern Mariana Islands entered into a commonwealth union with the United States through a covenant approved by Public Law 94-241. A compact to establish free association between the United States and the Federated States of Micronesia and the Marshall Islands was approved by Public Law 99-239.

Implementation of this compact will hopefully, therefore, enable the trusteeship agreement to be finally terminated. Termination would also mean the end of the U.N. trusteeship system since this is the last trusteeship of the 11 that the United Nations established.

THIRD COMPACT LAW

If this resolution is enacted, it will be the third law regarding the compact.

The first, passed at the end of 1985, was an "approval in principle" of the compact with Palau. Public Law 99-239 did not include an actual approval of the compact with Palau because Palau hadn't approved the compact—in spite of two referenda on it.

These votes resulted in majority support for the compact; but they did not approve it by the 75-percent majority required by Palau's Constitution. The Constitution requires 75 percent approval because the compact would grant the United States nuclear rights that the Constitution otherwise prohibits.

Members of the Interior and Insular Affairs Committee were concerned about the approval in principle since the issues had not been thoroughly reviewed. But we agreed to it to show our willingness for the United States to enter into free association with Palau.

In early 1986, the President asked Congress for a real approval of the compact, asserting that a third referendum in Palau had approved it. The compact hadn't received 75 percent support; but the administration claimed that a slight rewording of the U.S. nuclear rights in the compact avoided the 75-percent approval requirement.

Members of the Interior and Insular Affairs Committee doubted, however, that the President was right about this. Our doubts were proven well-placed by a ruling of Palau's Supreme Court which held that Palau had not approved the compact.

We agreed, though, to the second law on the Palau compact. Public Law 99-658 was a conditional approval of the compact; the significant condition being that Congress pass yet another resolution authorizing implementation.

Members of this committee were concerned about the conditional approval, particularly because a review of the issues indicated that there were problems preventing Palau's approval of the compact which had not been addressed. But we agreed to it to show again that the United States was willing to enter into free association with Palau.

In a statement on the House passage of Public Law 99-658, Chairman UDALL recognized some of the problems which had prevented Palau's approval of the compact. He said that the resolution was an offer to Palau that should be revised if it did not finally result in Palau's approval of the compact.

PALAU DIDN'T APPROVE

Well, Palau didn't approve the compact in the fourth referendum on it. But the last administration declined to follow Chairman UDALL's advice and try to resolve the problems which had prevented Palau's approval.

I led a visit to Palau shortly after the fourth referendum. I said then that if Palau approved the compact in a planned fifth referendum, the Insular and International Affairs Subcommittee would address the problems which had prevented approval, once the compact was approved.

I said that we would consider these problems afterward because of the administration's opposition to doing so beforehand and because of the plans for the fifth referendum.

HEARING

But that fifth referendum also didn't result in Palau's approval. So, the subcommittee conducted a hearing to see what plans there were for further consideration of the compact and addressing Palau's problems.

There was a lot said in that hearing about Palau's problems by compact critics, including then Palau House Speaker Olikong. Because of assurances by both United States and Palauan administration officials that the charges were groundless and politically motivated, however, we really didn't believe most of what we were told. But we did promise to look into the allegations of corruption, drug trafficking, and political intimidation.

Some of Palau's needs did become clear at the time of that hearing, though. Two-thirds of the Government work force had been laid off, meals at the hospital were canceled, and power and water service had been curtailed by the then President of Palau, Lazarus Salii.

Amazingly, the Interior Department had no plans to deal with the problems. Officials made it clear at the hearing that they didn't intend to develop any either.

PRESSURE FOR APPROVAL

The reason for the cutbacks was supposedly a lack of funds. Lack of money was a problem; but Salii also wanted to make clear to his people that the compact would be the solution to Palau's continuing financial problems.

An originator of the free association concept, he hoped that the crisis would justify a controversial move to amend Palau's Constitution to eliminate the 75 percent approval requirement.

Substantial—and we know now illegal—pressure was used to get a constitutional amendment referendum scheduled.

After a referendum was held to approve the constitutional amendment, a sixth referendum was held on the compact. Both resulted in majority votes.

APPROVAL CLAIMED

President Salii claimed that the compact had been approved by this method, even though the approval fell short of the 75 percent requirement. But a lawsuit was filed challenging the approval. The suit was withdrawn, though, when Salii and Palau's highest ranking chief reached an agreement on one of the main reasons for opposition to the compact: the requirement for Palau to make land available to the United States for military purposes without compensation for 50 years.

Compact critics were afraid that land would be taken without an owner's consent and without fair compensation. Salii had pledged that this would not happen.

I was happy when Salii told me in August 1987 that the agreement had ended the controversy. I thought then that we would soon be able to take the final action on this matter.

APPROVAL CHALLENGED

But the agreement did not settle the controversy. The suit was refiled by courageous, traditional women leaders of the islands within a couple of days.

These leaders disagreed that the purported approval was constitutional. They also thought that Salii's agreement was an inadequate assurance of protection for landowners' rights.

The reaction to the suit was even more serious—and violent—pressure on compact challengers. Finally, after shootings, a bombing, a murder and direct threats to the plaintiffs, the suit was withdrawn.

Salii told me that the plaintiffs withdrew the suit for the good of Palau. But the judge in the case, the courageous Robert Hefner, said that it appeared that intimidation through the use of violence was the reason.

INVESTIGATION

I then directed the staff to find out the truth. What they found initially, as well as what they were finding out from investigating the allegations made at the hearing I mentioned, convinced Chairman UDALL and our colleague, GEORGE MILLER, to join me in asking the General Accounting Office for a major investigation of the compact approval process and other problems in Palau.

The GAO will soon issue its final report on this investigation.

We—and others—took the position that the Interior and Insular Affairs Committee would not approve compact implementation legislation until compact challengers were allowed to exercise their constitutional rights to challenge the compact's approval. The intimidation that they were subjected to at the time will be clear from the GAO's report and is well-cataloged in a report by the International Commission of Jurists.

PRESIDENT'S REQUEST

President Reagan, however, accepted President Salii's assertion that the compact had been approved by Palau. In November 1987, he once again asked Congress to approve the compact.

Members of the Interior and Insular Affairs Committee once again doubted that the President was right about Palau's approval of the compact—the condition agreed upon in 1986 for final United States approval.

Chairman UDALL and I were also concerned about what the subcommittee's investigation was turning up about problems in Palau. We decided we must insist that there be assurance that these problems would be addressed if the United States was to relinquish its governing responsibilities in the islands.

A majority of Palau's Congress also took this position. So did Governors of the Palauan states with a majority of Palau's population.

PROBLEMS IN PALAU

One of these problems was high-level corruption. Our investigation found a number of questionable situations in Palau. In the most troublesome, about $1 million in unsubstantiated payments were made to Palauan and other officials by IPSECO, the British company that built the islands overpriced, new power facilities.

President Salii received $200,000 of these payments. Hundreds of thousands more were received by close associates of his. Salii and these associates played key roles in getting Palau into the IPSECO debt.

The people of Palau now face debt approaching $50 million for power facilities only worth about $22 million at the time—although their leaders agreed then to pay $28 million plus interest. Like many of the other problems Palau faces, this situation directly relates to United States failures to live up to trusteeship responsibilities.

Even Palauans who weren't paid for their support were vulnerable to the scam proposed by IPSECO, a fly-by-night company, because Palau had not been able to get the United States to help electrify their islands 35 years after the trusteeship began. Requests for even a few million dollars were being turned down by the executive branch when the much larger IPSECO project was proposed. Half of Palau is still without electricity today.

Salii was also a party to a number of other questionable contracts, many of which involve serious allegations, questionable procedures, or serious questions of judgement. Many also relate to the use of U.S. funds.

One, for example, concerned the 53-mile road that the United States is committed to build on Babelthaup Island under the compact. The road was of interest to the United States because it could be used in connection with military activity under the compact. It is an important feature of the compact in the view of many Palauans because it is essential for Babelthaup's development.

Impatient for the road, the Salii administration rigged a contract for a 22-mile section of the road for a favored contractor even though Palau did not have the money to pay for the road without the compact. The $29 million price-tag was a third or so more than the road should have cost and engineering concerns were ignored.

The plan was to try to force the United States to pay for the road after it was built to help satisfy the United States 53-mile-road obligation. The contract promised payment only when the compact went into effect. At first, the contract set the price at $2 million more if the United States paid for the road than if Palau did.

A top aide to Salli has been quoted as saying that the contractor for the road had "financially secured" his position with the then President of Palau.

I described many of the questionable actions taken by Palau's Government without adequate Federal guidance when the House considered this legislation in the last Congress. These and other problems will be further described in the GAO report.

Palau has some good laws on its books to attack corruption. But Palau's special prosecutor law was being frustrated and its public auditor law was not really being implemented. Corruption in Palau was so serious, though, that Palau's first President may have been assassinated and Salii may have committed suicide because of it.

I am pleased to report that Palau's Congress and its new administration now appear intent on enforcing Palau's anticorruption laws.

Yet another of Palau's problems has ben crippling debt. Much of it was created by the shady power facilities deal. As I have noted, Palau owes over $48 million for the facilities, according to a Federal court ruling. The debt is over twice Palau's annual budget—and twice the value of the plant.

President Salii was prepared to pay even more than this under a settlement of the debt that he worked out. This legislation would make a $32 million settlement—a fair price for the facilities—possible.

GAO investigators tell us that other deals—many of them questionable—had pushed Palau's total debt to near $100 million. It is encouraging to learn that some of these debts are being canceled.

Another of Palau's problems was drug trafficking. The DEA and the World Health Organization said in 1987 that hundreds of Palauans had

used heroin, which first appeared in Palau just over 5 years ago.

Many heroin arrests in Guam have been Palau-related. Marijuana is Palau's largest cash crop.

I am pleased that the scrutiny our investigation has brought to this problem seems to have substantially reduced Palauan drug trafficking.

Still other problems exist which are related to other trusteeship responsibilities that the United States clearly has not met. Like the other problems I have mentioned, these basic needs imperil the chances Palau has for facing the future with confidence.

A major need relates to Palau's hospital. It is in abysmal condition and Palau is the only one of the six original districts of the trust territory without a decent hospital.

Another problem is that, even though the Interior Department hasn't provided Palau with enough assistance to build a decent new hospital, it has let Palau accumulate millions of dollars worth of debts for essential off-island medical care for its people. This failure to live up to our trusteeship responsibility for the health of the inhabitants of Palau is a grave embarrassment to our Nation.

Palau's jail is in even worse condition than its hospital. It has been declared unfit by the courts.

Much of the infrastructure built by the United States in Palau is deficient. Yet, promises to correct these deficiencies by the executive branch have gone unfulfilled.

Another major problem has been financial management. And, as in the other areas of problems in Palau, the Interior Department has not adequately carried out its responsibilities to help.

According to GAO investigators, Palau's future financial stability will be affected not only by the debts it has incurred and the financial commitments it has already made, but also by its ability to manage the funds it will receive from the United States upon compact implementation.

GAO investigators have found numerous financial management weaknesses including:

Palau consistently has been unable to comply with the terms of Federal assistance and has only made nominal efforts to comply;

Palauan procedures for expending Federal assistance will not ensure that compact funds will be used as intended;

Numerous instances of noncompetitive and unfunded purchases;

The compact does not provide for resolution of audit recommendations; and

Palau lacks adequate tax and utility revenue assessment and collection systems.

I am pleased that the new leadership in Palau seems to want to correct these deficiencies.

COMMITTEE OFFER

Our insistence that it be made safe for those who had tried to challenge the compact's approval in 1987 to reinstate their suit resulted in the suit being refiled last year. Our doubts about whether Palau had really approved the compact were then proven well-placed once again by yet another Palau Supreme Court ruling that the compact has not been approved.

As I have explained, the serious problems facing Palau hindered Palau's approval of the compact. So, Chairman UDALL and I offered the administration a deal: We would support legislation to authorize the compact to be put into effect—when it was clear that it had been approved by Palau—if the administration would agree to assurance that these problems would be addressed.

We developed the necessary legislation in consultation with Palau's leaders, and introduced it as House Joint Resolution 597 a year ago.

A substantial majority of Palau's leaders supported House Joint Resolution 597. But a minority—including then President Salii—balked at one provision: an assurance that Palau would implement its special prosecutor and public auditor laws. They, like the Reagan administration, wanted approval of the compact as it was negotiated.

FUNDAMENTAL PROVISIONS

Chairman UDALL and I, however, reiterated our position that the committee would only report legislation that included the fundamental provisions of House Joint Resolution 597.

There are two reasons we took this position.

First, that it would have been futile to pass legislation that did not include these provisions. As I have explained, Palauan leaders believed that the only chance of their people approving the compact was if the implementing legislation included the fundamental provisions of House Joint Resolution 597.

The other reason is that our consciences wouldn't allow us to ignore the very serious problems in Palau and the pleas of the majority of Palauans for the help they needed to tackle them.

In spite of this, administration officials opposed our resolution. One of their excuses was that they could not support something Palau's President opposed. But objection to cost and a stubborn determination to defend their proposal—whatever its deficiencies—were also factors.

PRESSURE ON SALII

As last summer wore on, pressure mounted on President Salii.

There was a final Supreme Court ruling that Palau had not approved the compact as he had claimed.

The Federal court ruling that Palau owed a now-estimated $48 million for the power facilities made it clear that he knew at the time the deal was made that the facilities would not be self-financing as had been claimed. This was particularly embarrassing in light of his involvement in the deal and the $200,000 he took.

Salii's Vice President and his Minister of State broke with him to support House Joint Resolution 597. They questioned why anyone would not want to commit to enforcing Palau's own special prosecutor and public auditor laws.

Finally—and tragically—President Salii took his own life last August.

UNITY IN PALAU

In the wake of his death, Palau's leaders were able to be unified for the first time in the compact. Palau's new President joined the Congress in saying that the best chance for getting the compact approved was if it was authorized by the United States as House Joint Resolution 597 would have authorized it.

AMENDMENT

Members of the Interior and Insular Affairs and Foreign Affairs Committees then agreed upon an amended version of House Joint Resolution 597. It represented substantial compromises; but it also preserved the resolution's fundamental provisions. After pressure on our part, this initial compromise received the support of the Reagan administration.

It was passed by the House last October 6 by a vote of 406 to 11.

The day after the House acted, the other body amended House Joint Resolution 597. This amendment did not guarantee the assistance that the House legislation would have provided Palau.

Curiously, the Reagan administration supported both versions. Their unwillingness to take sides impeded reaching the necessary compromise between the Houses.

Several compromise proposals were made by the House but rejected by representatives of the other body. Finally, the compromise I described at the outset was reached due to the efforts of all involved. What made the final compromise possible were assurances from the last administration that the executive branch would implement the requirements of the House version of the legislation if the House would pass the Senate version with one mutually agreed-upon amendment.

Unfortunately, as I have said, these assurances were delivered just minutes too late to get the compromise enacted last year. They were only delivered after the House had begun to vote on

what then Speaker WRIGHT had announced would be the last legislation of the 100th Congress.

Two of our colleagues from the other side of the aisle understandably objected when we proposed approval of the compromise in spite of what Speaker WRIGHT had said. Our new Speaker, then the majority leader, understandably, however, refused to ignore the Republican objections. So, the legislation was not to be considered in the closing hours of the 100th Congress.

DEMOCRACY IN PALAU

Although the people of Palau must make their own decision about the compact, it is clear that this is a timely moment for this determination. In spite of circumstances which would have threatened or brought down many governmental systems, the people of Palau have remained steadfast in their support of democracy and their alliance with the United States.

The last few years have seen the tragic death in office of two Presidents and the endurance of significant hardships, financial and otherwise. Yet, at the same time, we have seen the orderly succession to office of Vice President Remengesau last year and the orderly, but highly contested democratic election this year of a new President, Vice President and Congress. The Government of Palau has begun to put its financial house in order with strict fiscal controls and outstanding management. Although the Government of Palau has had differences with the United States executive branch over the compact, the Government of Palau has continued to assert its desire for stronger relationship with the United States. The organized and businesslike way in which Palau has negotiated resolution of its major differences with the executive branch during the past several months has been most impressive.

The stability of the Paluan political system in these circumstances, the manner in which Palau has conducted its governmental business in these last several months, and the unity of the Government of Palau is a tribute to both the leadership and the people of Palau. This speaks well for Palau's future and is one reason why we should move promptly on this legislation in order that Palau can make its determination on the compact.

REQUESTS

Mr. Speaker, I ask the House pass the substitute.

I also ask unanimous consent to include in the RECORD:

The agreement required by the compromise, which is incorporated into the compact and is a fundamental part of this legislation;

A statement of administration support for House Joint Resolution 175 and the compromise with supporting letters;

The recommendations, conclusions, and the explanation of improvements to the compact resulting from the subsidiary agreement contained in the report of Palau's Commission on Future Palau/United States Relations; and

A list of the requirements of the compromise not contained in the text of House Joint Resolution 175 itself and addressed in large part by the agreement.

AGREEMENT CONCERNING SPECIAL PROGRAMS RELATED TO THE ENTRY INTO FORCE OF THE COMPACT OF FREE ASSOCIATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF PALAU

This Agreement is entered into by the Government of the United States and the Government of Palau in recognition of their desire to record their agreements and intended undertakings with respect to the implementation of certain aspects of agreements subsidiary to the Compact of Free Association and with respect to the continuation of certain programs and assistance commenced prior to the entry into force of the Compact of Free Association. The Government of the United States and the Government of Palau note that these continuing programs and elements of assistance are intended to allow for an expeditious and productive transition to their relationship under the Compact and that authority for them is set forth in United States Public Laws 99-239 and 99-658, the United States law authorizing entry into force of the Compact enacted pursuant to Section 101(d)(1)(B) of United States Public Law 99-658 and the relevant laws of the Republic of Palau. The Government of the United States and the Government of Palau intend that this Agreement be construed and implemented in a manner consistent with the Compact.

ARTICLE I—DEFINITION OF TERMS

1. Except as otherwise provided in this Agreement, the Definition of Terms set forth in Section 461 of the Compact is incorporated in full in this Agreement.

2. Except as otherwise provided in this Agreement, the Definition of Terms set forth in the subsidiary agreements between the Government of the United States and the Government of Palau referred to in Section 462 of the Compact are incorporated in full in this Agreement.

3. Except as otherwise provided in this Agreement, the Definition of Terms set forth in the following agreements between the Government of the United States and the Government of Palau pursuant to the Compact are incorporated in full in this Agreement:

(a) The Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau (the Fiscal Procedures Agreement), done at Washington, D.C. on December 2, 1987; and

(b) The Agreement between the Government of the United States and the Government of Palau Regarding Mutual Assistance in Law Enforcement Matters, done at Washington, D.C. on December 2, 1987.

ARTICLE II—CONSTRUCTION PROJECTS

1. Completion of the Central Health Care Facility in Palau

(a) The Government of Palau shall prepare and submit a plan to the Government of the United States for completion of the central health care facility of Palau, the construction of which commenced during Fiscal Year 1989. The plan shall specify the amount necessary to complete an operational facility, the funds to be provided by the Government of Palau for that purpose, and the manner in which the central health care facility, once completed, will be operated and maintained. The Government of Palau shall dedicate, prior to the fifteenth anniversary of the effective date of the Compact, the sum of $5 million to the construction of the central health care facility or its operation and maintenance.

(b) The review and approval of the plan by the Government of the United States shall include review by the United States Departments of Health and Human Services and Interior. After review of the plan, the Government of the United States shall provide to the Government of Palau an amount, as provided by the laws of the United States and not later than during fiscal year 1991, of not less than $5 million and such additional funds as shall be provided under the laws of the United States to complete construction to the central health care facility pursuant to such plan. Funds provided by the Government of the United States pursuant to this paragraph shall be used by the Government of Palau exclusively for completion, operation and maintenance of the central health care facility of Palau and shall be in addition to the funds already provided by the Government of the United States for the Palau central health care facility prior to the end of fiscal year 1989.

2. Prison Facility Improvements

(a) The Government of Palau shall prepare and submit a plan to the Government of the United States for the improvement of the Palau national prison facility. The plan shall address in a comprehensive manner the purpose and placement of the prison facility in the context of an overall criminal justice policy and specify the amount necessary to complete an operational and improved prison facility and the manner in which the prison facility shall be operated and maintained.

(b) The review of the plan by the Government of the United States shall include review by the United States Departments of Justice and Interior. After review of the plan, the Government of the United States shall provide to the Government of Palau the sum of $800,000, as provided by the laws of the United States and not later than during fiscal year 1991, to be used exclusively for improvements to the Palau national prison facility in accordance with the plan, and such sum shall be in addition to the funds already provided by the Government of the United States for the same purpose prior to the end of fiscal year 1989.

3. Central Power Generating Facility

The Government of Palau may prepare a plan for the operation and maintenance of the Palau central power generating facility and its related power distribution system. The Government of the United States shall sympathetically consider providing assistance to the Government of Palau, in accordance with Sections 222 and 224 of the Compact, for the purposes set forth in such op-

erations and maintenance plan and upon the request of the Government of Palau. Such assistance may include the extension of grants and loans to the Government of Palau, as authorized and provided by the laws of the United States.

4. Capital Infrastructure

The Government of the United States and the Government of Palau shall continue to cooperate in the implementation of the program addressing operations, maintenance, deficiency identification and correction, and training under the sponsorship of the Government of the United States through the Departments of the Interior and Army Corps of Engineers. The Government of Palau shall assist the Government of the United States in obtaining legal redress, where appropriate, against responsible parties with respect to any identified deficiencies in the capital infrastructure built in Palau, during which time the Government of the United States and the Government of Palau shall give priority attention to infrastructure in need of immediate repair.

ARTICLE III—DRUG ENFORCEMENT, TREATMENT AND EDUCATION PROGRAMS

1. The Government of the United States and the Government of Palau declare that it is their policy that the enforcement of narcotics and other laws and the prevention and treatment of narcotics and other substance abuse in Palau benefits both Palau and the United States. The Government of Palau, in cooperation with the Government of the United States, shall develop a plan for the enforcement of narcotics and other laws and for the prevention and treatment of narcotics and other substance abuse in Palau. The plan, which shall be submitted to the Government of the United States for approval, shall identify the specific needs and costs of such a program, identify all existing resources available to the Government of Palau to be allocated to the implementation of the plan and shall recommend priority use for additional resources, if any, for plan implementation. Review and approval of the plan by the Government of the United States shall include review by the United States Office of National Drug Policy, and the United States Departments of Justice, Education, Health and Human Services and Interior. The plan shall be consistent with the provisions of this Article, the Compact and its subsidiary agreements, the laws of the United States applicable to Palau pursuant to the Compact, and the laws of Palau.

2. After review of the plan referred to in paragraph 1 of this Article, the Government of the United States shall provide to the Government of Palau an annual amount not to exceed $400,000, as provided by the laws of the United States and during the five successive years commencing not later than during fiscal year 1991, for the purpose of implementing the plan and for the purposes set forth in this Article. If consistent with the plan, funds provided pursuant to this paragraph may be used by the Government of Palau to construct a rehabilitation center for narcotic and other substance abuse victims.

3. If, prior to the sixth anniversary of the effective date of the Compact, the Government of Palau has prepared a review of the effectiveness of the plan referred to in this Article and if that review identifies and justifies the application of additional assistance from the Government of the United States for the purposes to which the original plan was dedicated, the Government of the United States shall sympathetically consider providing such additional assistance. Technical assistance from the Government of the United States to assist the Government of Palau in carrying out the plan and for the purposes referred to in this Article shall be provided in accordance with Section 222 of the Compact.

4. The Government of Palau authorizes officers of the law enforcement agencies of the Government of the United States, including the Drug Enforcement Agency, the Federal Bureau of Investigation and the United States Secret Service and Customs Service and Immigration and Naturalization Service, to conduct investigations, in accordance with the applicable laws of Palau and in cooperation with the law enforcement agencies of the Government of Palau, related to the enforcement of the laws of the United States applicable in Palau.

5. The Government of Palau may request, on a long-term or case-by-case basis, the assistance of United States law enforcement officers to conduct investigations consistent with the implementation of the plan referred to in paragraph 1 of this Article and in cooperation with the law enforcement agencies of the Government of Palau. In this connection, the Government of the United States will make available to the Government of Palau, in accordance with Section 222 of the Compact, training courses in narcotics investigations, narcotics identification and search techniques, and the rules of evidence for successful prosecutions.

6. The Government of Palau may procure from the Government of the United States narcotics test kits, communications equipment and investigative aids consistent with the purposes of the plan referred to in paragraph 1 of this Article.

7. The Government of Palau, in the implementation of the plan referred to in paragraph 1 of this Article, shall employ additional customs officers who will be trained and equipped to detect narcotics in sea and air shipments of goods destined for Palau and shall continue its narcotics awareness and education efforts, especially those directed toward young people, and for the treatment and rehabilitation of persons already addicted to narcotics substances.

ARTICLE IV—ASSISTANCE FOR PROSECUTION AND AUDIT PROGRAMS

1. The Government of Palau shall maintain and staff the offices of public auditor and special prosecutor established under the authority of and pursuant to its constitution and laws during the period specified in paragraph 2 of this Article and thereafter as it determines necessary. The individuals appointed by the Government of Palau to head the offices of public auditor and special prosecutor shall be resident in Palau during the periods of their incumbencies. The Government of Palau shall dedicate not less than $100,000 annually to the maintenance and staffing of each of the offices of public auditor and special prosecutor during the period and in addition to the amounts specified in paragraph 2 of this Article.

2. The Government of the United States shall provide assistance to the Government of Palau, pursuant to Sections 222 and 224 of the Compact and as provided by the laws of the United States, in furtherance of the maintenance and staffing of the offices of public auditor and special prosecutor as follows for the first five fiscal years after the effective date of the Compact:

(a) upon the request of the Government of Palau, an auditor or accountant, as determined by the Government of Palau, to serve in the office of the public auditor but who shall not serve as the public auditor and an attorney or investigator, as determined by the Government of Palau, who shall serve in the office of the special prosecutor but who shall not serve as the special prosecutor; and

(b) annual amounts not to exceed $300,000, which amounts shall be used by the Government of Palau for the commencement, staffing, operation and maintenance of the offices of public auditor and special prosecutor, provided that in each year not less than $100,000 of these amounts shall be dedicated by the Government of Palau to each of the offices of public auditor and special prosecutor with the remainder to be allocated as between the two offices as the Government of Palau determines.

3. The Government of Palau may at any time request, and the Government of the United States may agree to provide, pursuant to Sections 222 and 224 of the Compact, technical and other assistance additional to that specified in paragraph 2 of this Article to the Government of Palau for the operation, maintenance and staffing of the offices of public auditor and special prosecutor.

4. Disputes arising under this Article shall be resolved in accordance with the conference and dispute resolution provisions of Article II of Title Four of the Compact. In the case that the Government of Palau does not comply with the provisions of paragraph 1 of this Article while receiving assistance from the Government of the United States pursuant to paragraph 2(b) of this Article, the Government of the United States shall have recourse to the conference and dispute resolution provisions referred to in this paragraph. If a determination of material nonconformance on the part of the Government of Palau is made and if, within 180 days after such determination, the Government of Palau takes no steps effectively to rectify such nonconformance, then the Government of Palau shall be considered to be in material breach of its undertakings. The Government of the United States, in response to this consideration, shall take the steps it considers appropriate, including, but not limited to, the withholding of funds to be provided pursuant to this Agreement, to the Compact and to other applicable laws of the United States until the Government of Palau conforms its actions to the determinations referred to in this paragraph.

ARTICLE V—FISCAL PROCEDURES

1. Implementation of Audit Recommendations

(a) Within 120 days after an audit conducted by the Government of the United States pursuant to Section 233 of the Compact and the Fiscal Procedures Agreement is submitted to the Goverment of Palau, the Goverment of Palau shall:

(i) develop a plan to implement the recommendations made by such audit, or

(ii) inform the United States audit officials, as that term is defined in Article IV of the Fiscal Procedures Agreement, of its objections to implementing such recommendations.

(b) The Government of the United States, in accordance with Section 222 of the Compact, shall provide assistance to the Government of Palau, upon its request, to implement such audit recommendations.

2. Palau National Development Plan

(a) In respect of the National Development Plans promulgated by the Government of Palau pursuant to Section 321 of the Compact and paragraph 3 of Article III of the Fiscal Procedures Agreement, the Government of Palau shall ensure the inclusion in such development plans of the following information:

1(i) current information, including such information adapting the existing plan to the first 5-year period following the effective date of the Compact; and

(ii) a list, in priority order, of all capital infrastructure projects, both for the public and the private sectors, intended by the Government of Palau to be financed with United States assistance, including all capital infrastructure projects for which obligations were in existence at the commencement of the plan period covered by the first National Development Plan.

3. Financing and reimbursement arrangements related to Section 211(b) of the Compact

(a) If the conditions of paragraph 3(b) of this Article are satisfied, the Government of the United States shall provide to the Government of Palau, on a grant basis and together with the funds provided to Palau upon entry into force of the Compact, the sum of $28 million. Such sum shall be adjusted by Section 215 of the Compact and the resulting funds in the adjustment account shall be provided together with the funds provided upon entry into force of the Compact. The payment of the sum of $28 million referred to in this paragraph constitutes fulfillment of the obligations of the Government of the United States under Section 211(b) of the Compact. The payment of the adjustment account amount referred to in this paragraph constitutes fulfillment of the obligations of the Government of the United States under Section 215 of the Compact as it relates to Section 211(b) of the Compact through the date of such payment.

(b) The Government of Palau shall have entered into an agreement with its creditors for the full discharge of its obligations with respect to the central power generating facility in Palau.

(c) The Government of Palau shall dedicate at least $7 million to the energy needs of those parts of Palau not served by the central power generating facility prior to the fifteenth anniversary of the effective date of the Compact. If funds additional to those provided pursuant to this Article and Section 211(b) of the Compact are used by the Government of Palau to satisfy its payment obligations with respect to the central power generating facility, only funds provided pursuant to Section 212(b) of the Compact shall be so used, in addition to funds otherwise available to the Government of Palau from sources other than the Government of the United States.

(d) The Government of Palau shall pay to the Government of the United States an amount equal to the net economic cost to the United States of making available funds pursuant to Section 211(b) of the Compact in the manner specified in paragraph 3(a) of this Article rather than as provided in Section 211(b) of the Compact. The Government of the United States and the Government of Palau have determined that the net economic cost to be paid to the Government of the United States equals the sum of $3 million and have further determined that this sum shall be paid to the Government of the United States by the Government of Palau not later than the tenth anniversary of the effective date of the Compact. In order to accomplish the payment of the amount referred to in this paragraph, the Government of Palau may authorize the Government of the United States to deduct such amount from any funds that otherwise would have been paid to the Government of Palau pursuant to the Compact and its related agreements prior to the tenth anniversary of the effective date of the Compact.

(e) Notwithstanding Section 211(f) or the agreement concluded pursuant to Section 211(f) of the Compact, the Government of Palau shall pay to the Government of the United States, from the fund created pursuant to Section 211(f) of the Compact, the amount that would be due to the Government of the United States pursuant to paragraph 3(d) of this Article as of the tenth anniversary of the effective date of the Compact. Such payment shall be made within thirty days of the tenth anniversary of the effective date of the Compact unless the payment conditions of paragraph 3(d) have already been fulfilled by the Government of Palau. The payment obligations set forth in this paragraph shall continue as a condition on the ownership of the fund created pursuant to Section 211(f) of the Compact until the payment obligation of the Government of Palau set forth in this Article is satisfied.

ARTICLE VI—ACQUISITION OF DEFENSE SITES

1. In accordance with section 352 of the Compact, the Government of the United States recognizes that the Government of Palau, in meeting its obligations under Title Three of the Compact, is obligated by its constitution to provide just compensation to the owners of any private land which may be used for that purpose. The Government of the United States recognizes and respects the scarcity and special importance of land in Palau. In making any designation of land pursuant to Section 322 of the Compact, the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy the requirement through public real property, where available, rather than through private property. The Government of the United States acknowledges that the Government of Palau desires that ownership of land in Palau be maintained for people indigenous to Palau. The Government of the United States further recognizes that in the event of any taking of a partial interest in real property by the Government of Palau, in meeting its obligations under Title Three of the Compact, rendering the remaining interest economically unusable for the purposes for which the real property in question was being used, the interest holders may be entitled to compensation from the Government of Palau as if the entire real property interest had been taken.

2. The Government of Palau, in light of any actual United States land use requirements in Palau which impact upon privately owned land, exclusive of the Airai airfield and Malakal harbor exclusive-use and joint-use defense sites specifically identified in paragraphs 1(a), 1(b), 2(a) and 2(b) and Tabs 1, 2 and 3 of Annex A of the agreement referred to in Section 462(h) of the Compact, may request United States financial assistance in addition to that provided in Title Two of the Compact. The Government of Palau shall acquire and retain such rights to those Airai airfield and Malakal harbor defense sites as to be able to fulfill its obligations under Title Three of the Compact. Upon the request of either, the Government of the United States and the Government of Palau shall enter into an appropriate agreement for such financial assistance, and such agreement shall be subject to approval in accordance with their respective constitutional processes. As to any designation of any defense site pursuant to Section 322(b) of the Compact, the Government of Palau shall not be obligated to make available to the Government of the United States the use rights pertaining to such designation unless such an agreement has been so approved as to such designation, provided however, that if such an agreement has not been entered into and approved within a time period specified by the Government of the United States at the time of the initial designation, the Government of the United States and the Government of Palau may continue to seek the prompt conclusion of such an agreement or either of them may resolve the matter as provided for in paragraph 5 of this Article.

3. Any agreement concluded pursuant to paragraph 2 of this Article shall be based upon independently verified land appraisals and other appropriate documentation of actual land use costs, and be consistent with the mutual undertakings and interests of the Government of the United States and the Government of Palau under Title Three of the Compact, and the absence of such agreement shall not derogate from the obligations and authorities of the Government of Palau and the Government of the United States under that Title.

4. Should the Government of Palau be required pursuant to Title Three of the Compact to acquire privately owned land in Palau for United States use, the Government of Palau may request extension of the time limit set forth pursuant to Title Three of the Compact and the Government of the United States shall sympathetically and expeditiously consider such request.

5. Disputes arising between the Government of the United States and the Government of Palau under the terms of this Article shall be resolved in accordance with the provisions of Title Three of the Compact.

ARTICLE VII—OUTSTANDING MEDICAL REFERRAL OBLIGATIONS

1. The Government of the United States shall take the appropriate steps necessary to settle, or shall provide the Government of Palau the necessary funds to pay, as provided by the laws of the United States, any properly verified unliquidated medical obligations owed to United States citizens or to non-governmental medical facilities in the United States, including its territories and Commonwealths, for services rendered prior to the effective date of the Compact to citizens of Palau at the request of the Government of Palau.

2. The Government of the United States hereby cancels, as provided by the laws of the United States, any obligations incurred by the Government of Palau for treatment in United States Government medical facilities prior to the effective date of the Compact.

3. Pursuant to Article XVII of the agreement subsidiary to Section 323 of the Compact which provides for continued access by citizens of Palau referred by the Government of Palau to United States military medical facilities, such access shall be subject to expeditious reimbursement, pursuant

to the terms and conditions agreed upon pursuant to such agreement, of the Government of the United States by the Government of Palau for medical services rendered. The Government of the United States and the Government of Palau may develop additional terms and conditions under which such services shall be provided, including the availability of funds for the provision of such services.

ARTICLE VIII—CONSULTATION AND TRANSITION PROVISIONS

1. Discussions on taxation matters

The Government of the United States and the Government of Palau shall discuss agreements concerning the taxation and exemption from taxation by each of them of source income earned by residents of the other. Any such agreements would be subject to approval pursuant to the constiutional processes of the Government of the United States and the Government of Palau.

2. Economic regulation of civil air transport

Except for the rights, so long as they continue, of United States air carriers as provided in paragraph 6 of Article IX of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two of the Compact, the Government of Palau has the exclusive authority, exercised in a manner consistent with the Compact, to grant or deny landing rights in Palau to civil air carriers.

3. Assistance in Land Survey Activities

The Government of Palau shall develop a plan and submit the same to the Government of the United States which shall consider sympathetically requests by the Government of Palau for financial and technical assistance to complete the surveying of the land in Palau pursuant to such plan. Any such assistance shall be provided in accordance with Sections 222 and 224 of the Compact.

4. Discussions on Trade and Tariff Matters

The Government of the United States and the Government of Palau shall discuss agreements to ensure that the export of textile and apparel items not subject to textile agreements as to which the Government of the United States is a party, from Palau to the United States shall be eligible to receive tariff treatment no less favorable than that afforded like products exported to the United States from Caribbean Basin Initiative countries and to ensure that the export of other products from Palau to the United States shall retain the same relative beneficial tariff treatment in regard to exports to the United States from other countries as is provided in the Compact of Free Association and the laws of the United States. Any such agreements would be subject to approval pursuant to the constitutional processes of the Government of the United States and the Government of Palau.

5. Maritime Space Jurisdiction

The Government of the United States and the Government of Palau interpret the provisions of the Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and the Living and Non-Living Resources of the Sea and referred to in Section 462(j) of the Compact as in no way preventing the Government of Palau from exercising its rights as to its continental shelf or from declaring an exclusive economic zone, in manners consistent with the Third United Nations Convention on the Law of the Sea and with the principles of international law.

6. Discussions on Federal Programs Matters

The Government of the United States and the Government of Palau, prior to the first anniversary of the effective date of the Compact, shall enter into an agreement identifying whether and what federal program assistance shall be continued to offset any anticipated, economically adverse circumstances. The Government of Palau shall include any requests for continuation of federal programs in the reports referred to in Section 231(b) of the Compact. Any continuation or commencement of federal program application arising purusant to this paragraph shall be in accordance with Section 224 of the Compact.

ARTICLE IX—EFFECTIVE DATE, AMENDMENT AND DURATION

1. This Agreement shall come into effect simultaneously with the Compact.

2. This Agreement may be amended at any time by the mutual consent of the Government of the United States and the Government of Palau.

3. Except as otherwise provided in this Agreement, disputes arising between the Government of the United States and the Government of Palau under the terms of this Agreement shall be resolved in accordance with the procedures set forth in Article II of Title Four of the Compact.

4. This Agreement shall remain in full force and effect until terminated by mutual consent, or until the termination of the Compact, whichever occurs first.

5. This Agreement may be accepted, by signature or otherwise, by the Government of the United States and the Government of Palau. Each Government shall possess an original English language version.

In witness whereof, the undersigned, duly authorized, have signed this Agreement Concerning Special Programs Related to the Entry into Force of the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau which shall come into effect in accordance with its terms between the Government of the United States and the Government of Palau.

STATEMENT OF JAMES D. BERG, DIRECTOR OF THE OFFICE OF FREELY ASSOCIATED STATE AFFAIRS, UNITED STATES DEPARTMENT OF STATE

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to appear here today on behalf of the administration and in response to your letter of June 2 to Secretary Baker. I am also pleased to be accompanied by Mr. David Heggestad of the Office of Territorial and International Affairs of the Department of the Interior.

The administration supports the earliest possible passage by the House and Senate of House Joint Resolution 175, as introduced into the House on March 8 of this year. I believe that the subcommittee is well aware of this Administration position so I will not review the legislation on a section by section basis in this statement. However, to complete the record, I have attached to this statement a letter to the Chairmen of the two House Committees with jurisdiction from Assistant Secretary of State Janet Mullins dated March 31, 1989. That letter sets out in full the Administration's position on House Joint Resolution 175, and emphasizes the reasons why we see the need for expedited action on the measure. Also attached is a September 26, 1988 letter, signed on behalf of the last administration by then-Deputy Secretary of State John Whitehead, which remains the foundation for our support of both the legislation that is now before Congress in the form of H.J. Res. 175 and the substance of the Compact subsidiary agreement that was signed on May 26 of this year with Palau.

The legislation of the United States that approved the Compact of Free Association for Palau—PL 99-658—requires that before the Compact can enter into force, the Congress must so authorize by another joint resolution and the people of Palau must approve the Compact in accordance with their constitutional processes. The Administration has been seeking passage of a joint resolution by Congress authorizing the Compact's entry into force since legislation to that effect was first submitted by the Reagan Administration on November 1, 1987. From the United States point of view, there is no reason for any delay in passing authorizing legislation for the Compact. Funds for the Compact have been appropriated and are ready to be obligated this fiscal year. The administrative system for managing our participation in a free association relationship with Palau is in place. Our experience with the Compact, and with United States participation in free association relationships with other former parts of the Trust Territory of the Pacific Islands has been wholly positive and has reaffirmed our view that free association is the most workable political status and relationship for Palau. Of course, the Compact will not enter into force until it has been approved by the people of Palau and until we have entered into an effective date agreement with Palau.

The newly inaugurated Government of Palau has stated its commitment to the Compact and its early entry into force. In that connection, the Palau Government is expected soon to call a plebiscite on the Compact and its subsidiary agreements. Included among those agreements is one signed just a few weeks ago on May 26. This new subsidiary agreement addresses certain current needs that the Palauan Government has identified and that, although arising out of the trusteeship period, will, pursuant to this subsidiary agreement to the Compact, be able to be addressed after the Compact enters into force. In other words, this subsidiary agreement contemplates a transitional arrangement under which Palau and the United States will be able to complete the addressal of trusteeship era matters without delaying the entry into force of the Compact.

The subsidiary agreement signed with Palau on May 26 does not amend the Compact or any of its existing subsidiary agreements. Nor does it violate, in the view of the Administration, the fundamental philosophy of the free association relationship which is, at its existence, a relationship between two sovereign governments. These two features are critical to the integrity of the future American-Palauan relationship, as it is enshrined in the Compact signed on January 10, 1986.

Under the terms of the new subsidiary agreement, the United States will provide $9.3 million, spread out over six years after the Compact enters into force, to finance projects in Palau. These projects include construction activities related to the new hospital that Palau is now building with a grant of $10 million already provided by the United States, funding and technical assistance for Palau government programs in drug law enforcement and treatment, audit,

and prosecution, and funds for the construction and improvement of prison facilities. The Administration intends to request funds for these purposes in the years and for the amounts specified in the subsidiary agreement.

