SENATE—*Wednesday, May 9, 1990*

(Legislative day of Wednesday, April 18, 1990)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Run ye to and fro through the streets * * * and seek in the broad places thereof, if ye can find a man, if there be any that executeth judgment, that seeketh the truth * * *.*—Jeremiah 5:1.

Almighty God, Your command to Jeremiah brings to mind a prayer by J.G. Holland:

God, give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land and waiting Justice sleeps.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 9, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

HATCH ACT REFORM AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the pending business, S. 135, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky [Mr. MCCONNELL] is recognized to offer an amendment.

AMENDMENT NO. 1591

(Purpose: To protect employees from political activities of Federal employee labor organizations)

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1591.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 4, at line 4, insert "(a)" before "An" in section 7323.

On page 4, between lines 21 and 22 in section 7323, insert the following:

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employee within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a special report as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4)(A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(B) For the purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat

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

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of any clearly identified candidate for elective public office.".

At the end of the bill, add the following new title:

TITLE II—PROTECTION FOR EMPLOYEES FROM POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS

SEC. 201. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18 UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity.

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

Mr. McCONNELL. Mr. President, during the course of this debate, I have discussed at length my concerns regarding S. 135. At root, we have before us a political bill, brought before us for partisan reasons, and with partisan timing, which ultimately would engender a partisan advantage at the expense of the other party—to say nothing of the S. 135's assault on the integrity of the civil service.

Let me say again, that this is bad legislation which should be opposed by all those who care about the integrity of both the civil service, as well as of the political arena. I will vote against S. 135, and if it passes this body, and is subsequently before the President, I will certainly support what in all likelihood will be the second Presidential veto of Hatch Act legislation.

While this bill is before us, however, I believe it is important that we discuss every issue fairly raised. Several of my colleagues have previously discussed the campaign finance implications of this legislation—particularly the legislative machinations which will only allow Federal employee union members to solicit PAC contributions from each other. In effect, this legislation creates a private preserve in which Federal employee union members can solicit PAC contributions from other union members for later delivery in the form of a PAC check to, as the statistics indicate most likely, candidates for the Democratic Party.

I think all PAC's should be banned, and still believe that a good amendment to S. 135 would ban PAC's either universally, or specifically in the context of Federal employee union PAC's. However, that is not the amendment that the Senator from Kentucky is proposing—at least not at this time. Instead, my amendment seeks to address the threat to Federal Employees' political freedom that will surely arise if S. 135 is enacted into law.

This threat stems from the government-like powers that have been conferred upon Federal and Postal Union and union officials through statutes enacted in recent years—statutes that were not around when the Hatch Act was enacted in 1939. Let me explain.

The Civil Service Reform Act of 1978 gave Federal employee unions the power to become the exclusive bargaining representative for all Federal employees in a particular bargaining unit. Under the Civil Service Reform Act, a union can become the exclusive bargaining agent for all employees in a bargaining unit without even having to demonstrate support from a majority of all employees in the unit. The union bargains with the appropriate Federal agency over working conditions, grievances, and other issues vital to Federal employment. Once the Federal union gains exclusive representation—no other group—and no individual employee—not even a nonmember of the union—is allowed to negotiate with management.

The Postal Unions have even more power over our civil servants working in the Postal Branch. Postal Union officials are granted similar exclusive bargaining powers through the Postal Reorganization Act, which put postal workers' collective bargaining under the National Labor Relations Act. However, Postal Union officials also have the exclusive power to bargain for pay. Thus, Postal Unions not only control postal employees' condition of employment, they also control their livelihoods.

Mr. President, opening up the Hatch Act now in this new environment of powerful Federal and Postal Unions would open up a Pandora's Box of problems. For example, what happens to the union member who, when contacted by a fellow employee who is a member of the union's collective bargaining committee, refuses to contribute to the union's political action committee? Will his grievance languish?

And what about the nonunion member who refuses to put up a Dukakis or Bush sign in his front yard? Would the union organize its members to orchestrate subtle, but real pressure against workers work do not support the union's agenda?

Nobody knows for sure, but I submit, Mr. President, that one point is clear—the aggregation of power in the hands of a few people is certain to attract corruption. If we are going to create an environment where the exclusive powers of Federal union officials would have an opportunity to corrupt our civil service, we ought to at least take some steps to lessen the dangers.

Mr. President, the amendment I am offering today would take two modest steps to address this danger.

First, my amendment would give Federal union members who object to the political agenda of their union leadership the option to pay only for their share of the direct costs of collective bargaining. Under my amendment, the union cannot collect dues to pay for the costs of running their PAC's, for advocacy mailings, or for get-out-the-vote drives, unless union members voluntarily choose to pay these dues. Union members who choose not to pay for political purposes would maintain their union status, and thus their right to vote on collective bargaining and other vital employment issues.

At this juncture, Mr. President, it might be appropriate to discuss some of the questions raised by the Supreme Court in its Beck decision, and the progeny that have followed that decision.

In the 1988 Supreme Court case, Communication Workers of America versus Beck, workers paying compulsory union dues faced a choice of either resigning from their union, or having dues go to political causes with which they disagreed (in violation of first amendment rights). The Supreme Court ruled that workers could receive a partial rebate of union dues if they objected.

The union member would resign, and then pay reduced dues for direct cost of representation. The worker would lose the right to vote on collective bargaining and other vital employment issues.

In the U.S. District Court for the district of Maryland's decision this year in Kidwell versus Transportation Communications International Union, railroad workers paying union dues faced a choice of either resigning from their union, or having dues go to political causes with which they disagreed. Although these dues were voluntary under some circumstances—depending on the place of employment—these dues were, in fact, coercive in nature because workers could not affect terms of employment unless they paid dues.

The court ruled that railroad workers could be full members of their union, but need not pay for political activities with which they disagreed.

Federal and Postal workers face a situation somewhat analogous to that of the worker in the Kidwell case I just referred to. Although Federal employee unions cannot collect compulsory union dues, Federal employees are faced with the choice of forfeiting their vote on collective-bargaining matters vital to terms of employment in order to avoid paying union dues for candidates and causes they oppose. My amendment would provide workers the opportunity—just the opportunity—to refuse to pay dues for political purposes they oppose without losing their right to vote on collective-bargaining matters.

In fact, my amendment follows a comment made by Justice Thurgood Marshall in the majority opinion for the Supreme Court in the Austin versus Michigan Chamber of Commerce case. Justice Marshall said that a union may not compel union members to financially support union activities that infringe on their first amendment rights. Although it is not yet clear if the Supreme Court is prepared to adopt the holding in the Kidwell decision, that decision—and my amendment—are clearly the coming trend in the law.

The second provision of my amendment is designed to protect workers from political coercion. Although I note with interest the addition of the Robb-Glenn amendment earlier in the debate purporting to ban the coercion of political activity from Federal employees, I respectfully state that—in this Senator's opinion—it simply does not reach far enough. The Senator from Kentucky is not aware of any other provision, either in this bill or the United States Code, which bans coercion of political activity from Federal employees by Federal employee unions or union agents. The second part of my amendment corrects this oversight.

Mr. President, I note that this provision simply extends the same ban against political coercion of civil servants by Federal managers to the Federal and Postal union officials with exclusive control over collective bargaining. Since Federal and Postal union officials