The subsidiary agreement also provides that the United States will advance certain funds already included in the Compact to Palau at a date earlier than the Compact provides so that Palau can liquidate its power plant debt. Palau must have reached an agreement with its creditors prior to the effective date of the Compact for this provision to have effect, and we believe that the agreement near completion is fair to both Palau and its creditors.

The May 26 subsidiary agreement also contains provisions, such as the one regarding medical referral debts, which, with the above mentioned provisions, made it an accurate reflection of the compromise reached last October 22, between representatives of the House, the Senate and the Administration regarding the Palau Compact authorizing legislation. Under that compromise, the House was to have passed the Senate version of last year's Palau Compact authorizing legislation—H.J. Res. 597—and the Administration would implement the provisions of the House version of that legislation. Translated into this year, H.J. Res. 175 is the same as the version of H.J. Res. 597 passed by the Senate on October 7, 1988. The new subsidiary agreement signed on May 26 provides the vehicle under which the Administration will implement the provisions of the last year's House passed version of the legislation. It is important to note that Congressional passage of H.J. Res. 175 is necessary not only to allow the Compact to enter into force but also to provide legislative authorization for the undertakings in the May 26 subsidiary agreement.

Mr. Chairman, we would be pleased to answer questions with respect to H.J. Res. 175, the Compact or the subsidiary agreement just signed with Palau. We hope that this subsidiary agreement will allow the House to move forward with final passage of H.J. Res. 175 in the form it was introduced within the next few days and look forward to working with the Subcommittee to accomplish that end.

Thank you.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 31, 1989.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Administration believes Congress should pass legislation authorizing implementation of the Palau Compact of Free Association at the earliest possible date. In this regard, we support passage by the House and the Senate of H.J. Res. 175 which was introduced on March 8. This bill is similar to legislation passed by the Senate last October 7 but differs in two ways: one is a date change from March to April regarding submissions of Palau's drug intervention plan, and the other would adjust the payment stream of Compact funding to Palau to accommodate a resolution agreed to by Palau of its power plant debt.

While more than two-thirds of the people of Palau have successively demonstrated in past plebiscites their desire for a free association relationship with the United States, Palau has yet to approve the Compact of Free Association in accordance with the requirements of its constitution. It is the Administration's judgment that the Palauan people can make an informed judgment on the Compact only once the terms of its implementation are defined by enactment of United States legislation authorizing its entry into force. Since many of the elements of Compact implementation, including the arrangements to facilitate resolution by Palau of its power plant debt, are linked to actions this fiscal year, a plebiscite in Palau on the Compact and its subsidiary agreements needs to occur by early summer. Early House and Senate action approving H.J. Res. 175 is thus all the more imperative.

Last year, the House and Senate passed differing versions of legislation authorizing entry into force of the Palau Compact, and the Reagan Administration supported both versions. In the closing hours of the One-Hundredth Congress, a compromise between the two versions was developed, but not enacted, under which the Administration would implement, through appropriations requests and other administrative actions, the provisions of the House-passed version (October 6) if Congress would approve the Senate-passed version October 7). While final Congressional action did not occur, that same compromise is now available in the form of H.J. Res. 175. In urging passage of H.J. Res. 175, the Administration is prepared to take steps that will give effect to that compromise, in addition to actions already taken to address the specific issues. The steps we intend to commence during the process of Congressional consideration and passage of H.J. Res. 175 include the negotiation and conclusion of Compact subsidiary agreements with Palau, the completion of the reports to Congress that are mentioned in H.J. Res. 175 and in the House-passed version, and, ultimately, administrative actions or requests for the appropriation of funds, totalling up to $9.3. million spread over the first six years of Compact effectiveness, that are authorized in H.J. Res. 175 and detailed specifically in the House-passed version.

The House-passed version contemplated the availability to Palau of the $9.3 million in addition to the funding Palau will otherwise receive pursuant to the terms of the Compact. On the assumption that H.J. Res. 175 is enacted and the Compact can enter into force before the end of the current fiscal year, the Administration would seek, through pending and future appropriations requests or through funds already appropriated, to make these additional amounts available to Palau starting in FY 1990, the first full year of Compact effectiveness. These funds would be provided in a manner consistent with the reports and recommendations referred to above, the relevant provisions of Compact subsidiary agreements, and, in the case of appropriations requests, in accordance with United States laws.

The Administration's approach outlined in this letter is designed to facilitate House and Senate passage of H.J. Res. 175, and the commencement and completion of Administration undertakings related to H.J. Res. 175 and last year's House-passed version, on an expeditious basis.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely.

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

THE DEPUTY SECRETARY OF STATE,
Washington, DC, September 26, 1988.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Administration believes Congress should pass legislation authorizing implementation of the Palau Compact of Free Association at the earliest possible date. We support efforts to fashion legislation in the House of Representatives accomplishing this result before Congress' early October adjournment.

The President submitted draft legislation on November 30, 1987 authorizing implementation of the Compact. Since that time, the Senate has passed a version of the legislation that was, with one minor alteration, acceptable to the Administration. The House Foreign Affairs Committee, last April, reported HJR 479 that was also acceptable to the Administration. An alternate version of implementing legislation—HJR 597—was later considered by the House Interior Committee, but has never been reported. Additionally, on August 29, 1988, the Palau Supreme Court determined that there is inconsistency between the Compact and the Palau Constitution. This decision requires Palau to complete its internal Compact approval process through a vote on the Compact, whether directly or through a constitutional amendment procedure.

Therefore, because Palau must put the Compact before the Palauan electorate by one or the other of these methods, we believe it imperative that the United States position on implementation of the Compact be made clear now so that the Palauan people can participate in an informed act of self-determination. Thus, I urge that the House pass implementing legislation as soon as possible.

The Administration is aware of the provisions of legislation that emerged from recent meetings between members of the House Foreign Affairs and Interior Committees. To date, we have not had the opportunity to review a final text of these provisions.

However, based on our understanding of the legislation and given the imperative to clarify the United States position on implementation of the Palau Compact, we support passage of this new compromise legislation but deem it essential that objectionable provisions and limitations in the compromise relating to Palau's use of Compact funds to liquidate its power plant debt be revised in the process of final Senate and House action. On this matter, we would oppose any United States Government loan, guarantee or other subsidization of the debt. With respect to the funding authorized in the new bill, a full faith and credit provision attaches to a maximum of $9.3 million of these funds. The Administration intends to ensure that appropriate planning, needs analyses and justifications are associated with provision of this funding in a manner consistent with the legislation.

Sincerely,

JOHN C. WHITEHEAD.

A REPORT TO THE THIRD OLBIIL ERA KELULAU AND THE REPUBLIC OF PALAU PRESIDENT

(By the Commission on Future Palau/United States Relations)

V. RECOMMENDATIONS

The Commission is fully aware that, despite political education programs which had preceded each of the referenda on the COMPACT many people in Palau continue

to have certain misgivings about approving the COMPACT and its subsidiary agreements. Many are concerned about the nuclear provisions of the COMPACT; This Commission was not able to and could not re-negotiate possible changes to the Compact language on nuclear and harmful substances, but it made note of the fact that any approval of the Compact and its subsidiary agreements by 75 percent votes will overcome any constitutional impediments to the use of harmful substances and nuclear material within the Republic of Palau. Any argument, therefore, against the approval of the Compact and the subsidiary agreements based upon the provisions of the Palau Constitution prohibiting the use of harmful substances will be moot. Others contend that the economic and financial assistance being offered by the United States will not be sufficient to allow orderly economic development for Palau; some maintain that the options given the United States to use Palau lands for defense sites and military purposes will deprive Palau as to the use of such lands, the money to pay for the use of such lands would not allow just and fair compensation to land owners, and that the period of the COMPACT is onerous. Still many others disfavor the COMPACT because they prefer other political status alternatives such as independence, or commonwealth.

While this Commission does not want to be drawn into a debate on the merits or demerits of the COMPACT and its subsidiary agreements, it is constrained to make an observation regarding the need to resolve the Political Status with the approval of the COMPACT and its subsidiary agreements as the only alternative available. In the long run, it is not the amount of money proposed to be provided in any political status alternative, such as that provided for under this Compact with its subsidiary agreements, that should induce Palau voters either to accept or reject it. Even if that were the only yardstick to assess the merits of the Compact, the funding level set by the Compact and the subsidiary agreements, together with financial and technical assistance under H.J. Res 175 and its subsidiary agreement, compares well with similar levels of financial assistance extended other political entities in the Micronesian areas.

It is the stability of the government associated with the resolution of the political status through the approval of the Compact which is paramount. Once the stability of the government is assured, Palau can expect an accelerated development in the private sector of the economy. This in turn will bring about the kind of economic progress and social development in step with the general effort of nation building.

Both the United States and the Republic of Palau will need to take the following steps to bring about the approval of the COMPACT and its subsidiary agreements and to ensure its implementation.

A. Actions to be taken by the United States to allow Compact to take effect:

(1) Enactment by the U.S. Congress of H.J. Res. 175 authorizing the entry into force of the Compact and its subsidiary agreements.

(2) Approval by U.S. Department of the Interior for the allotment of funds to Palau for the political education program and for the holding of the Seventh Referendum on the Compact of Free Association.

(3) United States to request the UN Trusteeship Council to dispatch a Visiting Mission to observe the 7th Referendum on the COMPACT.

B. Actions to be taken by Palau Government relative to the approval of the COMPACT:

(1) Enactment by the OEK of an enabling legislation to set the date of the referendum sometime in July, 1989 and to provide for an impartial and fair political education program on the COMPACT and its subsidiary agreements.

(2) Carrying out a political education program on the COMPACT and its subsidiary agreements and on H.J. Res. 175 and its subsidiary agreement. (See Exhibits 12 and 13)

(3) Holding of a clean and properly conducted Referendum on the COMPACT and its subsidiary agreements.

(4) Creation of the Transition Committee to provide for smooth transition, in the event the COMPACT is approved.

(5) Identification of plans, reports, and studies required to be prepared including the formulation of the Palau National Development Plan pursuant to the COMPACT and its subsidiary agreements and pursuant to H.J. Res. 175 and its subsidiary agreements and assigning these tasks to the committee on transition so as to ensure their completion within the time frame specified.

(6) Public Political Education Committee on the Compact.

VI. CONCLUSIONS

The greatest involvement of the people of Palau in the status question will come in a referendum in which the Palauan voters accept or reject the COMPACT. The outcome of such a referendum will determine the future relations between the United States and Palau after the Trusteeship system governing Palau comes to an end. The future well-being of this generation of Palauan people requires that a firm and strong consensus be established on the matter of status. Conducting plebiscites and referenda involving political status issues inevitably creates social conflict, diverts much energies, time, and public funds that could otherwise be expended for more constructive ends. Thus, if the majority of the Palau voters should reject the COMPACT in any referendum to be held, the Commission strongly recommends that such a referendum be the last one held on the 1986 COMPACT and its subsidiaries. At least, the present Administration should not even consider holding any more referendums on the same COMPACT during its term.

E. Improvements to the Compact Resulting from the Subsidiary Agreement

Inasmuch as the mandate of the Commission is to improve the terms of any future relationship between the United States and Palau when the Trusteeship system governing Palau terminates, the Commission has decided to give in this part of the Report an overview of the improvements in the Compact resulting from the Subsidiary Agreement. The list that follows does not itemize every improvement in the implementing legislation and the Subsidiary Agreement, but is designed rather to highlight the most significant changes from the COMPACT as negotiated.

1. Use of Land in Palau for Defense Purposes:

Compact as Negotiated. Under the Compact as negotiated (together with separate subsidiary agreements), the United States was entitled to designate a site at Malakal Harbor, at Airai Airfield including equivalent site in Angaur, a site for non-exclusive use in Melekeok State, and *any* other land in Palau for defense purposes and was not obligated to pay compensation to Palau for the land designated. Upon notice by the U.S. of designation, Palau has 60 days to provide such lands. The financial benefits in Title Two of the Compact, including an impact payment of $5.5 million, were regarded as full compensation for any land that might be taken. There was no specific recognition by the U.S. of Palau's obligation under its Constitution to provide just compensation to holders of private land taken by the government.

Implementing Legislation and Subsidiary Agreement. Except for two specific sites, Palau has no obligation to provide private land to the United States for defense sites unless the United States has first agreed to provide compensation for the land to be used. If there is a dispute on compensation, Palau is still not obligated to act until the dispute is resolved. The sites where the United States can designate land without a prior agreement are at Airai Airfield—exclusive use of an aircraft parking area and joint use of the airfield—and in Malakal Harbor—exclusive use of a wharf in a designated area if one is ever built by the United States and joint use of the anchorage area. In effect, the United States has reduced its defense sites to two specific areas and has agreed that it must first execute separate agreements with Palau as to any other sites. The United States also specifically recognizes the constitutional obligations of the Government of Palau to provide just compensation for the use of private lands.

(While H.J. Res. 597 as introduced and passed by the House in 1988 recognized Palau's obligation to compensate for the use of private lands and provided for an agreement as to compensation from the United States, these provisions did not state that Palau did not have to provide land without an agreement, nor did they limit United States defense sites to two specific locations.)

2. Settlement of IPSECO Debt:

Compact as Negotiated. The Compact as negotiated does not specifically address the IPSECO debt. It does, however, leave the financial benefits under the Compact vulnerable to attachment by the creditors should they prevail in the pending lawsuit. The Compact leaves the litigation pending, with a judgment against Palau now estimated at approximately $50 million.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement and H.J. Res. 175 provide that, if there is a settlement with the creditors, $28 million in energy funds payable over 14 years under Section 211(b) of the Compact will be accelerated into the first year, without discount, and made available with the related inflation adjustment to pay the settlement. In return for this non-discounted acceleration, H.J. Res. 175 provides that Palau will pay the United States at the end of 15 years for the net economic cost of the nondiscounted acceleration of energy funds. The United States estimated this amount to be between $7 and $8 million, but the Subsidiary Agreement provides for payment of $3 million in ten years as full payment of net economic cost.

The Subsidiary Agreement also provides that Palau can meet out-island energy needs from any funds, rather than just Section 211(b) funds, provided at least $7 million is dedicated for this purpose prior to the 15th year of the Compact. It further provides that Palau may request further assistance from the United States with respect to electric power generation, including applicable grants and loans.

3. Medical Referral Debts;

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The United States will act to settle all outstanding medical referral debts so long as those referrals are documented. Moreover, the United States agrees to cancel all debts arising out of referrals to United States military hospitals.

4. Central Health Care Facility:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of at least $5 million, and perhaps more, in fiscal year 1990 or fiscal year 1991 to Palau for construction of its central health care facility. Palau must devote at least $5 million over the next fifteen (15) years to the hospital, including operations and maintenance, instead of matching any United States funding as was provided in H.J. Res. 597 as introduced and passed in the House in 1988.

5. National Prison Facility:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $800,000 during fiscal year 1990 or fiscal year 1991, for improvement of the Palau national prison facility.

6. Deficiencies in Capital Infrastructure Projects:

Compact as Negotiated. No provision. Deficiencies in previous CIP projects are not acknowledged.

Implementing Legislation and Subsidiary Agreement. The United States and Palau agree to continue to cooperate to correct infrastructure deficiencies under the program sponsored by the United States through the Department of the Interior and the Army Corps of Engineers and to cooperate in seeking legal redress from negligent contractors, while repairing infrastructure in need of immediate repair.

7. Anti-Drug Program:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $400,000 annually to Palau during fiscal years 1991 through 1995 for an anti-drug program which can include a rehabilitation center if desired. The United States acknowledges that it is in its interest as well as Palau's that such a program be institued. United States law enforcement officials in Palau are required to comply with the laws of Palau. Further requests for assistance are to be viewed sympathetically by the United States.

8. Special Prosecutor and Public Auditor:

Compact as Negotiated. No provision.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement commits the United States to support the provision of $300,000 annually to Palau and to provide one staff person for each office during the first five years after implementation of the Compact for the offices of special prosecutor and public auditor.

Palau must fund the offices at $100,000 annually each for the five year period, but the penalties for Palau's failure to maintain these offices that would have been provided by H.J. Res. 597 as passed by the House in 1988 are reduced and made applicable only if the United States provides financial assistance as stated above.

9. Continuation of Federal Programs:

Compact as Negotiated. Apart from certain federal programs for which the Compact explicitly states that Palau will remain eligible, existing federal programs will be phased out over a three-year period.

Implementing Legislation and Subsidiary Agreement. The United States and Palau will enter into an agreement (during the first year of the Compact) to determine which federal programs in addition to those specifically continued by operation of the Compact will be continued, to ensure that Palau does not suffer anticipated adverse economic consequences as a result of the phasing out of federal programs and in spite of the assistance under Title Two of the Compact.

10. Miscellaneous Provisions:

Compact as Negotiated. None of the following issues are treated.

Implementing Legislation and Subsidiary Agreement. The Subsidiary Agreement provides:

The Government of Palau retains exclusive authority to grant or deny landing rights in Palau to civil air carriers, except for rights held by United States air carriers as provided in The Federal Programs and Services Agreement concluded pursuant to the Compact.

The United States and Palau will discuss agreements to ensure that Palau does not receive less favorable tariff treatment than Caribbean Basin Initiative countries with respect to textile and apparel items and other exports.

The United States will sympathetically consider requests from Palau for assistance to complete land surveying in Palau.

The United States and Palau confirm that the separate Agreement Regarding the Jurisdiction and Sovereignty of the Republic of Palau over its Territory and the Living and Non-Living Resources of the Sea preserves Palau's rights under international law as to its continental shelf and as to its declaration of an exclusive economic zone.

REQUIREMENTS OF THE COMPROMISE ON H.J. RES. 597

(In addition to requirements specified in the Senate amendment)

The Compact will be implemented when (a) it is approved by the percentage of votes in Palau required by Palau's constitution and (b) the President has negotiated agreements with Palau in consultation with the Congress that will provide for required assistance for law enforcement, Palau's special prosecutor and public auditor, medical and prison facilities, and a referendum on the Compact.

The President will negotiate an agreement which will commit the U.S. to provide Palau in FY '90 with the amount up to $5 million matched by Palau for improvement of medical facilities to be spent according to a plan approved by the Secretary of the Interior in consultation with the Secretary of Health and Human Services.

The President will negotiate an agreement which will commit the U.S. to settle the outstanding debts of Palau, the Federal States of Micronesia, and the Marshall Islands to U.S. medical institutions incurred during the trusteeship.

The U.S. will recognize that Palau is required to provide fair payment for private land the U.S. might require Palau to provide for military purposes under the Compact.

The President will enter into agreements regarding financial assistance for this purpose based on fair value if Palau determines it needs such assistance.

The U.S. will recognize that the President may extend the 60 days Palau has to make land available to the U.S. if an extension is needed to acquire privately-held land.

The President will negotiate an agreement which will commit the U.S. to assist Palau in enforcing narcotics and other laws and in preventing and treating narcotics and other substance abuse.

The agreement will specifically describe the assistance to be provided for law enforcement.

It will also commit the U.S. to provide Palau with $400,000 annually in years two through six of the Compact for these purposes.

Finally, it will provide that Palau authorizes U.S. law enforcement officers to investigate U.S. laws applying in Palau in cooperation with Palauan officials.

The President will negotiate an agreement with Palau in consultation with the Congress which will commit the U.S. to provide Palau with $800,000 for prison facilities.

The President will negotiate an agreement which will provide that the U.S. will assist Palau in implementing its special prosecutor and public auditor laws.

The agreement will provide that Palau will spend not less than $100,000 annually for each of the offices in years one through five of the Compact.

It will also commit the U.S. to providing nonreimbursable technical assistance to the two offices, including an attorney or investigator and an auditor or accountant, in years one through five of the Compact at the request of the government of Palau or the prosecutor or auditor.

Additionally, it will commit the U.S. to provide Palau with $300,000 annually in years one through five of the Compact for the offices.

If Palau does not maintain the offices, the President will take the matter up under the conference and dispute resolution procedures of the Compact. If Palau does not comply with an arbitration decision under these procedures within 180 days, the President will either withhold assistance to Palau or suspend the guarantee of assistance the Compact would provide Palau.

The President will consult with the Congress in negotiating the required agreement on implementation of U.S. audit recommendations. The agreement will provide that the Secretary of the Interior will assist Palau in implementing such recommendations.

The President will negotiate an agreement which will provide that Palau will provide information describing private sector projects to be financed with Compact assistance and outlining how current Palauan national and state capital project debts will be paid.

□ 1710

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona [Mr. UDALL] chairman of the full committee, without whose help we would not be here today. It has been this great chairman who supplied the advice, counsel, and inspiration to develop this legislation.

Mr. UDALL. Mr. Speaker, today, I join my colleagues in bringing to the floor House Joint Resolution 175, to authorize the implementation of the Compact of Free Association Between the United States and the Government of Palau.

The road which we, and especially the people of Palau, have traveled to reach this point has been a most difficult and painful one. Along that road we have seen the assassination of the first President of Palau, a crime which remains unsolved; a period of unchecked threats, intimidation, violence, and governmental corruption; the life of Palau's second President end tragically; the misappropriation of hundreds of thousands of dollars of Palauan funds, and a general breakdown in the rule of law in Palau.

On the positive side, we have witnessed remarkable examples of personal and political courage on the part of many Palauan citizens and leaders. We have witnessed the strength, resolve, and wisdom of the Palauan judicial system when it was given the opportunity to make reasoned judgments. We have witnessed the accelerated progress of the Palau National Congress, the Olbiil Era Kelulau, in its movement toward assumption and utilization of its full authority to oversee matters of government in Palau. And, we have seen a most welcome spirit of cooperation and commitment to principles of democratic government by the executive branch of Palau.

This past February, I had the great pleasure of leading a bipartisan congressional delegation of 12 members of the Interior and Insular Affairs Committee and our former ranking Republican member of the committee, the new Secretary of the Interior, the Honorable Manuel Lujan, to a number of Pacific insular areas, including Palau.

Those Members who joined me on that journey, by their participation in the trip and their interest in the problems facing Palau, have helped to bring the House to its consideration of this legislative proposal today. Those Members of Congress to whom I owe a special debt of gratitude for their cooperation and assistance are: Congressman BRUCE VENTO, and RON DE LUGO; Congresswoman BARBARA VUCANOVICH; and Congressmen BOB LAGOMARSINO, JAMES FUSTER, BEN BLAZ, JAMIE CLARKE, JAY RHODES, ELTON GALLEGLY, JIM LIGHTFOOT, and ENI HUNKIN FALEOMAVAEGA.

During our visit to Palau, I was impressed by the incredible beauty and the remarkable history of the island and by the warmth, humor, hospitality, and dedication of the Palauan people. I left Palau after our brief stay with a renewed commitment to seek for Palauans the best opportunity that we in the Congress can provide them to fulfill their self-determination goals.

Those who traveled with me on that historic visit to Palau and I will be forever indebted to President Ngiratkel Etpison, Vice President Kuniwo Nakamura, Senate President Joshau Koshiba, House of Delegates Speaker Shiro Kyota, members of the Commission on Future Palau/United States Relations, and so many other leaders and citizens of Palau who helped make our stay so productive and memorable.

We bring to the House today a legislative package which includes the provisions of House Joint Resolution 175—along with the language of the Agreement Concerning Special Programs Relating to the Entry into Force of the Compact of Free Association with Palau dated May 26, 1989.

It is our intent that the executive branch of the United States should carry out fully the legislative intent underpinning the agreement—amd the legislative vehicle, House Joint Resolution 175, to adopt that agreement—which is based upon the legislation which passed the House on this matter October 6, 1988.

The unique legislative history of this measure has required a unique approach to resolving differences between various positions with respect to implementing the compact of free association. Although I hold some reservations about this approach, I believe that it can work if the administration and the Congress do their part to assist Palau in its transition to free association with the United States assuming that is what the Palauan people ultimately approve.

The agreement was to have been a bona fide effort to reflect the principles and provisions of House Joint Resolution 597, as passed by the House of Representatives last Congress. In many cases the agreement does just that. In a few cases its language falls short of that objective. It is, therefore, important to my decision to support this legislative package to know that key Members of the House and Senate, as well as of the administration, have made commitments to ensure that the administration lives up to the commitment to implement all of the requirements of House Joint Resolution 597 as passed by the House last year.

Particularly relevant on the point is that members of the Interior Committee agreed to change the language of House Joint Resolution 597 from the 100th Congress, requiring the backing by the full faith and credit of the United States of funding provided in the legislation, to language which simply authorized this funding. This change was agreed to only after receiving commitments by Members of the House and Senate as well as the administration to seek and to obtain the necessary appropriations for this legislative package.

The statement of the gentleman from the Virgin Islands, Mr. DE LUGO, today, includes our analysis of, and intent regarding, this legislative package. My colleagues will remember the compact from debate in the last Congress which involved some $460 million in aid of one type or another being provided to Palau over a 15-year period and certain defense rights being provided to the United States over a 50-year period.

In this legislative package before you today, the House would authorize the implementation of the compact, which was previously approved by Congress, after the people of Palau constitutionally approve the compact.

This package also contains approximately $9.3 million in direct grants and other assistance, which would provide millions of dollars' worth of other aid which will help correct some of the deep-seated problems which have become clear in Palau and will help fulfill the U.S. obligation under the U.N. trusteeship agreement regarding Palau.

In addition, it will also provide for advancing money from compact funding to be paid over 15 years of the compact to help Palau settle a staggering $48 million debt which it faces and which could jeopardize its future if not alleviated in some way. The debt would be able to be settled for $32 million, and Palau would repay the United States $3 million for advancing such funds.

Regardless of what we do in this package containing the legislation and the subsidiary agreement, the key to success for the people of Palau regarding the direction for their islands in the years ahead lies—where it should lie in a democracy—in the hands of the people themselves. Such provisions in the agreement as those dealing with the public auditor and special prosecutor and others regarding audit recommendations are extremely important to helping ensure that the Palauan people, first, know what is going on with respect to their government, and second, have a vigorous and effective system of checks and balances operating within the government as provided for in their constitution and laws to facilitate remedial action being taken when needed.

I would like to take this opportuntity to commend especially my colleague, the chairman of the Subcommittee on Insular and International Affairs of the Interior Committee, Congressman RON DE LUGO, for his tireless efforts and leadership in overseeing the problems in Palau and for his creativity and good judgment in our work to address those problems.

Also deserving of praise for their steadfast commitment to taking the proper and more difficult course with respect to Palau, are the ranking member of the Interior and Insular Affairs Committee, the gentleman from California, GEORGE MILLER, and the ranking Republican member of our committee, the gentleman from Alaska, DON YOUNG.

Key among others who have contributed to the effort to resolve differences and bring us to consideration of the legislative package before the House today are Representative BOB LAGOMARSINO, the ranking Republican member of the Subcommittee on Insular and International Affairs, my good and longtime friend and colleague, Chairman DANTE FASCELL, Representative STEVE SOLARZ, and Representative JIM LEACH of the Foreign Affairs Committee.

In addition, I would like to express my appreciation to the dedicated staff of the Subcommittee on Insular and International Affairs and the full Interior Committee who worked so long and diligently to help us to detect, investigate, and seek solutions to problems facing Palau.

I wish the people of Palau success in their efforts to explain and later to consider the compact and this legislative package. If they choose not to approve the compact in this, the seventh attempt at such approval, they will continue to have my support and resolve to help them achieve their self-determination goals be it through the compact of free association and a legislative package or through some other means. If the compact is approved, I wish them the greatest economic and political success in their new relationship with the United States in the years ahead.

I urge my colleagues to support the legislative package before the House today.

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

Mr. Speaker, I rise in support of House Joint Resolution 175, a measure to authorize the entry into force of the Compact of Free Association with Palau. It has literally been decades since the process of political self determination began for the people of Palau.

Palau is part of the Micronesian Islands which were the first Pacific Islands to be sighted by European explorers in the 16th century. Various countries have controlled Palau's external relations and economic development over the years. Palau was first administered by Spain, then Germany, Japan, and the United States. Events of World Wars I and II led to American involvement in Palauan affairs.

Japan had gained administrative control of Palau from Germany under a League of Nations mandate following World War I. The administrative center for all of the Micronesian Islands under Japan's control was established in Palau. Their primary responsibility was the economic, social, and political development of the islands. However, rather than fulfilling the aspirations of the people and their responsibility under the mandate, Japan used the island for defensive and strategic purposes.

The intense battles at Peleliu and Angaur in Palau are legendary. Thousands of lives were lost in the conflict. Even today, the haunting remains of that fierce era can been seen: Rusting gun turrets, intact Zero's, and sunken ships. Only recently a United States fighter plane was found in the dense jungle of one of the myriad islands of Palau. Another chapter of that war closed as confirmation was made of the men lost.

Another pilot was also shot down north of those islands in World War II. Fortunately, he survived and we have benefited from his knowledge and experience in the Pacific. The pilot I am referring to is President George Bush, who has maintained a continuous interest and involvement in the issues affecting these islands. No doubt that experience was helpful at the United Nations, where as the United States Ambassador, he was responsible for the report of activities in the United States-administered Trust Territory of the Pacific Islands. As Vice President, George Bush made a number of trips across the Pacific, including a visit to Saipan, the United States Administrative Headquarters for the island under trusteeship. His influence as Vice President of United States Pacific policy is reflected in many of the Reagan administration's efforts in the island.

The political status negotiating process with Micronesia began in the 1960's to conclude an agreement encompassing the island of the trust territory. A number of successive administrations were unable to reach closure on a new relationship with the islands of Micronesia. However, the Ford administration successfully concluded a separate agreement with one part of the trust territory, the Northern Mariana Islands. The agreement or covenant provided the framework of the new relationship in which the United States exercised sovereignty, the people were authorized local self-government, U.S. citizenship and the protection of most of the U.S. Constitution.

The rest of the trust territory coalesced into three groups, along cultural and linguistic lines. The Marshall Islands, the Caroline Islands, and the Western Caroline Islands. Within the Caroline Islands four distinct island clusters joined as the Federated States of Micronesia to negotiate a bilateral relationship with the United States. The Marshall Islands and Palau of the Western Caroline Islands also negotiated individual compacts of free association.

In 1977, the Carter administration announced its intention to complete the negotiating process for the compacts of free association and terminate the trusteeship by 1981. The staff of the trust territory was reduced in preparation for the implementation of the compact of free association for Palau and the other islands of the trusteeship. To further the presumed imminent self-government, the Carter administration began to turn control of health facilities, schools, power generation plants, water distribution, and road maintenance and all other public works and social services to the local island government, While many have argued that the people were inadequately prepared for a transfer of responsibility of that magnitude, it was an inevitable part of the self-government process and self-determination aspirations of the people. The announced completion of the negotiations was premature as no compact of free association was agreed to by the Micronesia States and the United States by the start of 1981.

At the outset of the Reagan administration, I joined with a number of my colleagues in the House to request a complete review by the new Reagan administration of United States policy in Micronesia. At that time, the Trust Territory of the Pacific Islands remained as the last of the 11 United Nations trusteeships established after World War II. It appeared that something needed to be done to conclude the languishing self-determination process in Micronesia.

After an intensive review by the new Reagan administration, it was decided that a free association relationship with the United States represented the majority opinion of the people of the trust territory. A relationship preserving specific strategic and defense rights of the United States while providing domestic and external sovereignty to the islands with developmental assistance and enunciated in a compact, would be in the mutual interest of all parties.

The administration then tapped an individual with years of experience in the islands and a proven ability to lead and negotiate. President Reagan appointed Fred M. Zeder II, as the President's personal representative to Micronesian status negotiations. Ambassador Zeder came well equipped to take on the assigned task given. As a World War II fighter pilot, Zeder understood the strategic importance of the Pacific Islands to the United States. He had succeeded in business enterprises in the Caribbean and the Pacific from the 1950's through to the 1980's and knew the challenges and understood the importance of economic development to the island people. Zeder served as Director of Territories during the Ford administration and became well acquainted with many of the leaders of the Pacific Islands. Under Ambassador Zeder's leadership and skillful negotiating, compacts of free association were finally concluded

with each of the three aspiring island states.

With an equal amount of tenacity and creativity, Ambassador Zeder worked with the Congress to develop enabling legislation to provide for the approval and implementation of the free association relationships. In December 1985, President Reagan signed Public Law 99-239, approving the Compacts of Free Association for the Marshall Islands and the Federated States of Micronesia. Nearly a year later, the President set effective dates for the implementation of the compact for the Marshalls and FSM in October and November respectively, as those governments had subsequently ratified the compact terms as contained in Public Law 99-239.

In November 1986, President Reagan signed legislation in which the Congress approved the Compact of Free Association with Palau. Since that date, up to 73 percent of the people of Palau have approved the compact in official referenda. However, this super majority did not meet the 75 percent margin required by the Palau Constitution. It remains for the people of Palau to determine if they want to have a free association relationship with the United States as defined in the compact and subsidiary agreements.

In enacting the Palau compact, the Congress provided the people of Palau with the full details of the free association relationship, thus affording them the information to make an informed choice of self-determination. The United States also demonstrated a serious commitment to the fulfillment of the terms of the compact by the appropriation of the funding for the first year of the compact, approximately $150 million. I might note that the Marshalls and the FSM ratified their compact prior to the appropriation of any funds.

The people of Palau have also had the benefit of observing the new free association relationship between the United States and the Marshalls and the FSM. They have seen programs and assistance extended to the people of the freely associated states which were not in the compact. Included in this legislation are a number of other provisions which modify or add to the compact of free association. One post-compact provision, section 202, judicial assistance, has been included due to the work and recommendation of Justice Anthony Kennedy of the Supreme Court. Justice Kennedy is the chairman of the Pacific Territories Committee of the Judicial Conference of the United States. The Judicial Conference has recommended that the chief justice or the chief judge of the ninth circuit be allowed to temporarily assign judges to the freely associated states upon their request. Currently, judges from Third World countries are assisting the freely associated states. The United States has a vested interest to allow U.S. judges to assist the freely associated states as decisions could affect U.S. interests. This dynamic free association relationship is mutually beneficial to all parties involved and is consistent with the relationship which I had envisioned under the compact.

Just as the Reagan administration and the Congress agreed to changes in the relationship with the free associated states, sympathetic consideration has been given to requests by Palau for post-compact assistance. In fact, the Reagan administration was willing to provide extra-compact assistance to a greater degree than that which the Congress agreed to. The administration was consistently working with both Houses of Congress to develop acceptable extra-compact provisions throughout the last Congress and literally up to the final hours. In the evening of the last day of the 100th Congress, the administration responded immediately to the initiative of JIM LEACH, vice chairman of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, and myself to resolve the Palau compact implementing legislation deadlock. In a meeting which we convened in the Capitol, the administration met with the two of us and staff from the committees of the Senate and House. The administration was represented by James Berg, Director of the Office of Freely Associated Affairs of the Department of State, and Howard Hills, OFASA legal advisor. Within a couple of hours we were able to develop a compromise to satisfy each specific reservation raised. The administration agreed in writing to address each of the concerns through specific action as part of the compromise reached that evening on the basis that the legislation would be enacted that night. The House was to accept the Senate passed bill with one amendment providing for the funding of money from the compact energy accounts.

The written agreements and the legislation requiring enactment were taken to the House floor for action. Unfortunately, in spite of the cooperative efforts of the administration, the initiative we undertook was in vain as time ran out before all the principals involved acted.

I had no illusions after the Congress adjourned that the administration had committed itself to fulfill the compromise provisions in the absence of implementing legislation. The administration made commitments that night which were to be executed after the passage of the Palau compact implementing bill. However, in spite of the failure of the Congress to pass legislation in the 100th Congress, the administration communicated a desire to save the process in a manner acceptable to the incoming Congress. The Reagan administration remained open and responsive to a consensus solution through its last days.

It was with the knowledge of the administration's ernest desire to implement the Palau compact in a manner acceptable to the Congress, that I renewed our initiative by giving a newly drafted bill to the chairman, RON DE LUGO, of the Subcommittee on Insular and International Affairs, on January 3, the opening day of the 101st Congress. I believed it was crucial to promptly enact the compact to provide adequate time for the people of Palau to finally approve the compact. At no time did I expect the administration to complete the agreements prior to the enactment of the implementing legislation.

However, the administration has met and exceeded the expectations of the compromise. Each of the concerns of the Palauans have been provided for in a lengthy subsidiary agreement which was concluded in Guam on May 26, 1989. Vice President Namamura of Palau and Mr. James Berg of the State Department signed the agreement which has been referenced in the legislation before the House today. The new subsidiary agreement clarifies how the United States and Palau will interact to specific projects programs and needs to the mutual benefit of both parties. Funding for the provisions of the subsidiary agreement is subject to the appropriation process. For that reason, the provisions of the agreement requires Palau to submit plans justifying the level and type of need for a health care, correctional center assistance, drug abuse and rehabilitation and the correction of infrastructure deficiencies. We owe a large debt of gratitude to Jim Berg and Howard Hills for their hard, dedicated and constructive work.

The Palauan Legislature is in the process of scheduling a plebiscite for next month. I believe this bill, the prior legislation which approved the Palau compact (99-658), and the new May 26, 1989, subsidiary agreement providing for post-compact assistance should provide the people of Palau to make an informed choice regarding the future relationship with the United States. However, the leaders of Palau should not believe that the United States will provide assistance beyond that which has been detailed in law before the people approve the compact. As I mentioned earlier, the United States has been responsive to requests for post-compact assistance or changes from the freely associated states and will continue to be. However, due to our own budget constraints, no further assistance will be offered until after the compact is in effect.

The legislation also contains a provision unrelated to the free association

relationship for Palau. Section 210 provides $1,500,000 to the Executive Office of the President for activities related to a referendum in Puerto Rico regarding the future United States-Puerto Rico relationship. The Executive Office of the President may disburse up to $500,000 to each of the three political parties in Puerto Rico to enable them to participate in the legislative process with the Congress involving the future political status of Puerto Rico. President George Bush, in his February 9, 1989, address to the joint session of Congress, expressed his strong personal support of Puerto Rico statehood and asked the Congress to authorize a referendum in order for the people of Puerto Rico to decide on their future relationship within the United States.

Puerto Rico has the closest relationship within the United States of all the territories. The people have been U.S. citizens for over 71 years. Puerto Rico alone among the territories lies within United States customs zone. The U.S. Constitution applies in part. Puerto Rico has set the pace among United States territories in the development of democratic self-government like that of the United States. Puerto Rico was authorized a representative in Washington at the beginning of this century. It wasn't until 1980 that three other territories were represented in Congress. The newest member of the American family, the Commonwealth of the Northern Marianas, do not yet have a delegate in Congress although the residents gained United States citizenship in 1986.

Puerto Rico was the first territory to be authorized to elect their own Governor after World War II in the late 1940's. In fact, the territories of Alaska and Hawaii were not authorized to elect their own Governors until they became States in 1959.

In 1950, the Congress enacted the Puerto Rico Federal Relations Act authorizing the people to formulate a local constitution. Congress approved the developed constitution with certain required changes in 1952. With the Puerto Rico Consitution in effect, the local legislative and executive branches lead by popular vote, and an elected representative in Congress, albeit a nonvoting, Puerto Rico enjoyed unprecedented local self-government among United States territories.

Puerto Rico's advanced local self-government was often examined as a possible model for Alaska and Hawaii. However, the people of those areas chose to wait for full integration into the United States. Through statehood the people of Alaska and Hawaii would gain full participation in the American system, the right to vote for President and Vice President and full voting representation in the House and Senate. There were uncertainties regarding the economic impact of the responsibilities of statehood. However, the determination to fully participate and faith in the American system lead the people to seek statehood. Their desires and faith proved correct as evidenced by the strong economies of both States.

Puerto Rico's economy has developed over the years and the per capita income has risen to a point nearly unparalleled among the islands of the Caribbean. The people are now faced with the choice of their future relationship with the United States. Should they go it alone through independence? Should they be satisfied with the unincorporated commonwealth/territory relationship with the United States which could be improved but would leave them disenfranchised and without voting representation? Or should they pursue the inevitable culmination of integration with the United States through statehood to achieve a full endowment of their constitutional rights?

I believe the people of Puerto Rico will choose the best relationship with the United States. It is critical that they make a well-informed choice, so that there are no misconceptions or allusions regarding any of the three relationships.

The administration supports the Senate initiative to provide $500,000 to each of the three political parties through the Executive Office of the President to allow participation in our legislative process. It is essential to have the involvement of the political parties as Congress develops the referendum legislation. However, the voter education regarding the different relationship options should be provided in a nonpartisan manner. Although each of the political parties supports a particular future relationship with the United States, the people should make their choice according to the merits of a relationship, not for partisan reasons.

I want to thank my good colleagues from the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs for their years of effort on the Compact of Free Association. While the Palau compact was approved separately from the compact legislation for the Marshall Islands and the Federated States of Micronesia, the Palau compact legislation was based largely on the prior work for the other freely associated states.

□ 1720

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

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. CLARKE], one of the most valuable members of the subcommittee, and a gentleman who has worked with me for over 2 years on the Palau issue, and traveled with us to Palau.

Mr. CLARKE. Mr. Speaker, I congratulate and commend the gentleman from the Virgin Islands, Mr. DE LUGO, chairman of the Subcommittee on Insular and International Affairs, and the gentleman from California [Mr. LAGOMARSINO], the ranking Republican on the subcommittee, for their long and effective work on this legislation.

This spring our subcommittee visited the jail, the hospital, the powerplant in Palau, all of which are substantially affected by this legislation. The situation on Palau has been a complicated one, and we hope that this bill will now bring the long negotiations to a successful conclusion, and that more than 75 percent of the people of Palau will now ratify the compact.

We understand that Palau is the last trusteeship left in the world, and with this bill and the approval of it by the people of Palau, they will become a member of the Compact of Free Association and be independent, except for defense by the United States.

This bill deserves our support.

Mr. DE LUGO. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ] the distinguished chairman of the Subcommittee on Asian and Pacific Affairs who has worked so hard on this issue and is so knowledgeable in this area, and one of the leaders.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding time to me. He also has played a very important role in bringing this legislation before the House. I want to pay tribute to Members on both sides of the aisle who have devoted enormous amounts of effort and energy to this issue which has very little political resonance back home in our constituencies, but which is of considerable importance to the people of Palau, and to larger American interests in the South Pacific.

Hopefully the enactment of this legislation, which enjoys bipartisan support and the endorsement of the administration, will facilitate at long last the constitutional approval by the people of Palau of the Compact of Free Association in a manner which is compatible with our own security interests and responsibilities with respect to Palau, at which point the President would be able to sign the necessary certifications and Palau could change its status from that of a trust territory to a free associated state. It would have the effect of, in effect, divesting the United States of its last colony, and I think that would be in the best interests of the people of Palau, and it would be also in the best interests of the United States.

This legislation fully protects our interest. I think it is in the interests of the people of Palau. The ball is now clearly in their court. I suspect some of the Palauans will read the tran-

script of this debate, and probably it will have a larger audience there than it will back in Brooklyn.

So let me take this opportunity to say to my friends on Palau that this is the best, ladies and gentlemen, which you are going to get. The patience of many of the Members of the House has been sorely tried over this prolonged process. We want to do what is best for Palau, but we negotiated an agreement over 13 or 14 years. Your negotiator signed off on it. The overwhelming majority of the people of Palau voted for it in six referendums. Unfortunately, because of the provision in the Constitution which required a three-quarters vote on any matter involving an antinuclear arrangement, it meant that because they did not have 75 percent but only had 71 or 72 percent, it was not considered constitutionally appropriate, and it was not approved.

I know a lot of Members of the House would be delighted to get elected with 73 percent of the vote or 71 percent of the vote, but on Palau apparently one needs 75 percent of the vote.

One of the reasons they have not gotten 75 percent is there are always some people on Palau who claim that they can get more, and that if the referendum results in a rejection there will be another negotiation, and they will end up with more money. If anybody believes that, let me disabuse them of the notion. I think this is a very generous proposal. Indeed, it is an extraordinarily generous proposal. I am not sure all of our colleagues fully appreciate how generous it is.

So I hope my friends on Palau will find this acceptable, because if not, then, like an old married couple that lives together many years after the flames of romance and affection have died down, we will be stuck with our present arrangement.

Now we have the opportunity to move on to a whole new level where they will have the dignity of free association, total autonomy, functional independence. We will maintain our role in providing for their security, and we have joint consultations on foreign policy.

So let me pay tribute to my colleagues on the Interior and Insular Affairs Committee who managed to squeeze the last available cent out of the Congress for those on Palau whose interests they seek to protect. I now hope, having done this, that this is the last time that we visit this issue, and we can go onward and upward to bigger and better things in the future, and all return in friendship, holding hands for the ceremonies on Palau when they establish their new status as a freely associated state.

Again, I thank the gentleman for yielding the time, and I compliment him on his good work in bringing this to a successful conclusion.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, with the passage of House Joint Resolution 175, we are approaching the end of a long process to implement the "Compact of Free Association" with Palau, and to finally end the trusteeship responsibilities of the United States over the Micronesian islands.

The resolution before us is the result of the driving force of Congressmen JIM LEACH and BOB LAGOMARSINO and compromises among Members of the Senate, the House Interior and Insular Affairs Committee, the House Foreign Affairs Committee, and the administration. Together with agreements that were subsequently developed between the administration and the Government of Palau, House Joint Resolution 175 speaks to the many concerns of the Palauans as they approach independence. Hopefully this resolution will be acceptable to the Senate, and will provide assurances to the people of Palau so that they can finally approve the Compact of Free Association between our two nations.

Certainly this effort to bring forth a new nation into the community of nations has been a long and difficult process in both Palau and the United States. A case-in-point has been the process by which this resolution has come before us today. The bill was not reported out of any of the committees to which it was referred. Ultimately, however, we must examine the basic product, and in doing so, I believe we can all find that it is sound and should be supported.

In that sense, Mr. Speaker, I support the resolution and encourage my colleagues to support it also.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise today in opposition to House Joint Resolution 175, a resolution that authorizes entry into force of the Compact of Free Association with Palau.

The Congressional Budget Office estimates $186 million in direct spending triggered by passage of this joint resolution. The compact is not yet in effect because of four conditions that needed to be met: Presidential certification that the compact has been approved; Presidential agreement with Palau regarding law enforcement and auditing; a congressional joint resolution authorizing the entry into force of the compact; and finally, a referendum of approval by the people of Palau. The first two conditions have been met. This joint resolution would fulfill the third of these stipulations, and resolution of Palau's referendum question would fulfill the last condition.

Upon clearing this last hurdle, then, House Joint Resolution 175 allows $186 million in direct spending, reflecting the full faith and credit of the United States for various capital projects, operating expenses, and trust funds. While the direct spending is not in this resolution, this is the resolution that would clear the way for direct spending as authorized in previous legislation concerning Palau.

If the spending is triggered in fiscal year 1990, this resolution, from the Interior and Foreign Affairs Committees, violates section 302(f)(1) of the Budget Act by creating new budget authority in excess of the committee's allocation of new budget authority for fiscal year 1990.

If the spending takes place this year, the resolution violates the budget resolution of fiscal year 1989 and the outlay ceilings of the 1987 summit.

Members will recall the difficulty we had in creating room in the budget resolution for urgent spending needs and various program priorities. To create direct spending and to violate the Budget Act are affronts to the fiscal restraint we were forced to employ.

Despite strong support from the administration for this measure, the amount of direct spending in this resolution—$186 million—is far too high to be considered in a suspension bill. The CBO did not assume these expenditures in fiscal year 1989, though it is entirely possible that the funds will be obligated by then.

I do not oppose this resolution per se, but I must draw the line at clear disregard for fiscal prudence. In the interest of retaining some semblance of fiscal responsibility, I rise in opposition to this resolution and the direct spending it creates.

Mr. FALEOMAVAEGA. Mr. Speaker, I appreciate the opportunity to appear here today and I rise in strong support of House Joint Resolution 175, as amended.

Mr. Speaker, at the heart of the bill, of course, is title I, the implementation of the Compact of Free Association with Palau. This important piece of legislation is the culmination of well over two decades' worth of hard work and negotiation between the Governments of the United States and Palau. If passed, House Joint Resolution 175 shall allow Palau, if she so chooses, to join her sister states in the Trust Territory of the Pacific Islands—the freely associated states of Micronesia and the Marshall Island—in determination of her political status. In addition to defining Palau's relationship to the United States, this measure shall also address several major financial and social concerns that presently confront the local government.

Mr. Speaker, I wish to commend the efforts of the distinguished chairmen that have led the struggle for this vital piece of legislation, the Honora-

ble Subcommittee Chairman RON DE LUGO and BOB LAGOMARSINO of the House Interior Subcommittee on Insular and International Affairs and the Honorable Subcommittee Chairman, STEPHEN SOLARZ and JIM LEACH of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs. I would also like to recognize our distinguished colleagues in the Senate, the Honorable BENNETT JOHNSTON and the Honorable JAMES MCCLURE, for their invaluable support and contribution to the process. Additionally, the administration should be applauded for its continuing, earnest effort to finalize the negotiations with Palau.

The measure that is before us today, Mr. Speaker, has strong bipartisan support in both Houses, as well as the blessings of the administration. I believe that this is reflective of the fact that the legislation provides exceedingly well for the economic, social and political interests of the people of Palau as well as for the strategic and military concerns of the United States.

This unique relationship of free association shall guarantee Palau self-government in virtually all areas outside of security matters, and provide the people close to half-a-billion Federal dollars for development over the next decade and a half. On the other hand, with the increasing instability in the South Pacific and South Asia regions—as witnessed by the Anzus Pact deterioration and the uncertainty of the base rights negotiation in the Philippines—it is clear that the United States must secure alternative military base sites for the defense of freedom in the Pacific. Whereas the measure before us addresses both the needs of Palau as well as the concerns of our Nation, I would strongly urge my colleagues to support passage of this legislation.

In reviewing the situation with Palau, it brings to mind the increasing importance, both economically and strategically, of the Asia-Pacific region to the United States. As the President declared early in his administration, America, too, is a Pacific nation and we must renew our determination to strengthen ties and relationships with our allies and partners in the Pacific. Vice-President QUALYE underscored the President's message by stating that his recent trip to the South Pacific was tangible proof of our country's commitment to remain a strong and visible power in the Pacific Region.

All of this renewed focus on the Pacific reminds me of the prophetic observations made early in this decade by former Prime Minister Nakasone of Japan. He noted:

History teaches us that civilizations shift gradually toward the periphery, creating new civilizations as they move. Flourishing civilizations have constantly moved towards the frontier; from Greece to Rome, from Rome to England, France and Germany, and from Europe to the American colonies. Even within America itself, the torch of civilization advanced westward from the Atlantic to the shores of the Pacific Ocean. The compass needle of history has swung from the Mediterranean to Atlantic civilizations. Now it is pointing to the Pacific. Today, there cannot be doubt that we are on the verge of a new economic and cultural sphere, that, while centered on Japan and the United States, will encompass the Pacific shores on both the Northern and Southern Hemispheres. The Pacific Ocean is becoming the new and historic stage for the drama of human interaction and development.

As envisioned by Mr. Nakasone, in the upcoming decade and into the next century, the governments of the Pacific shall play a greater role in the economic, political and military affairs of the United States and the world. With the passage of the legislation on the table, the Palau Compact shall ensure that our ties to this Pacific government shall always remain strong, positive and of mutual benefit.

Although I urge my colleagues to pass the entirety of House Joint Resolution 175, I would note my special support for section 210 of the bill. This provision is of historic importance to the people of the Commonwealth of Puerto Rico. Under the provision, $1.5 million is authorized in grants to the three major political parties of Puerto Rico to assist them in participating in the legislative process for determination of the future political relationship between Puerto Rico and the United States.

With the grant funds, the legislative work necessary to holding a referendum shall be accomplished, whereby the people of Puerto Rico shall be given an opportunity to choose between maintenance or enhancement of its present commonwealth status, statehood or independence. Whereas this is a lengthy and costly process, and the issue is of paramount importance to the destiny of Puerto Rico, this measure is clearly meritorious and I strongly urge my fellow colleagues to support it.

Mr. Speaker, thank you once again for allowing me to express my support for the passage of House Joint Resolution 175.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH], the ranking member of the committee.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, let me make it clear that Palau is a small but a very important symbol to our own historic commitment to self-determination. Colonialism, after all, is an idea whose time on this historical clock has passed.

To be legitimate, colonies should be temporary, and this is precisely what the United States of America has made clear in this particular agreement.

Mr. Speaker, I would like to buttress to some extent the comments of the gentleman from New York [Mr. SOLARZ]. I personally was a bit distraught that we did not arrive at a resolution last fall of this issue. But the fact of the matter is this is a good agreement for all parties concerned. And if anyone has any doubts about Palau's capacity to operate in a democratic framework, all one has to look at is their capacity to deal with this body. They have done it very effectively and very well.

I think this is a time to be upbeat, congratulatory of the Members of Congress who have played such a significant role in all of this legislation such as Mr. DE LUGO and Mr. LAGOMARSINO, but most of all because I think it is a time to suggest to the people of Palau that we wish them well and we wish them godspeed.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the delegate from Guam, [Mr. BLAZ].

Mr. BLAZ. Mr. Speaker, at the outset I would like to take this opportunity, which I always seek to take, to recognize and to commend the great chairman of our committee, MO UDALL.

I just do not know what the people of the territories would have done all these years had there not been a MO UDALL in this House. I also would like to commend the efforts of RON DE LUGO, BOB LAGOMARSINO, and a host of other people. But I would also like to say that since many things have been covered from the technical standpoint let me share with you something from a different perspective.

Over 40 years ago I was in attendance at an American school with people of my generation from Palau. Always at recess time our discussions centered on political self-determination. It was our No. 1 dream, it was our No. 1 aspiration.

In the ensuing years since those school days we on Guam have enjoyed a measure of it. We have become a territory. We now have a bill to become a commonwealth.

In the meantime my friends down at Palau have remained essentially unchanged as if nothing has happened.

When we emerged from World War II there were about 11 or so trusteeships. We had one of them. I do not know how many years ago it was when we got rid of 10, and the last remaining trusteeship of all the countries of the world is still being administered by the true champion of freedom, the United States of America.

In that trusteeship one last remaining entity, that is Palau.

I am going to ask my colleagues to consider passing this bill for the sake of the United States, and for its belief as a champion of freedom and its desire to grant political self-determi-

nation to people everywhere, why not the people right in our own backyard?

□ 1740

But for the people of Palau, I want to say that they, too, have a cross to bear, and the cross to bear is to look at this, seriously consider it and pass it, and pass it because this Congress has done all that it could possibly do plus more. I do not think we will go down this road any more.

Mr. Speaker, once again the House of Representatives meets to resolve the longstanding issue of Palau, the last remaining district of the Trust Territory of the Pacific Islands. Congress has striven for several years to enact and implement the Compact of Free Association Between the United States and Palau. Now I believe we have before us the document which will bring this new relationship into effect, House Joint Resolution 175, the Palau Compact Implementation-Omnibus Territories Resolution.

It is a great honor for me to serve in this House as the Member from Guam. For it was in Guam on May 26, 1989, that the representatives of Palau and the United States signed the agreement concerning special programs relating to the entry into force of the compact between the United States and Palau.

House Joint Resolution 175 is principally the legislative vehicle necessary to implement the Compact of Free Association Between Palau and the United States. It is a valiant, final attempt to bring the Palau issue to a close. I am pleased that both the majority and the minority in Congress are heading toward agreement on the terms for the coming into effect of Palau's status as a freely associated state of the United States. I hope that at least three quarters of Palau's voters going to the polls to vote on this implementation resolution will vote in its favor.

This resolution is very reasonable for the United States. To continue Palau's status as a district of the Trust Territory of the Pacific Islands would cost the United States more than under this legislation. I anticipate that our country will do all possible to assure the voters of Palau of the wisdom of accepting this legislation wholeheartedly.

With great enthusiasm I praise the chairman and ranking minority member of the Subcommittee on Insular and International Affairs, the Honorable RON DE LUGO and the Honorable ROBERT LAGOMARSINO, for their outstanding leadership over the last 5 years in both this Compact of Free Association and the one between the United States and the Federated States of Micronesia and the Marshall Islands. As I said at the hearing which Mr. DE LUGO held on Thursday, June 8, 1989, on this resolution, these two gentlemen have worked above and beyond the call of duty to bring about this implementation legislation.

I would like to touch on the resolution's three sections which affect Guam. The first, section 205, will benefit not only Guam but also the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. It is not a new provision. What it does is to make manifestly explicit that the Governments of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands do not have to match any Federal grants-in-aid under $200,000. This is not a change or improvement. It merely clarifies what the U.S.-flag territories have known all along. Many in the Federal Government have not wanted to acknowledge this arrangement.

Section 207 is the second. It will amend for Cabras Island in Guam the fixed standard percentage which the Government of Guam remits to the Federal Government for Cabras Island's reasonable development costs. It will replace the old formula, by which Guam would have kept 30 percent and the Federal Government 70 percent. The split will now be 50 percent for each.

The third, section 211, is a provision for mental health in Guam and the Virgin Islands. It would correct an error in the mental health authorization section of the Anti-Drug Abuse Act of 1988, which substantially decreased grants for these two U.S.-flag territories.

I urge my colleagues to consider House Joint Resolution 175 favorably.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], who traveled with members to Palau.

Mrs. VUCANOVICH. Mr. Speaker, I rise today in support of House Joint Resolution 175—the Palau Compact of Free Association Implementation Act. My esteemed colleagues on the Interior and Insular Affairs Committee, Mr. DE LUGO and Mr. LAGOMARSINO, are to be commended for their hard work in this matter. As chairman and ranking minority member, respectively, of the Subcommittee on Insular and International Affairs, they have had to overcome many obstacles in order to bring this bill to the floor for consideration. Their subcommittee, the full Interior Committee and the House as a whole have passed Palau legislation many times and I look forward to their efforts coming to fruition. In addition, the compact is the result of extensive efforts by the Reagan and Bush administrations.

Palau is the last trusteeship in the world and implementation of the compact would appropriately and fully meet the responsibilities of the United States as the administrative authority of the trusteeship. Input was sought from a wide range of sources in order to achieve a compact that is responsive to the needs of all interested parties. I believe House Joint Resolution 175 would establish a mutually beneficial relationship between the United States and Palau and would address all of the concerns voiced during the development of the compact.

As a member of the congressional delegation that visited Palau in February of this year, I saw firsthand the deplorable conditions of the hospital and the prison in Palau and I am especially gratified that House Joint Resolution 175 includes funding to help correct this situation. I feel very confident that, with the postimplementation assistance provisions in general and the hospital and prison assistance provisions in particular, the United States has fulfilled its obligations as trustee for Palau.

House Joint Resolution 175 is similar to legislation passed by the House and Senate in separate measures last year. A compromise was reached but the agreement fell victim to the time constraints imposed at the end of the 100th Congress. Mr. Speaker, the Palau Compact is a good plan and I urge my colleagues to vote for House Joint Resolution 175.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, reaching this compromise required the dedication and cooperation of a number of Members. As one who has dedicated a tremendous amount of effort to the cause of meeting the needs of Palau, I appreciate the involvement of Members who have helped make this compromise possible.

In particular, I would like to recognize the contributions of the distinguished chairmen of the Interior and Insular Affairs Committee, MO UDALL, and the Foreign Affairs Committee, DANTE FASCELL; and the ranking Democrat on the Interior and Insular Affairs Committee, GEORGE MILLER; in addition to the gentleman from California, BOB LAGOMARSINO.

I would also like to recognize the efforts of the chairman and ranking Republican of the Asian and Pacific Affairs Subcommittee, STEVEN SOLARZ and JIM LEACH; the ranking Republicans of the Interior and Insular Affairs and Foreign Affairs Committees, DON YOUNG and BILL BROOMFIELD; and other Members such as DOUG BEREUTER, JAMIE CLARKE, BEN BLAZ, JOHN LEWIS, and BARBARA VUCANOVICH.

Of course, the support of other cosponsors of this legislation is very much appreciated including: DANNY AKAKA, DOUG BARNARD, CHARLES BENNETT, HOWARD BERMAN, SHERWOOD BOEHLERT, DAVE BONIOR, DOUG BOSCO, GEORGE BROWN, ALBERT BUSTAMANTE, CARDISS COLLINS, LARRY CRAIG, BUDDY DARDEN, PETER DEFAZIO, RON DELLUMS, BUTLER DERRICK, JULIAN DIXON, BYRON DORGAN, MERVYN DYMALLY, DON EDWARDS, BILL EMERSON, MIKE ESPY, ENI FALEOMAVAEGA, VIC FAZIO, TOM FOGLIETTA, BILL FORD, JAIME FUSTER, ELTON GALLEGLY, JIM HANSEN, CHARLES HAYES, MARCY KAPTUR, BOB KASTENMEIER, DALE KILDEE, RICH LEHMAN, MEL LEVINE, JIM LIGHTFOOT, ED MARKEY, MATTHEW MARTINEZ, BOB MATSUI, JOE MCDADE, MATT MCHUGH, BOB MRAZEK, AUSTIN MURPHY, HOWARD NIELSON, MARY ROSE OAKAR, MAJOR OWENS, WAYNE OWENS, CHIP PASHAYAN, NANCY PELOSI, JOHN RHODES, BILL RICHARDSON, MARTY SABO, RICHARD STALLINGS, ESTEBAN

TORRES, BOB TRAXLER, BRUCE VENTO, and PAT WILLIAMS.

STAFF

I also want to express my gratitude to the House staff members who have dedicated themselves to bringing this legislation this far. My subcommittee staff director, Jeffrey Farrow, has worked with devotion and tireless energy to keep the compact process moving and to produce legislation that will benefit both Palau and the United States.

Staff Assistant Gail Mukaihata has contributed to this bill through her many contacts with Palauan leaders and her trip to represent the committee in Palau at a particularly critical moment. Pat Krause has provided invaluable help, based on her years of knowledge of and love for the people of Micronesia. Roy Jones, associate staff director of the Interior and Insular Affairs Committee, has contributed his expertise and dedication at every step of the way.

Manase Mansur, consultant to the minority of the Insular and International Affairs Subcommittee, devoted countless hours to this legislation.

I also want to thank Lee McElvain, Linda Stevens, Dan Beard, and Stan Sloss of the committee's majority staff.

Just as the Members worked in a bipartisan spirit on this matter, all the committee staff dedicated themselves to its success. So, I additionally want to commend Rick Agnew and Dan Kish from the minority staff.

Finally, Tom Dunmire represented the committee on special trips to Palau during a very sensitive period and advised us well on this matter. And Daisy Minter has helped keep the subcommittee running smoothly throughout this busy final period of work on this legislation.

PHIL BURTON AND JOHN SEIBERLING

Additionally, I want to thank two predecessor chairmen of the subcommittee with jurisdiction over Palau: John Seiberling and our late colleague Phil Burton.

SENATORS

I also want to recognize the cooperation on and interest in this matter of two Members of the other body, the chairman and ranking Republican on the Energy and Natural Resources Committee, BENNETT JOHNSTON and JIM MCCLURE. Their willingness to compromise with us will enable this matter to finally be resolved.

ADMINISTRATION OFFICIALS

Administration officials have also made this compromise possible, including: our former colleague, Secretary of the Interior Manuel Lujan and his Counselor Tim Glidden; Office of Territorial and International Affairs officials; Office of Management and Budget Interior Branch Chief Ron Cogswell; and State Department Freely Associated State Affairs Director Jim Berg and his staff.

PALAU LEADERS

But no one will be more responsible than several leaders of Palau if this legislation enables problems worsened by years of U.S. neglect to be addressed. Chief among these leaders are the President of the Senate, Joshua Koshiba, and the Vice President of Palau, Kuniwo Nakamura. They have shown unequaled courage, dedication, integrity, and judgment in fighting for the interests of their people, as has the former Speaker of Palau's House, Santos Olikong.

Palau's new President, Ngiratkel Etpison, and his predecessor, Thomas Remengesau, have provided a great service to their people by their courageous support of this legislation. Other members of Palau's Congress, including the Speaker of the House Shiro Kyota, Senators Lucius Malsol, Tommy Remengesau, Jr., and Peter Sugiyama and Delegates Ignacio Anastacio and Hideo Tell, to name a few, have helped make it possible for us to accomplish as much as we have.

Leaders of Palau's judicial branch, including Supreme Court Chief Justice Mamoru Nakamura and Associate Justice Robert Hefner, have also made major contributions to Palau's political development by their courage and wise handling of compact litigation. Palau has also been advised well on these matters by its Washington counsel, including Stuart Eizenstat, Michael Chanin, and Clyde Spillinger. And it has been well represented here by Steve Kanai and Noriwo Ubedei. All of these representatives have been very helpful to us.

Last, in this regard, but not least, I want to mention the members of Palua's commission on U.S. relations chaired by Vice President Nakamura. Their hard work really made the critical May 26 agreement possible. They are: John Rechucher; Roman Bedor; Johnson Toribiong; Hokkons Baules; Kathy Kesolei; Carlos Salii; Yukiwo P. Dengokl; Mengirarou Ngiratechekii; Governor Nemicio Andrew; Eos Ruluked; Santos Olikong; Moses Mekoll; Antonio Bells; Victor Rehuher; Masami Elbelau; Masa-Aki N. Emesiochel; Gov. Moses Uludong; Gov. Elia Tulop; Joe Nestor; Fumio Rengiil; and Sadang Silmai.

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

Mr. Speaker, I would like to join the gentleman from the Virgin Islands [Mr. DE LUGO] in thanking the staff members, and if I may be permitted to do so, I will, especially to thank Manase Mansur, who was with me all the way on this thing and provided a great deal of very, very effective assistance which is being shown here today.

When the Reagan administration came into office in 1980 or 1981, I was very skeptical about the negotiations that had gone forward under the Compact of Free Association for the Freely Associated States of the Marshall Islands and Palau. I asked the President at that time to review it. They did. They went into it at great length and conducted very lengthy investigations and came back and essentially confirmed all the work that had gone into it to that point.

Since that time I have seen the results of what has happened in the Marshall Islands and in the Federated States of Micronesia, and while the activities and the progress there has not been perfect, I think they are well on their way. I think one of the reasons is because they are now standing on their own with our assistance. They know that anything they do is going to be a plus, not going to be deducted from what they met and what they achieved. I think the thing will happen in Palau, too, once we get this thing behind members, and once they approve it.

With respect to the comments of my good friend from Minnesota [Mr. FRENZEL], I would only point out that most of the money that is in this bill has already been appropriated, the bulk of it has been appropriated. Most of the rest of it comes in the form of forward funding, forward funding, which means we will not spend it later. As a matter of fact, Palau has agreed to pay the United States the sum of $3 million to make up the costs of forward funding of the IPSECO Power Co. I think this is a very good piece of legislation, not only for Palau but for the United States and for that entire section of the world. I think it is going to do members as well as them, a lot of good.

Mr. DELLUMS. Mr. Speaker, today we are being asked to vote in favor of legislation approving the implementation of the Compact of Free Association with the Republic of Palau. The Congress is asked to take this action despite the fact that the compact, which provides military and land use rights to service nuclear ship visits, has not yet been ratified by the people of Palau. In fact, there have been six failed attempts by the U.S. Government to get people of Palau to ignore their constitutional prohibition on nuclear materials and substances—and approve the compact. The financial and political pressure which has been brought to bear on the self-determination process in Palau violates all the principles this Nation was founded on.

Nearly 10 years ago to the month—July 9, 1979—the people of Palau stunned the world by assuming the classic "David and Goliath" posture with the United States and adopted the world's first completely Nuclear Free Constitution by an impressive 92-percent majority. The intent of the framers is unambiguous and has been upheld in the Palauan Supreme Court time and time again—the people of Palau's overwhelming desires are reflected in their Constitution which establishes that Pa-

lauan land and waters are to be nuclear free; and Palauan land and waters are to be utilized as they see fit and not how the U.S. military sees fit. A vote to implement the Compact of Free Association as it now stands may serve to continue the conflict between the compact and the Palauan Constitution, and perpetuate the self-determination process in Palau.

Mr. PANETTA. Mr. Chairman, I would like to point out for the RECORD the Budget Act violation with regard to House Joint Resolution 175, Palau Compact of Free Association Implementation Act, on the Suspension Calendar.

First of all, the resolution violates section 302(F)(1) of the Budget Act. Section 302(F)(1) of the Budget Act prohibits consideration of any measure providing new budget authority, new entitlement authority, or new credit authority for a fiscal year which would cause a committee's appropriate allocation made pursuant to section 302(B) to be exceeded. The Foreign Affairs Committee and the Interior and Insular Affairs Committee, the committees of jurisdiction, have no allocation for new budget authority for fiscal year 1990.

Second, the caucus rules for the 101st Congress prohibit consideration on the Suspension Calendar of any bill costing over $100 million. House Joint Resolution 175 would result in new spending of $185 million in fiscal year 1990. This clearly violates the caucus rules.

As a result, when this resolution was originally scheduled for floor consideration last week, I asked that it be removed from the schedule. However, the caucus rules and provide that bills with budget issues can be placed on suspension if approved by a majority of the Democratic Steering and Policy Committee. The leadership obtained the necessary majority to place this bill back on the calendar. In general, I oppose placing bills with direct spending above de minimus amount, or authorizations of over $100 million, on the calendar; however, an expedited process based on caucus rules has been followed in this case.

Mrs. SAIKI. Mr. Speaker, I want to express my strong support for House Joint Resolution 175, the Palau Compact of Free Association Implementation Act.

This measure is a message of United States support for the independence of the people of Palau. The effort to transform Palau from a trustee relationship with the United States, to one of free association, has been a long and sometimes difficult process. This compact is the result of two decades of negotiation, and will allow the people of Palau to determine their political status.

The bill before us today adequately balances our desire to see the people of Palau exercise self-determination, while also protecting American interests in the Pacific. I am hopeful that the people of Palau will take the enactment of this legislation as an opportunity to move forward into a state of free association.

Chairman DE LUGO and Congressman LAGOMARSINO are to be commended for their efforts on behalf of this legislation, and I urge all Members of the House to vote in favor of House Joint Resolution 175.

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

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from the Virgin Islands [Mr. DE LUGO] that the House suspend the rules and pass the joint resolution (H.J. Res. 175), as amended.

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

A motion to reconsider was laid on the table.

RATIFYING CERTAIN AGREEMENTS RELATING TO THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2214), to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations.

The Clerk read as follows:

H.R. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 101(d) of Public Law 99-239, the following agreements are approved and shall enter into force in accordance with their terms:

(1) "Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact", signed on March 18, 1988; and

(2) "Agreement Between the Government of the United States and the Government of the Federated States of Micronesia to Amend the Governmental Representation Provisions of the Compact of Free Association Pursuant to section 432 of the Compact", signed on March 9, 1988.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

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

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

Mr. Speaker, I want to pay tribute to my very good friend, the gentleman from California [Mr. LAGOMARSINO], for bringing this legislation before the House.

Very simply, what it would do is to upgrade the level of our diplomatic relations with the Marshall Islands and the Federated States of Micronesia. A number of other countries have already established full diplomatic relations with both the Marshall Islands and the Federated States of Micronesia. The time has now come for the United States to do, as well.

These two entities, which previously were trust territories of the United States, embarked on a new relationship with the United States a few years ago when they became freely associated states.

□ 1750

At the time that we approved the Compact of Free Association with the Marshall Islands and the Federated States of Micronesia, we provided for resident representatives of the United States in these entities rather than fully accredited diplomatic representatives, but I believe that the feeling of my good friend, the gentleman from California [Mr. LAGOMARSINO], which I entirely share, was that the dignity and the status of two entities required us to upgrade the level of our diplomatic relationship with them and to have full-fledged ambassadors over there.

I hope I am not being naive or overly optimistic in expressing the hope that whoever is appointed to these ambassadorial positions will have the credentials and the professionalism which one generally expects in diplomatic representatives of the United States, and that these two posts will not be awarded to minor fundraisers or doorbell ringers who are being rewarded for their services to one of our two great political parties. I think the citizens of the FSM and the Marshall Islands deserve better. We do have many qualified professional foreign service officers, I think, would relish having the opportunity to have the post of ambassador in their curriculum vitae.

In any case, Mr. Speaker, the bill does have the support of the administration, it has support on both sides of the aisle, and I very much hope that our colleagues will join with us in supporting this most meritorious measure.

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

Mr. Speaker, in rising in support of H.R. 2214, a bill to ratify certain agreements, relating to the Vienna Convention on Diplomatic Relations, I want to first thank Chairman DANTE FASCELL and Vice Chairman BILL BROOMFIELD of the Committee on Foreign Affairs for their support of this legislation. I also want to thank Chairman STEVE SOLARZ and Vice Chairman JIM LEACH of the Foreign Affairs Subcommittee on Asian and Pacific Affairs for yielding the lead on this matter of diplomatic representation in the Pacific.

For a number of years, I have been concerned with the lag in establishing adequate United States diplomatic representation among the many new independent Pacific Island nations.

That void provided an opportunity for those not traditionally friendly with the United States or in agreement with United States strategic interests to unduly influence these new Pacific countries. In a relatively short period of time, new independent archipelagic states emerged in the Pacific with extended economic zones covering most of the Pacific

I am pleased to note that by last year, the United States had established diplomatic posts in each of three major spheres of influence of the Pacific: Melanesia, Polynesia and Micronesia. Some further fine tuning of our diplomatic representation in the Pacific may be in order, which the provisions of H.R. 2214 proposes to do.

H.R. 2214 addresses the type of diplomatic relations with the new freely associated states of the Republic of the Marshall Islands and the Federated States of Micronesia. These two states became fully sovereign and responsible for domestic and external affairs upon the effective dates of their respective compacts of free association with the United States in 1986.

Since then, the freely associated states have established diplomatic relations with a number of major countries throughout the world. Both the Marshalls and the Federated States of Micronesia have been formally admitted to the South Pacific forum, the major political organization in the Pacific for independent states, exclusive of Pacific Rim countries and European powers. The administration and the Governments of the Marshalls and the Federated States of Micronesia determined it was in the mutual interest of all parties to conduct relations as do other countries in the international community. In March 1988, our Government and the governments of the freely associated states agreed to a change in diplomatic relations according to the procedures in Public Law 99-239, the Compact of Free Association. The compact requires changes in the compact be by mutual consent and with the approval of the Congress. Last year, the Committee on Foreign Affairs favorably reported ratifying legislation, which was subsequently passed by the House on two different occasion.

In the last Congress, the subcommittee and full Foreign Affairs Committee reported these provisions and the House subsequently passed legislation containing the identical language in the new bill on two different occasions. First with the passage of House Joint Resolution 597 and later with House Resolution 5550. Unfortunately, due to time and other constraints, they were not enacted into law.

This legislation ratifies the agreement between the Government of the United States and the Government of the Federated States of Micronesia and the agreement between the Government of the United States and the Marshall Islands which were entered into on March 9 and March 18, 1988, respectively. The agreements extend diplomatic status to the signatory governments' representatives according to the Vienna Convention on Diplomatic Relations.

I believe it is in the best interest of the United States to have diplomatic relations with the Federated States of Micronesia and the Marshall Islands according to the internationally recognized Vienna Convention on Diplomatic Relations. While the relationship between the United States and these former United Nations' islands is special and unique, they choose to have sovereignty and authority over foreign relations and their own citizenship. In contrast, the people of the Northern Mariana Islands yielded sovereignty and authority regarding foreign affairs to the United States and are today U.S. citizens. By conforming our diplomatic relations with the Marshalls and the Federated States of Micronesia to the internationally recognized standard, our relationship to U.S. affiliated island areas not covered by the territorial clause of the Constitution will be clearer and better understood both within the United States and among the international community.

Let me also thank my good friend from Guam, a cosponsor of this legislation, and the only Member of Congress from Micronesia, Gen. BEN BLAZ, for working with me on this issue which I recognized affects his neighbors. He has provided many constructive suggestions during the past 5 years on legislation we have enacted. My thanks also to the new delegate from American Samoa, ENI FALEOMAVAEGA, for also cosponsoring this bill which will affect the relations among the Pacific Island community.

In closing, it is also appropriate to express my appreciation to the President of the Marshall Islands, Amata Kabua, and the President of the Federated States of Micronesia, John Haglelgam, for their cooperation and patience with the United States in effectuating this change. The chiefs of mission of the freely associated states in Washington, the honorable Wilfred Kendall, representating the Marshall Islands and the Honorable Jessie Marehalau, representing the Federated States of Micronesia, are also due recognition for their diligent and cooperative efforts with both the executive and legislative branches of the United States.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 23, 1989.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter addresses H.R. 2214, a bill "to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations". This bill would approve agreements of March 1988 between the United States and the Marshall Islands and the Federated States of Micronesia enabling us to conduct our diplomatic relations with the Freely Associated States in accordance with the Vienna Convention on Diplomatic Relations. Since these agreements would amend the Compact of Free Association (PL 99-239), they must be ratified by Congress. Passage of H.R. 2214 would accomplish this purpose; hence the Administration endorses the bill.

Since the Compact of Free Association entered into force in late 1986 our diplomatic relations with the Freely Associated States have been governed by its Sections 151 and 152. Amendment of these Compact provisions is believed necessary because of anomalies which have arisen with respect to areas where our diplomatic relations are not in conformance with the Vienna Convention.

First, our diplomatic representatives presently do not enjoy appropriate levels of inviolability and immunity from local civil and criminal process in the Freely Associated States. Specifically, there can be considerably legal ambiguity associated with the assertion of "official acts" immunity by diplomatic representatives under Section 152 of the Compact. Unnecessary taxpayer expense may be incurred where the need arises to retain counsel to travel to the Freely Associated States for purposes of representing United States diplomats who must plead "official acts" immunity in court because they do not enjoy traditional diplomatic immunity.

Moreover, our practice of exchanging diplomatic Chiefs of Mission, but giving them the title of "Representative" with limited immunities has resulted in confusion internationally regarding the legal and political status of the governments of the Freely Associated States. Conversion to full Vienna Convention treatment for the diplomatic envoys of the United States and the Freely Associated States will promote better international understanding of the sovereign and self-governing status of the Freely Associated States. In this manner, the proposed bill will advance the foreign policy objectives embodied in the Compact.

In our view, implementation of the agreements, specifically converting our present missions to embassies, will entail no additional costs. We intend no increase in personnel levels as a result of the implementation of the agreements. We are leasing office space and housing in both locations that suit our present purposes and intend no alterations in these arrangements to accommodate their conversion to embassies.

Therefore the Administration requests expeditious passage of H.R. 2214.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

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

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I am pleased to support H.R. 2214, which would give full diplomatic status to the representatives in the United States of the two fully independent Micronesian states—the Marshall Islands and the Federated States of Micronesia.

I wish to commend Mr. LAGOMARSINO for his role in sponsoring this legislation. I also thank Chairman FASCELL and Congressman SOLARZ, the chairman of the Asia/Pacific Sub-

committee, and Mr. LEACH, the ranking Republican member of the subcommittee, for giving it speedy consideration.

Since they were established under the Compact of Free Association, the Micronesian states have been fully independent sovereign countries. They have made great strides in building national governments to administer their internal affairs and conduct foreign relations.

Up to now, the representatives of these Micronesian states have had a special status under the Compact of Free Association. The time has come for them to be granted full diplomatic rights and privileges under the Vienna Convention on Diplomatic Relations.

This legislation will give full diplomatic status to the representatives of these Micronesian governments. I give it my warm support as yet another indication of the growing maturity of these states and their admission into the council of the world's governments.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I rise in strong support of the legislation. I congratulate the gentleman from California [Mr. LAGOMARSINO] for his leadership in this matter.

Mr. Speaker, I support H.R. 2214, a bill which would effectively amend the Compact of Free Association Act of 1985 to make a minor change in Federal representation in two of the insular areas, the Federated States of Micronesia and the Marshall Islands.

The Compact Act included a compromise between the Interior and Insular Affairs and Foreign Affairs Committees—and the Interior and State Departments—on the issue of Federal relations with the freely associated states. The Committee on Energy and Natural Resources of the other body was also a major factor in this compromise, advocating the position supported by the Interior and Insular Affairs Committee and the Interior Department.

Under the compromise, the Interior Department provides all Federal assistance to and coordinates all Federal programs in the freely associated states. The State Department handles government-to-government contacts.

U.S. representation in the freely associated states is supervised by a representative, who is a State Department employee. It is supposed to include a representative of the Interior Department, to supervise Federal assistance and programs under the representative.

H.R. 2214 would alter the compromise on the Compact Act of 1985 by enabling the Federal representative in the freely associated states to carry the title of Ambassador.

This proposal was not included in the compromise on the Compact Act of 1985 so as not to suggest that the Compact Act would make the Federated States and the Marshall Islands independent countries.

Instead of independence, these insular areas had chosen free association, a status different from independence which the Compact Act approved. Under free association, these insular areas have full powers of self-government in all matters not affecting security, for which the United States remains responsible; are largely supported by Federal assistance, including many domestic programs; and enjoy free access for their citizens to the United States, and other preferences.

Because this relationship is unprecedented for the United States, it required us to decide how Federal relations with the freely associated states should be conducted, among other things.

To prevent confusion, we decided in 1985 against full diplomatic relations, as I have indicated. Since U.S. responsibilities in the freely associated states would go far beyond diplomatic responsibilities, including security and providing most of the insular governments' revenue, we felt that diplomatic relations would not be adequate.

We did not think it would be preferable to have ambassadors in insular areas for which our Nation retains such special responsibilities of a domestic nature. Instead, we felt we should be represented in them by a new kind of representative, officers whose position and mission would recognize both the autonomy and sovereignty possessed by the freely associated states and continuing U.S. responsibilities.

Why, then, do we now support a bill that would have relations conducted on a diplomatic basis?

The reason is not that the Federated States and the Marshall Islands have moved from free association to independence or that the nature of Federal responsibilities regarding them have changed. They have not.

The reason is that we have compromised on legislation to authorize the Compact of Free Association with Palau to be put into effect. This compromise includes a provision proposed on the other side of the Capitol to approve agreements signed by a State Department official in March 1988—but only formally endorsed to Congress by the executive branch last month—to conduct relations with the Federated States and the Marshall Islands according to the Vienna Convention on Diplomatic Relations.

We can agree to this provision of the compromise because it would in no way actually change the fundamentals of the status of the Federated States and the Marshall Islands, although it may cause some confusion about it, although it changes the compromise on the Compact Act, and although there are some concerns about its advisability.

As a provision of the compromise, the provisions of this bill are part of the legislation authorizing the compact with Palau to be put into effect which has just passed the House.

Why, then, is this bill being considered separately?

Separate consideration was also agreed to out of deference to the gentleman from California, our colleague BOB LAGOMARSINO. The ranking Republican of the Insular and International Affairs Subcommittee, which I am privileged to chair, he has been the principal proponent of this legislation.

Separate consideration was also agreed to out of respect for the Chairman of the Committee on Foreign Affairs, my valued friend DANTE FASCELL, who has supported the gentleman from California's request.

On behalf of the chairman of the Committee on Interior and Insular Affairs, MO UDALL, our ranking Democrat, GEORGE MILLER, objected to consideration of this bill a month ago. He now agrees to consideration with me.

There were a number of reasons that the leadership of the Interior and Insular Affairs Committee objected to consideration of this bill last month.

One was that the bill had not been considered by our committee, which has always had jurisdiction over matters concerning these insular areas, has jurisdiction over the Compact Act, and specifically wrote this provision of the Compact Act with the Foreign Affairs Committee in the compromise in 1985 that I described.

This jurisdiction was recognized when a bill containing similar provisions—but no others within our committee's jurisdiction—was referred to the Interior and Insular Affairs Committee in the last Congress. Of course, it was also recognized when the Palau Compact legislation just before the House was referred to our committee.

Another reason for objection was that separate consideration last month would have come ahead of consideration of the Palau Compact legislation. At that point, the Palau Compact legislation was still uncertain to be considered because the administration had not followed through on commitments made in the compromise on it.

As I have indicated, we agreed to the provisions of this bill as part of the compromise in spite of reservations about these provisions. The reason for our agreement was to reach the compromise. The compromise did not eliminate our reservations to the extent that we would agree to go ahead with a Senate provision of the compromise without certainty that House provisions would be acted upon.

In addition to the reservations related to the unique status of the freely associated states and Federal responsibilities in them that are distinct from responsibilities in independent countries, there are reservations related to the continuation of the Pacific Islands Trusteeship.

Our Nation was assigned full responsibility for the Federated States and the Marshall Islands—as well as Palau and the Northern Mariana Islands—under a 1947 agreement with the United Nations Security Council. The United States long maintained that Security Council action was required for termination of this agreement. According to the American Law Division of the Congressional Research Service, this remains the position of most legal commentators.

The Compact Act did not purport to terminate the trusteeship for the Federated States and the Marshall Islands and the Security Council has not acted to terminate it. Federal courts have recognized that it remains in legal effect even though President Reagan proclaimed it ended.

A primary reason that termination of the trusteeship has not been proposed in the Security Council is that the United States also long took the position that the trusteeship cannot be terminated piecemeal. This is why the trusteeship continued to apply to the Northern Mariana Islands for a decade after the covenant to establish the Commonwealth

of the Northern Mariana Islands in political union with the United States was approved.

The relevant difference between the Covenant and the Compact Acts is that the Covenant Act asserted that a Presidential proclamation that the trusteeship was terminated for the Northern Mariana Islands would not be reviewable and the Compact Act contained no similar authorization for a Presidential proclamation.

One of the factors impeding Security Council agreement to terminate the trusteeship—is the unquestioned continuation of United States trusteeship responsibility for Palau. Hopefully, the legislation just passed on the Palau Compact, including the agreement between the administration and leaders of Palau which made it possible, will lead to the implementation of Palau's future political status.

Although the compact with the Federated States and the Marshall Islands is in effect, as Congress intended, the trusteeship agreement may, therefore, still be applicable in an international legal sense—for whatever that is worth.

This raises the question of whether the United States should have Ambassadors in trust territory entities in addition to the question of whether its representatives in freely associated states should be called Ambassadors.

There is, though, another aspect of this issue that I would like to mention. It is that some representatives of the Federated States and the Marshall Islands believe that having the United States agree to conduct its relations with them according to the Vienna Convention will help them obtain recognition from other countries and help their development.

This factor is a very important one to me. I very much want the sovereign status the compact provides the freely associated states to be recognized throughout the world. Even more, I want to help them to develop in any way I can.

So, I attach great weight to this argument in favor of the bill and hope that there is really something to it.

Finally, I want to reiterate that simply conducting relations with the freely associated states according to the Vienna Convention cannot—and it not in any way intended to—actually change either their unique political status, or our Nation's unique responsibilities in them, including the unique nature of the Federal representative's mission in them.

For the reasons I have explained, I am willing to support this legislation. I am hopeful that it will not be misunderstood.

Mr. SOLARZ. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be a cosponsor of H.R. 2214, the legislation before the assembly. I rise in strong support of this measure and request that it be passed by my colleagues.

H.R. 2214, a bill introduced by our esteemed colleague, Hon. ROBERT LAGOMARSINO, would ratify agreements providing that future governmental relations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia [FSM] be conducted in accordance with the Vienna Convention Standards on Diplomatic Relations.

I would like to acknowledge the long years of hard work put into the negotiations underlying this measure by Hon. Wilfred Kendall, representative of the government of the Marshall Islands, and Hon. Jesse Marehalau, representative of the Government of the Federated States of Micronesia. H.R. 2214, which has broadbased bipartisan support in both the House and the Senate, is strongly advocated for passage by the administration.

This vital piece of legislation shall remedy the existing, untenable situation created under Public Law 99-239, the compacts of free association, wherein an aberrant relationship of diplomatic representation has been devised between the governments of our country, the Marshall Islands, and the FSM. Under section 151 of the compact, rather than having an exchange of fullfledged ambassadors representing each countries' interests, we have an interchange of resident representatives. Pursuant to section 152, rather than having full diplomatic embassies established in each country, we have created resident offices. This makeshift system of diplomacy clearly does not meet internationally recognized protocols on diplomatic relations.

Although the compacts were designed in great part to give the Marshalls and the FSM a greater sense of self-government and autonomy, the existing provisions in the compacts establish governmental relations with the United States that are clearly deficient from the standard of diplomatic relations we accord other nations. Whereas this shortfall in diplomatic recognition of the Marshalls and the FSM has not gone unnoticed, this has had negative ramifications for the unconditional acceptance of these two governments into the International Community of Nations.

In order to facilitate the progression from trusteeship to self-government, it is necessary that our country extend full diplomatic relations in accordance with the Vienna convention standards to the Marshals and the FSM. I would strongly urge my colleagues to support this measure, which shall assist in bring to fruition full recognition for these island nations.

Mr. SOLARZ. Mr. Speaker, for the purpose of concluding debate on our side of the aisle, I yield myself 30 seconds, and I will take this time simply to pay tribute to the gentleman from California [Mr. LAGOMARSINO].

Mr. Speaker, the gentleman from California has done as much, if not more so, than any other Member of this body to shepherd this legislation through the Congress. He has played an enormously constructed role in protecting our vital interests in the South Pacific, and he has acted over the last several years as a member of both the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs with great responsibility. He has been our ambassador to the Committee on Interior and Insular Affairs, he has been the resident representative of the Interior Committee on the Foreign Affairs Committee, and he has managed to emerge unscathed from that experience, enjoying the affection and the esteem of the membership of both committees.

Mr. Speaker, I urge adoption of the legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume, and I take this time to thank the gentleman from New York [Mr. SOLARZ] for his kind words, although I am not sure about the word, "unscathed."

Mr. Speaker, I urge my colleagues to adopt this legislation.

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

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and pass the bill, H.R. 2214.

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

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CLAIMS ARISING FROM MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. FRANK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 536) to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces, as amended.

The Clerk read as follows:

H.R. 536

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

SECTION 1. CLAIMS FOR NEGLIGENT MEDICAL CARE.

(a) COGNIZABLE CLAIMS.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims arising out of medical care provided members of the Armed Forces

"(a) CLAIMS AUTHORIZED.—Subject to the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty (as defined in section 101(22) of title 10) or on full-time

National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) LIMITATION TO MEDICAL CARE IN FIXED FACILITIES.—The personal injury or death referred to in subsection (a) must have arisen out of noncombatant medical or dental care furnished the member of the Armed Forces in a medical facility operated by the Secretary of a military department or any other medical facility operated by the United States.

"(c) OFFSET OF OTHER GOVERNMENT BENEFITS BY AMOUNT OF AWARDS OF JUDGMENTS.—If an award or judgment on a claim under this section for personal injury or death of a member of the Armed Forces is paid, then no monetary benefits under title 10, title 37, or chapter 11 or 13 of title 38 that are attributable to the personal injury or death from which the claim arose shall be paid to the member or the member's estate, survivors, or beneficiaries, for any month beginning after the date on which the award or judgment becomes final, until the aggregate amount of benefits that would be paid but for this sentence equals that amount of the award or judgment which the agency making the award, or the court entering the judgment, as the case may be, determines is equal to compensatory damages, less any amount of the award or judgment paid for attorneys fees or costs incurred in connection with the claim.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'medical facility' means a medical center, hospital, or clinic that is located in a building or structure; and

"(2) the term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims arising out of medical care provided members of the Armed Forces."

SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by section 1 of this Act, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second is considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I am delighted to note that our versatile friend, the gentleman from California [Mr. LAGOMARSINO], having demonstrated his mastery of the Interior Committee and the Foreign Affairs Committee, is now picking up the duties of the Judiciary Committee as a sideline, and I am sure he will perform them well.

This is a bill that has passed this House several times before. It first came forward when the chairman of the Subcommittee on Administrative Law was the gentleman from Kansas [Mr. GLICKMAN], and it says something very simple. At present, anybody in the United States may sue the Federal Government for medical malpractice except people who are on active duty in the armed services. If you are an inmate in a Federal correctional institution and you are the victim of malpractice from a federally employed physician, you are allowed, as you should be, to sue for malpractice. If you are a veteran and you go to a veterans' hospital or you go to a base hospital, as your right may be, and you are operated on by a military physician, you may sue for malpractice. If you are the dependent of an active duty member of the armed services and you are the victim of malpractice, you can sue for it. But if you are a marine or sailor or a soldier or a member of the Air Force, you cannot, and we think that is inequitable.

I want to emphasize that this is not an effort to indict military medicine. We do not believe that military medicine is somehow inferior to medicine of a general sort. The argument would have to be the reverse. You would have to believe that military medicine is somehow infinitely superior to regular medicine to be against this bill, because all this bill says is that—and we have an example of this—if you are a woman in the Air Force who, as a result of malpractice, has lost her right to have children, you can sue for that, and if you are severely damaged, you can sue for it.

□ 1800

People have said, "Well, we don't like this whole tort business."

The Federal Tort Claims Act is the law under which people would be allowed to sue for malpractice, and it is a much more restricted right of suit than the average citizen has in the course of our land and in the States because we, the Federal Government being sovereign, determine the terms under which we can be sued. There are no jury trials. There are no punitive damages. It is a far more limited right. Many of the things that people have found to be negative in tort practice in general, and I do not mean at this point to endorse those criticisms or not, but simply to note them, but they do not apply here.

Mr. Speaker, it is also not an effort to sue Hawkeye. This would not apply to Army or Navy hospitals overseas. What we do is amend the Federal Tort Claims Act, which in its terms is limited to actions that take place within the continental United States.

This bill came unanimously out of subcommittee, and indeed it was strengthened by amendments offered by the ranking member, the gentleman from Florida [Mr. JAMES] and the gentleman from New Hampshire [Mr. DOUGLAS], a former member of the New Hampshire Supreme Court. It came unanimously out of the Committee on the Judiciary. It passed the House by the requisite two-thirds or more on several occasions.

We made one change this year from last year, which is why we necessitated a second here. The gentleman from Mississippi, the great defender of the veterans, pointed out to us that the way we had the bill written, we had it written so there would be an offset so that we would not be collecting twice, both in veterans' benefits and in a malpractice settlement. We had it written so, first, they would get their veterans' benefits. That drew down the budget of the Veterans' Administration. We have reversed this, and, under this bill, first one would get their settlement, which comes, by the way, not out of the Defense Department budget, but out of the judgment fund of the Federal Government.

It is Federal money; I do not pretend that it is not, but it is not VA money, and it is not DOD money. Only after one has gotten their full settlement would they then go to the VA.

The one argument we have heard against this is that it would be subversive of discipline because enlisted personnel would be allowed to sue officers. I do not favor giving a private or a sergeant the right to defy an order from a captain, but the argument that we have somehow undermined discipline, if after emerging from an anesthetic and being diagnosed as having been the victim of a malpractice a private is allowed in an orderly process to bring a lawsuit against the captain or major who performed the operation, I do not for the life of me see how discipline is undermined.

If the argument is that the enlisted personnel will somehow infer that their officers are not infallible, I say to those who worry about it, "It is to late. They already know that."

There is no right here for any enlisted personnel to defy a superior officer, to confront a superior officer in an unbecoming manner. It simply allows this legal process.

Mr. Speaker, I notice at this point that we have been joined by the ranking minority member who made some important contributions, and one last minute contribution of his that I should note is that we had drafted this bill in a somewhat loose fashion at one point, and there was a possibility that one could have won their lawsuit, had a recovery, and the fees one would have had to pay their lawyer would have obviously not gone to them, but

it could have cost them veterans' benefits. The gentleman from Florida [Mr. JAMES] correctly pointed out that was not our intention. It is a better bill because of his work.

Mr. Speaker, I am delighted at this point to reserve the balance of my time so the gentleman from Florida [Mr. JAMES] may proceed.

Mr. LAGOMARSINO. Mr. Speaker, I ask unanimous consent that I be able to yield my time under the second to the gentleman from Florida [Mr. JAMES].

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 536 and would urge my colleagues to vote in favor of the bill. Although the Administrative Law Subcommittee did not hold hearings on this issue in this Congress, I have reviewed the hearing record from the prior Congress and had the opportunity to participate in debate during committee consideration of this bill wherein amendments were adopted which I believe improve the legislation.

H.R. 536, as has been stated, would amend the Federal Tort Claims Act to provide that active duty military personnel may sue the Federal Government for negligent medical care. This legislation does, in effect, overturn the longstanding Feres doctrine which was created pursuant to the Supreme Court's ruling in the case of Feres versus United States. In the Feres case, the Supreme Court determined that while the Federal Tort Claims Act does make the Government amenable to suit "in the same manner and to the same extent as a private individual in like circumstances" it went on to conclude that the circumstances surrounding the relationship between active duty military personnel and the Federal Government is not analogous to that of a private individual to the Federal Government. Consequently, the Feres decision held that active duty military personnel would not be able to sue the Federal Government and that prohibition currently includes a suit by military personnel for medical malpractice.

The hearing record regarding this issue is replete with examples of blatant malpractice by military doctors against military personnel, examples which have left some of our military people virtually crippled for life with no legal recourse to address their grievances. While it is true that our military service people are entitled to certain disability claims pursuant to title 10 and title 38 of our code, these entitlements in my opinion, come nowhere near placing military personnel on a level playing field with private individuals when it comes to redressing the negligence of medical malpractice. I think this legislation addresses that inequity head on by providing under limited circumstances the right to our military people to sue our Government when they have been wronged due to negligent medical care.

It is important to keep in mind that, the Federal Tort Claims Act, through which a person must sue pursuant to this bill, limits those suits so as not to include claims arising out of combatant activities during a time of war or any claim arising in a foreign country, and does not provide for jury trials or claims for punitive damages. The bill further explicitly excludes a claim arising from an injury from services rendered in a field hospital or on a ship and I think it is important to note that personal injury under this legislation is defined not to include mental or emotional disability unless it is a direct result of a physical injury.

The bill was amended—as has been stated by the chairman—after full committee markup to clarify that there will not be double payment by the Federal Government to a claimant injured by negligent medical care. This was done by requiring that should a claimant be entitled to payments pursuant to his military service and sue for medical malpractice that any reward that he should be granted in our court system would postpone any disability payment he would be entitled to under current law until such time as those entitlements would equal the judgment rendered in his favor. I specifically amended that "anti-double dipping provision" to ensure that the basis of any court award rendered on behalf of a claimant for purposes of this provision would be offset by any attorneys' fees which the claimant may have to pay for having obtained that judgment. I think it only fair that if a veteran is going to have his disability payments suspended based upon the award of a court, that that award only reflect the payment which will eventually make it to the claimant's pocket.

I understand that the administration is opposed to this legislation and I also understand the administration's concerns. However, I believe if anybody deserves the right to sue in our court system for negligent medical care, it is our military men and women who risk their lives for this country. I further believe, based on the vote last year on this same bill, which passed overwhelmingly by a vote of 312 to 61, that a majority of this body obviously believes that the potential downside in allowing our military personnel to sue for negligent medical care substantially outweighs the concerns of the Supreme Court in the Feres decision as well as the concerns of the administration.

I commend the subcommittee chairman for expeditiously moving this bill through the committee process and to the floor of the House and urge my colleagues to vote in favor of this bill.

It is further my understanding, after discussion with the chairman, the gentleman from Massachusetts [Mr. FRANK] that it says "from the time of judgment."

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

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

Mr. FRANK. The gentleman from Florida [Mr. JAMES], as I said before he was able to get here, correctly pointed out that the way we had it drafted, a successful claimant in the first place might find the lawyer's fee not being compensated and, second, might find that he was losing fees for money that had not yet been awarded. That is the gentleman raised the issue as to when the money actually was being paid, and what we decided, on page 3, as an insert to page 1 in line 24 we put in explicitly the words "is paid."

Mr. JAMES. Very good.

Mr. FRANK. So, Mr. Speaker, we changed "made" to "paid." So the offset would only begin when the dollars were actually in hand, and I thank the gentleman from Florida [Mr. JAMES] for pointing that out to us.

Mr. JAMES. Before it said "final judgment," and now it does say "paid." I thank the gentleman from Massachusetts [Mr. FRANK].

Then, Mr. Speaker, I fully endorse the bill, and I thank the gentleman from Massachusetts [Mr. FRANK] for his care in changing that language that makes it clear that someone is not waiting on their final judgment on an appeal to receive the funds and at the same time have their benefits terminated.

That solves the problem. I fully endorse the bill, and I thank the gentleman from Massachusetts [Mr. FRANK], the chairman, for his efforts on it. I thank him so very much.

□ 1810

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

Mr. ROWLAND of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 536, a bill that will allow active duty military personnel to engage in litigation to sue the Government in the case of possible malpractice litigation.

I think all of us want the very best quality of care for our people who are in the military service, and they deserve that, but I do not believe there is anything in this legislation that would improve the quality of care for the

people who are now serving us in the military. In fact, if you look at the amount of problems that we have had in the prviate sector when it comes to malpractice litigation, one realizes that the increasing cost of health insurance, the fact that many doctors are leaving rural areas, are not participating in obstetrical practice and many different things, that litigation has been at least a contributing factor to, one wonders really why we would want to allow military personnel who are on active duty to sue.

Also, these people already have in place a system of compensation. They can be compensated for injuries that they receive through the Veterans' Administration. They can get their medical care through the Veterans' Administration or they can get disability benefits, they can receive disability benefits through the military or receive medical care in military facilities.

So many times it is the lawyer who has the fastest gun really who is able to get his client the best awards that are available. In many instances those people who sue who really have a legitimate case are not able to win because they are being represented by an individual who is not really as astute as the one who is on the other side.

So it seems to me that if we do have a problem in the military, we should look at a system of arbitration. If there are problems with military personnel being able to recover when, in fact, they do have a legitimate complaint, then it seems to me that we should work out a system of arbitration and really not provide the Federal Treasury to them.

Mr. JAMES. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, first I would like to thank the gentleman for yielding time to me, because the gentleman has been advised that although I usually agree with him, I do not agree with him on this bill.

Mr. Speaker, I rise to oppose H.R. 536. I acknowledge that there is indeed a difference between what would happen legally between a member of the military who suffers from malpractice and a civilian dependent, let us say, who suffers the same malpractice at a military hospital. As far as I know, there are differences between a military member and a civilian in any situation that might involve injury through some military responsibility. That is because there are two systems.

We have one system that applies to the military and a civil court system that applies to civilians. Sometimes a civilian claimant frankly can do better financially. That has been the case indeed in certain malpractice claims. A civilian person injured has gotten a judgment higher than a military member receives in disability benefits.

At the same time, Mr. Speaker, there are times when the military member receives more in compensation that the civilian would. If the civilian fails to prove medical malpractice, the civilian may receive nothing, but if the military member fails or could not prove medical malpractice, the military member can still receive the appropriate military disability payment.

The point is that the Government is already paying an amount to those people in the military who are injured through malpractice.

Mr. Speaker, if the military system is inadequate, then let us work with and better fund the military system of paying compensation. I believe despite the fact that I acknowledge there are some cases where military members do not receive as much compensation as civilians would in the same circumstances, nevertheless the worst thing for good order and discipline in the military is to have members of the military being able to sue each other in the civilian courts.

Mr. Speaker, I believe that we ought to keep the civilian courts out of the operation of our military as much as I can, and this is why I oppose H.R. 536.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume to make just a couple points.

First, the gentleman from Georgia, who as an M.D. knows the profession, pointed out that in some cases we have a problem because malpractice suits drive people out of the profession. That is, of course, not at all a factor here. These are not suits against the individual doctor. They are suits against the U.S. Government.

This will not, and no one alleges that it will in any way, shape or form, damage our ability to employ medical personnel, because they will not be held personally liable.

Second, while it is true that there are disability schedules, there is no disability allowed for the loss of ability to bear a child. There are things that can happen to you as the result of malpractice that are not necessarily going to be compensated. So we regard this as a supplemental.

Finally, people say, well, there are better ways to do it. Those who have been critical of this approach, and this is the third time this bill has come to the floor, to my knowledge none of them have come forward with that alternative. The Defense Department says there may be a better way, but they do not come forward.

In fact, if you believe as my friend, the gentleman from Georgia believes, he should not be here opposing this bill. He should be here repealing the malpractice section of the Federal Tort Claims Act, because with all these arguments you are left with this fact. Everybody in America can sue the Federal Government for medical malpractice, except the brave young people who put their lives on the line for it. It is that inequity and that alone that this bill addresses.

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

Mr. Speaker, there is a big difference in this bill on the civilian side of the ledger. There is no jury award here. That is the biggest distinction.

Now, the criticism that has been invoked and brought forward against the private sector is mainly directed because of the verdicts that are rendered by juries, and that is where the criticism basically is found. Here you have no jury trial.

Likewise, this bill, if the malpractice kills a man, let us say, in the military, there is no wrongful death, and correct me if I am wrong on this, I say to the gentleman from Massachusetts [Mr. FRANK]. There is no wrongful death action and no compensation that is otherwise paid to military personnel. That is unfair.

Additionally, if you look at the benefits awarded to a military person, there is not normally the same comparable loss of wages or loss of estate values that occur on the civilian side of the ledger.

In other words, the worst possible place where you could be injured by malpractice would be if you were a military service member. It is very tough on your family. They already take the risk of death because of war or because of the danger of their activities. Why should they indeed also take the risk of death, dismemberment, or permanent injury at the hands of the negligence of another person and be in a totally different position than a civilian would be when operated on by a civilian doctor?

So you have your built-in protections that are spelled out in the bill. Furthermore, there is a dollar-for-dollar reduction, a specific dollar-for-dollar reduction against the disability that otherwise would be awarded. That is significant. That is net benefits received.

So there seem to be compelling reasons to treat the military personnel in a similar way that you would a civilian claimant. To do otherwise, is simply unconscionable.

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

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN] who was the chairman when this bill first came to the floor.

Mr. GLICKMAN. Mr. Speaker, the gentleman from Massachusetts who has spearheaded this bill from the beginning has explained all the reasons for it, but the prime reason is a matter of equity. In ordinary noncombatant care situations where you have a situation where a member of the Armed

Forces is negligently treated and is not able to get judicial compensation, it is not fair. His child or her child, his or her spouse, can get compensation in the courts, but that person cannot. That is not fair.

More to the point. If you are a Federal prisoner in one of the Federal prisons in this country and you are injured by reason of negligent health care by a physician who works for the Federal Government, you being the Federal prisoner can sue the United States of America, but if you are an active duty member of the Armed Forces, you cannot. That is not fair. There is no reason that an active duty member should be held to be a second-class citizen, less than a Federal prisoner is in terms of his or her rights.

Therefore, this bill is reasonable, it is responsible, it is a matter of equity, and it ought to be passed.

□ 1820

Mr. FRANK. Mr. Speaker, I yield 3 minutes to the gentlewomen from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 536. I fully share the desire of the gentleman from Massachusetts [Mr. FRANK] to ensure that our young men and women in uniform receive only the highest quality medical care, but I do not believe his bill will make a significant contribution toward achieving that goal.

Let me say at the outset that the issue before us is not whether victims of military medical malpractice should be compensated. Rather, the question before us today is whether the existing system to compensate military members injured on active duty is fair and adequate for those injured by medical malpractice and what alternatives to the current system exist.

Currently, under the Federal Tort Claims Act, dependents of active duty personnel, retirees, their dependents, and survivors may sue the Government for malpractice at military medical facilities in the United States. If malpractice occurs overseas, the Military Claims Act provides an administrative process for malpractice settlements. Active duty personnel are bared from suing the Government because of the Supreme Court's decision in the case of Feres versus United States. Active duty victims of medical malpractice, like other service members injured or disabled in the line of duty, receive either military disability retired pay or disability compensation from the Veterans' Administration.

Critics argue that compensation under this system is inadequate, primarily because civilian courts are now making large malpractice awards. H.R. 536 is an attempt to bring active duty military members into the civilian court system by authorizing suits against the Government for medical malpractice.

If I thought that passage of H.R. 536 would guarantee that no active duty service member would ever again suffer medical malpractice, I would vote for it. I do not believe the bill will achieve this result. There appears to be little correlation between large malpractice awards and settlements in the civilian sector and improvements in the quality of care provided. I am sure we are all aware that the malpractice crisis is one of the major dilemmas facing American medicine today, with malpractice insurance premiums continuing to skyrocket. The primary beneficiaries of this crisis appear to be the trial lawyers who take home large contingency fees. H.R. 536 will only lead to more of the same.

In the 100th Congress, the Subcommittee on Military Personnel and Compensation held a hearing to look at alternative ways to compensate active duty military members who are victims of medical malpractice. The conclusion we came to was that extending to active duty personnel the administrative settlement procedures which now apply to those injured by medical malpractice overseas under the Military Claims Act makes more sense than authorizing suits in civilian courts. This would not be a perfect solution. But in my view H.R. 536 has more drawbacks than the Military Claims Act alternative. H.R. 536 would create a distinction between active duty personnel who are victims of negligence on the operating table and those injured by some other type of negligence. In other words, an active duty person injured by medical malpractice in a military hospital could sue the Government to recover, but someone who was struck by a Government employee driving a vehicle on the street right outside the same hospital could not. In addition, by allowing active duty personnel to sue, injured service members and the military system will be placed at opposite ends of an adversarial process in civilian courts and controlled by civilian judges and attorneys. Such a result would pit witnesses from the same service against one another and would disrupt the military assignment process because the civilian court system would be controlling the availability of military personnel. All in all, H.R. 536 is not the best way to ensure better quality medical care in the military or adequate compensation for those injured by medical malpractice.

In conclusion, let me say that in the past few years I have visited many military hospitals and have talked with many physicians and patients. I firmly believe that the vast majority of military doctors are capable and competent. They deserve our appreciation for a job well-done under often difficult and extraordinary circumstances. This bill will only make the recruitment and retention of health care providers more difficult. It will not create a more equitable compensation scheme for those injured by medical malpractice, and it will not lead to better quality health care. For these reasons, I intend to vote against the bill, and I urge my colleagues to do the same.

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

Mr. Speaker, I would just close by saying that I agree, and I am glad that the gentlewoman from Maryland closed as she did, by lauding the hard-working people who provide medical care. I disagree with her that this would discourage them, but I think it is important that we end on the note of common praise for their hard work. I appreciate her for saying that.

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

Mr. MARTINEZ. Mr. Speaker, I had not intended to speak on this matter, but I was sitting in my office watching, and I was persuaded by my conviction to come down in support of the bill.

Let me tell the Members that I was operated on in one of the military hospitals some 5 years ago, and during that period of time there were other people who were operated on, and I simply say now there but for the grace of God go I. Because in that situation of those operations, four were wrongful deaths. The operation was conducted by a person who was not even qualified to hold that post of chief cardiac surgeon. He was later prosecuted and convicted and was sentenced.

If the Army or anybody else is going to be responsible, then it takes an act like this. People are responsible when they are held accountable. When they are not held accountable, they are not responsible.

Of those deaths, two were able to sue because they were spouses of retired personnel. In other instances, I think fairly unjustly, the others were not allowed to sue.

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

Mr. Speaker, I would like to respond to a couple of comments made.

First, under the Tort Claims Act, the attorneys' fees are limited to 25 percent. Second, I am sure there are many doctors out there especially since there is no premium paid and it will not injure them one iota, who would morally want a claimant to have the right to pursue this in this manner, especially when there is no jury trial, if he made a mistake and knew he made a mistake. There is now no way to compensate a person even if the doctor knew he made a mistake. There is no way to do it. I would hope

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that many of them would feel that way.

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

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

Mr. Speaker, I simply want to close by saying that we have been acknowledging staff, and we have been very well served by staff here. This is the last bill on which Jen Ihlo has worked. She is leaving. She has done enormously good work on several pieces of legislation, and I regret her loss, and I thought it was appropriate that we should note it on this bill. I thank our coworkers for reminding me of that.

Mr. FRENZEL. Mr. Speaker, I rise today in opposition to H.R. 536, a bill which allows members of the Armed Forces to sue the United States for damages for medical malpractice for care provided at Armed Forces medical facilities.

The Congressional Budget Office estimates that this new cause of action would cost the Government about $30 million per year. Under current law military personnel may not sue for medical malpractice but dependents and retirees may. From fiscal year 1984 through 1988, the Government paid about $60 million per year in malpractice settlements to dependents and retirees. The CBO estimate of this bill is based on the assumption that military personnel will generate claims and receive awards at the same rate per hospital admission as dependent and retired users of the system.

Judgments against the United States under this legislation would be paid out of the claims and judgments account within the Treasury Department which is funded by a permanent indefinite appropriation. This means that the bill creates spending by the Federal Government every time an award is won against the Government on the basis of this new cause of action.

Although it has been determined by the Parliamentarian that this bill does not create new budget authority or new entitlement authority in violation of the Budget Act, I would like to express a concern that the bill will most certainly result in new outlays in fiscal year 1990 and beyond.

Mr. Speaker, these new outlays will make our job of deficit reduction more difficult in the future and will add to the possibility of a fiscal year 1990 sequester. It is time to draw the line on spending increases. Once a budget resolution is adopted for a fiscal year, it should not be whittled away with spending increases here and there.

Mr. PANETTA. I would like to make clear that I support H.R. 536, which would allow active duty military personnel to bring suit against the United States for injuries arising from medical malpractice in military medical facilities. I have seen first hand the pain and suffering inflicted by negligent medical care in military medical facilities, where the injured military service man or woman was prohibited from pursuing legal redress. I urge my colleagues to vote in favor of the bill.

However, my role as chairman of the Budget Committee compels me to point out that the bill contains direct spending, as defined by CBO, and violates several sections of the Budget Act. These issues were not raised when the bill came to the floor last year and therefore the Judiciary Committee did not include the measure in its February 25 report.

The proper procedure for any committee planning to report a bill creating direct spending is to state its intent to report such legislation in its February 25 report to the Budget Committee and to work with the Budget Committee to ensure that such authority or spending is included in the budget resolution.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 536, which would amend the Federal Tort Claims Act to allow active duty military personnel to sue for damages that arise from medical malpractice. This bill was approved by the Committee on the Judiciary on April 25, 1989, by a voice vote.

A 1950 Supreme Court decision held that the Federal Tort Claims Act bars active duty military personnel from suing the Federal Government for damages arising from Government action or inaction. It has applied this principle, which is known as the Feres doctrine, to claims for medical malpractice. Because nonactive duty personnel, who comprise two-thirds of the individuals treated in medical facilities, have the right to sue for medical malpractice, the only individuals who are disadvantaged by the application of this doctrine are active duty personnel.

The Subcommittee on Administrative Law and Governmental Relations, chaired by the gentleman from Massachusetts, Mr. FRANK, has documented in detail the cases of members of the Armed Forces who have suffered from medical malpractice and who have been unable to recover damages which they otherwise might receive, due to the operation of the Feres doctrine.

I believe that passage of H.R. 536, which constitutes a carefully drawn and limited waiver to the Feres doctrine, is amply justified by the record compiled by that subcommittee. Passage of this bill is a matter of justice and equity and I urge an affirmative vote for H.R. 536.

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

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 536, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend therein remarks on H.R. 536, the bill just passed.

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

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE FLAG OF THE UNITED STATES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 186) expressing the sense of the House of Representatives regarding the flag of the United States.

The Clerk read as follows:

H. RES. 186

Whereas for more than 2 centuries the flag of the United States has stood as the paramount symbol of unity for the Nation by transcending political and geographical divisions;

Whereas millions of men and women have served under the flag of the United States in the Armed Forces since the beginning of the Republic, through 2 world wars and in Korea and Vietnam, and many thousands sacrificed their lives in defense of freedom;

Whereas the Congress has commemorated the unique status of the flag through the enactment of detailed legislation prescribing its proper display and treatment;

Whereas desecration of the flag is an act so offensive to individuals in the United States that it may be considered an incitement to violence;

Whereas the United States Supreme Court has held in the case of Texas v. Johnson that the Texas statute prohibiting desecration of the flag is unconstitutional; and

Whereas the decision of the Court calls into question the validity of section 700(a) of title 18, United States Code, prescribing criminal penalties for desecration of the flag, as well as statutes enacted by 48 of the 50 States prohibiting the burning of the flag: Now, therefore, be it

Resolved, That the House of Representatives hereby—

(1) expresses its profound concern over the Supreme Court's decision in Texas v. Johnson;

(2) expresses its continued commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals;

(3) condemns all actions intended to desecrate the American flag; and

(4) urges the American people to continue to display proudly the flag of the United States as a symbol of our Nation and the values for which it stands.

The SPEAKER pro tempore. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that debate be extended to 1 hour, to be divided equally between the majority and the minority.

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

Mr. WEISS. Mr. Speaker, reserving the right to object, inasmuch as I may be one of the few true opponents of this resolution and I have discussed with my friend and colleague, the gen-

tleman from New York [Mr. FISH], the appropriateness of reserving a certain balance of time for myself in the debate from the minority side, I would appreciate an allocation of 7 minutes of the minority's time.

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

Mr. WEISS. I am happy to yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, we did have this conversation, but we did not know at that time exactly how much time would be allocated to this measure. In view of the number of requests I have for time, could the gentleman be satisfied with 6 minutes?

Mr. WEISS. Mr. Speaker, I would be pleased to accept 6 minutes.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 30 minutes.

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

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

Mr. Speaker, at the suggestion of the Speaker of the House, TOM FOLEY, and the majority leader, DICK GEPHARDT, I have introduced this resolution to assure the American people that we here in the House of Representatives do not condone actions of disrespect and desecration against the flag of the United States of America. My colleague from New York, HAMILTON FISH, the ranking Republican on the Committee on the Judiciary, joins me in sponsoring this resolution.

Mr. Speaker, the flag has been a symbol of our unity as a Nation for over 200 years. It transcends political and geographic divisions. It unites us in war and in peace. It has given inspiration to the millions who have served in defense of our freedoms.

The flag is not just a piece of cloth—it is our most revered symbol of our identity as a Nation—and the freedom for which we stand. The flag has been accorded a unique position of respect in our Nation's life.

Detailed legislation prescribes its proper display and treatment. Forty-eight States and the Federal Government have passed laws prohibiting the desecration of the flag.

Last week, a Supreme Court decision held unconstitutional a Texas statute prohibiting the burning of the flag. That decision puts in jeopardy those many laws enacted to protect our flag and to punish those who would desecrate it. I am certain that the American people share my concern that the flag must not be subjected to unfettered scorn and physical abuse. Attacks on the flag do pose the likelihood of public unrest and an incitement to violence that can easily result in a breakdown in law and order.

As a Texan proud of my Nation's heritage that is symbolized by the flag, as a marine who fought under that flag, and as a Congressman who has worked in the shadow of that flag of me for the past 35 years, I personally disagree strongly with the Supreme Court's decision in Texas versus Johnson. However, I am mindful of the role of the Supreme Court in interpreting the Constitution and respectful of the doctrine of separation of powers. In light of those considerations, I believe it is appropriate for us as a body to express our concern about that decision and to resolve to fashion ways to ensure, consistent with our constitutional freedoms, that this symbol of our Nation is protected from harm.

I believe there is room in this country for free expression of one's beliefs without sacrificing the very symbol of our Nation's dedication to the protection of those freedoms. I believe that free speech and the flag are compatible and both can be fully protected without undue infringement on the other.

I want to take this opportunity to confirm an announcement that the Speaker made at his noon news conference, that the Committee on the Judiciary intends to move forward on this issue as quickly as possible. As soon as we return from the Independence Day district work period, we will begin hearings to explore thoroughly what the Congress and the Federal Government must do to protect the flag from desecration. We will examine the matter from the standpoint of the need for a constitutional amendment or possible statutory remedies, including the amendment to section 700(a) of title 18 of the United States Code that the Senate passed last week.

In the meantime, the pending resolution expresses the House's deep concern about the effect of the Supreme Court's decision and reaffirms our commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals. My resolution condemns all actions intended to desecrate the American flag.

This resolution will assure the American people that we stand with them in defending the sanctity of our flag and that we do not intend to let those who would destroy and desecrate it to go unpunished.

□ 1830

I would add that we have at the desk signup sheets for coauthorship for Members who would like to be coauthors of this resolution, and the sheet will remain there prior to the passage of this resolution by a vote.

Mr. FISH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this resolution concerns a matter that has both angered and saddened citizens all across America—persons in virtually every region, every State, and every community. I speak, of course, of last week's Supreme Court decision in the case of Texas versus Johnson. By a slim 5-4 majority, the Court held that the burning of the American flag was an exercise of symbolic free speech, protected by the first amendment, and not subject to criminal sanction.

There are many Members of this House that have already expressed their dismay and outrage over the Court's decision. Veterans' organizations, in particular, are urging the Congress to take prompt legislative action to overturn the Court's ruling.

The language of the resolution we consider today is somewhat muted and cautious. It is not intended to be, nor should it be, considered a substitute for congressional hearings and an eventual Federal statute or, if necessary, a superseding constitutional amendment. The Judiciary Committee will begin hearings upon our return from the Independence Day district work period. This resolution, then, is just the beginning and not the end of this matter in the House of Representatives.

As I read the Supreme Court's decision, a number of questions occurred to me—the first of these being a practical, prosecutorial one. Why was Gregory Lee Johnson prosecuted only under the Texas flag desecration statute? He could have just as easily been prosecuted for receiving stolen property or vandalism, as well. It is worth noting, in this connection, that the flag that Johnson burned was not a flag that he owned. The Court's majority opinion takes cognizance of the fact that the flag he burned was taken by a fellow protester from in front of a nearby public building. It was, then, clearly, the destruction of government-owned property. While this may seem a bit legalistic, the fact that the prosecutors confined their case to the flag desecration count limited the ability of the Supreme Court to make a decision on more narrow grounds—that is, on grounds other than the first amendment.

But given the fact that the Court's decision is confined to a first amendment symbolic free speech holding, I would like to make some observations on that specific point. One may seriously doubt that symbolic speech of the type protected by this decision was the type of free expression that our Founding Fathers intended to protect under the first amendment.

To me, it is an unfortunate development in American constitutional law that symbolic gestures and physical

manifestations have been given the legal credibility and equivalent protections of the written word or the spoken word. Burning an American flag is certainly no newspaper editorial, no scholarly book, no television documentary, no public address. Should a symbolic, nonverbal act—undertaken to communicate a particular political belief or political view—receive the same automatic first amendment protections as do the more traditional modes of free speech? Aren't there countervailing societal and ethical values that deserve legal consideration? Should there be a more restrictive balancing test than the one currently applied in these symbolic free speech cases?

The Texas statute deemed to be unconstitutional by the Court did not prohibit Gregory Lee Johnson from saying or writing anything he wanted. Furthermore, that statute did not compel any particular type of conduct, nor did it require an individual to submit to any particular type of belief, idea or symbol. Johnson was free to make a public, political statement—and he did so, highly critical of President Reagan and the Republican Party at the very scene of the 1984 Republican Convention. The Texas statute did not impose any form of censorship. Johnson did not need to burn the American flag to communicate his views about the Reagan administration and the Republican Party. The facts of the case show that he clearly had communicated those views before the flag was burned. Furthermore, he could have said or written anything he wanted about the flag itself.

Mr. Speaker, it is indeed ironic and odd legal logic that considers protection of an individual's symbolic right to desecrate superior to what is for most of us a unique and treasured national symbol.

The Court's decision seems to say that symbolic free speech can only be limited if there is a threat of physical injury to someone nearby, or if there is a genuine possibility that a riot or breach of the peace may occur. Why should these be the only justifications for a criminal statute to protect the dignity of our flag?

Again, I have to come back to my earlier point that there is no legal necessity that symbolic actions receive the same protections under the first amendment as writing and speaking. If emotional expression is to be protected under the first amendment, it should be balanced against the emotional injury to our societal values brought about by a legal sanction for Johnson's type of behavior.

While I am not absolutely certain at this point, it appears likely that the only way to reverse this decision would be through the enactment and ratification of a new constitutional amendment. But, I will defer a final judgment until we have had an opportunity to further analyze the details of the Supreme Court's language and to hear expert testimony on that point.

Finally, I would again stress that this resolution should be viewed as the beginning—and not the end—of this matter in the House of Representatives. I strongly urge my colleagues to adopt this resolution.

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

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

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Texas, chairman of the committee, for yielding time to me.

Mr. Speaker, the Supreme Court has ruled and will rule later this week on a number of highly controversial areas—civil rights, child pornography, capital punishment, desecration of the American flag, and abortion—which have and will presumably offend many Americans and the values they hold. Many of these court decisions will cause people to call for changes in our statutes or for new constitutional amendments.

In Texas versus Johnson, the flag burning case, we had a conservative court, seven out of the nine members of the Court having been appointed by Republican administrations, presumably looked hard and long at this issue. Their decision came to me, as it did to most Americans, as a surprise. It has provoked public outrage, and understandably so, for the Court ruling was seen as dealing with respect for the flag and what the flag represents.

What was the decision reached by the Court? It was a juxtaposition of values. As the Court saw it, it was reverence for the first amendment, freedom of speech, and in this particular case, freedom of expression in terms of a political statement, no matter how offensive that expression may be. On the other hand, it was reverence for the flag and its symbolic representation of our country. The Court sided with the constitutional provision and the first amendment prevailed, in a self-admittedly difficult decision.

The role of the Congress, however, in this issue is different from that of the Supreme Court and the Federal judiciary. The Congress frequently reflects popular opinion, even outrage at various provocative events. This case is no exception, and in that context the resolution before us, while I may have worded it somewhat differently, is supportable.

What, if anything else, should the Congress further do on this issue. We must exercise very great care. There are various bills, resolutions and proposed amendments to the Constitution that have been referred to the Judiciary Committee, and it is appropriate that the Judiciary Committee should carefully consider these proposals. Even today, we have a recommendation by the President for an amendment to the Constitution as a way to proceed. Others, including certain congressional leaders, believe that the statutory route is the best way to deal with this issue. Still others hold that no congressional action is required, believing, as do the majority of the Court, that Old Glory is strong enough even to endure insults in the name of freedom.

The initiative to amend the Constitution must be weighed with extraordinary caution. Some Americans have a list of matters requiring constitutional amendments, particularly to the first amendment, and if we yield on this point without careful deliberation, we may see a number of changes to the Constitution that are equally well argued.

Mr. Speaker, in conclusion, while today the House will overwhelmingly vote for this resolution, I trust that the House will regard other initiatives with great respect to the deliberative process for which this institution is historically responsible.

□ 1840

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank my colleague for yielding.

Mr. Speaker, I wanted to speak to the House on this important issue and bring to their attention and to yours, Mr. Speaker, the court cases on desecration of our flag which are fairly old.

Let us look back at history to two cases, one here in Congress and one in the U. S. Supreme Court itself which tackled this issue many years ago. Here is what they said in the past.

In 1968 Congress passed an act setting penalties for casting contempt on the flag:

The Federal law declared that a person may be imprisoned for up to a year and/or fined up to $1,000 for intentionally casting contempt upon the U.S. flag, a piece of one, a picture of one or publicly mutilating, defacing, defiling, burning, or trampling on.

Mr. Speaker, that was this body in the year of 1968.

Mr. Speaker, I have the opinion of Supreme Court Justice John Marshall Harlan in 1907 in the case of *Halter and Haywood v. State of Nebraska*, 205 U.S.34, where he said.

No American, nor any foreign-born person who enjoys the privileges of American citizenship, ever looks upon it without taking pride in the fact that he lives under this free Government. Hence, it has often occurred that insults to a flag in the presence of those who revere it, has been resented and, sometimes punished on the spot. So a State may exert its power to strengthen the bounds of the Union and patriotism and

love of country among its people. When, by its legislation, the State encourages a feeling of patriotism towards a Nation, it necessarily encourages a like feeling towards the State.

He goes on to explain the reverence we have for our flag, Mr. Speaker, and then further it concludes that:

Each State, when they come into the Union, assumed certain obligations respecting the symbol of the Union, the United States flag, and enacted adequate laws for the protection of the United States flag and to provide penalties for its desecration.

Mr. Speaker, to the Members, to my colleagues and to you, I say there is adequate evidence in the past, both here in the Congress, in the Supreme Court, to protect our flag.

So it was with that reasoning that I put into the House the House Resolution 185, the sense of Congress, that the Supreme Court had erred in its decision.

Let me conclude by saying a constitutional amendment and several resolutions to this effect have been presented; I support those and look forward to passing them in the House.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR], a distinguished member of the Committee on the Judiciary.

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

Mr. Speaker, any act, including burning of the flag, which is an outright attack on an American symbol is particularly disturbing to the vast majority of Americans.

The burning of the flag conjures up extremely painful images for all of us because it has been an often repeated action by citizens of other countries who disagree with our chosen way of government.

The thought that an American citizen, within our own boundaries, and who is the beneficiary of all the freedoms that our country offers, could burn the symbol of those freedoms and beliefs is abhorrent to us all and somewhat incomprehensible.

I do not approve of any actions which are contemptuous of the flag. I believe it is a national symbol and embodies all that is unique about our democratic principles.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the Supreme Court decision striking down flag desecration laws is outrageous. Our flag is the living symbol of all our freedoms.

Tens of thousands of American men and women have died in defense of freedom and the principles of democracy that our flag represents. For the Court to say that the vulgar destruction of our flag by a crazed protester is an expression of free speech is a repudiation of every life lost in defense of freedom and every ounce of blood shed in protection of liberty.

Neither I nor most of my colleagues will stand idly by without dissent and allow the Supreme Court to condone the desecration of the symbol of the very essence of our Nation. I am proud to say that I am an original cosponsor of an amendment to the Constitution which will correct this grievous and inexplicable mistake by the Court and once again make the heinous desecration of our beloved flag against the law.

I am also proud to support the resolution offered by the distinguished chairman and ranking member of the Judiciary Committee. I urge support of the resolution.

Mr. Speaker, I hope that ultimately we will take the next step and that is to amend the Constitution so as to bring honor to both the first amendment and to the flag.

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

Mr. Speaker, let me start out by commending the distinguished gentleman from Texas [Mr. BROOKS] and my distinguished colleague from New York, the gentleman from New York [Mr. FISH], for the tenor of the discussion and the debate which they have generated.

I think that they have indeed cast this discussion in the kind of serious and respectful mode that it deserves.

Mr. Speaker, I have had three occasions for circumstances in which I have sworn fealty to the U.S. Constitution.

The first time was when I was granted citizenship by this country. The second, when I entered military service. And the third, in a series every 2 years since then, when I entered this body as a Member of the U.S. House of Representatives.

I take second place to no one in my respect for the flag or for the Constitution and the Bill of Rights. But, Mr. Speaker, what makes America great, what makes us different from most other countries is that we in fact recognize that difference on the most fundamental issues is permitted by our Constitution.

And so this resolution that is before us, although it is cautiously and carefully drafted, I find difficult to support. I can support three out of the four resolved clauses. I will read those. I support that provision which says that, "The House of Representatives hereby expresses its continued commitment to preserving the honor and integrity of the flag as a living symbol of our Nation and its aspirations and ideals."

□ 1850

I support that provision which says, "that the House condemns all actions intended to desecrate the American flag," and I support that which urges the American people to continue to display proudly the flag of the United States as a symbol of our Nation and the values for which it stands.

The one single provision which I cannot support, because I think it flies in the face of our Constitution, is that which says that it expresses profound concern over the Supreme Court provision in Texas against Johnson.

Mr. Speaker, for the Republic, for our democracy, I exult in the decision of the Supreme Court of the United States, because the Supreme Court has, in fact, validated, once again, the Constitution and the Bill of Rights. I think it should be pointed out too, Mr. Speaker, that the Supreme Court was not acting on their own ab initio, the Supreme Court was confirming the decision of the highest court of criminal jurisdiction in the State of Texas. It is Texas' highest court which said that Texas' statute was constitutional, and the Supreme Court said, "Right on."

Now, the State of Texas itself admitted in the course of their argument that the conduct which it was objecting to was, in fact, expressive; that in essence it was equivalent to speech itself. The Supreme Court has held repeatedly in a long range of decisions that, in fact, expressive conduct is protected by the first amendment of the Constitution.

We have had in the 200 years since the adoption of the Bill of Rights only 16 amendments to the Constitution. We should be very careful about going down the path of a reckless tampering with the Constitution. We have just witnessed in the last month what happended to Chinese students in Tianenmen Square. Those are students who sat in, who burned their flag of oppression, and we were revolted as Americans, indeed, as citizens around the globe, at the Chinese Government's brutal suppression and murder and slaughter of those innocent civilians. We cannot allow that kind of thing to happen in our country, and we will not, so long as we respect the Constitution. We have little to fear from the flag burners. We have a lot to fear from those who lose faith in our Constitution.

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Texas.

The Supreme Court ruling is a disgrace to all of us who dearly love America and our symbol of liberty. It wounded the Nation's pride.

Burning the Stars and Stripes is not what our Founding Fathers had in mind when they guaranteed freedom of expression. That action—unthinkable to most Americans—goes too far, and is undeserving of any constitutional protection. Instead it should be a punishable offense.

What bothers me most about the ruling is the impact it has had on veterans and those now serving in our Armed Forces. What kind of message has the Supreme Court sent those who've given life and limb to see our flag wave proudly atop this very building—our Capitol.

I urge my colleagues to join me in expressing their support for the resolution. It will help restore the flag's patriotic luster which sadly faded before the eyes of our Supreme Court last week.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Resolution 186, which expresses in no uncertain terms the belief of the House that desecration and disrespect of the American flag is wrong.

Anger, sadness, and disbelief best describe my immediate reaction to the Supreme Court's decision to prohibit the prosecution of anyone who burns or desecrates the American flag. This decision clearly does not represent my views or the views of the people of Pinellas County, FL. I know, because I have listened to their angry calls and read their letters of disbelief.

The American flag stands as a symbol of freedom and democracy for our Nation and flies over all three branches of our Federal Government. The Supreme Court is but one of these three branches and we cannot allow its decision to cast asunder the pride and respect the American people have for the Stars and Stripes.

President Bush, the House with the adoption of this resolution, and the Senate with passage of a similar resolution last week, have indicated the intention of the executive and legislative branches of our Government to take matters regarding the desecration of the flag out of the hands of the Supreme Court. Legislation I have sponsored would amend the Constitution of the United States to permit the Congress to enact laws to protect the integrity and dignity of this symbol of our Nation's history and heritage.

In addition to reestablishing that it is a Federal crime, and a crime in 48 States, to desecrate the flag, I also have reintroduced legislation to punish anyone who casts contempt upon any flag of the United States by publicly mutilating defacing, defiling, burning, or trampling upon it.

The American flag is a worldwide symbol of freedom, hope, and peace and anyone who destroys this symbol of American democracy should be punished to the fullest extent of the law. It is my hope that we will expedite consideration of legislation to put before the American people a constitutional amendment to take this matter out of the Supreme Court's hands and to reaffirm our intent to preserve the sanctity of the American flag.

Mr. Speaker, the American flag means more to us than just liberty, justice, and freedom. It stands for more than the pain and suffering of those Americans who followed the American flag into battle and fought in the gas filled trenches of France, on the frozen battlefield of Europe, in the hot deserts of Africa, and in the steamy jungles of the South Pacific and Southeast Asia or wherever in the world Americans have fought and died in the name of freedom. It means more than the feeling of pride it evokes everytime it passes on parade, every time we sing the national anthem, and every time we stand before the Tomb of the Unknown Soldier.

The American flag is also a commitment to the young people of America that they will have a future filled with peace, justice, honor, and duty. It means that our children and grandchildren will be able to raise their families under the same freedoms and liberties that we have and that they will have all the opportunities we enjoy to work in the job of our choice and worship in the church of our choice.

It also means that the commitment to maintain our freedom is not without cost. We all know the closing lines of the Star Spangled Banner—that great tribute to the flag:

Oh say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

Mr. Speaker, let us never forget that the American flag stands for all that is good and right about our Nation and that to continue to be the land of the free, America must always be the home of the brave.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I rise in support of the resolution. Like many Americans, I was dismayed by the Court's decision. Recent events in China have reminded Members in a most tragic and dramatic and important way how important freedom and free speech is. That right is given to Americans, as many of my colleagues have pointed out, in the Constitution. So I know the decision was a difficult one.

Yet I believe that even this resolution is not enough. We should move to a constitutional amendment, and I believe it can be delicately and deliberately drawn so that it involves only the flag. Yes, it is the flag that is special.

We do not put a speech, no matter how noble it is, on the coffins of those that die for this Nation. We do not fly the Declaration of Independence, no matter how wonderful it reads, from the mast, to say that the Government is here. We do not move on the Island of Iwo Jima to raise a speech of any Member of Congress, no matter how noble it is intentioned. It is only the flag, and therefore, it deserves the constitutional amendment.

Mr. Speaker I rise in support of the resolution. Like many Americans around our Nation I received with dismay news of the Supreme Court's recent decision stating, in effect, that the guarantees of free speech and expression provided under the first amendment of the Constitution extended to those who would purposefully desecrate the flag of the United States.

Recent events in China have reminded us in a most tragic and dramatic fashion of the preciousness of the freedoms of free speech and assembly which our Constitution grants us. The rights and protections granted us under the first amendment are fundamental to our democracy. For this reason I believe the decision which the Court confronted was an especially difficult one. Yet, I believe that in this particular case in Court, reflecting its profound and well placed respect for the first amendment, erred on the side of caution.

The court, in its ruling, went beyond protecting the right of free speech, just as Gregory Johnson and the demonstrators whom he led went beyond the exercise of free speech when they poured kerosene on an American flag and set it afire. Gregory Johnson was not punished for what he said—though most Americans would find his words offensive. He was punished for what he did.

Justice Stevens, in his dissenting opinion, said that "The case has nothing to do with disagreeable ideas, * * * it involved disagreeable conduct." The dissent aptly points out that "had (Johnson) chosen to spray paint his message of dissatisfaction on the fascade of the Lincoln Memorial, there would be no doubt about the power of the government to prohibit his means of expression." I believe Justice Stevens is correct in the analogy he suggests. In the actual case as in the hypothetical, the expression of an idea or a belief gave way to actions which lay beyond the expression of thought and beyond the protections afforded by the first amendment.

The American flag stands through much of the world as a preeminent symbol of freedom and of Government's respect for human dignity. Through respect for our flag we express respect for the Constitution and for the democracy which it represents. I urge all of my colleagues to support the resolution before us and to thereby affirm our responsibility to protect this most prized symbol of our Nation and our democracy.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished Member from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary, the gentlemen from Texas, for offering this resolution.

Mr. Speaker, I believe the Supreme Court is somewhat schizophrenic. In three recent decisions they have diminished the rights of women and minorities, but not, in this so-called conservative Court, they rescind laws which provide for penalties for those who maliciously desecrate the American flag.

I think they are wrong. I think the American flag is a symbol of our country, our country's freedom. Freedom is not just doing what a person wants to do, it is doing what a person should do.

Mr. Speaker, this decision had a personal effect on me, because my father was born on the Fourth of July. We were taught to respect the American flag, and what it symbolized. He believed we lived in the greatest country in the world. So on the first day after that decision, I introduced a resolution opposing the Supreme Court decision, in his memory.

Mr. Speaker, no one embraces the Constitution more than I do. No one embraces the absolute guarantee of the rights of free expression than I do. However, no one embraces respect for the traditional values more than I do, and what are we to tell the families of the thousands upon thousands of American patriots who gave up their lives to defend the symbol of the sacred cloth? What are we to tell the thousands upon thousands of young Americans who look upon Members for moral instruction, regarding respect for tradition? What are we to tell ourselves in our morning mirrors when we call upon our reserves to resist the daily encroachment on the ideas and traditions that we have carefully and patiently woven into the fabric of our national conscience?

Mr. Speaker, the fabric of our American flag, the symbol of America's freedom and sacrifice, is so interwoven with the fabric of our distinctly American sense of values that we cannot allow the symbol to be damaged without allowing damage to those values themselves.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of the resolution expressing the sense of Congress regarding the issue of flag burning and I commend the distinguished chairman of the Judiciary Committee the gentleman from Texas [Mr. BROOKS] and the ranking minority member the gentleman from New York [Mr. FISH] for expeditiously bringing this measure to the floor at this time. It is possible that no Supreme Court decision since the infamous Dred Scott decision of 1857 has caused the spontaneous outpouring of indignation that the Supreme Court's Texas versus Johnson decision evoked.

We all understand that freedom of speech and political expression is one of our Nation's most cherished rights. However, just as the late Supreme Court Justice Oliver Wendell Holmes, Jr., once stated that "Freedom of speech does not give anyone the right to cry fire in a crowded theater," likewise, freedom of political expression should not give anyone the right to incite our Nation by slapping the face of millions of our veterans, both living and dead, who sacrificed on battlefields at home and abroad so that our Nation may be made and kept free.

The American flag—"Old Glory," is unique among the flags of the world. Unlike most European flags, its colors and design do not harken back to the days of kings and nobility.

It was 212 years ago this month that the Continental Congress adopted our flag as the official banner of our newly independent Republic. The colors and design were chosen uniquely to symbolize our new Nation. No family crest or heraldic imagery has ever appeared on our flag.

The red is considered by most Americans to be the symbol of the blood that was shed by many to establish and maintain our liberties. The white symbolized the purity of purpose which guided our Founding Fathers. The blue is symbolic of both the seas—across which all Americans came—and the Heavens which look down upon our undertakings and which have blessed us for over two centuries.

The original 13 stars were symbolic of a new constellation which appeared in the galaxy of nations in 1776. Since then, a new star has been added for each State admitted to the Union. And, each State, was admitted as coequal with the original 13. Unlike other nations, we had no intent to colonize other lands and to capitalize upon their people. Instead, we welcomed our new territories into the Nation as States, equal in every way to the States that preceeded them.

The Texas versus Johnson Supreme Court decision is an affront to our Nation, but far more than that, it was an insult to the brave Americans who sacrificed their lives in our 200-year history to win and preserve our freedoms. The Americans of the War of 1812 and the Mexican War, and to those who died during those sad years when brother fought brother to preserve our Union.

Years from now, as historians look back on 1989, this decision will long be remembered as well as the eloquent dissent penned by Chief Justice William Rehnquist, who was joined by Justices Byron White and Sandra Day O'Connor in stating:

> Throughout more than 200 years of our history, our flag has come to be the visible symbol embodying our Nation. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political or philosophical beliefs they may have. I cannot agree that the first amendment invalidates the federal law and the laws of 48 of the 50 States, which make criminal the public burning of the flag.

Mr. Speaker, my offices in Washington and in my 22d Congressional District in New York have received hundreds of calls and letters from our constituents, who called and wrote to express their indignation, their frustration, and most of all, their sadness regarding this decision.

Robert J. Spanogle, national adjutant of the American Legion, stated:

> I think of Iwo Jima Memorial—those Marines that raised that flag while their fellow Marines were dying at their feet so that we could have our freedom. That flag is the living symbol of all our freedoms.

Mr. Speaker, I urge our colleagues to join in approving this resolution, which expresses our profound concern and commitment to preserving the honor and integrity of our flag and will let the American people know that we in the Congress share their reverence for our "grand old flag."

Mr. BROOKS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman for yielding this time to me, and I rise in support of the resolution.

Mr. Speaker, I submit for the RECORD a partial text of my newsletter which is sent to my district every week.

> Old Glory. The Supreme Court is wrong, wrong, wrong. We are deeply disturbed that our high court would carry freedom of speech to an extreme degree and offer First Amendment protections to those who burn or desecrate our flag.
>
> This Congressman has joined with other Members of Congress from both political parties in all areas of the country to begin a legislative process to countermand the Supreme Court ruling.
>
> The individual's freedom to speak his mind is paramount in our basic law, but this cannot extend to such a reprehensible act as desecration of our flag—the very symbol of that which protects freedom of speech. Extreme abuse of the flag should be considered a criminal act and dealt with accordingly.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I rise in support of the resolution being offered by the gentleman from Texas, and want to commend him for his extremely judicious handling of this very sensitive issue.

Mr. Speaker, the burning of the American flag—any desecration of the flag—is simply wrong. It is offensive no matter what the circumstances.

I believe Congress can—and must—act to ensure that proper and respectful treatment be given to what is our most powerful and revered national symbol. I will support the efforts of my colleagues, from both parties and both Houses of Congress, to find a judicious solution. And I intend to vote for whatever remedy is required to prohibit the desecration of the flag.

We, in Congress, have a responsibility to write laws consistent not only with overriding national sentiment but also with the Constitution we are sworn to uphold. We must, therefore, be careful that in our determination to quickly reaffirm the very special meaning the flag has for Americans everywhere, we not inadvertently tamper with the integrity of the Constitution for which the flag itself stands.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I am an original cosponsor of Congressman BOB MICHEL's constitutional amendment to attach criminal penalties to the act of burning the American flag, and I'd like to say a few words on this important initiative.

I have been in Congress since 1956, and I don't ever recall seeing such a high degree of unity in this body on an issue that has such a potential to divide.

The Supreme Court may have divided 5 to 4 on the issue of burning the American flag, but there has been a virtually unanimous opinion in both Houses, that this act is not only repugnant, but should be prohibited.

I like the way Chief Justice Rehnquist put it. Flag burning is not a form of self-expression; it's just an inarticulate grunt. People burn flags not to express an idea, but just to antagonize other people. It's not the beginning of a debate, but the beginning of a fight.

Who do flag burners antagonize? They antagonize all those brave Americans who took up arms so that all Americans, including flag burners, could live free.

The American flag has flown over Iwo Jima; it has crossed the rivers of Europe. It entered Paris to the cheers of millions of French men and women who had been liberated from the bondage of fascism. Burning the American flag is an insult to all those brave Americans who have fought in America's wars.

The American flag is more than a symbol of America's willingness to defend itself and other nations. It is a symbol of America's dreams as well.

Look down the hallways of this building, and you'll see interns carrying around American flags that have been requested by our constituents. For many Americans, the flag symbolizes the freedoms and opportunities that they work hard everyday to earn and to maintain.

The American flag is large enough to shelter Americans of all political beliefs, rich and poor, black and white, North and South.

It flies over our heads right here in the Capitol. It represents Congressmen from the left as well as those from the right. There are plenty of symbols that can and do divide us. The American flag is a symbol that unites us.

I would hope that this debate on the Supreme Court's decision will send a message that America is a country that is willing to tolerate an awful lot of antisocial behavior, but that burning the American flag is something that we consider totally out of bounds.

I strongly support the idea of a resolution to prohibit burning the American flag. But I don't believe that a resolution will go far enough.

Congress needs to do something that makes it crystal clear that both the State and Federal Governments have a right to pass laws that makes flag burning a criminal act.

For that reason I support the introduction by the distinguished minority leader for a constitutional amendment to deal with this problem. I will support the amendment and I urge the House to act expeditiously to report it to the floor.

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

Mr. BROOMFIELD. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me just say that I think the Supreme Court erred in its decision. Free speech does not require destruction of the American flag or anything else. Free speech is our America substitute for destruction.

Mr. Speaker, I commend the gentleman from Michigan [Mr. BROOMFIELD], and I urge passage of this resolution.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

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

Mr. Speaker, the action of the Supreme Court in permitting desecration of the flag has made combat veterans cry. I talked today to Col. Glenn Bennett of Calico Rock, AR, who served as a combat veteran in both World War II and the Korean war, and he said it in his own words better than I could. Let me quote what he said.

The action of the Supreme Court is so un-American that it makes me cry. It is very difficult for me to discuss it without becoming emotional. I fought in two wars to defend free speech, and I cannot see where the destruction of the flag can have anything to do with free speech. I don't see it as free speech. I see it as arson and destruction perpetrated on the symbol of our nation.

There are rules concerning the handling of the flag, rules which prohibit its touching the ground, but now we are told that it can be burned or mutilated in the name of free speech. I just don't understand such thinking.

Mr. Speaker, I rise in support of the resolution.

The SPEAKER pro tempore (Mr. VOLKMER). The Chair will announce that the gentleman from Texas [Mr. BROOKS] has 15 minutes remaining, the gentleman from New York [Mr. FISH] has 8 minutes remaining, and the gentleman from New York [Mr. WEISS] has 2 minutes remaining.

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

Mr. FISH. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from New York [Mr. SOLOMON].

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

Mr. Speaker, in rising in support of the Brooks-Fish resolution, I would like to read an excerpt from a letter I just received from Maj. Richard M. Gordon of Clifton Park, NY. The letter reads, in part, as follows:

I was a prisoner of war of the Japanese for three and a half years. During that period of captivity—from Bataan until Liberation Day in Japan—most of my fellow prisoners never saw the flag of their country. That privilege, and honor, was denied them. Yet in several prison camps, American prisoners made flags, American flags, from various material available, and that flag had to remain secreted. A piece of such a flag carried throughout the war now rests in the museum at West Point.

To those of us denied all freedoms, the flag of the United States took on an even greater meaning than to non-prisoners of war. That flag meant that we "belonged" to a country; a nation who would not forget us. I saw an American prisoner of war, found in possession of a piece of cloth, so severely beaten that he eventually died from that beating.

Upon our liberation by naval forces at Hommamatsu, Japan, we boarded landing craft to be taken to hospital ships at anchor. Seeing the flag of this country flying from the stern of those craft for the first time in years brought tears to the eyes of every prisoner on board. There was living proof that our faith in that flag was not in vain, and so believing we came back.

If a flag, "a piece of cloth" can provide such hope and support in the most trying in our lives, surely it deserves better treatment and respect than what was offered by an avowed communist who "spits on America".

The flag of the United States will one day be given to my widow. I would hate to have her think of it as "only a piece of cloth", and not as a symbol of our country for which thousands and thousands gave their lives in defending its flag.

I urge you to take action to prohibit desecration of the flag.

Mr. Speaker, when we finish this debate, the gentleman from Michigan [Mr. SCHUETTE] and I will drop in a constitutional amendment requiring an act of respect for that flag.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SCHUETTE].

□ 1910

Mr. SCHUETTE. My colleagues, I have high regard for the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH]. But this resolution of profound concern and condemnation does not go far enough. The issue is broader and deeper, and I say to my colleagues, "If you're a veteran or those who have given your lives to secure and protect our liberties, they're more than profoundly concerned. They're outraged, and they should be."

Mr. Speaker, I say to my colleagues, "If you are parents who take your kids to Girl Scout meetings or Boy Scout meetings, well, you learn American values." They are more than profoundly concerned. They are insensed, and they ought to be.

As my colleagues know, the Gregory Lee Johnson's of the world, the defendant in the Texas case, can express freely, "America, red, white and blue, we spit on you," or, "Great to see the symbol of international plunder and murder go up in flames."

Mr. Speaker, that is his right under our laws, but the Gregory Lee Johnson's of the world should not be able to flaunt American values by burning the American flag and then getting away scot-free. That is wrong.

I would urge my colleagues to support the Solomon-Schuette amendment to the Constitution that would prohibit the desecration of the American flag.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Resolution 186 and the American flag. Like many of my colleagues, I was outraged by the Supreme Court's decision providing first amendment protection for those who desecrate our national flag.

Free speech is one thing, free burning of the flag is something else again.

I am very pleased that President Bush this morning stated his personal support for a constitutional amendment making such unpatriotic attacks on this special national symbol unlawful. I strongly endorse President Bush's decision. In fact, the morning after the ill-fated Supreme Court decision, I cosponsored such a constitutional amendment resolution right here on the floor.

While I also support House Resolution 186 and agree with its provisions and proclamations, I do not believe that it is strong enough. Congress must go further.

Our flag is a symbol of our freedom, liberty, and our sacrifices to protect these rights. To veterans and the families of those who died or were wounded defending our Nation, the Stars and Stripes holds special meaning. To those overseas yearning for the freedoms we enjoy and they do not, our flag is a symbol of hope and real liberty—just ask the students in Tiananmen Square.

An attack against the American flag is an attack against our Nation and the principles upon which it was built. For these reasons, our flag deserves special respect and protection.

House Resolution 186 is a good step toward this protection. It is, most certainly, not a last one.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise in very strong support of House Resolution 186. I join with the millions of Americans in our country who are discouraged and appalled by the unfortunate ruling of the Supreme Court on the treatment of our American flag.

The American flag is a symbol recognized world over, as an inspiration of hope and freedom. As a veteran, I share the love of those veterans from the American Revolution to the war in Vietnam, in every battlefield where American values have been attacked the flag has been the shining eternal spirit of liberty. The ruling of the U.S. Supreme Court is contradictory to the morals and beliefs of a great majority of the American people. To allow anyone to defile and desecrate such a revered symbol is not only foolish, but morally wrong.

I am currently cosponsoring four pieces of legislation with fellow colleagues, Mr. FISH, Mr. HUTTO, Mr. WALKER, and Mr. WOLF, to preserve the honor of our great flag. As Members of Congress, we must act quickly and decisively to protect our national symbol, and do so in a wise manner.

As President Wilson once said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation.

Ladies and gentlemen, I ask you to make the right choice. Let us join in preventing the unwanted and vile treatment of our flag. Let's restore the dignity and honor of our American flag.

Mr. WEISS. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the issue decided by the Supreme Court is not whether or not the flag burning is repulsive and abhorrent. It is. But we do not silence the political expression of even those with whose views we most fundamentally disagree. That is what the Supreme Court ruled last week in a 5-to-4 majority comprised of two dyed-in-the-wool liberals, two Reagan conservatives and one Nixon middle-of-the-roader.

I would like to close by quoting from the concurring opinion of Justice Kennedy. He said:

> I agree that the flag holds a lonley place of honor in an age when absolutes are distrusted and simple truths are burdened by unneeded apologetics.
>
> With all respect to those views, I do not believe the Constitution gives us the right to rule as the dissenting members of the Court urge, however painful this judgement is to announce. Though symbols often are what we ourselves make of them, the flag is constant is expressing beliefs Americans share, beliefs in law and peace and that freedom which sustains the human spirit. The case here today forces recognition of the costs to which those beliefs commit us. It is poignant but fundamental that the flag protects those who hold it in contempt.

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

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, like my colleagues and my countrymen, I loathe the desecration of the American flag. It is a vile and repugnant act. I urge the Congress to move slowly and carefully as we proceed in the coming months in considering a proposed amendment to the Constitution which may alter in any way the first amendment.

Let us recall the words of former Justice Robert Jackson when he wrote:

> If there is any fixed star in our constitutional constellation, it is that no official, high or low, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.

Mr. Speaker, as a Member of Congress from the State in which the Constitution was written, I join my colleagues in supporting the resolution.

Mr. FISH. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I do not think this is an easy case at all. I think the Supreme Court decision is a very close call, and I think the difficulties that people had with it are shown by the lineups of the philosophies of the various Justices on either side of this case.

Mr. Speaker, free speech is very important. It is one of the most important gifts or bequests that our ancestors have given us in this country.

I only wish those who are offended by any limitation to free speech, even criminalizing the burning of the flag, were as outspoken with someone like Adolfo Calero or Jeane Kirkpatrick who tries to speak at some prominent

university, a citadel of learning and liberality, and they are forbidden by circumstances to give their speech. But, nonetheless, free speech is very important.

My colleagues, flag burning has been called an exercise of symbolic speech. There are limitations to free speech. We have libel laws, we have slander laws, and we all know what Justice Holmes once said, "That you can't yell 'fire' in a crowded theater," so free speech is not absolute.

Mr. Speaker, what we need in this situation is not nearly this resolution, good as it is, and we should support it. We do need a constitutional amendment which will be an expression by the American people, two-thirds of their Congress in both Houses, and three-quarters of the States, 38 States, making a statement to their fellow Americans that the flag is indeed sacred, not merely as a symbol, but as the embodiment of those ideals: freedom, opportunity, equality, which generation after generation have died for, have come home in their caskets with the flag on top of it, and this is not a piece of cloth susceptible to mere symbolic speech, but it is the embodiment of all that America stands for.

□ 1920

It is like the sacrament in the Catholic Church. It is like the holy book in other places or religion. We have standards in this country of decency and there are some things you do not do. So long as free speech is available in its pristine form as free speech, so long as you can speak and write what you want, this act, more than a provocation, this act of desecration is beyond the pale.

Now, we accomplish that by an amendment which will involve all of America, two-thirds of Congress, three-quarters of the States, saying to our fellow Americans, "You don't do this. This is sacred. This is beyond the pale."

So we need that. I look forward to the amendment. I think it will pass overwhelmingly. I congratulate the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH] for this very useful resolution.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I strongly endorse the Brooks/Fish resolution and urge my colleagues to vote for it.

I congratulate my friends Mr. BROOKS and Mr. FISH for bringing this resolution before us. I'm proud to be a cosponsor of this resolution.

Over the weekend I found my constituents in western Kentucky very upset with the U.S. Supreme Court.

Yes, last Wednesday, in a case that set patriotic symbolism against the rights of those who would spit on and burn the American flag, the Supreme Court, in a 5-to-4 decision, nullified flag desecration laws in 48 States.

Most Americans agree with Chief Justice William Rehnquist's dissent:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning.

The Supreme Court has converted anti-American flag burning into a constitutional right. We need a constitutional amendment. But now we need this resolution.

In Kentucky, burning and desecrating the American flag is thought of as a despicable and dastardly act.

Personally, I'm outraged at the Supreme Court decision and would suggest that Americans who want to burn our flag in contempt should consider moving to Iran, China, or Cuba where burning the American flag is not only legal but is encouraged.

Again I urge my colleagues to vote for this resolution. Let's approve it by an overwhelming majority. Let's show the U.S. Supreme Court that the great majority of American people are expressing themselves through the U.S. House of Representatives in opposition to those burning our American flag as "a right of free speech."

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, we have had some very good debate here. Let me see if I can summarize this in just a few seconds.

The American flag is not a piece of cloth. It is an idea. It is a concept. It is a monument. Certainly the U.S. Congress has the right, has the constitutional right to pass laws to oppose the desecration of monuments.

So in the passing of this legislation, I think we would have the legal authority; but should that be struck down by the courts in the future, I think we ought to move on a dual track and express ourselves by proposing a constitutional amendment as well, and then either way, in the legal consideration by the Court the will of the people to keep the American flag from being desecrated will prevail.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the distinguished chairman of the full Judiciary Committee for yielding this minute to me.

I rise in very strong support of House Resolution 186.

Mr. Speaker, the decision of the Supreme Court of the United States in the matter of Johnson versus Texas was deeply troubling to me. The American flag belongs to all Americans as a symbol of our national identity. I just cannot believe that we are unable to protect our flag from the conduct, not speech, but conduct of those who would debase or desecrate it for whatever reason.

While we must move very, very slowly in any amending of the Constitution, looking for other ways to deal with the problem, I have no question but that we do need surely to move ahead with hearings and with dispatch and with some deliberation to craft the very best way that we can in dealing with what I think is a wrongheaded decision.

So I commend the gentleman from Texas for offering this resolution and urge my colleagues to support it.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, there is perhaps no right that is more important to the American people than the first amendment right, the right of free speech; however, there is nothing more important than having a symbol of our democracy in which we believe.

In this country which permits unlimited verbal displeasure or disagreement, it is important that we maintain this symbol. In a world which is turning to democracy where people are willing to die for democracy, we must stand as a beacon for the democracy.

When I took the oath to be a Congressman and when I took the oath to be a naval officer, I agreed to not only defend this country, but to defend all the liberties and rights that go with it.

I must ask my colleagues to support this amendment to the Constitution and this resolution to show the world that not only do we care about democracy, but we care about the symbol that represents that democracy.

Mr. BROOKS. Mr. Speaker, I yield myself 30 seconds to remind the Members that the cosponsors list is available both on the Republican side and on the Democratic side. We will be open until the vote is taken on this bill.

Mr. YATES. Mr. Speaker, I support wholeheartedly the last three of the four resolutions in this bill. I disagree with resolution No. 1. I support the decision of the Supreme Court of the United States in sustaining the right of free speech protected by the Constitution. A free society must allow true expression even of beliefs and ideas which would be unpopular to most people.

I would not support a constitutional amendment which in the name of protecting the flag jeopardized the rights and freedoms guaranteed by the first amendment to the Constitution.

I find most repugnant the desecration of the American flag by protesters. The American flag is a symbol of reverence for me, to be flown proudly because it stands for the freedoms for which our Nation proudly stands.

I shall support this resolution noting the reservations I have about the expression of con-

cern with the decision of the Supreme Court in the case of Texas versus Johnson, protecting American freedom.

Mr. McGRATH. Mr. Speaker, the U.S. Supreme Court said that the deliberate destruction of the American flag is a form of free speech protected by the first amendment. This decision denigrates the service of every Armed Forces veteran who has risked his or her life in battle fighting for the very rights the Court's majority claims to protect. It is also a slap in the face to every American citizen who loves this country and who, if they had a grievance with the Government would find methods of redress other than wanton destruction of our sacred symbol.

Freedom of speech has rightfully received the highest level of protection by our courts. Literally thousands of options exist to express outrage and discontent with Federal policies. The trampling of our national emblem goes beyond speech and, well into the category of lawless conduct. I fail to see the censorship or suppression of ideas in a law which prohibits the burning, destruction, or desecration of the symbol of the most successful form of democracy in the history of mankind. The willful, malicious destruction of an American flag in a public place is the type of conduct which can lead to more violent actions toward Federal policies and institutions. It is also certain to infuriate and incite an intemperate response among those who hold dear the freedoms and liberty Americans have fought and died for in our 200-year history. The reverence which Americans apply to our flag brings with it a special protection richly deserved. Those who disgrace our Nation by destroying its symbol deserve to be punished.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of this resolution and urge its overwhelming approval. Just like the rest of the country, I was shocked at the unbelievable Supreme Court decision that said it was OK in some cases to burn the American flag. Burning of our Nation's most important symbol is not a matter of free speech. Rather it is descreation of the flag, pure and simple.

I feel very strongly about this flag issue. The American flag is a symbol of what this country represents to our people and to the rest of the world. It stands for freedom and democracy and more than 1 million Americans who have died in our major wars over the 200 years to make sure those principles were protected.

There are a thousand ways to legitimately protest the actions of our Government without burning or otherwise desecrating our flag. When someone takes that kind of action, they have gone too far, in my opinion. I think that view is shared by 99 percent of the American public and I dare say by almost 100 percent of the good Mississippians I represent.

We are proposing to send a strong message to the Supreme Court on this issue. I urge the support of my colleagues.

We need really a constitutional amendment to straighten this matter out and I am strongly pushing an amendment.

Mr. MICHEL. Mr. Speaker, while I join with our colleagues in supporting this resolution, I must say that in my view it is only a symbolic step.

As President Bush pointed out this morning, a resolution or plain statute simply will not undo the damage done by the Supreme Court's decision. I have been talking to scholars and they tell me the same thing.

So I am going to introduce a proposed constitutional amendment to protect Old Glory.

I do so recognizing the gravity of the step I will take.

I have an instinctive conservative's dislike of amending or tampering with the Constitution.

But I did not defend this flag against the Nazis 45 years ago just so it could be desecrated with impunity today.

There are many learned and complex arguments offered on both sides of this issue. I am certain we will be debating them, holding hearings and learning what the constitutional experts believe.

But before we get lost in the complexities, let's remember one thing: If you go up to an average American and ask him if he believes that desecrating the flag is a legitimate form of expression, what you'll get in reply will be the cold, clear, sane, cleansing sound of uproarious laughter.

Listen to the word of former Justice Hugo Black, well-known as an absolutist where first amendment rights are concerned. Justice Rehnquist quoted Black as saying:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

Desecrating the flag is an action against a revered, unique symbol, not a form of expression protected by the first amendment.

This is not a fight between those who wish to protect the first amendment and those who don't. I believe that protecting the flag actually strengthens the Constitution because it rescues the first amendment from the absurdity in which the majority decision has placed it.

It is not a fight between those who honor the Court and those who don't. It was precisely Chief Justice Rehnquist and Justice Stevens's dissents that demonstrated to me the need to offer an amendment. I revere the Court so much that I believe arguments in dissent can sometimes contain more wisdom than the arguments of the majority.

The real question is: Are we going to protect Old Glory or not?

So, while I join this symbolic resolution, I do so realizing that only a constitutional amendment will do the job. I hope I can have our colleagues' support as we move forward.

Mr. SAXTON. Mr. Speaker, throughout history, the Stars and Stripes have been exalted as the embodiment of the liberty and freedom upon which the United States of America was founded. The Stars and Stripes have stood by this land and its people through more than two centuries of struggle for the liberty and freedom that we are enjoying today. The comradery between the American flag and American men and women throughout these 200 years has established a priceless blueprint for freedom that is admired and desired throughout the world.

Our love and pride in our flag, Mr. Speaker, was undisputed until last week. The Supreme Court, the highest court of the land, illegitimized our reverence for the Old Glory when they nullified our flag-desecration laws. The Supreme Court has illegitimized the lives and courage of the men and women that have fought for this country, and has minimized the efforts of our military veterans, particularly the Iwo Jima battle during World War II. I hope that members of the Supreme Court have not forgotten that it took 6,000 American lives to raise that flag on that island. These courageous marines risked death to raise the flag of the United States of America, while their fellow marines were dying at their feet so that we could maintain our freedom today. Throughout our proud American history, American dying and sacrifice have been done in the name of freedom. The Stars and Stripes is the living, revered, and timeless symbol of all of our freedoms.

With the greatest of disappointments, I rise today in disagreement with the Supreme Court's toleration of the burning of the American flag. I believe that this action by the Supreme Court requires an act of Congress to add to the Constitution of our Nation. To this end, I will do whatever is necessary to explicitly declare that the majority of the men and women in this country do not condone desecration of the American flag be upheld.

Mr. DELLUMS. Mr. Speaker, I rise to associate myself with the remarks of my esteemed colleague from New York [Mr. WEISS].

Mr. Speaker, the Supreme Court has discharged its responsibility of protecting individual rights in this matter. While I eschew the desecration of any symbol of freedom and liberty, as these principles are under attack today more than in recent memory, I feel compelled to observe that the Court has dealth with a controversial and divisive issue and has adopted a position in support of individual freedom and in support of the Bill of Rights.

The Supreme Court, is intended to be guardian of the rights of citizens, immune from day-to-day sentiments that, while they may for an instant be popular, may also work in the long-term against the prerogatives of the individual. Freedom must be cherished, even in the face of seemingly overwhelming patriotic reasons for its curtailment. The Court acted prudently in the case of Texas versus Johnson, choosing to disregard the nationalist reasoning of the State in favor of the overwhelming interest of the individual.

Disquieting as it may be, it is a poignant irony that the right to express oneself by burning the flag is protected by the flag itself; that those who died for the flag died to preserve that right.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the resolution, House Resolution 186.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further

proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 186, the resolution just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER). Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1594, by the yeas and nays;

H.R. 1048, by the yeas and nays; and

H. Res. 186, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EXTENDING MOST FAVORED NATION STATUS FOR HUNGARY FOR 5 YEARS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1594, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 1594, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 172, not voting 18, as follows:

[Roll No. 109]

YEAS—242

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Houghton
Hoyer
Hubbard
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murtha
Nagle
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Panetta
Parris
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickett
Porter
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Richardson
Ridge
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Stallings
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Vander Jagt
Vento
Visclosky
Waxman
Weber
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—172

Applegate
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Coble
Combest
Cox
Craig
Crane
Dannemeyer
Darden
Davis
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goss
Grant
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Kanjorski
Kasich
Kolbe
Kyl
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McCurdy
McDade
McGrath
McMillan (NC)
McNulty
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Natcher
Nelson
Nielson
Ortiz
Oxley
Packard
Parker
Pashayan
Patterson
Paxon
Penny
Petri
Pickle
Quillen
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rohrabacher
Roth
Roukema
Rowland (CT)
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (MS)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Thomas (WY)
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weldon
Whittaker
Whitten
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—18

Archer
Bentley
Boggs
Bryant
Collins
Costello
Courter
Flake
Florio
Goodling
Hefley
Laughlin
Miller (WA)
Neal (MA)
Rangel
Smith (IA)
Staggers
Wright

□ 1948

Messrs. ROBINSON, VOLKMER, MICHEL, SKELTON, PASHAYAN, EMERSON, and HUGHES changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1950

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. GEPHARDT was allowed to speak out of order.)

Mr. GEPHARDT. Mr. Speaker, I would like to announce to the House the plans for the rest of the evening. We have one vote on H.R. 1048, the Hate Crime Statistics Act. That will be a 5-minute vote. Then we have a vote on House Resolution 186, having to do with the Supreme Court decision on the flag. That will also be a 5-minute vote. That will be the last vote for today.

The District bill be brought up this evening but there will be no votes on it. If there are votes required, they will take place tomorrow morning.

ANNOUNCEMENT BY THE SPEAKER

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

HATE CRIME STATISTICS ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 1048, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 1048, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 368, nays 47, not voting 17, as follows:

[Roll No. 110]

YEAS—368

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Cox
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—47

Armey
Baker
Ballenger
Barton
Bunning
Burton
Byron
Callahan
Coble
Combest
Crane
Dannemeyer
DeLay
Dornan (CA)
Douglas
Emerson
Fields
Goss
Hammerschmidt
Hancock
Hansen
Herger
Holloway
Hopkins
Hunter
Hutto
Kyl
Marlenee
McCandless
Nielson
Petri
Quillen
Robinson
Rogers
Roth
Shumway
Smith (MS)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Stearns
Stump
Thomas (WY)
Volkmer
Whittaker
Young (AK)

NOT VOTING—17

Archer
Bentley
Boggs
Bryant
Collins
Costello
Courter
Flake
Florio
Goodling
Hefley
Laughlin
Neal (MA)
Rangel
Smith (IA)
Staggers
Wright

□ 2001

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

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

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

The title of the bill was amended so as to read: "A bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on certain group characteristics."

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE FLAG OF THE UNITED STATES

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 186.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the resolution, House Resolution 186, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 5, not voting 16, as follows:

[Roll No. 111]

YEAS—411

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)

Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (MS)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—5

Clay
Crockett
Dellums
Savage
Weiss

NOT VOTING—16

Archer
Bentley
Boggs
Bryant
Collins
Courter
Flake
Florio
Goodling
Hefley
Laughlin
Neal (MA)
Rangel
Smith (IA)
Staggers
Wright

□ 2010

Mr. SMITH of Texas and Mr. LEWIS of Georgia changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2696, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-115) on the resolution (H. Res. 187) waiving certain points of order against consideration of the bill (H.R. 2696) making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from the District of Columbia [Mr. FAUNTROY].

LIMITING THE LENGTH OF TIME AN INDIVIDUAL MAY BE INCARCERATED FOR CIVIL CONTEMPT IN A CHILD CUSTODY CASE IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

Mr. FAUNTROY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2136) to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such a case, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2136

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

SECTION 1. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CONTEMPT IN CHILD CUSTODY CASES.

(a) SUPERIOR COURT. Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In any proceeding for custody of a minor child conducted in the Family Division of the Superior Court under section 11-1101(1), no individual may be imprisoned for more than 18 months pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS. Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) Subject to the limitation described in subsection (b), and in addition"; and

(2) by adding at the end the following new subsection:

"(b) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child, no individual may be imprisoned for more than 18 months for disobedience of an order or for contempt committed in the presence of the court pursuant to the contempt power described in subsection (a).".

SEC. 2. EXPEDITED APPEALS PROCESS FOR INDIVIDUALS INCARCERATED FOR CONTEMPT IN CHILD CUSTODY CASES.

Section 11-721 of the District of Columbia Code is amended by adding at the end the following new subsection:

"(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an indiviudal in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to individuals imprisoned for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals in the course of a case for custody of a minor child on or after January 1, 1987.

Mr. FAUNTROY (during the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Civil Contempt Imprisonment Limitation Act of 1989".

SEC. 2. LIMITATION ON TERM OF INCARCERATION IMPOSED FOR CIVIL CONTEMPT.

(a) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—Section 11-944 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

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

(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

(b) DISTRICT OF COLUMBIA COURT OF APPEALS.—Section 11-741 of the District of Columbia Code is amended—

(1) by striking "In addition" and inserting "(a) In addition"; and

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

"(b)(1) Except as provided in paragraph (2), no individual may be imprisoned for more than 12 consecutive months for civil contempt pursuant to the contempt power described in subsection (a) for disobedience of an order or for contempt committed in the presence of the court.

"(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to subsection (c) may be imprisoned until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).

"(c)(1) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order pursuant to subsection (a) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90-day period that begins on the date of the enactment of this subsection.

"(2) The trial of an individual prosecuted for criminal contempt pursuant to this subsection—

"(A) shall begin no later than 90 days after the date on which such individual is charged with criminal contempt;

"(B) shall, upon the request of the individual, be a trial by jury; and

"(C) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

Mr. FAUNTROY (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 2136 as amended will statutorily limit incarceration for civil contempt in the District of Columbia to 12 months unless a charge of criminal contempt is filed against the individual. It was fashioned after similar legislation in California and Wisconsin. H.R. 2136 also states that an individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order and who continues to disobey the court's order may be prosecuted for criminal contempt at any time before the expiration of the 12-month period that begins on the first day of that individual's imprisonment. In that case, Mr. Speaker, the individual may be held in jail until the completion of the criminal contempt trial, but not longer than 18 months.

Mr. Speaker, it is important to point out that H.R. 2136 does not seek to place a limitation on the amount of time an individual can be sentenced to serve if convicted of criminal contempt. That is not the aim of H.R. 2136—it is simply to preserve the basic rights of individuals to due process under the law.

H.R. 2136 strikes a balance that gives the individual the option of a trial by a jury of his peers after a reasonable period of time has been allowed for the court to exercise its coercive powers.

Mr. Speaker, section 2(a) of the bill amends section 11-944 of the District of Columbia Code regarding the contempt power of District of Columbia Superior Court judges and inserts the following new subsections thereto:

(b)(1). This subsection limits imprisonment for civil contempt to twelve (12) consecutive months, except when a trial is pending on the issue of criminal contempt.

(b)(2). This subsection provides that a person held in civil contempt may be imprisoned until the completion of that individual's trial for criminal contempt, but in no case longer than eighteen (18) months for civil contempt.

Subsection (c)(1) provides that an individual who has been imprisoned for six (6) consecutive months for civil contempt for disobedience of a court order and who continues to disobey that court order may be prosecuted for criminal contempt for that conduct within twelve (12) months of that person's incarceration.

Subsection (c)(2) provides that individuals incarcerated for civil contempt on the date of the bill's enactment may be prosecuted for criminal contempt at any time during the ninety (90) day period immediately following the effective date.

Subsection (c)(2) also requires that trials for criminal contempt "begin not later than ninety (90) days" after criminal contempt charges are filed. The person charged with criminal contempt would be entitled to a trial by jury. The trial could not be conducted by the same judge who ordered the individual incarcerated for civil contempt.

Mr. Speaker, section 2(b) amends section 11-741 of the District of Columbia Code in the same way regarding the contempt power of the District of Columbia Court of Appeals.

Further, Mr. Speaker, section 3 provides that amendments made by this act shall become effective on the date of the enactment of the Act.

SUBCOMMITTEE HEARING

Mr. Speaker, the Subcommittee on Judiciary and Education held a hearing on this bill on Tuesday, May 23, 1989. Witnesses included Congressman FRANK R. WOLF; Congresswomen CONSTANCE A. MORELLA; District councilmember James E. Nathanson (Ward 3); Ronald Goldfarb, Esq., of Goldfarb, Kaufman & O'Toole; Doug Rendleman, Esq., of the Washington and Lee Law School; Prof. Charles Ogletree of the Harvard Law School; and Prof. Robert J. Martineau of the University of Cincinnati College of Law.

The hearing record also includes written testimony and statements submitted by Congressman THOMAS J. BLILEY, Mary Anne Largen, of the National Network for Victims of Sexual Assault [NNBSA], and Mary Jane Defrank of the American Civil Liberties Union [ACLU].

SUBCOMMITTEE AND FULL COMMITTEE CONSIDERATION OF H.R. 2136

Mr. Speaker, on June 20, 1989, the Subcommittee on Judiciary and Education considered H.R. 2136. At markup, Congressman DANA ROHRABACHER introduced an amendment in the nature of a substitute, which was approved by a voice vote. The subcommittee then favorably reported the bill, as amended, to the full committee by a voice vote. Also on June 20, 1989, the full committee favorably reported

H.R. 2136, as amended, by a vote of 9 to 1.

It is evident, Mr. Speaker, that H.R. 2136 raises some questions regarding the Dr. Morgan child custody case presently pending before the superior court in the District of Columbia, certain questions which in fairness to my colleagues should be answered.

The major question is whether this legislation applies retroactively. The answer is yes. It does in a case where a person is incarcerated and has already served more then the 18 months on the date of the legislation's enactment. He or she will be entitled to be released. In such a case, however, the bill allows charges for criminal contempt to be brought within 90 days of enactment of the bill. Nonetheless, this is not a bill designed simply to address the Dr. Morgan case and her incarceration. It is intended to remedy an inequity in the law and encourage due process.

Mr. Speaker, H.R. 2136 has the full support of the ranking Republican, STAN PARRIS, as well as this gentleman. I urge my colleagues on both sides of the aisle to vote for passage of H.R. 2136.

Mr. PARRIS. Mr. Speaker, I move to strike the last word.

I rise in support of H.R. 2136 as amended by the committee amendment in the nature of a substitute.

This bill and its amendment are the result of a cooperative and fully bipartisan effort to address a deficiency noted within the D.C. Code. Enactment of this legislation will ensure that the due process rights of individuals in our Nation's capital city are not unfairly abridged while, at the same time, effectively preserving the civil contempt statute as a valuable coercive tool for use by the court in enforcing its orders.

H.R. 2136, as amended, would statutorily limit incarceration for civil contempt to 12 months unless a charge of criminal contempt is filed against the individual and criminal court proceedings are begun between the 6th and 12th months of incarceration. In that case, the individual may be held in jail until the completion of the trial, but not longer than 18 months. Language is also included which would require that criminal charges would be heard by a different judge than the one who had incarcerated the individual for civil contempt.

Conversely, if criminal contempt charges are not filed and criminal court action is not initiated before the end of the 12th month of incarceration for civil contempt, that individual may not be held in jail beyond the end of that 12th month.

I believe it is important to point out that we do not seek to place a limitation on the amount of time an individual can be sentenced to serve if convicted of criminal contempt—that was not our place. Our aim was to preserve the basic rights of individuals to due process under the law. I believe we have successfully met that goal in striking a balance that gives the individual the option of a trial by jury of his peers; but only after a reasonable period of time has been allowed for the court to exercise its coersive powers.

The case of Dr. Elizabeth Morgan is responsible for bringing to our attention the deficiencies of the D.C. Code with respect to civil contempt incarceration. The provisions of this legislation would apply retroactively to that case where Dr. Morgan has already served 4 months more than the 18 month cap. The only exception would be that the bill provides the court 90 days after date of enactment within which criminal contempt charges against Dr. Morgan could be brought. Of course, under what I like to think of as the clean slate provision, a criminal contempt case against Dr. Morgan, if any, would be heard by a judge other than Judge Dixon, who has held her in civil contempt for more than 22 months.

At the beginning of our May 21 hearings on this legislation before the D.C. Subcommittee on Judiciary and Education, I set out to answer two very important questions:

First: At what point does civil contempt incarceration for purposes of coercion become, instead, punishment—thereby constituting a direct infringement on an individual's due process rights; and

Second: At what point on the incarceration calendar should civil contempt automatically become criminal contempt, entitling the individual to a speedy trial by a jury of his peers.

Since those hearings, members of the committee have collectively worked in an effort to finally establish some statutory guidelines for the incarceration of individuals in contempt of court and to, at the same time, protect those individual's due process rights under the Constitution, as well as maintaining contempt proceedings as a tool of the court to bring about the proper administration of justice.

Mr. Speaker, H.R. 2136 as amended represents the answer to my two questions, and represents the success of our efforts and, therefore, has my unqualifed support.

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

Mr. PARRIS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman from Virginia [Mr. PARRIS] stated in his opening remarks that one of the reasons for supporting this legislation was what the gentleman termed to be a deficiency in the D.C. Code.

In other words, I do not want to put words in the mouth of the gentleman from Virginia [Mr. PARRIS], but is he suggesting that the D.C. Code, not having an absolute limit to incarcertion for civil contempt, he feel is deficient?

Mr. PARRIS. The gentleman from Illinois [Mr. DURBIN] is correct.

Mr. DURBIN. Could the gentleman from Virginia [Mr. PARRIS] tell me what the law is in his home State of Virginia on the same question?

Mr. PARRIS. Mr. Speaker, that is not the question we are addressing, I would say to the gentleman from Illinois [Mr. DURBIN]. We are addressing the D.C. Code right here. Right now we are about to fix it, I hope.

Mr. DYMALLY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the measure before us today is a bill which was considered by the Subcommittee on Education and Judiciary, which I chaired over a long period of time, and with much consultation with Members on both sides of the aisle, from very expert witnesses, and it corrects a deficiency in the D.C. Code.

However, Mr. Speaker, there are some other implications of this measure which trouble me, and that is that this bill was introduced for one individual, and in its original introduction it has a retroactive clause which was taken out to make it somewhat more objective. But in its present form it applies to one individual in the District who is now incarcerated because of contempt of court.

Mr. Speaker, I have been troubled by the nature of this legislation which was designed for a special interest, but I became more disturbed over the weekend when this particular person went on national television and said in effect that, if the court ordered her to have supervised visits with the father of her child, she will defy the court.

So what we have here, Mr. Speaker, is a case of defiance of the court. This is not a situation in where we are trying to help a persecuted or a prosecuted woman. This is a situation in which this has become the cause celebre among many people in the country, and what troubles me is the advocates of this bill are strong law and order people. They are people who on this floor urge Members of Congress to obey the law, to be tough on crime, to hang people for drug transactions. These are the proponents of this piece of measure, and this particular individual is no longer saying, "I am sacrificing my freedom in the interests of my child." She is saying in effect, "I'm going to defy the court. I don't care what the court says. I am not going to produce this child even under court supervision with a witness."

Furthermore, Mr. Speaker, her brother, I am told, was suspended or

had to take leave because of his defiance of this court order, and this was an officer of the court in his employ with the Department of Justice.

So, Mr. Speaker, here we have an entire family, one of whom by virtue of his admittance to the bar is an officer of the court and an employee directly of the Department of Justice, defying the court. This is not trying to help some woman who is incarcerated in the jail because of some inadequacy in the District Code. That is one point.

The other point, Mr. Speaker, is that the Committee on the District of Columbia has historically taken the position that we ought not to interfere with the District of Columbia. We ought not to interfere with the courts, and here it is, this committee, with one exception. It is saying to the court: We're going to change the system to help this one person, and I ask the question, Mr. Speaker, were this some poor woman on welfare in the ghetto, would we have come to her defense as we are now? Would we have waged a national campaign to get her out of jail and pass special legislation?

Mr. Speaker, I just leave that for the thoughts of the Members overnight when they vote tomorrow.

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

Mr. DYMALLY. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, let me say that I certainly agree with many of the sentiments expressed by the gentleman from California [Mr. DYMALLY].

I do want to make two statements, however, that I think enlighten other Members on the dimension of this measure.

The first is, of course, that under the D.C. Code and under title XI of the Home Rule Act the Congress retains the authority to enact legislation with respect to the judiciary, and I would have joined the gentleman from California [Mr. DYMALLY] in protesting this as a local matter, did the law permit that. However, we are acting within our rights and responsibilities on this question.

Second, I am sure the gentleman from California [Mr. DYMALLY] will agree that no matter who or what the circumstances of an individual, that person is entitled to due process, and I want to assure the gentleman that, if Dr. Morgan does defy a court order such as might follow the passage of this measure, that she would be subject to due process on the question of criminal contempt, in which case she could be incarcerated, not indefinitely, but incarcerated as a result.

□ 2030

Mr. DYMALLY. If I may reclaim my time, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DYMALLY was allowed to proceed for 1 additional minute.)

Mr. DYMALLY. Mr. Speaker, let me pose this question to the sponsors of this bill. This bill corrects a deficiency in the court system, as stated by my good friend, the gentleman from the District of Columbia. There is another deficiency in the court system, the supreme court. This is the only State in the Union without a supreme court. Are those Members going to rush to correct that deficiency?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further, I will certainly be calling upon them to rush to do that, and I see a smile on the face of the gentleman from Virginia [Mr. PARRIS]. He may well want to join me in that effort.

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

Mr. DYMALLY. I yield to the gentleman from Virginia.

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

I just want to publicly acknowledge, Mr. Speaker, that the chairman of this subcommittee, the gentleman from California [Mr. DYMALLY], has been a model of fairness and even-handedness in this entire matter. He scheduled hearings in a timely fashion, even though he opposes this bill. It is in the finest traditions of the Congress to permit the majority of this body to make the decision, and I thank the gentleman for his actions in this regard.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman for that small consolation. I shall take it to the district.

Mr. ROHRABACHER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the bill before us contains the language of the substitute which I offered during subcommittee markup. I believe that this language provides a means of balancing the competing interests involved in civil contempt law for the District of Columbia.

No one contests that, if we are to have an orderly society based on law, judges must have reasonable and effective means to see that their orders are obeyed. Yet, too much power can be placed in the hands of judges. This is evident when one examines our system and sees that a judge, under current D.C. law, can effectively sentence someone without a trial to life imprisonment for continuing civil contempt.

H.R. 2136 as amended does two things. First, it sets a cap on the amount of time someone can be imprisoned for civil contempt in the District of Columbia. This cap is generally 12 months. I believe that the possibility of spending 1 year in jail is sufficient to cause compliance with court orders in almost all cases. This belief is supported by testimony we received in subcommittee hearings on this bill. Setting an even shorter limit on civil contempt confinement in Wisconsin did not result in more people disobeying court orders.

Second, H.R. 2136 as amended allows a 6-month period to charge with criminal contempt anyone continuing to disobey a court order once they have been imprisoned for at least 6 months. Someone charged with criminal contempt may remain in prison for civil contempt for up to a total of 18 months. Trial for criminal contempt must begin no later than 90 days after charges are brought, must be by jury trial if requested by the defendant, and must be before a different judge than the one who imprisoned the defendant for civil contempt. The ability of a new judge to hold a defendant without bail for trial on criminal contempt charges is not affected by this legislation.

In the case of someone who is already imprisoned for civil contempt when this bill is enacted, a seperate period of 90 days, beginning with the date of enactment, is allowed for bringing criminal contempt charges.

Judges can be stubborn and protective of their authority just as a mother is stubborn and protective of her child.

But our current system is not intended as a vehicle to protect judges' authority. It is a system to find the truth and promote justice.

Mr. Speaker, it is not just that anyone should be incarcerated indefinitely without the right to a jury trial. Judges are not meant to be all powerful. In this country the people still hold the power; in our judicial system, that means the jury, not the judge, should make decisions such as we are addressing today.

In summary, I believe that H.R. 2136, as amended, strikes the proper balance between ensuring due process for those charged with civil contempt, and making sure that judges have effective means of enforcing their orders. I ask my colleagues for their support of this bill.

Now, we have heard tonight that this bill may have been introduced, or supposedly was introduced to help one individual. I can testify that I have not studied the case of any individual that is in question. I look at the principle. The principle is what we are talking about and the principle is that someone who is being incarcerated for a long period of time should not be incarcerated unless they have a jury trial.

I would suggest that law and order people do believe that the State

should be strong, but in dealing with criminals. We are talking about a civil matter where you have an honest disagreement between two basically honest people when you are talking about a civil issue. In cases like that, it is proper, very proper, to demand that there be certain restrictions on State power, especially on the arbitrary power of a judge.

So I would suggest that what this bill is all about is not one particular case. This bill is about the fundamental principle that if someone is going to be incarcerated for long periods of time, that he or she has the right to a jury trial.

Mr. WOLF. Mr. Speaker, I move to strike the last word.

Mr. Speaker, let me just comment on the one question that was asked by the gentleman from California. This bill would protect anyone who is in this situation, a welfare mother or anyone. I think it ought to, and I think that is absolutely important. I think it was a fair question, but I think the answer is that it would.

Mr. Speaker, I rise today in support of H.R. 2136. As the sponsor of this legislation, I want to thank Chairmen DYMALLY and DELLUMS for moving this legislation through the District of Columbia Committee so quickly.

There are several points I want to make about this legislation.

First, the bill represents a compromise. My original bill provided for an absolute 18-month cap on civil contempt imprisonments. The legislation was modeled after statutes in effect in California and Wisconsin and a Federal statute which places an 18-month cap on imprisonment for civil contempt in the case of a recalcitrant grand jury witness.

After thorough hearings in the District of Columbia Subcommittee on Judiciary and Education, we amended the bill. The amendment was designed to answer the criticism that an 18-month cap would provide an incentive for individuals to merely "wait out" the 18-month period without complying.

The amendment that was added in committee still provides for a cap on imprisonment for civil contempt of 12 months, but allows the prosecutor to charge an individual so imprisoned with criminal contempt.

Therefore, if the circumstances merit, an individual can be kept in prison, but only with the benefit of a jury trial and other due process protections afforded any criminal defendant. This prevents a person from avoiding compliance by "waiting out" the contempt period. The threat of criminal prosecution also provides an additional incentive for the individual to comply with the judge's order.

This is a good compromise which corrects the problem we are trying to address while at the same time preserving judicial authority to coerce compliance in the courtroom.

Second, while the problem in the law of civil contempt was brought to my attention by the case of Dr. Elizabeth Morgan, this bill is neutral in the Morgan case controversy. It neither supports nor opposes her case with her former husband, Dr. Eric Foretich.

Their controversy is not the issue we are addressing with this legislation. Rather, the issue is the flaw in current law that allows an individual to be imprisoned indefinitely—longer than many drug dealers and burglars—for civil contempt without any of the protections afforded to any criminal defendant.

Third, the problem inherent in the current law is aptly illustrated in the Morgan-Foretich case where a 6-year-old girl named Hilary has been caught in the process.

District of Columbia Court of Appeals Judge John Steadman summed up the situation perfectly in reviewing the case last year. Quoting a proverb from the Kikuyu tribe of Kenya, he said:

> When elephants fight, it is the grass that suffers. Here, the grass is a little girl. . . . For almost a year, she has been denied the company of both father and mother. She is the principal figure in a drama of appalling proportions, no matter the outcome.

For nearly 2 years, the process has been stalled.

This has only harmed Hilary. The legislation before us will move the process forward in Hilary's case and will prevent similar problems from occurring in other cases. It provides the best hope for finding Hilary and it addresses the flaw in the current system that allowed this situation to arise.

The law needs to be corrected and the legislation before us does that in a fair manner that balances the rights of individuals involved with the rights of a judge to enforce his lawful order.

I encourage my colleagues to support this bill, and I include the following article from Roll Call:

[From Roll Call, May 29–June 4, 1989]

ELIZABETH MORGAN CASE: WHAT CAN CONGRESS DO?

(By Representative Frank Wolf)

One of the most painful aspects of the American judicial system is child custody proceedings. While their purpose is to protect the interests of the child, the child is sometimes lost in the process.

Such is the case of a six-year-old named Hilary. For more than 20 months Hilary's mother, Dr. Elizabeth Morgan, has been imprisoned in the DC Jail for failing to produce Hilary pursuant to an order of District of Columbia Superior Court Judge Herbert Dixon.

Hilary's case involves alleged child abuse. Dr. Morgan was jailed for civil contempt in August 1987 after she refused to give Hilary up for a two-week unsupervised visit with her father, Dr. Eric Foretich.

Hilary's whereabouts and condition have remained unknown.

For nearly two years, one organization after another refused to become involved in the case and governmental agencies, for a variety of reasons, refused to look for Hilary.

For nearly two years, news stories appeared which focused on the controversy between Dr. Morgan and Dr. Foretich.

No one, however, seemed to be focusing on Hilary, a six-year-old child who must have lived through more pain and controversy than many adults face in a lifetime.

I believe that in cases such as this the interests of the child are paramount. We must think of the child first.

I do not believe that a child who is denied the care of either of her parents is being well served, and I do not believe it is appropriate that we not know where Hilary is or whether she is being cared for. This is not in the best interest of the child.

DC Court of Appeals Judge John Steadman summed up the situation perfectly in reviewing the case last year. Quoting a proverb from the Kikuyu tribe of Kenya he said: "When elephants fight, it is the grass that suffers. Here, the grass is a little girl. . . . For almost a year, she has been denied the company of both father and mother. She is the principal figure in a drama of appalling proportions, no matter the outcome."

Today, it is apparent to me that keeping Dr. Morgan in jail longer would not produce the desired result: Keeping her in jail would not produce Hilary. It is apparent that if an individual has not complied with an order of the court after 18 months, it is unlikely that the individual is going to comply.

Legislation I introduced in the House of Representatives (H.R. 2136) would limit to 18 months the length of time an individual could be incarcerated for civil contempt in child custody cases in the courts of the District of Columbia.

It is patterned after legislation enacted in California and Wisconsin. Those laws limit the length an individual can be imprisoned in the case of civil contempt in any circumstance. California provides for a 12-month limitation. Wisconsin provides for a six-month cap.

It is also patterned after current federal law, which limits the length of time a recalcitrant grand jury witness may be imprisoned to 18 months.

My bill recognizes that further incarceration of Dr. Morgan will only continue to penalize Hilary. It does not, however, take the case out of Judge Dixon's hands, but rather, it encourages the process to move forward.

My bill may not be the only solution to Hilary's situation. Nonetheless, testimony from hearings held in the District of Columbia subcommittee on judiciary and education last week indicated that there is a great deal of support among the states and in the legal community for my approach.

However, if the sole result of my bill is that it sparks the discussion which produces another responsible solution to the controversy, I will have considered my effort a success.

A system which punishes a child by allowing a parent who has been convicted of no crime to be imprisoned indefinitely—longer than many drug dealers, burglars, and armed robbers—without producing compliance, does not serve the interests of the child involved or of the parents involved. The law needs to be corrected and my legislation is a solid starting point.

H.R. 2136 HAS BROAD BIPARTISAN SUPPORT

Facts about H.R. 2136:

applies to all individuals imprisoned for civil contempt in the District of Columbia;

balances the interests of individuals with the interest of the judicial system;

has gained broad, bipartisan support including:

National Network for Victims of Sexual Assault;

Family Research Council (a division of Focus on the Family);

The National Organization for Women;

Prison Fellowship;

The Baltimore Sun; and

The Journal Newspapers.

H.R. 2136 has bipartisan support in the House.

At hearings in the District of Columbia Committee subcommittee on Judiciary and Education, expert legal witnesses from across the country have testified in support of the concept advanced in H.R. 2136.

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Mr. Speaker, in closing, let me just say this bill is broad-based, has strong support, is supported by the National Network for Victims of Sexual Assault, it is supported by the Family Research Council focused on the family, the National Organization for Women, the Prison Fellowship, and many newspapers, the Baltimore Sun, the Journal newspapers.

I want to again thank the chairman, the gentleman from California [Mr. DYMALLY], and the chairman, the gentleman from California [Mr. DELLUMS], and the other members of the committee. I think they have fashioned a fair and reasonable compromise, and I would urge the Member to support the bill.

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

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to ask the gentleman at the outset: When the Clerk read the bill, reference was made in the title of the bill to the fact that this bill or resolution supposedly applies to the incarceration for civil contempt in child-custody cases. As I review the bill, it seems to me that it goes beyond child-custody cases. Is that not true?

Mr. WOLF. It goes to all civil cases where an individual is held in civil contempt.

Mr. DURBIN. So that any civil action brought in the District of Columbia which results in a contempt citation regardless of the nature of the case, whether it is a personal-injury case, whether it has to do with child-support payments as opposed to child custody, it would be covered by this amendment to the United States Code, and this change in the law limiting the period of incarceration?

Mr. WOLF. The person involved in that case, I would say to my friend from Illinois, after a period of 12 months, would have the opportunity to have a jury trial whereby a jury of his or her peers could make that decision.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Virginia [Mr. WOLF] has expired.

(At the request of Mr. DURBIN and by unanimous consent, Mr. WOLF was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, will the gentleman yield further?

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, could the gentleman tell me how many incidents we have had of incarceration of more than 12 months for civil contempt in the District of Columbia?

Mr. WOLF. There have been numerous cases of incarceration around the country. I do not know how many have been in the District of Columbia. This a very common problem in many, many parts of the country. As a result of that, that is why the State of Wisconsin passed its law limiting to 6 months, and that is why California limited theirs to 12.

Mr. DURBIN. If the gentleman will yield further, it is my understanding that this is the only case where someone has been incarcerated in the District of Columbia for more than 12 months under a civil contempt citation. My information may not be accurate, and if the gentleman has any additional information to suggest otherwise, I would appreciate it.

Mr. WOLF. I really do not. I think that I would answer the gentleman by saying this: We are the only body that has the ability to deal with this and the right of one individual or two individuals, whoever they are, in a circumstance like this anywhere in the country, and I think that we have in a case like this an individual who has been held in prison longer than many drug dealers and criminals with armed robbery, so even if it is just one, and even more to come, it would cover them.

Mr. DURBIN. If the gentleman will yield further for another question, the gentleman has stated in his statement to the body here that this resolution, this law, would be neutral on the Morgan case and, yet, if I am not mistaken, I believe that the Delegate from the District of Columbia suggested otherwise in his statement, that this legislation would, in fact, be retroactive as of the date of its effective date and would affect then the future course of action on the court in reference to Dr. Morgan.

Which is the case?

Mr. WOLF. What I said is while the problem in the law of civil contempt was brought to my attention with respect to the case of Dr. Elizabeth Morgan, this bill is neutral with regard to Elizabeth Morgan. It neither supports nor opposes her case. What would happen, I would tell the gentleman, is the district attorney in the District of Columbia would have the opportunity in 90 days to bring a criminal contempt and to try Dr. Morgan with a jury trial.

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

Mr. WOLF. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, if I understand the gentleman's intent of his statement, it was that in no way is this bill intended to deal with the question of the custody of the young person involved here, to adjudicate the rights between the parents, in other words?

Mr. WOLF. The gentleman is correct.

Mr. PARRIS. There is no attempt to determine which of the parents is the more worthy of the custody and that sort of thing?

Mr. WOLF. That is correct.

Mr. PARRIS. We in no way address those questions? Is that correct?

Mr. WOLF. That is correct.

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

Mr. WOLF. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, is the gentleman then suggesting that though it would not resolve the merits of the issue, it would in fact resolve any future contempt citations which might be handed down against Dr. Morgan?

Mr. WOLF. What I think would happen, or what would happen under this, there would be an opportunity for the District of Columbia judicial system to bring Dr. Morgan to trial and to charge her for criminal contempt. At that time she would have an opportunity for a jury trial.

Mr. DURBIN. But they would be stopped by this legislation from any further civil contempt after it takes effect against Dr. Morgan?

Mr. WOLF. Civil. They would have criminal action, and clearly, as the gentleman knows, a criminal offense is a much stiffer penalty, a much stiffer action in a criminal.

Like I said earlier, it is like a caterpiller turning into a butterfly. It transforms, and it would be a much more difficult problem.

Mr. DURBIN. If the gentleman would yield for just one more question, and I thank him for yielding for this series of questions, so that I understand this, at the end of the limitation on the period of incarceration for civil contempt, if a respondent or a defendant in one of these cases still refuses to cooperate with the court and to divulge information, the court would then be powerless on the civil side to impose any kind of contempt citation, and the recourse would then be for criminal prosecution for criminal contempt? Is that correct?

Mr. WOLF. Yes. It would move into criminal contempt.

Mr. BATEMAN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I reluctantly rise in opposition to this legislation, and given the fact that the distinguished chairman of the committee and the distinguished ranking member of the committee are in agreement, I guess I should have gone home and applauded and said that the millenium has arisen. But, unfortunately, I must voice my opposition to enactment of this bill.

It is a better bill than that which was originally introduced. Certainly that much can clearly be said for it. What cannot be said for this bill is that it is not a direct and specific intrusion of the legislative process into the very vital aspect of an ongoing, pending litigation. That is not valid, sound public policy.

In all my years now of legislative experience, and that is some 21 now, going on 22 years, of experience, it has always been offensive in the legislative bodies in which I have previously served for legislative action to be applied retroactively to cases then pending prior to the effective date of the bill.

It is said here repeatedly that the purpose of this bill is not to do anything with respect to the ongoing Morgan child-custody case. If that is the case, then why is the bill written with a retroactive provision in it? Why is that retroactive provision stated in terms where only one person alive fits the condition for it being applied to them retroactively? And that is the Morgan case.

One can say until we are all blue in the face and expiring for breath that this has nothing to do with the Morgan case, that it is merely a matter of good, sound public policy, but it is not, frankly, credible to this Member at least. This is a Dr. Morgan-inspired bill to be applied to an ongoing case.

That is wrong for us to do. If we are so imbued with the sound public policy of this legislation, then strike the retroactive provisions or put in it that this bill shall not affect any pending litigation or parties to any litigation pending prior to the date of its enactment. That would make it fine, and that would let us address ourselves to the public-policy merits of the bill, which I am not sure it does not have public-policy merits, but it has no merit to take this bill and to apply it to pending litigation, because that litigation has inspired a great deal of headlines and where we, in effect, are intruding ourselves, however innocently, unknowingly, and unintentionally, into affecting the outcome of that litigation.

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

Mr. BATEMAN. I am happy to yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, let me see if I can summarize at least my feelings or my position as one Member of this body and of this committee in regard to this matter as it relates to Dr. Morgan's case.

I clearly intend to permit Dr. Morgan to have a hearing as soon as possible under a criminal contempt proceeding which I assume Judge Dixon will now bring. That is his right, and it is her right to have that hearing.

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Mr. BATEMAN. Reclaiming my time, the gentleman is simply pointing out further and further that this is a bill that directs itself to the outcome of pending litigation and parties to that litigation. The gentleman is talking about giving rights to someone to do something, and to have them amenable to a criminal prosecution and the availability of a jury trial when that is not a right, that is not the circumstances in which this person, a party to this pending litigation presently is exposed. We are changing the nature of that litigation and what the judge may or may not do. Whether rightly or wrongly, we are affecting the litigation and parties to it after the fact. And that in principle I believe to be wrong.

Mr. PARRIS. Will the gentleman yield to me further?

Mr. BATEMAN. I yield to the gentleman from Virginia.

Mr. PARRIS. I would say to the gentleman, if I had never heard of Dr. Morgan, and if there was no Dr. Morgan, if I had known of the circumstances in the District of Columbia Code as it relates to civil contempt, I would have taken the same position.

Mr. BATEMAN. Reclaiming my time, let me ask the gentleman a question. If he is so concerned about the public policy merits of the proposition, why has this bill directed itself to the District of Columbia? Why is it not addressed to the United States Code where all of the people of the United States would have the benefit of this remarkable transcending superior public policy position with regard to punishment for civil contempt?

Mr. PARRIS. I would say to my friend from Virginia, we are having enough trouble with the District of Columbia Code without attacking each State legislature in this matter around the Nation.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Virginia [Mr. BATEMAN] has expired.

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

Mr. BATEMAN. Mr. Speaker, let me reclaim the time only long enough to say that my objection here, my comments, nothing goes to us doing anything as to State law. We are talking about Federal law under the Federal system and the United States Code, not the code of 50 States, most of which do not contain a provision such as this, but which we are now going to say, because of the appeal the gentleman from Virginia apparently finds in this case applicable to Dr. Morgan, this should be done in the District of Columbia, when if it is such a good idea it should have been done for all of the people of the United States.

Let me also respond to the chairman of the committee, the gentleman from the District of Columbia. This would not apply to all welfare mothers throughout the United States, because it does not apply to anything except those people under the D.C. judicial system. So it is not something that applies to everybody generically, it applies only in the District of Columbia, and it is only being offered for the District of Columbia because of one case, and it affects that case, and the litigants to it, and I think that is wrong in principle.

Mr. PARRIS. If the gentleman will yield further, let me just state to him that if the principle which he believes very strongly in in terms of incarceration turning into punishment at some point, if the principle is good for future defendants, for future similarly situated persons, then it is also good for Dr. Morgan. And if we make the legislation only prospective, then we say to this particular individual in this case, you sit there for 25 years, if that is what it takes for the judge to change his mind. I think that is what is wrong.

Mr. BATEMAN. Reclaiming my time, the gentleman very clearly demonstrates the accuracy of my statement that what he is doing is not future, prospective public policy, but to get at what he perceives to be an injustice under the present law as applied to present, pending litigation.

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

Mr. BATEMAN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, we are the only body that has the authority to amend the D.C. Code. The D.C. City Council does not have the authority. We are the only body who can do this.

Second, this is a very common occurrence, in Texas, in Judy Mann's column, Washington State, Baltimore is going through the very same thing, the New York case. This is a very common occurrence whereby people have been driven underground. We do not have the authority, I would tell the gentleman from Virginia, to pass laws for all of the States, but this is the appropriate place and the only place who has the authority to do it.

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. BATEMAN] has again expired.

(By unanimous consent, Mr. BATEMAN was allowed to proceed for 30 additional seconds.)

Mr. BATEMAN. Mr. Speaker, I would only remind the gentleman from Virginia and all of the Members that this Congress does have the authority to enact generic laws governing all courts in the Federal system, of which the D.C. courts are only a small part. It could do that if it chose to do that.

Yet, we have clearly chosen to do it here, and to do it here because of its effect on a pending case, and to make it absolutely certain, we have made it retroactive in order to guarantee it.

Mrs. MORELLA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 2136, and I rise in support of this bill.

H.R. 2136 is designed to remedy, as an example, the troubling child custody and visitation dilemmas of parents, in the District of Columbia, who are faced with the agonizing decision of whether to either surrender their child to a spouse they fear may abuse the child, or to disobey a court order.

If the parent does not turn over the child, as directed by the court, then he or she risks contempt of court. Currently, in the District of Columbia, an individual can be imprisoned for civil contempt for an indefinite period of time.

While a number of my constituents have shared with me their tragic stories of the abuse of their children by their spouses, perhaps the need for H.R. 2136 is best exemplified by the situation of Dr. Elizabeth Morgan. I believe that bad cases make good laws.

Dr. Morgan has been incarcerated for civil contempt of court in the D.C. Jail for the past 22 months. She has not been convicted of any crime, yet she has been imprisoned for noncompliance with a court order which would permit her ex-husband to resume unsupervised visitations with her daughter, Hilary.

She has refused to obey that order because she contends that her ex-husband has sexually assaulted their child, and may continue to do so in future visitations. As a result, Dr. Morgan has indicated her willingness to remain incarcerated to protect her daughter's well-being, and, if necessary, until Hilary is 18 years old and out of the court's jurisdiction in the year 2000. Currently, there is no recourse in the D.C. legal system to address this situation other than to lock up Elizabeth Morgan indefinitely.

Civil contempt incarceration is designed to coerce compliance with a court order. However, there comes a point when the remedial intent of civil contempt of the court ceases, and the remedy then becomes punitive. Indeed, the incarceration of Dr. Morgan has now crossed that point—and the child suffers.

H.R. 2136 specifies that after 12 months, the coercive effect of civil contempt may be lost. The bill would offer a remedy to such a situation by limiting the length of incarceration for civil contempt. In addition, as a safeguard to prevent any possibility of the obstruction of justice by a parent in a child custody case, H.R. 2136 would allow for criminal contempt charges, if necessary, to be brought upon the expiration of any civil contempt jail term for the failure to comply with a court order. Any criminal contempt charges would require a jury trial within 90 days.

The power to determine the jurisdiction of the D.C. courts lies with Congress. This power must at all times be tempered by conscience. Presently, the States of Wisconsin and California have statutes which limit civil contempt incarceration. I am contacting the Maryland State Legislature to urge them to also enact a similar bill to H.R. 2136.

I urge my colleagues to support H.R. 2136.

Mr. PARRIS. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Yes indeed, I yield to the gentleman from Virginia.

Mr. PARRIS. The gentlewoman said in her statement that Dr. Morgan has not been convicted of any crime, and I would add that she has not been accused of any crime. All she has ever done has been held in contempt of this individual judge, and for 22 months now she has languished in a prison with no change of circumstance, no change of position on anybody's part. The question is whether that is likely to result in some improvement of the circumstance of this individual case, and I submit that it is not.

One further thing, if the gentlewoman will yield further, it is reported in a recent edition of a national magazine that the judge may well be ready to up the ante in this war of attrition by raising the possibility of jailing the brother of Dr. Morgan as a result of a hearing that was held on June 9, and it has been suggested in this article that this is like medieval torture where they put someone in jail, and they grab a member of the family and put his feet to the fire.

How far do we go with this? Should there not be some opportunity under the process of law at some place in time? This or any other individual is entitled to a hearing by a jury of his peers.

□ 2100

That is what this bill is all about. It is not intended in any way to interfere with the enforcement proceeding of this or any other judge or this or any other court. It is not intended to determine the legitimacy of the allegations of fact.

It is simply a question of due process. And when you have the fire spreading to other members of the family, I think that is going just a little too far.

I thank the gentlewoman for yielding.

Mr. BATEMAN. Mr. Speaker, will the gentlewoman yield to me?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentlewoman for yielding.

Mr. Speaker, I would like to have been able to do this procedurally by addressing the comments or question to my colleague from Virginia, but my problem is the gentlewoman is talking about Dr. Morgan's brother.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired.

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

Mr. BATEMAN. Mr. Speaker, will the gentlewoman continue to yield.

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentlewoman for continuing to yield.

Dr. Morgan's brother is not under threat by anyone of incarceration except to the extent that he refuses to give information he is believed to have with regard to the whereabouts of the child. If he gives the information, no one is thinking of throwing him in jail just because he happens to be the brother of Dr. Morgan. He would be going to jail because he is withholding the very same information, if he has any, that Dr. Morgan is in jail for withholding. He is as much in contempt of the court under those circumstances as she.

To intimate that we are going out and grabbing members of Dr. Morgan's family or that someone is, just because she will not do something, is a totally, I think, erroneous impression that is being left.

Mrs. MORELLA. The concept is to force compliance. But in the case in point that brings this about, obviously you are not going to force compliance and therefore it becomes a punitive situation. And therefore a law is necessary to remedy it.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield to me?

Mrs. MORELLA. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. I thank the gentlewoman for yielding.

Mr. Speaker, again I am the author of this substitute and I have not studied this particular case. I looked spe-

cifically at the principle that was involved and I do not believe that people should be incarcerated for long periods of time without the right to go to a jury. And that is what this case is all about. Should an individual have a right to go to a jury once he or she has been incarcerated for a given period of time? We cannot leave that to stubborn judges. That is what freedom is all about. People have a right to a jury trial if they are going to be incarcerated.

Mr. DURBIN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I thank the Speaker and my colleagues in this debate for yielding to questions earlier. At the outset I am opposed to H.R. 2136.

Mr. Speaker, I have listened closely to this debate, and I have tried to follow not only the committee report but the press reports and all the information involving this issue.

It strikes me there are several things we should clear up at the beginning.

On the question of criminal contempt, it is truly different than civil contempt. There is a higher burden. The burden is beyond a reasonable doubt in the cases involved in criminal law. There is a right to due process which an individual can have, the right of course to trial by jury.

The penalties, of course, in criminal contempt are usually higher.

In contrast, in civil contempt proceedings there is much more court discretion. But, please, I hope no one will leave this debate with the understanding or belief that in cases involving civil contempt there is no hearing.

Ladies and gentlemen of the House, I can tell you after years of practice in matrimonial law there are more hearings than you could ever stand.

The court will call you in at the drop of a hat for a hearing for a rule to show cause as to why a person should be held in contempt or not held in contempt.

But in a civil contempt proceeding, in a civil proceeding, believe me, before you can get any contempt citation you have a day in court.

You stand before a judge, you are represented by counsel; you have a hearing, you state your case; that judge then makes the decision.

To say there is no jury present is probably true. I will readily concede that fact.

Few juries are called in in that instance.

But let me tell you the important distinction as I see it between civil contempt and criminal contempt.

When a person is locked up in criminal contempt they can rest assured that the next morning they will wake up in the same cell facing their sentence. When a person is jailed for civil contempt, that person is virtually jailed with the key to the cell in his or her hand. As soon as that person is willing to comply with the court order, that person is released.

To suggest that they are sent off to some desert island never to be heard from again is just not accurate.

A hearing is held. A person who is willing to purge themselves of contempt in a civil proceeding can find their own release instantly before the court.

Now we cannot escape the fact whether or not we want to that this law that comes before us or this bill comes before us to become law primarily because of one case; an exceptional case, an extraordinary case.

From what I am told, possibly a historic, landmark case, the longest incarceration for civil contempt in the history of the District of Columbia. It certainly merits our consideration.

But less us also not try to delude ourselves into believing that a lot of feeling and strength of feeling about this case has to do with what we have read about Dr. Morgan. This law that is presented to the House of Representatives goes far beyond Dr. Morgan's case. It is retroactive in one respect, as I discussed with my colleague from Virginia earlier, and would have had an impact on Dr. Morgan. But ladies and gentlemen of the House, this law affects in future every civil case brought in the District of Columbia; every defendant and every respondent in every circumstance will be bound by this law.

So please test it beyond the situation of Dr. Morgan. Test it in other conditions to see whether it stands up.

Having said earlier that I have been involved in hundreds of these cases, child custody, child support, all of the myriad issues involved in matrimonial law, I will readily concede to you it brings out the worst in people, the absolute worst. People become ruthless, vicious, you find them turning on one another and caring little about what is going to happen, many times, to the small child affected by the decision.

Now in this case some would argue that Dr. Morgan is in jail as a matter of conscience. I cannot stand here in judgment of whether she is right or wrong. But to sit incarcerated for 21 months, to give up a practice of medicine, is clearly a matter of conscience.

But is that what guides us now to make this decision? Because tomorrow's case may not be conscience, tomorrow's case may be greed or it may be malice.

Let me tell you what I am talking about.

I have certainly represented fathers who have said to me, "I won't pay another nickel in child support. I don't care what the court says. Let them haul me into jail. I will sit there unemployed, I will show them." Totally unreasonable, totally unjustified, motivated by greed, certainly, and subject to a civil contempt citation.

Do you have the same level of mercy and charity, the same feeling of compassion about the father who will not pay the child support?

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Do you have the same feeling of compassion then about the father sitting in that jail cell? The father who will not go to work, who may not disclose where his assets are? That happens. How about the court decree in a court case that says, "You shall sign over the marital property, the home of the wife so that she can use the proceeds to raise the kid?" He says, "I would rather sit in jail." Now do you have the same level of compassion?

Of course there are some who are just malicious, those who will not pay the medical bills for their children.

Sometimes children can be denied medical care because an estranged father angered by the court system says, "I would rather sit in jail than pay that bill." And there sits the mother in tears and the child in need of medical care; do you have the same level of compassion for the father, found in civil contempt?

Ladies and gentleman of the House, some say, it has been mentioned in debate, this is a woman's issue. Certainly it is a women's issue. It is a man's issue. It is a children's issue. Believe me, all women are not right in these cases and all men are not wrong. These poor judges that are burdened with the responsibility of matrimonial law have to make these decisions day in and day out and it is not an easy lot in life.

But for some group to stand back and say that we are certain in passing this law is going to help the women of America, I am sorry, because tomorrow the woman of America can be the petitioner in this case saying to her former husband, "You are going to pay child support." And he will say, "I would rather sit in jail than sign over the deed to that house." That is not protecting the woman or the child.

Let me say this can be turned on people; it can be a sword tomorrow, a shield today.

I am asking the Members of this House to please look beyond Dr. Morgan's case, as compelling as it may be, to say: Do we want to apply this in every instance?

□ 2110

Let me take another example: a personal injury case, someone that was harmed by a company of the District of Columbia files the necessary documents for discovery to find out, perhaps we will consider a set of facts to

find out what chemicals were being used at some concern that may have poisoned someone, and the company says, "I will not release that information." The officers say, "Regardless of the order of the court, I won't release the information in a civil case," and is prepared to be held in contempt.

Now, does the gentleman have the same level of compassion for that person that will not release that information?

Let me close by saying some people believe it will solve Dr. Morgan's problems. I do not know if it will or not. I will say if I represented the other side I would file a petition in the District of Columbia the next day, asking her to disclose again where that child is, and if she fails to do so, she may find herself back in the cell again for another 12 months. Then what have we accomplished?

I ask the gentleman further to consider the fact that we have a situation that, in fact, is unusual, extraordinary, but do we want to turn this into permanent law of the District of Columbia, when only two other States of the Union have followed our example?

I commend all the sponsors of this legislation. I earnestly commend the sponsors, my colleague from Virginia, my colleague from California, and my colleague from the District of Columbia. I earnestly commend the Members for their sensitivity to a case that is very compelling. I rise not in opposition to the compelling circumstances of this case, but in the hopes it will reflect on what this might mean to so many other cases.

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

Mr. DURBIN. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I want to thank the gentleman for pointing out that this bill does not relate solely to the Morgan case, and pointing out that it will apply to any cases. Indeed, the gentleman indicated that never in the history of this city has a person been confined for 12 months on a civil contempt charge or order. The gentleman kept asking the question, would we have compassion in a number of possible circumstances.

I want to say to the gentleman that I would have compassion for the persons injured in any of the cases to which the gentleman makes reference, but I also would have concern, one, that any person who is confined, incarcerated on a civil contempt order be afforded an opportunity to go before a jury of his or her peers and have them to make a judgment as to whether or not they should be punished for their contempt, one; and two, under our system of jurisprudence, I believe a person to be sentenced for life for criminal contempt, and if the father, whose behavior the gentleman described there, would be egregious, were to go before a jury of his peers and judged guilty of criminal contempt, they could decide an appropriate punishment for that person, and it is the compassion that we have for all citizens, whatever their circumstances be, that they at least have the right to due process.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman from Illionis [Mr. DURBIN] has again expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I agree this goes far beyond the question of Dr. Morgan's case. The fact is that I do have compassion, that even if this bill passed, and I hope that it will, she will have spent 22 months incarcerated, without due process, and that should happen to no one in the country, in my view. Second, should it pass, there is the prospect that she could spend another 18 months before coming to resolution on a question of criminal intent, which would entitle her, as every American, whoever that person happens to be, to due process.

Mr. DURBIN. Mr. Speaker, if the gentleman would engage in dialog with me, I think there are two possibilities, two possible conclusions to what we are saying here.

The first possibility, and we will assume this is enacted into law, and we will assume it is the day after, the petitioner in this case, the former husband, is still seeking custody of the child, files a new action, files a new petition in the existing action in the District of Columbia, and the judge, whoever it might be, the sitting judge or a new judge, asks the same basic question: Where is the minor child? In that case, for the same reason, I would assume the respondent, Dr. Morgan, would say the same thing, "I won't tell this court."

Does the gentleman suggest under the terms of this legislation that the respondent might then be found in civil contempt again and placed in custody for another 12 months?

I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I think in all honesty that hypothetical does suggest ambiguity. I think, at this point, however, it is clear from our hearings, from our discussion of debate on the substitute which was offered by the gentleman from California [Mr. ROHRABACHER], that it is our intent that should the process which the law now provides for in the present case for Dr. Morgan to have an opportunity to go before a jury of her peers in a criminal contempt case, that should a jury of her peers judge her to be guilty of contempt, that she would have, and that she serve out the sentence that they recommend, and the judge approves, the justice will have been served.

Mr. DURBIN. My question is more specific. The facts that I described to the gentleman, could the respondent be called and be subject to civil contempt for refusing to disclose the same information?

Mr. FAUNTROY. If the gentleman will yield, I think the answer is that if she were charged and prosecuted.

Mr. DURBIN. A strictly civil question, strictly civil. Can she be charged with civil contempt if she continues to refuse, after being released under the terms of this legislation, continues to refuse to divulge the information ordered by the court?

Mr. FAUNTROY. If the gentleman will yield, we do not intend that, one. Two, I suspect that what the gentleman is saying or suggesting is that the husband in this case would reenter a charge which the judge would then judge.

Mr. DURBIN. The gentleman from the District of Columbia, if I understand his response, it is not your intent that the person would then be held subject again to further civil contempt citation?

Mr. FAUNTROY. After she went through criminal intent process.

Mr. DURBIN. There is nothing in the law which requires criminal contempt proceedings. There is a right to bring criminal intent proceedings between the 6th and 12th month. There is no requirement. Should the District of Columbia not bring a criminal contempt citation, the gentleman is suggesting, once having served 12 months of criminal contempt, it is over? I suggest to the ladies and gentlemen of the House if that is the same conclusion you reach, "take it away, Dr. Morgan," and think of the case of the person who will not sign the deed on the marital home to provide the assets to raise the children. Twelve months in jail, for free? Twelve months in jail?

Mr. WOLF. If the gentleman will yield, the answer is, if it were a new order she could be put back in jail.

What we are talking about are individuals. They have, as the gentleman from the District of Columbia has said, the right to have a jury trial. We ought not to be afraid of a jury trial.

So, yes, if it were a new order, she could be put in, but she is given an opportunity for a jury trial of her peers that anyone would want.

Mr. DURBIN. I am not sure of the procedure in the District of Columbia, but in most States of the Nation in the case of dissolution or divorce, questions of child custody and support, it might be subject to jury trial in the first instance. I do not think the jury trial in and of itself is a determining factor here.

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

Mr. DURBIN. I am happy to yield to the gentleman from California.

Mr. ROHRABACHER. The gentleman does not believe that 12 honest people on a jury can make decisions, proper decisions in all of the cases that the gentleman was suggesting, in terms of child custody of payments?

Mr. DURBIN. I certainly did not say that. I am, in my other life, a practicing lawyer and officer of the court. If I did not believe in jury process, I have no business practicing in this country.

The SPEAKER pro tempore. The time of the gentleman from Illinois [Mr. DURBIN] has again expired.

(On request of Mr. ROHRABACHER and by unanimous-consent request, Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. DURBIN. Mr. Speaker, I yield to the gentleman from California.

Mr. ROHRABACHER. Not being a lawyer myself, sometimes I have more faith in the common sense of an average citizen, in 12 members of a jury, than I do in a judge that might be stubborn. Is that something I am off base on?

Mr. DURBIN. I believe if the gentleman were sitting on the side of the table where the judge found in his favor, he would applaud the stubborness. If the judge ruled against the gentleman, of course, the gentleman would think the whole system is flawed.

Mr. ROHRABACHER. If the gentleman will yield, if we are to put our faith in a judicial system, is not our judicial system based on the fact that we have a right to 12 jurors, to make a decision if we so choose?

□ 2120

Mr. DURBIN. Mr. Speaker, there is no question about that, but in this case involving civil contempt understand, if my colleagues will, that we have got to step aside from the case here involving child custody and ask whether we want this to apply to an officer of a company who will not disclose the chemicals that have in fact, allegedly, let us say, poisoned the plaintiff in the case.

Now I would say to the gentleman from California [Mr. ROHRABACHER] that in that case the court is saying, "You have a duty and an obligation to disclose this for the purposes of justice," and the gentleman is saying, "Well, let's start a new trial at that point."

Mr. ROHRABACHER. Mr. Speaker, let me ask my colleague, the gentleman from Illinois [Mr. DURBIN] whether he has any faith that a jury will make the right decision.

Mr. DURBIN. Mr. Speaker, the gentleman from California [Mr. ROHRABACHER] has asked the same question twice. I will respond to him the second time as well by saying that I have faith in the jury system, I have faith in the system of justice.

Mr. Speaker, I am happy that the gentleman's State now has addressed this question, but honestly, some 49 other States have not.

Mr. ROHRABACHER. Mr. Speaker, is the gentleman from Illinois [Mr. DURBIN] aware that California and Wisconsin have already dealt with this issue?

Mr. DURBIN. Yes, I am.

Mr. ROHRABACHER. In addition, Mr. Speaker, is the gentleman from Illinois aware of caps such as this?

Mr. DURBIN. Yes, I am.

Mr. ROHRABACHER. And they are working fine, that we have heard testimony in our committee that the caps placed on this type of confinement have worked very well in Wisconsin and California.

Mr. DURBIN. I am aware that 48 other States have not.

Mr. ROHRABACHER. It has worked.

Mr. DURBIN. However, Mr. Speaker, what is interesting to me is that the gentleman from California [Mr. ROHRABACHER] now would like to suggest that the wisdom of the residents of the District of Columbia should be tested and tried in this case and that we would come to ultimate truth, and yet I find so many of my colleagues reluctant to give these same residents of the District of Columbia the right to make a decision as to who will represent them as a voting Member of the House or U.S. Senate.

Mr. ROHRABACHER. Mr. Speaker, perhaps, not being a lawyer, I do not know about bringing in other types of issues to make a point, but the fact is that the jury trial, a jury trial is still someone's right in this country, and we have seen that work in California and Wisconsin when they placed this type of restriction on a judge's stubborness in that State.

Mr. DURBIN. I thank the gentleman from California [Mr. ROHRABACHER].

Mr. PARRIS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I will not trespass at length on the time of the House. It is getting late in the evening, but I would say to the gentleman from Illinois [Mr. DURBIN] regarding his comments about the vagaries of human nature, those of us who have practiced law, and I did for almost 20 years, understand something about that.

Mr. Speaker, I was twice involved with a child custody case between a blind natural mother and sighted grandparents of a natural healthy sighted child. I say to my colleagues that is a matter of some compassion, and I would say to the gentleman from Illinois [Mr. DURBIN], would the gentleman from Illinois think it is also compassionate, is it right for this mother, as she has threatened to do, to spend her life in jail without a hearing or a determination of any kind, except by one judge, until the child reaches adulthood, presumably at which point she could then bring the child from behind the bars; hopefully she would bring the child to the courtroom and say, "OK, Judge. Here is now my child," and she can determine her own custody, what parent she wants to have serve as her custodial person at that point, as an adult?

What happened to her childhood? Is that fair to this child forever to have this judge solely in his discretion, without any other proceeding, for presumably the 18 years? I say to the gentleman from Illinois [Mr. DURBIN], my friend, that's not very compassionate in my——

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

Mr. PARRIS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman from Virginia [Mr. PARRIS], having practiced law in family court, knows it happens every day across the United States of America. Judges reach decisions on custody that are heart-rending decisions which leave people in tears in a courtroom and surely believing that they have been wronged, and it happens every day. These cases are so compelling.

(By unanimous consent, Mr. PARRIS was allowed to proceed for 30 additional seconds.)

Mr. PARRIS. Mr. Speaker, I yield to the gentleman from the District of Columbia [Mr. FAUNTROY], my friend.

Mr. FAUNTROY. Mr. Speaker, I thank the gentleman from Virginia [Mr. PARRIS] for yielding.

Mr. Speaker, I would just like to again address the gentleman from Illinois [Mr. DURBIN] by saying, "I'm sure you do not believe that any citizen, however egregious his behavior, should be incarcerated indefinitely as a result of a civil contempt judgment by a judge. Would you not agree that even that gentleman who poisoned someone has a right to trial by jury to determine what his punishment ought to be?"

Mr. Speaker, that is, I think, the essential here in this bill and in the case which stimulated it generation by this committee.

Mr. WOLF. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I do not want to prolong this.

Mr. Speaker, in the Bloom Supreme Court case; this is Supreme Court law, it says that in any case where an individual can be punished or sentenced for more than 6 months that they are guaranteed a jury trial, and this is the only place that they are not. I would say that whether it be in Texas, or Illinois, or the District of Columbia, no

matter who the individual is, in a case like this there ought to be the right for a jury trial.

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

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Speaker, I just think that I need to remind my colleagues that we are talking here about punishment for a civil contempt of a judge's order committed in the presence of the court. From the Magna Carta forward until now I think I am correct that no person subject to punishment for such contempt has been entitled to a jury trial except apparently in California and Wisconsin, and, if this passes, in the District of Columbia. It is not the norm that people being punished for civil contempt of court committed in the presence of the court can be discharged even by a jury. If we are going to permit that, we are simply going to disrupt, to completely wipe out, the authority that a judge must have in enforcing the edicts of the court upon those who personally appear before them and are in contempt of that court. It is not for the sake of the judge, but for the sake of the judicial system, that that must be vindicated and protected, and it cannot be allowed to be disrupted because someone happens to convince a jury that, well, we really do not think the judge ought to be able to punish this person for contempt or to continue to punish him. As to Dr. Morgan and all others in violation of a court order and in contempt for not obeying it, all they need to do to be out of duress vile is to comply with the order of the court.

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

Mr. WOLF. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I would say to the gentleman from Virginia [Mr. BATEMAN] that the essential point of the committee in strongly recommending passage of this measure is that it is not the intent or the purpose of civil contempt citations to punish, and for that reason we are suggesting that there be a process by which, if we go beyond the coercive purpose of civil contempt, those who feel that punishment should be meted out for contempt will have an avenue for achieving that.

Mr. BATEMAN. Mr. Speaker, what this is all about is not some notion of translating this into a jury trial proceeding and a criminal contempt proceeding. We are dealing here with someone in civil contempt of court. They are not incarcerated to punish them. They are incarcerated to coerce their compliance with the order of the court, and I see nothing particularly egregious about being able to do that. They can be freed of custody by compliance with a valid court order.

Mr. Speaker, I am not real offended if, in fact, they remain in custody until they have complied.

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

Mr. WOLF. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, that is the difference that the gentleman from Virginia [Mr. BATEMAN] has with the rest of us on the question, those that are supporting the measure. The fact is that the case here has to do with one person who has been incarcerated longer than anyone in the history of this city on the basis of a civil contempt order, and we are simply saying that no person should be denied freedom on the basis of that indefinitely.

□ 2130

Mr. FAUNTROY. Mr. Speaker, I move the previous question on the bill and on the committee amendment in the nature of a substitute.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the speaker announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed until tomorrow.

GENERAL LEAVE

Mr. FAUNTROY. 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. 2136, the bill just considered.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PARRIS. Mr. Speaker, I wonder if the Chair could tell us, if it is within its prerogative to do so, the House will recess until 10 o'clock in the morning, if memory serve me correctly. Is it the intention of the Speaker to take this vote as matter of the first order of business of the House tomorrow or can the Speaker share with us what the sequence of events will be in that regard?

The SPEAKER pro tempore (Mr. MFUME). The Chair assumes that the unfinished business will be taken up after 1-minute speeches tomorrow.

Mr. PARRIS. Mr. Speaker, I thank the Chair.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
June 23, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:35 p.m. on Friday, June 23, 1989 and said to contain a message from the President whereby he transmits the annual report of the Council on Environmental Quality, entitled Environmental Quality 1987-1988.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of Friday, June 23, 1989, at page S 7501.)

SECRETARY OF DEFENSE REAFFIRMS IMPORTANCE OF B-2

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

Mr. DICKS. Mr. Speaker, as the Congress considers the Defense authorization and appropriations bills in the coming weeks, there will no doubt be considerable debate with respect to the B-2 Stealth bomber. Given the importance of this program this is wholly appropriate.

But it is important for Members to remember that the B-2 is a longstanding program, begun in the Carter administration and fully supported by

President Reagan and now President Bush. Over $20 billion has already been invested in this aircraft. The technological breakthroughs included in this program will assure the viability of the air-breathing leg of our strategic triad well into the next century.

I know many Members are troubled by the cost of the program. And others are concerned whether we are procuring the aircraft prematurely. I would only note that when the inflation factors are discounted, the cost of this aircraft is not out of line with others, especially in light of its revolutionary capabilities. It is also important to remember that no aircraft program has been subject to comparable preflight testing both on computer and in the wind tunnel.

Secretary Cheney had these same concerns when he undertook the helm at the Defense Department. Since that time he has examined the program closely and inspected the manufacturing facilities personally. This review has convinced him that the B-2 remains an essential program that has the full support of the Department.

As part of the revised budget request, this program was delayed by 1 year in order to uphold the Secretary's policy of proceeding slowly in the early stages of very high technology programs. Many Members have viewed this program as a source to make available funds for programs deleted by the Secretary. The perception seems to be that the program is fat, and that it can serve as a free bill payer.

Nothing could be further from the truth. Additional delays or stretches of this program will produce a self-fulfilling prophecy for those who are concerned about cost growth and affordability.

In order for Members to have the benefit of Secretary Cheney's thoughts on the B-2 I am submitting his letter to me on this subject.

The letter follows:

THE SECRETARY OF DEFENSE,
Washington, DC, June 23, 1989.

Hon. NORMAN D. DICKS,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. DICKS: Several months ago in testimony to the Congress, I said I would examine the total program cost and the technical status of the B-2. Since then I have taken a very close look at the program including a visit to Northrop's engineering and manufacturing and aircraft final assembly plants to see firsthand the progress that has been made, as well as the remaining hurdles that still need to be overcome. In addition to the visit, I have received the results of the Defense Acquisition Board review of the program, an updated report by the Defense Science Board, and a considerable amount of other information on cost and technical risk.

Now that I have had time to review all these inputs carefully, I would like to give you my views on why we need the B-2, how much it will cost, and what further risks remain.

The manned bomber force is the most versatile element of the strategic Triad. Strategic bombers are capable of being recalled or redirected while enroute to their targets. They are able to attack fixed strategic targets, and they can perform damage-assessment missions following earlier strikes by U.S. forces, and reconstitute for follow-on missions. They can also hold at risk mobile military targets that are critical to Soviet wartime objectives. Manned bombers are capable of real-time reaction to the threats posed by air defenses; they can alter their routes to avoid defenses or use appropriate electronic countermeasures to reduce defense effectiveness. Because of their versatility, long time-of-flight, and inherent retaliatory mission, strategic bombers are regarded as stabilizing forces. In addition to their primary strategic deterrent mission, long-range bombers can be used to support conventional ground and naval operations worldwide.

Although modernization of the U.S. bomber force with the ALCM-B cruise missile and the B-1B bomber has significantly improved our air-breathing strategic forces when compared to the early 1980's, we will begin to find it increasingly more difficult to penetrate Soviet air defenses over the next ten to twenty years with the systems we now have in place. The B-2 is required to maintain the effectiveness of our penetration bomber force as Soviet air defenses continue to improve. Its enhanced penetration ability, due to its revolutionary stealth characteristics, will allow it to attack heavily defended targets that other assets may be unable to strike in the future. The B-2 also provides our most promising means for holding at risk relocatable targets. We must also recognize the B-2 has superior capability as a long range combat aircraft in a conventional role, which is particularly important considering the declining availability of overseas bases.

Let me turn now to the closely related subjects of program cost and technical risk. We now estimate the total acquisition cost of the B-2 program at $43.8 billion in 1981 dollars (the program's base year), or $70.2 billion in then year dollars. The difference between these figures and the corresponding figures for the initial FY 1990 budget submission primarily reflects a one-year delay in the full rate production program, which I directed according to my general policy of proceeding slowly in the early stages of very high technology programs. The $70.2 billion program cost equates to a total flyaway cost of $315 millon per aircraft. Total flyaway cost is the cost to put an aircraft on the flight line ready to be fueled, armed, and flown. It does not include support costs nor the research and development costs, most of which are behind us.

The $70.2 billion program cost estimate is based on key assumptions in three areas: protecting existing fixed price options for certain subsystems, a multi-year procurement starting in FY 1993, and achieving planned cost-reduction initiatives. We carefully examined all the assumptions and believe they are realistic. However, we will need your support on some items such as the multiyear funding. The cost estimate we have now for the B-2 program is based largely on costs actually realized so far on the 11 aircraft (six research, development, test, and evaluation aircraft and five production aircraft) now in various stages of manufacture. This does not mean we know a great deal more about B-2 costs than we did one or two years ago, particularly since these aircraft are being built on actual production-line tooling. However, program risk and cost risk remain. And of course, actually executing the program for $70.2 billion depends to a large extent on the rate at which the B-2 is procured.

While cost risk underlies much of our mutual concern, I was also concerned about the risk associated with the advanced technology applications. These technical considerations, like those in all development programs that challenge the state of the art, must be put in perspective. First, we have done much more in the way of risk reduction activities, including extensive wind tunnel and avionics testing, than is normally done prior to flight testing. Second, the Defense Acquisition Board recently completed an in-depth review of the B-2 program and concluded that the remaining technical risks are reasonable for a development program at this stage. I must emphasize that this is a critical time in this program. During the coming year, our understanding of both cost and risk will increase immensely. This was the reason, not any major technical difficulty, that led us to hold the production rate steady for another year. I recognize the delayed first flight and cost increases have heightened your concerns about the program's technical health and affordability. Those of us who recently visited and toured the contractor's facility are led to a different conclusion. The components we have seen, the major subassemblies, and the assembled aircraft itself, all attest to a dedicated work force producing a quality product.

I firmly believe that both the cost and technical risks have been fully assessed, and that it is prudent for us to proceed. Given the lessons learned in other programs, the current and projected fiscal climate, and the degree to which the B-2 is pushing the state of technology, I believe we have reached a balance of both risk and cost which puts us in the correct position to move forward with this very important program.

I will not mislead you by guaranteeing there will be no future cost increases, but I will do everything I can to avoid them. There are still some risks in this program, but I believe they have been reduced to a prudent level. It is time that we move this debate from the question of simple cost to one of strategic value. I fully support this program because the country needs it. The B-2 will be a cornerstone in our overall strategic deterrence well into the next century. The program has made great progress and the Department is ready to proceed as proposed. I look forward to your support and cooperation in helping me achieve the goals of this vitally important program.

Sincerely,

DICK CHENEY.

THE RIGHT HONORABLE BRIAN MULRONEY, PRIME MINISTER OF CANADA: WISE WORDS FROM A VALUED FRIEND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, on April 27, 1988, while addressing a joint meeting of Congress, the Prime Minister of Canada, the Honorable Brian Mulroney, posed to us and the Ameri-

can people a most penetrating question:

What would be said of a generation of North Americans that found a way to explore the stars, but allowed its lakes and forests to languish and die?

Our valued friend and trusted ally was speaking, of course, about the problem of acid rain.

It was not the first time that the Prime Minister focused international attention on what has properly been labeled a "cancer in the sky." He had done it many, many times before and repeatedly since. He, perhaps more than any other public official in the world community, is responsible for mobilizing to action people and governments to get on with a plan to combat acid rain.

For too long, the Prime Minister was a virtual Lone Ranger on the subject when leadership councils convened. On some occasions, he was a teacher.

I remember well the first so-called Shamrock summit involving then President Reagan and Prime Minister Mulroney. It took place on March 17, 1985—St. Patrick's Day—in historic Quebec City. The big news of that day was not, as some expected, about mutual trade or mutual defense, although much was said about both; no, the big news of that day involved a determined effort on the part of one Chief of State to convince another that the subject of acid rain was critically important and demanded the collective best effort of their respective nations in order to solve rather than be a passive perpetuator of the myriad problems it created.

That was a turning point in the United States' approach to the reality of acid rain.

□ 2140

There has been progress, but it has been painfully slow until April 27, 1988, when Prime Minister Mulroney came to town. From that date forward, the pace of progress has accelerated significantly, culminated by President George Bush's dramatic revelations of his comprehensive package of amendments to the Clean Air Act with special emphasis on an action plan to combat acid rain.

President Bush deserves the near universal acclaim he is receiving for his bold leadership to make clean air an American birthright. Environmentalists, many of whom were doubters in the past when speculating on a Bush plan on acid rain, have been among those cheering the loudest and rightly so, for our President has done what no previous occupant of the Oval Office would do. He had gone beyond the let-us-study-it stage. He says it is time for action, and he is right.

How encouraging it is to have the President of the United States and the Prime Minister of Canada on the same wavelength.

What did the Prime Minister say when he addressed that joint meeting of Congress back in April of 1988? Let me quote just two excerpts from his speech. He said as he stood here in this Chamber:

We are doing everything we can to clean up our own act. We have concluded agreements with our provinces to reduce acid rain emissions in eastern Canada to half their 1980 levels by the year 1994, but, you know, that is only half of the solution. Acid rain comes across the border directly from the United States falling upon our forests, killing our lakes, and soiling our cities. The one thing acid rain does not do is discriminate. It is despoiling your environment as inexorably as it is ours.

Then the Prime Minister went on to say:

We acknowledge responsibility for some of the acid rain that falls in the United States, and by the time our program reaches projected targets, our export of acid rain to the United States will have been cut by an amount in excess of 50 percent. We ask nothing more than this from you.

Mr. Prime Minister, our President has responded, and I am confident that shortly so, too, will the Congress. We will, working together, develop, approve, and begin implementation of an action plan to combat acid rain, and when this occurs, there will be many people to share the credit, and many people deserving of our praise and thanks. The Right Honorable Brian Mulroney will be right up there with George Bush at the top of my list.

INTRODUCTION OF AN AMENDMENT TO THE McKINNEY ACT

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise to introduce a bill to amend the McKinney Homeless Assistance Act of 1988 to establish a priority for the provision of child care in transitional housing.

The need for child care among the homeless is indisputable. A 1988 study conducted in California found that 35 percent of that State's homeless are under 18 years of age. The National Academy of Sciences estimated that in the same year 100,000 American children were homeless.

Under the provisions of my bill, the Secretary of Housing and Urban Development would be directed to give priority to funding transitional housing programs that include child care services for their residents. Studies indicate that currently three types of child care services are available to residents of transitional housing—on site care in transitional housing, additional child care slots set aside for the homeless in mainstream programs, or child care centers established to serve multiple local shelters. A transitional housing program providing any one of these three types of child care services would qualify for priority treatment making them eligible to seek a 75-percent grant for the provision of the child care services.

Homeless families are under extreme stress. There are parents raising their families in homelessness and spending their days searching for housing, employment, and a means to sustain and keep their families together. All too often the stress of trying to meet all of these needs, complicated by the persistent cry for attention on the part of small children, leads to child abuse or neglect. Responding to this basic need is also critical to break the cycle of homelessness by making it possible for the people to seek meaningful employment. One child care program director noted, "There is no way homeless families can make it without child care."

Mr. Speaker, we must assist in providing for this critical need. My bill reinforces the commitment of the Federal Government to ending the scourge of homelessness in a very meaningful way. By providing for child care to help homeless children develop intellectually and emotionally, we accomplish the dual goal of allowing homeless parents to seek permanent housing and employment. Making child care a priority in transitional housing is critical.

COLUMBUS QUINCENTENARY COIN BILL INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on August 3, 1492, three small ships raised anchor and hoisted sail in the Spanish port of Palos. The 90 men on board were setting out on the most important sea voyage in history. Seventy days later, sailing under the command of Christopher Columbus, they would discover the New World. Their discovery would not only change fifteenth century maps, but would change the course of history.

To commemorate Columbus' discovery, I am today introducing the Christopher Columbus Coin and Fellowship Act. This legislation will authorize the minting of gold, silver and copper-nickel coins in 1991 and 1992 to commemorate the discovery of the New World by Christopher Columbus. The profits from the sale of these coins will be used to fund the Christopher Columbus Fellowship Foundation. This foundation will make awards to Columbus Scholars, to encourage new discovery in all fields of endeavor for the benefit of mankind.

There have been many arguments over whether Columbus was the first to reach the New world or whether Etruscans, Phoenicians, Norsemen, or others were the first to come and even settle. Similarly, there are arguments over where Columbus first stepped ashore in the New World.

All these arguments miss what made Columbus' discovery so momentous. It was Columbus' discovery alone, which led others to follow in his footsteps. He changed the focuses of Europe from East to West.

European interest in discovering the riches of the East turned to discovering the riches of the West. Columbus' voyage changed Europeans' outlook like no other voyage before or since. It changed the course of world history and created the Western Hemisphere as it is today.

The legislation commemorates Columbus not only through the issuance of coins but more importantly, through the Christopher Columbus Fellowship Foundation, which will be set up to fund Columbus Scholars. These Scholars will be individuals working to find new discoveries in all fields of endeavor for the benefit of mankind.

The Columbus Scholars will follow in the spirit of Columbus, in trying to make discoveries that benefit mankind. For that is what Coumbus was, a discoverer who found a New World and planted the seeds for a better one. Columbus Scholars will be selected from all fields of endeavor, but will be united in spirit as they search to make discoveries that open up new worlds and enrich us all.

The first commemorative coin in American history was issued in 1892 in commemoration of Columbus' discovery of America. While the proceeds from the sale of those coins were used to help fund the World Columbian Exposition in Chicago, the funds from the sale of quincentenary coins will benefit a far greater good.

If all 1 million gold coins, 4 million silver coins and 6 million copper-nickel half dollar coins were sold, it would raise $69 million to fund fellowships to encourage more great discoveries for the benefit of mankind.

Mr. Speaker, Columbus could not have made his discoveries without the financial assistance of the Spanish government. It is only fitting that coins commemorating the resulting discovery help the U.S. Government fund endeavors that may lead to future discoveries benefitting mankind.

I have included a section-by-section summary of the legislation so that all Members have an opportunity to see a complete description of the legislation.

SECTION-BY-SECTION ANALYSIS OF THE CHRISTOPHER COLUMBUS COIN AND FELLOWSHIP ACT

Section 1—The Act may be cited as the "Christopher Columbus Coin and Fellowship Act".

TITLE I—CHRISTOPHER COLUMBUS QUINCENTENARY COINS

Section 101—Title I may be cited as the "Christopher Columbus Quincentenary Coin Act.

Section 102—The section authorizes the minting of one million $5 gold coins containing .24 ounce of gold, four million $1 silver coins containing .77 ounce of silver and six million copper-nickel half dollars. The gold coins would portray Christopher Columbus. The one dollar and half dollar coins would commemorate the quincentenary of the discovery of America. Different designs of the coins would be issued in 1991 and 1992.

Section 103—Gold for the coins would be obtained under existing law. Silver for the coins would come from the National Defense Stockpile.

Section 104—The Secretary of the Treasury would select the designs of the coins after consultation with the Christopher Columbus Fellowship Foundation and the Commission of Fine Arts.

Section 105—The coins may be issued in uncirculated and proof qualities. all gold coins would be minted at the West Point Mint. The one dollar and half dollar coins could be minted at any facility of the United States Mint, so long as no more than one facility was used to strike any particular combination of denomination and quality. The coins would be issued beginning January 1, 1991. No coins could be minted after January 30, 1993.

Section 106—The coins would be sold to the public by the United States Mint. Discounts would be available for bulk orders and for pre-issue orders. The coins would carry a surcharge of $35 per coins for the gold coins $7 per coin for the silver dollars and $1 per coin for the half dollars.

Section 107—The Secretary of the Treasury would have to assure that the minting of the coins would not result in any net cost to the United States.

Section 108—The surcharges on the coins would be deposited in the Christopher Columbus Fellowship Fund.

Section 109—The United States Mint would be exempt from all procurement laws, othen than those relating to equal employment opportunity, in carrying out the provisions of this Act.

TITLE II—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

Section 201—Title II may be cited as the "Christopher Columbia Fellowship Act".

Section 202—The Christopher Columbus Fellowship Program would be established to support research, study and labor, designed to produce new discoveries for the benefit of mankind.

Section 203—The Christopher Columbus Fellowship Foundation would be established. It would be governed by a Board composed of four members appointed by the President Pro tempore of the Senate, four members appointed by the Speaker of the House of Representatives, and five members appointed by the President. Members of the Board would serve for six-year terms. The Chairman and Vice Chairman are designated by the President. Members of the Foundation serve without pay, but are reimbursed for their Foundation-related travel and expenses.

Section 204—The Foundation is authorized to award fellowships for up to two years to individuals to encourage new discoveries in all fields of endeavor for the benefit of mankind. Fellowship recipients shall be known as "Columbus Scholars".

Section 205—The Foundation shall determine the amount of the stipend awarded to Columbus Scholars.

Section 206—The Christopher Columbus Fellowship Fund, consisting of surcharges from the sale of quincentenary coins and contributions received by the Foundation, would be established in the Treasury. The Secretary of the Treasury is required to invest the fund in interest-earning United States government securities. Disbursements from the Fund shall be made on vouchers approved by the Foundation.

Section 207—The General Accounting Office is authorized to audit the activities of the Foundation.

Section 208—An Executive Secretary would be the chief executive officer of the Foundation.

Section 209—The Foundation is authorized to hire necessary personnel, enter into contracts, conduct programs, and make other necessary expenditures relating to its operation. The Foundation is also required to submit an annual report to the President and to Congress.

CHARLIE GRIFFIN: A GREAT PUBLIC SERVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a former colleague of ours from the State of Mississippi, Charlie Griffin. Charlie retired from the House of Representatives in 1972 after serving 5 years. He succeeded his former boss, John Bell Williams. Charlie has now announced he plans to retire from his second career in public service, as Secretary of the Mississippi Senate, at the end of July.

Before being elected to Congress, Charlie was administrative assistant to Representative Williams. He began working for John Bell Williams in 1949, soon after graduation from Mississippi State University. He was with him until Williams left the House to become Governor of Mississippi in 1968.

Charlie won election to fill that unexpired term and then was reelected to two more terms, but he surprised his fourth district constitutents in 1972 by announcing plans to return to Mississippi.

His second career as Secretary of the Mississippi Senate began in 1980. In that job, he was in charge of 36 full-time employees and had responsibility for a $2 million budget to pay salaries, purchase equipment and otherwise see that the Mississippi Senate was in good working order.

But in addition to the administrative work, Charlie has been an adviser and counselor to lawmakers in our State, young and old. He knows politics and the political process and I know he will be greatly missed in the halls of the State Capitol in Jackson.

In addition to being a great public servant and administrator, Charlie Griffin has been a friend to many, including myself. I have known him for more than 25 years and I can say that he has given his best in Jackson and in Washington to try to make things better for those he has served.

I wish Charlie and his wife, Angie, well in retirement and I salute him on a job very well done.

TROPICAL REFORESTATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, deforestation of the world's tropical rain forests is perhaps the most pressing environmental problem of our time. If it continues, it will decide the fate not only of the developing countries where these forests are disappearing, but that of the world as a whole.

The vast billows of smoke which rise every year from the tropical forests of the world are explained, even justified, in the name of development. In fact, what is happening is not development, but destruction. And what is being destroyed is one of the Earth's greatest natural treasures, the home of fully half of the world's plant and animal species.

Certainly no one can blame developing countries for wanting to use their own natural resources to bring their citizens out of poverty. The Amazon and other tropical forests are great and wonderful resources which can and should be used to help the people of these nations. However, what is happening in these countries is not really use, but rather misuse and abuse of what have been called the lungs of the world.

Typical "use" of tropically forested land means its destruction. Misguided government policies have tended to favor forest exploitation for economic gain in the short term, without consideration of long-term benefits for that country's economy, much less the ecological balance of the forest. An example is the logging industry. Logging itself is not particularly destructive, if it is done efficiently. Unfortunately, it almost never is. Moreover, logging in previously untouched areas often requires that roads be built deep into the forest. These roads bring new settlers, often desperate farmers who indiscriminately slash and burn the forest to plant their crops. Analysis of data gathered by the United Nations Environment Program shows that 55 percent of forest land that is logged eventually becomes deforested, and nearly double the area of the land logged is deforested due to the influx of settlers.

Clearly this is not good for the future of the logging industries or the economies of developing countries. Indeed, Haiti, the poorest country in the Western Hemisphere, can attribute much of its economic and ecological decline to deforestation.

The great loss of the natural resources for these developing nations, however, pales in comparison to the loss for humanity if the rainforests are destroyed. Fifty percent of the world's species of plants and animals live in tropical rainforests. The wild species of plants are the origin of 25 percent of our prescription drugs. Over 1,400 plants with anticancer properties have been found there. If we lose these precious resources, we lose our chances to find a possible cure for cancer and other diseases from this vast and diverse pool of living organisms.

Deforestation also contributes significantly to the greenhouse effect. Smoke from the burning of huge patches of forest land dumps tons of carbon dioxide into the atmosphere each year. Last year 170,000 fires were set in the Amazon alone. The loss of the trees is all the worse since they are the very things that absorb CO_2. In order to save our atmosphere, we should be planting trees, not burning them.

For all of these reasons, CLAUDINE SCHNEIDER and I are reintroducing H.R. 5390 of the 100th Congress, which would deny GSP tariff waivers on wood and wood products being imported into the United States, unless the exporting nation provides for the reforestation of land cleared for these exports with no net loss of forest diversity or biodiversity. A second section of the bill urges the USTR to make the encouragement of reforestation and regeneration programs part of the United States agenda in the Uruguay round of multilateral trade negotiations.

The United States imports over $650 million of wood products from these countries each year. By pushing up the cost of destructive forestry, we are serving many purposes: We are providing encouragement for the implementation of sensible forestry policies. We are making a statement that we care about how the wood products we buy are harvested. And we are providing leadership for other wood-importing nations such as Japan and the European countries to take some action on this critical problem.

While taking this step to show we are serious about the management of these resources, we are also committed to working together with the governments of developing nations and other nongovernmental organizations to bring an end to tropical deforestation. We are open to any and all suggestions on how we can best achieve this goal and bring about sustainable development where people can benefit from the forest without causing its destruction.

The forest can be used sensibly and intelligently. It is our responsibility to encourge this kind of use, and not hasten the forests' destruction by unthinkingly buying whatever wood products these countries can put out. We have to do our part to ensure that the tropical rainforests do not disappear, for all our sakes. I ask the Congress to support environmental responsibility and support the tropical reforestation bill.

H.R. —

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

SECTION 1. SUSPENSION OF GSP TREATMENT.

(a) IN GENERAL.—Section 503 of the Trade Act of 1974 (19 U.S.C. 2463) is amended by adding at the end thereof the following new subsection:

"(d)(1) Subject to paragraph (3), the President shall suspend the designation as an eligible article under subsection (a) of any wood article that is a product of a beneficiary country unless that country, during each calendar year—

"(A) commences a reforestation program within the country for the equivalent forest area for such year; and

"(B) satisfactorily continues or completes each reforestation program that was commenced under this subsection by the country in any previous calendar year.

"(2)(A) As soon as practicable after the close of each calendar year, the Secretary of Agriculture (hereinafter in this subsection referred to as the 'Secretary') shall—

"(i) after consultation with the Secretary of the Interior, determine whether each beneficiary country that is subject to this subsection is in compliance with subparagraphs (A) and (B) of paragraph (1) with respect to that calendar year; and

"(ii) promptly advise the President of the identification of each beneficiary country regarding which a negative determination is made under either or both of such subparagraphs (A) and (B).

"(B) The Secretary may—

"(i) carry out such intraannual monitoring as may be necessary for the administration of this subsection; and

"(ii) on the basis of such monitoring, provide beneficiary countries with estimates of the equivalent forest areas for the year and preliminary evaluations of the status of existing reforestation programs.

"(3) Paragraph (1)(A) does not apply to any beneficiary country with respect to any calendar year in which the aggregate United States customs valuation of the wood articles produced in that country that were entered during such year was less than $10,000.

"(4)(A) Except as provided in subparagraph (C), any person may commence a civil suit on his own behalf against the Secretary if there is alleged a failure of the Secretary to perform any act or duty under this subsection which is not discretionary under this subsection.

"(B) The district courts have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to order the Secretary to perform any such act or duty.

"(C) No action may be commenced under subparagraph (A) sooner than the 60th day after the day on which written notice of the alleged failure of the Secretary to perform an act or duty is given to the Secretary.

"(D)(i) Any suit under this subsection may be brought in the judicial district in which the plaintiff resides or has a place of business.

"(ii) In any suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

"(iii) The court, in issuing any final order in any suit brought pursuant to subparagraph (A), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

"(5) For purposes of this subsection—

"(A) The term 'entered' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

"(B) The term 'equivalent forest area' means, with respect to any calendar year, the area of forest within a beneficiary country required to provide the board feet of timber utilized in the production of the wood articles in that country that were entered during such year.

"(C) The term 'reforestation program' means a program of agricultural practices designed to reforest areas without a net loss in forest diversity and biodiversity.

"(D) The term 'wood article' means any article provided for under chapter 44 of the Harmonized Tariff Schedule of the United States if the article is wholly or in chief value of wood that is the growth of the beneficiary country that produced the article.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 1990. The Secretary of Agriculture shall make the annual determinations required under section 503(d)(2)(A)(i) commencing with calendar year 1990.

SEC. 2. UNITED STATES AGENDA ON REFORESTATION IN THE URUGUAY ROUND.

The United States Trade Representative shall use the opportunity presented by the Uruguay Round of Multilateral Trade Negotiations to promote the replenishment of the forest resources that are utilized in developing countries for wood and wood product exports. The United States Trade Representative shall seek to carry out this section through international arrangements providing for appropriate inducements or sanctions, or both, including—

(1) the provision of financial and technical assistance to developing countries for purposes of reforestation;

(2) the extension of additional GSP or other trade benefits to those developing countries that implement appropriate reforestation programs;

(3) the suspension or withdrawal of benefits under the GSP with respect to those developing countries that do not implement appropriate reforestation programs; and

(4) the imposition of tariffs on the wood and wood products of developing countries that do not implement appropriate reforestation programs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOAGLAND (at the request of Mr. GEPHARDT), for today until 12:30 p.m., on account of official business.

Mr. GOODLING (at the request of Mr. MICHEL), for today and tomorrow, on account of medical reasons.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending the commemorations of the 600th anniversary of the Battle of Kosovo Serbia, Yugoslavia.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at the request of Mr. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Ms. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, on June 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DELLUMS, on House Resolution 186, immediately prior to the vote on passage.

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mrs. MARTIN of Illinois.
Mr. BROOMFIELD.
Mr. GRANT.
Mr. CRANE.
Mr. DUNCAN.
Mr. MACHTLEY.
Mr. GEKAS.
Mr. CONTE in two instances.
Mr. KASICH.
Mr. DANNEMEYER.
Mr. LEWIS of California.
Mr. ROWLAND of Connecticut in two instances.
Mr. BILIRAKIS.
Mr. WEBER.
Mr. FISH.
Mr. LAGOMARSINO in two instances.
Mr. BEREUTER.
Mr. SHUSTER.
Mr. MCCANDLESS.
Mr. SAXTON.
Mr. MOORHEAD in two instances.
Mr. COURTER.
Mr. DORNAN of California in two instances.
Mr. SKEEN.
Mr. YOUNG of Alaska.
Mr. ROTH.
Mr. SOLOMON.
Mr. DONALD E. "BUZ" LUKENS.
Mr. GILMAN.

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALES in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. LEHMAN of Florida.
Mr. SKELTON.
Mr. MAZZOLI.
Mr. GUARINI.
Mrs. BOXER.
Mr. LAUGHLIN.
Mr. UDALL.
Mr. KANJORSKI.
Mr. GAYDOS.
Mr. FLORIO in two instances.
Mr. MARTINEZ.
Mr. RAY.
Mr. LAFALCE in two instances.
Mr. SOLARZ.
Mr. MCMILLEN of Maryland.
Mr. HUBBARD.
Mr. RANGEL.
Mr. CLAY.
Mr. WYDEN.
Mr. STARK in three instances.
Mr. FEIGHAN.
Mr. BERMAN.
Mr. DIXON.
Mr. MURPHY.
Mr. OBERSTAR.
Ms. LOWEY of New York.
Mr. ROWLAND of Georgia.
Mr. ATKINS.
Ms. OAKAR.
Mr. ORTIZ.
Mr. CROCKETT.
Mr. GEPHARDT.
Mr. DARDEN in two instances.
Mr. SMITH of Iowa.
Mr. STALLINGS.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 428. An act to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution; to the Committee on Banking and Finance.

S. 634. An act to develop a national policy for the utilization of fuel cell technology; to the Committee on Energy and Commerce.

S.J. Res. 81. Joint resolution to designate the week of October 1 through 7, 1989, as "National Health Care Food Service Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 115. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 127. Joint resolution designating Labor Day weekend, September 2 through 4, 1989, as "National Drive for Life Weekend"; to the Committee on Post Office and Civil Service.

S.J. Res. 134. Joint resolution to designate the week of October 1, 1989, through October 7, 1989, as "National Disability Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 161. Joint resolution to designate the week of October 22, 1989, through October 28, 1989, and the week of October 21, 1990, through October 27, 1990, as "National Adult Immunization Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 923. An act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, Texas, as the "Robert Douglas Willis Hydropower Project";

H.R. 2402. An act making supplemental appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 1989, and for other purposes;

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day";

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; and

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day to Commemorate the Bastille Day Bicentennial."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 1077. An act to authorize the President to appoint Admiral James B. Busey to the Office of Administrator of the Federal Aviation Administration, and

S. 1180. An act to authorize the President to appoint Rear Admiral Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On June 23, 1989:

H.J. Res. 111. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day".

ADJOURNMENT

Mr. BOEHLERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 28, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communciations were taken from the Speaker's table and referred as follows:

1382. A communication from the President of the United States, transmitting amendments to the requests for appropriations for his initiative to combat violent crime that was announced on May 15, 1989, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-76); to the Committee on Appropriations and ordered to be printed.

1383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-46, "District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1384. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 37th report on the extent and disposition of U.S. contributions to international organizations, pursuant to 22 U.S.C. 262a; to the Committee on Foreign Affairs.

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. FASCELL: Committee on Foreign Affairs. H.R. 2214. A bill to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; (Rept. 101-111). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on allocation of budget totals for fiscal year 1989 submitted pursuant to section 302 of the Congressional Budget Act of 1974 (Rept. 101-112). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2087. A bill to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes; with an amendment (Rept. 101-113). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 2088. A bill to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (Rept. 101-114). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 187. Resolution waiving certain points of order against consideration of H.R. 2696, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-115). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSON:

H.R. 2748. A bill to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on the Permanent Select Committee on Intelligence.

By Mr. BARTON of Texas:

H.R. 2749. A bill to authorize the conveyance of a parcel of land in Whitney Lake, TX; to the Committee on Public Works and Transportation.

By Mr. UPTON:

H.R. 2750. A bill to amend the Federal Election Campaign Act of 1971 to restrict the amount of money spent on congressional compaigns, to prohibit certain Members of Congress from converting excess campaign funds to personal use, and for other purposes; to the Committee on House Administration.

H.R. 2751. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction of up to $250 for contributions made to candidates for public office; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. HYDE, Mr. SMITH of New Jersey, Mr. HUNTER, Mr. HOLLOWAY, Mr. SENSENBRENNER, Mr. DANNEMEYER, Mr. SHUMWAY, and Mr. HERGER):

H.R. 2752. A bill to make the performance of an abortion in the District of Columbia a criminal offense; to the Committee on the District of Columbia.

By Mr. ACKERMAN:

H.R. 2753. A bill to amend the Urban Mass Transportation Act of 1964 to allow certain recipients of mass transit assistance to continue to use mass transit vehicles for providing school bus transportation; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H.R. 2754. A bill to require the Secretary of the Treasury to mint coins in commemoration of the quincentenary of the discovery of America by Christopher Columbus and to establish the Christopher Columbus Fellowship Foundation; jointly, to the Committees on Banking, Finance and Urban Affairs; Science, Space, and Technology; and Education and Labor.

By Mr. DINGELL (for himself, Mr. MARKEY, and Mr. DREIER of California):

H.R. 2755. A bill to require that the access of minors to indecent communications by telephone be appropriately restricted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOWNEY:

H.R. 2756. A bill to amend section 311 of the Older Americans Act of 1965 to require the Secretary of Agriculture to provide assistance for two meals served daily per person; to the Committee on Education and Labor.

By Mr. FAUNTROY:

H.R. 2757. A bill to amend the International Lending Supervision Act of 1983 and the Internal Revenue Code of 1986 to encourage commercial banks to participate in reducing the debt of highly indebted countries; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. GOSS (for himself, Mr. JAMES, Mr. JOHNSTON of Florida, and Mr. STEARNS):

H.R. 2758. A bill to amend the Internal Revenue Code of 1986 to provide a more equitable treatment under the supplemental Medicare premium for married individuals filing separate returns; to the Committee on Ways and Means.

By Mrs. LOWEY of New York:

H.R. 2759. A bill to amend the Stewart B. McKinney Homeless Assistance Act to authorize the Secretary of Housing and Urban Development to provide assistance for child care services programs for the residents of transitional housing; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. MARTINEZ (for himself, Mr. FLORIO, and Mr. GUARINI):

H.R. 2760. A bill to amend the Job Training Partnership Act to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes; to the Committee on Education and Labor.

By Mr. RIDGE (for himself, Mr. MONTGOMERY, MR. STUMP, Mr. EVANS, Mr. MURTHA, Mr. BONIOR, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BENNETT, Mr. BEVILL, Mr. COSTELLO, Mr. DINGELL, Mr. HORTON, Mr. LANCASTER, Mr. PAXON, and Mr. WILSON):

H.R. 2761. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RINALDO:

H.R. 2762. A bill to amend National Foundation on the Arts and the Humanities Act of 1965 to prohibit the use of certain grants for a project which desecrates or denigrates a religious or national symbol; to the Committee on Education and Labor.

By Mr. ROWLAND of Connecticut:

H.R. 2763. A bill to assess the suitability and feasibility of including the Weir Farm in the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER (for herself, Mr. MATSUI, Mr. MILLER of California, Mr. MCGRATH, Mr. OWENS of New York, Mr. ATKINS, Mrs. COLLINS, Mr. HYDE, Mrs. UNSOELD, Mr. CROCKETT, Mr. BUSTAMANTE, Mr. FLORIO, MS. PELOSI, Mr. ROE, Mr.

DWYER of New Jersey, Mr. MAZZOLI, Mrs. BOXER, Mr. MORRISON of Connecticut, and Mr. EVANS):

H.R. 2764. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. HALL of Ohio, and Mr. WOLF):

H.R. 2765. A bill to prohibit any wine, cheese, meat, or any other edible agricultural commodity or product thereof, that is the growth, product, or manufacture of the Socialist Republic of Romania, from entry, or withdrawal from warehouse for consumption, in the customs territory of the United States; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. SWIFT, Mr. OWENS of New York, Mr. LIPINSKI, Mr. JACOBS, Mr. LAGOMARSINO, Mr. ROE, Mr. RINALDO, Mr. ACKERMAN, and Mr. FROST):

H.R. 2766. A bill to amend the Animal Welfare Act to include mice, rats, and birds within the definition of animals protected under the act; to the Committee on Agriculture.

By Mr. APPLEGATE:

H.J. Res. 328. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. GRANT:

H.J. Res. 329. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. HUTTO (for himself, Mr. ENGLISH, Mr. BARNARD, Mr. LOWERY of California, Mr. PACKARD, Mr. DORNAN of California, Mr. RANGEL, Mr. LEATH of Texas, Mr. BILIRAKIS, Mr. FIELDS, Mr. SCHAEFER, Mr. RHODES, Mr. SKEEN, Mr. WILSON, Mr. SCHUETTE, Mr. MAVROULES, Mr. TANNER, Mr. SKELTON, Mr. DONALD E. LUKENS, and Mr. SHUMWAY):

H.J. Res. 330. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the desecration, misuse, and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. McEWEN:

H.J. Res. 331. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. MURPHY:

H.J. Res. 332. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration to the flag of the United States; to the Committee on the Judiciary.

By Mr. OXLEY:

H.J. Res. 333. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the misuse and improper display of the flag of the United States; to the Committee on the Judiciary.

By Mr. PAXON:

H.J. Res. 334. Joint resolution proposing an amendment to the Constitution of the United States prohibiting the desecration of the flag; to the Committee on the Judiciary.

By Mr. RITTER:

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the United States to prohibit the act of desecration to the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.J. Res. 336. Joint resolution proposing an amendment to the Constitution of the United States relative to the protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. SCHUETTE, Mr. SUNDQUIST, Mr. McGRATH, Mr. GILMAN, Mr. MOLINARI, Mr. HASTERT, Mr. MARTIN of New York, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. YOUNG of Florida, Mr. GALLEGLY, Mr. SCHULZE, Mr. WYLIE, Mr. McMILLAN of North Carolina, Mr. SMITH of Mississippi, Mr. WELDON, Mr. McEWEN, Mr. RAVENEL, Mr. GRANT, Mr. MILLER of Ohio, Mr. COMBEST, Mr. INHOFE, Mr. McDADE, Mr. HAMMERSCHMIDT, Mr. SLAUGHTER of Virginia, Mr. DOUGLAS, Mr. SPENCE, Mr. BEREUTER, Mr. DONALD E. LUKENS, Mr. APPLEGATE, Mr. HOPKINS, Mr. COBLE, Mrs. BENTLEY, Mr. BARTON of Texas, Mr. MYERS of Indiana, Mr. ROGERS, Mr. BAKER, Mr. HYDE, Mr. BUNNING, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BOEHLERT, Mr. WOLF, Mrs. SAIKI, Mr. STEARNS, Mr. McCRERY, Mr. HOLLOWAY, Mr. LAGOMARSINO, Mr. HANCOCK, Mrs. SMITH, of Nebraska, Mr. DORNAN of California, Mr. MARLENEE, Mr. LEWIS of California, Mr. DREIER of California, Mr. GOSS, Mr. BROOMFIELD, Mr. SENSENBRENNER, Mr. RHODES, Mr. QUILLEN, Mr. JAMES, Mr. PAXON, Mr. MAZZOLI, Mr. RIDGE, Mr. OXLEY, Mr. VOLKMER, Mr. MURPHY, Mr. MORRISON of Washington, Mr. WILSON, Mr. CRAIG, Mr. LEATH of Texas, Mr. YOUNG of Alaska, Mr. DANNEMEYER, Mr. MONTGOMERY, Mr. WALSH, Mr. HANSEN, Mr. EMERSON, Mr. PACKARD, Mr. SKEEN, Mr. VANDER JAGT, Mr. SAXTON, Mr. GUNDERSON, Mr. PARRIS, Mr. HUBBARD, Mr. UPTON, Mr. ROBERT F. SMITH, Mr. ROBERTS, and Mr. DELAY):

H.J. Res. 337. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mr. LEWIS of Georgia, Mr. GREEN, and Ms. SCHNEIDER):

H.J. Res. 338. Joint resolution designating April 22, 1990, as "Earth Day" to promote the preservation of the global environment; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H. Con. Res. 160. Concurrent resolution expressing the sense of the Congress relating to the human rights condition of Jews in Ethiopia; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. FISH, Mr. GEPHARDT, Mr. GLICKMAN, Mr. HUGHES, Mrs. SCHROEDER, Mr. SYNAR, Mr. DOUGLAS, Mr. ROSTENKOWSKI, Mr. PANETTA, Mr. ANNUNZIO, Mr. MOAKLEY, Mr. BONIOR, Mr. DE LA GARZA, Mr. DERRICK, Ms. OAKAR, Mr. ALEXANDER, Mr. MURTHA, Mr. WOLPE, Mr. VOLKMER, Mr. McGRATH, Mr. FASCELL, Mr. LIVINGSTON, Mr. EARLY, Mr. HOYER, Mr. ANDREWS, Mr. BENNETT, Mr. NELSON of Florida, Mr. HUBBARD, Mr. CARDIN, Mr. VENTO, Mr. FLIPPO, Mr. HARRIS, Mr. AKAKA, Mr. LANCASTER, Mr. POSHARD, Mrs. LOWEY of New York, Mr. BILBRAY, Mr. TRAFICANT, Mr. DURBIN, Mr. BROWN of California, Mr. VALENTINE, Mr. BORSKI, Mr. PRICE, Mr. DELAY, Mr. UPTON, Mr. SCHAEFER, Mr. ATKINS, Mr. GALLEGLY, Mrs. LLOYD, Mrs. PATTERSON, Mr. ESPY, Mr. BEVILL, Mr. MONTGOMERY, Mr. MARTIN of New York, Mr. NEAL of North Carolina, Mr. WISE, Mr. MORRISON of Washington, Mr. SHARP, Mr. McCURDY, Mr. JOHNSTON of Florida, Mr. PAYNE of Virginia, Mr. WILSON, Mr. HERTEL, Mr. SMITH of Florida, Mrs. BOXER, Mr. JONTZ, Mr. SCHUMER, Mr. COOPER, Mr. GONZALEZ, Mr. GOSS, Mr. ENGLISH, Mr. ROWLAND of Georgia, Mr. BARNARD, Mr. TALLON, Mr. ERDREICH, Mr. BROWDER, Mr. McHUGH, Mr. McNULTY, Mr. JENKINS, Mr. HAYES of Louisiana, Mr. PETRI, Mr. CHANDLER, Mr. SHAYS, Mrs. ROUKEMA, Mr. SKEEN, Mr. RHODES, Mr. JAMES, Mr. LAGOMARSINO, Mr. GILMAN, Mr. McEWEN, Mr. SOLOMON, Mr. PORTER, Mrs. MARTIN of Illinois, Mr. HORTON, Mr. BROOMFIELD, Mr. PAXON, Mr. STEARNS, Mr. MACHTLEY, Mr. EMERSON, Mr. MILLER of Ohio, Mr. HYDE, Mrs. VUCANOVICH, Mr. BUNNING, Mr. MOORHEAD, Mr. McCOLLUM, Mr. McMILLAN of North Carolina, Mr. SMITH of Mississippi, Mr. MOLINARI, Mr. BROWN of Colorado, Mr. CRAIG, Mr. GALLO, Mr. THOMAS of Wyoming, Mr. BAKER, Mr. SENSENBRENNER, Mr. COMBEST, Mr. HANSEN, Ms. SCHNEIDER, Mr. DUNCAN, Mrs. SMITH of Nebraska, Mr. NIELSON of Utah, Mr. SMITH of New Hampshire, Mr. WALSH, Mr. McDADE, Mr. SHUSTER, Mr. KOLBE, Ms. SNOWE, Mr. CAMPBELL of California, Mr. HOUGHTON, Mr. RITTER, Mr. GUNDERSON, Mr. SHAW, Mr. EDWARDS of Oklahoma, Mr. DONALD E. LUKENS, Mr. WYLIE, Mr. SMITH of Texas, Mr. CLINGER, Mr. INHOFE, Mr. WEBER, Mr. RINALDO, Mr. ECKART, Mr. REGULA, Mr. KYL, Mr. MFUME, and Mr. JOHNSON of South Dakota):

H. Res. 186. Resolution expressing the sense of the House of Representatives regarding the flag of the United States; to the Committee on the Judiciary.

By Mr. HUBBARD:

H. Res. 188. Resolution expressing the sense of the House of Representatives regarding the flag of the United States; to the Committee on the Judiciary.

By Mr. SKEEN (for himself, Mr. ANDERSON, Mr. BAKER, Mr. BARTON of Texas, Mr. BATEMAN, Mrs. BENTLEY, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. CHANDLER, Mr. CLINGER, Mr. COBLE,

Mr. CONTE, Mr. COX, Mr. CRAIG, Mr. DORNAN of California, Mr. DOUGLAS, Mr. DREIER of California, Mr. EMERSON, Mr. FIELDS, Mr. FRENZEL, Mr. GALLO, Mr. GILMAN, Mr. GINGRICH, Mr. GRANT, Mr. GREEN, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HOLLOWAY, Mr. HOUGHTON, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. LEATH of Texas, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MARLENEE, Mr. MARTIN of New York, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. MYERS of Indiana, Mr. NIELSON of Utah, Mr. OXLEY, Mr. OWENS of Utah, Mr. PARKER, Mr. PAXON, Mr. PORTER, Mr. PURSELL, Mr. RHODES, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROGERS, Mrs. ROUKEMA, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCHUETTE, Mr. SHAW, Mr. SLAUGHTER of Virginia, Mr. SMITH of Mississippi, Mr. SMITH of Vermont, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. TRAFICANT, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WATKINS, Mr. WEBER, Mr. WHITTAKER, Mr. WOLF, and Mr. BUSTAMANTE):

H. Res. 189. Resolution expressing the sense of the House of Representatives that individuals throughout the United States should observe Independence Day, July 4, 1989, as "Take Pride in the Flag Day"; to the Committee on Post Office and Civil Service.

By Mr. UPTON:

H. Res. 190. Resolution amending the Rules of the House of Representatives to restrict the use of the franking privilege in order to reduce the advantages of the privilege to a Representative running for reelection; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

157. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, relative to a National Silver-Haired Congress; to the Commttee on Education and Labor.

158. Also, memorial of the Legislature of the State of Minnesota, relative to the increases in compensation for Member of Congress; to the Committee on the Judiciary.

159. Also, memorial of the Legislature of the State of Louisiana, relative to the Medicare income tax surcharge imposed by the Medicare Catastrophic Coverage Act of 1988; to the Committee on Ways and Means.

160. Also, memorial of the General Assembly of the State of Nebraska, relative to the Medicare Catastrophic Coverage Act of 1988; jointly, to the Committees on Ways and Means and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MCMILLEN of Maryland:

H.R. 2767. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade for the vessel M/V *Harbor Exec*; to the Committee on Merchant Marine and Fisheries.

By Mr. SHAW:

H.R. 2768. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the submersible vessel PC-1501; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 2769. A bill for the relief of Miguel Lapuz; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mrs. PATTERSON.

H.R. 41: Mr. ANDREWS, Mr. JOHNSON of South Dakota, Mr. SKEEN, and Mr. CARPER.

H.R. 81: Mr. WEISS and Mr. WISE.

H.R. 82: Mr. NEAL of North Carolina, Mr. BILIRAKIS, Mr. MCEWEN, Mr. ASPIN, Mr. MARTINEZ, Mr. BATEMAN, Mr. ALEXANDER, Mr. KASICH, Mr. SCHAEFER, Mr. COURTER, and Mr. VANDER JAGT.

H.R. 109: Mrs. PATTERSON, Mr. BURTON of Indiana, and Mr. FROST.

H.R. 110: Mr. ACKERMAN, Mr. SLATTERY, and Mr. FROST.

H.R. 118: Mr. SCHAEFER, Mr. GALLO, and Mr. JAMES.

H.R. 132: Mr. SHAYS and Mr. PANETTA.

H.R. 212: Mr. JONTZ.

H.R. 213: Mr. MAZZOLI.

H.R. 215: Mrs. BOXER, Mr. KLECZKA, and Mr. KOLTER.

H.R. 242: Mr. TOWNS, Mr. SPENCE, Mr. CLAY, Mr. HYDE, Mr. MRAZEK, and Mr. DE LUGO.

H.R. 267: Mr. HOLLOWAY.

H.R. 290: Mr. SCHUMER, Mr. ANDREWS, Mr. BILBRAY, Mrs. SCHROEDER, Mr. VENTO, and Mr. EVANS.

H.R. 332: Mr. HOLLOWAY.

H.R. 425: Mr. ROBINSON and Mr. VALENTINE.

H.R. 529: Mr. KLECZKA, Mr. GREEN, and Mr. TAUZIN.

H.R. 530: Mr. KLECZKA, Mr. GREEN, and Mr. TAUZIN.

H.R. 539: Mr. MILLER of Washington and Mr. OBEY.

H.R. 560: Mr. FLAKE, Mr. MILLER of Ohio, Mr. ANDERSON, and Mr. GIBBONS.

H.R. 567: Mr. BUNNING, Mr. BILBRAY, Mr. FORD of Tennessee, and Mr. KOSTMAYER.

H.R. 578: Mr. FAWELL.

H.R. 586: Mr. MRAZEK.

H.R. 590: Mr. SMITH of Florida.

H.R. 624: Mr. COMBEST and Mr. PAXON.

H.R. 660: Mr. WISE.

H.R. 777: Mr. BATEMAN, Mr. BENNETT, Mr. BLAZ, Mr. BROOMFIELD, Mr. COLEMAN of Missouri, Mr. JENKINS, Mr. KOLTER, Mr. MURTHA, Mr. OWENS of Utah, Mr. VANDER JAGT, and Mr. WALSH.

H.R. 812: Mrs. SAIKI.

H.R. 866: Mr. ENGEL and Mr. PALLONE.

H.R. 867: Mr. PALLONE.

H.R. 868: Mr. PALLONE.

H.R. 875: Mr. VALENTINE.

H.R. 876: Mr. ASPIN, Mr. THOMAS A. LUKEN, and Mr. MARKEY.

H.R. 911: Mr. ACKERMAN, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BROWN of California, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CLARKE, Mr. DEWINE, Mr. DURBIN, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. EVANS, Mr. GINGRICH, Mr. GRANDY, Mr. HAYES of Louisiana, Mrs. KENNELLY, Mr. KOLTER, Mr. LEVINE of California, Mr. MCDERMOTT, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. OLIN, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. SCHUETTE, Mr. SHUSTER, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. STARK, and Mr. TORRES.

H.R. 995: Mr. HUTTO and Mr. BOUCHER.

H.R. 1046: Mr. COURTER, Mr. MORRISON of Washington, and Mr. SMITH of New Hampshire.

H.R. 1055: Mr. SOLARZ, Mr. MARTINEZ, Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. HAMMERSCHMIDT, and Mr. BORSKI.

H.R. 1056: Mr. RICHARDSON, Mr. PALLONE, and Mr. SCHAEFER.

H.R. 1074: Mr. SARPALIUS, Mr. MOODY, Mr. GRANT, Mr. COMBEST, and Mr. NATCHER.

H.R. 1080: Mr. INHOFE.

H.R. 1109: Mr. STALLINGS and Mrs. BOXER.

H.R. 1165: Mr. BLILEY, Mr. BATEMAN, Mr. HOLLOWAY, and Mr. MACHTLEY.

H.R. 1181: Mr. SUNDQUIST.

H.R. 1243: Mr. RIDGE.

H.R. 1387: Mr. ACKERMAN, Mrs. COLLINS, Mr. FUSTER, Mr. LEWIS of Georgia, Mr. RINALDO, and Mr. ROE.

H.R. 1416: Mr. WOLPE, Mr. LEATH of Texas, Mr. CLARKE, Mr. ROSE, Mr. MCDERMOTT, Mr. PENNY, Mr. COURTER, Mr. BAKER, Mr. CLEMENT, Mr. PURSELL, Mr. CARPER, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. EDWARDS of California, and Mr. DERRICK.

H.R. 1436: Mr. SAXTON, Mr. SOLARZ, Mr. PARKER, Mr. LANTOS, Mr. SENSENBRENNER, and Mr. SMITH of Mississippi.

H.R. 1457: Mr. NELSON of Florida, Mr. ANDERSON, and Mr. KOSTMAYER.

H.R. 1470: Mr. SPRATT.

H.R. 1526: Mr. RAY and Mr. STAGGERS.

H.R. 1561: Mr. FROST.

H.R. 1574: Mr. MCEWEN.

H.R. 1582: Mr. BATES.

H.R. 1590: Mr. SHUMWAY.

H.R. 1632: Mr. ROSE and Mr. MOAKLEY.

H.R. 1660: Mr. STARK, Mr. SCHEUER, Mr. RANGEL, Mr. HAYES of Illinois, Mr. BERMAN, Mrs. BOXER, and Mr. CROCKETT.

H.R. 1664: Mr. HOLLOWAY.

H.R. 1676: Mr. SMITH of Florida and Mr. RANGEL.

H.R. 1710: Mr. CLARKE, Mr. GONZALEZ, Mr. BONIOR, and Mr. VALENTINE.

H.R. 1762: Mr. WEISS and Mr. PALLONE.

H.R. 1809: Mr. HOLLOWAY.

H.R. 1845: Mr. RANGEL, Mr. WEISS, and Mr. BATES.

H.R. 2008: Mr. DEWINE and Mr. BUECHNER.

H.R. 2022: Mr. COYNE, Mr. KOSTMAYER, and Mr. FROST.

H.R. 2121: Mr. ROHRABACHER, Mr. FIELDS, Mr. BORSKI, Mr. GARCIA, Mr. GRANDY, Mr. SARPALIUS, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. LEATH of Texas, Mr. WHITTAKER, Mr. ANDREWS, Mr. PACKARD, Ms. KAPTUR, Mr. MATSUI, Mrs. KENNELLY, and Mr. ANTHONY.

H.R. 2132: Mr. HOLLOWAY, Mr. SENSENBRENNER, and Mrs. MEYERS of Kansas.

H.R. 2133: Mrs. MEYERS of Kansas, Mr. HOLLOWAY, and Mr. SENSENBRENNER.

H.R. 2162: Mr. FISH.

H.R. 2185: Mr. KOLTER and Mr. FRANK.

H.R. 2201: Ms. PELOSI.

H.R. 2222: Mr. WEBER.

H.R. 2228: Mrs. COLLINS, Mr. ECKART, and Mr. JONTZ.

H.R. 2238: Mr. JONTZ and Mr. ENGEL.

H.R. 2243: Mr. DYMALLY, Mr. MOLLOHAN, Mrs. COLLINS, Ms. KAPTUR, Mr. FRANK, Mr. STAGGERS, Mr. EVANS, Mr. SAWYER, Mr. SKAGGS, Mr. FAZIO, Mr. MCDERMOTT, Mr. KILDEE, Mr. ERDREICH, Mr. LELAND, Mr. TRAXLER, Mr. GORDON, Mrs. SCHROEDER, Mr. WOLPE, Mr. OWENS of New York, Mr.

TALLON, Mr. CARPER, Mr. LAGOMARSINO, Mr. CLEMENT, and Mr. OWENS of Utah.

H.R. 2265: Mr. SKAGGS, Mr. LAGOMARSINO, Mr. ROWLAND of Connecticut, and Mr. BROWN of California.

H.R. 2269: Mr. DORGAN of North Dakota and Mr. PALLONE.

H.R. 2312: Mr. ACKERMAN, Mr. DELLUMS, Mr. ENGEL, and Mrs. MARTIN of Illinois.

H.R. 2330: Mr. FROST.

H.R. 2345: Mr. ACKERMAN, Mr. DELLUMS, and Mr. KOSTMAYER.

H.R. 2361: Mrs. BOXER, Mr. COURTER, and Mr. SENSENBRENNER.

H.R. 2362: Mrs. BOXER, Mr. COURTER, and Mr. SENSENBRENNER.

H.R. 2406: Mr. ANDREWS.

H.R. 2445: Mr. MCHUGH.

H.R. 2456: Mr. DELLUMS.

H.R. 2504: Mr. ECKART.

H.R. 2514: Mrs. MORELLA.

H.R. 2522: Mr. FAZIO, Mr. LEHMAN of California, and Mr. DEFAZIO.

H.R. 2548: Mr. PALLONE.

H.R. 2561: Mr. LIPINSKI, Mr. LAFALCE, and Mr. NOWAK.

H.R. 2584: Mr. RIDGE.

H.R. 2654: Mrs. LLOYD, Mr. FAWELL, Mr. DANNEMEYER, Mr. HALL of Texas, and Mrs. JOHNSON of Connecticut.

H.R. 2674: Mr. DONALD E. LUKENS and Mr. DELLUMS.

H.R. 2699: Mr. BOEHLERT, Mr. WILLIAMS, Mr. BOUCHER, Mr. NIELSON of Utah, and Mr. SANGMEISTER.

H.R. 2712: Mr. HALL of Ohio, Mr. POSHARD, Mr. PACKARD, Mr. CAMPBELL of Colorado, Mr. GINGRICH, Mr. NEAL of North Carolina, Mr. VOLKMER, Mr. HASTERT, Mr. HAYES of Louisiana, Mrs. UNSOELD, Mr. BOEHLERT, Mr. STUDDS, Mr. ANDREWS, Mr. PORTER, Mr. KASTENMEIER, Mr. WALSH, Mr. FROST, Mr. COURTER, Mr. JONES of North Carolina, Mr. YATES, Mr. UDALL, Mr. FAZIO, Mr. MCDERMOTT, Mr. RITTER, Mr. FEIGHAN, Mr. WOLF, Mr. HAYES of Illinois, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. GEJDENSON, Mr. THOMAS A. LUKEN, Mr. RUSSO, and Mr. SAXTON.

H.R. 2732: Mr. JACOBS, Mr. GOODLING, Mr. PETRI, Mr. STALLINGS, and Mr. FRANK.

H.J. Res. 44: Mr. HOLLOWAY.

H.J. Res. 82: Mr. COSTELLO, Mr. CLARKE, Mr. FRANK, Mr. VALENTINE, and Mr. DE LA GARZA.

H.J. Res. 104: Mr. SKEEN, Mr. MFUME, Mr. BONIOR, Mr. JACOBS, Mr. COYNE, Mr. FOGLIETTA, Mr. STEARNS, Mr. SHUSTER, Mr. ACKERMAN, Mr. ATKINS, Mr. CONYERS, Mr. DYMALLY, Mr. BURTON of Indiana, Mr. BROOMFIELD, Mr. FLORIO, Mr. GOODLING, Mr. DE LA GARZA, Mr. MOAKLEY, Ms. OAKAR, Mr. PACKARD, Mr. PASHAYAN, Mr. PAXON, Mr. ROBERTS, Mr. RAVENEL, Mr. MCNULTY, Mr. DELLUMS, Mr. DONNELLY, Mr. TRAFICANT, and Mr. SMITH of Texas.

H.J. Res. 183: Mrs. MEYERS of Kansas.

H.J. Res. 188: Mr. MAZZOLI.

H.J. Res. 195: Mr. PICKETT, Mr. HUNTER, Mr. GUNDERSON, Mr. COURTER, Mr. STOKES, Mr. MAVROULES, Mr. THOMAS A. LUKEN, Mr. BILBRAY, Mr. VENTO, Mr. SMITH of Florida, Mr. SAVAGE, Ms. LONG, Mr. SAWYER, Mr. SOLOMON, Mr. AKAKA, Mr. BATES, Mr. CARPER, Mr. CLAY, Mr. CONTE, Mr. DE LA GARZA, Mr. FISH, Mr. FLAKE, Mr. HENRY, Mr. JONTZ, Mr. POSHARD, Mr. WALGREN, and Mr. WYDEN.

H.J. Res. 227: Mr. RUSSO.

H.J. Res. 248: Mr. FISH, Mr. MORRISON of Connecticut, and Mrs. PATTERSON.

H.J. Res. 253: Mr. LENT, Mr. BEVILL, Mr. BLILEY, Mr. PACKARD, Mr. DORNAN of California, Mr. EMERSON, Mr. RAVENEL, Mr. WALSH, Mr. HANCOCK, and Mr. KOLTER.

H.J. Res. 255: Mr. EARLY, Mr. TRAXLER, Ms. SLAUGHTER of New York, Mr. LOWERY of California, Mr. SOLARZ, and Mr. JACOBS.

H.J. Res. 257: Mrs. MORELLA, Mr. MATSUI, and Mr. SAXTON.

H.J. Res. 265: Mr. COUGHLIN and Mr. BILBRAY.

H.J. Res. 273: Mr. TALLON, Mr. UDALL, Mrs. MORELLA, Mr. SHAW, Mr. LAFALCE, Mr. HILER, Mr. SCHUMER, Mr. SANGMEISTER, Mrs. JOHNSON of Connecticut, Mr. ROTH, and Mr. BRUCE.

H.J. Res. 277: Mr. BOSCO, Mr. RAY, Mr. WALGREN, Mr. PICKETT, Mr. HUBBARD, Mrs. MORELLA, Mr. FALEOMAVAEGA, Mr. DONNELLY, Mr. FLIPPO, Mr. FISH, Mr. GORDON, Mr. PERKINS, and Mr. GILLMOR.

H.J. Res. 305: Mr. MAZZOLI, Mr. MARTIN of New York, Mr. DICKINSON, Mr. JONES of North Carolina, Mr. BROWDER, Mr. LENT, Mr. WHITTAKER, Mr. TANNER, Mr. WATKINS, Mr. STENHOLM, Mr. OLIN, Mr. REGULA, Mr. STALLINGS, Mr. STUMP, Mrs. MEYERS of Kansas, Mr. LOWERY of California, Mr. SPENCE, Mr. CALLAHAN, Mr. FLIPPO, Mr. ERDREICH, Mr. HARRIS, Mr. PACKARD, Mr. JOHNSON of South Dakota, Mr. DORNAN of California, Mr. RAVENEL, Mr. COSTELLO, Mr. FROST, Mr. BILIRAKIS, Mr. JENKINS, Mr. HEFNER, Mr. TRAXLER, Mr. NIELSON of Utah, Mr. SKEEN, Mr. BARNARD, Mr. DE LA GARZA, Mr. MAVROULES, Mr. SAXTON, Mr. RHODES, Mr. SHUMWAY, Mr. KOLTER, Mrs. LLOYD, Mr. MURTHA, Mr. MONTGOMERY, Mr. PARKER, and Mr. THOMAS of Georgia.

H.J. Res. 308: Mr. GINGRICH, Mr. DANNEMEYER, Mr. LOWERY of California, Mr. DEWINE, Mr. HORTON, Mr. PACKARD, Mr. WOLF, Mr. BEVILL, Mr. HUTTO, and Mr. LEATH of Texas.

H.J. Res. 319: Mr. DORNAN of California, Mr. SKEEN, Mrs. BENTLEY, Mr. SOLOMON, Mr. HUTTO, Mr. BILIRAKIS, Mr. SCHAEFER, and Mr. RHODES.

H. Con. Res. 35: Mr. EDWARDS of Oklahoma, and Mr. BILIRAKIS.

H. Con. Res. 128: Mr. FROST.

H. Con. Res. 130: Mr. SKAGGS.

H. Con. Res. 149: Mr. STOKES, Mr. BOEHLERT, Mr. MORRISON of Connecticut, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. NELSON of Florida, Mr. VENTO, Ms. OAKAR, Mr. BILIRAKIS, Mr. ENGLISH, Mr. HORTON, Mr. IRELAND, Mr. JACOBS, and Mr. EVANS.

H. Res. 41: Mr. BROWDER, Mr. ENGEL, Mr. ESPY, Mr. FLAKE, Mr. LEATH of Texas, and Mrs. LOWEY of New York.

H. Res. 128: Mr. RHODES, Mr. KANJORSKI, Mr. MCDADE, Mr. DIXON, Mr. SMITH of New Jersey, and Mr. WOLPE.

H. Res. 164: Mr. SHAYS.

H. Res. 170: Mr. DYMALLY, Mr. TOWNS, Mr. ESPY, Mr. JONTZ, Mr. KOLTER, Mrs. COLLINS, Mrs. SAIKI. Mr. ACKERMAN, and Mr. ATKINS.

H. Res. 176: Mr. BUECHNER and Mr. SKEEN.

H. Res. 184: Mr. PACKARD, Mr. HUTTO, Mr. RHODES, Mr. NIELSON of Utah, Mr. SKEEN, Mr. WILSON, Mr. SCHUETTE, Mr. RAVENEL, Mr. SAXTON, Mr. LEATH of Texas, Mr. COURTER, Mr. FROST, and Mrs. BENTLEY.

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.J. Res. 166: Mr. BILBRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. DYMALLY:

—Page 582, line 7, strike out "made available to" and insert in lieu thereof "of".

H.R. 2696

By Mr. ECKART

—Page 41, line 5, strike "$1,062,431,000," and insert "$952,431,000,".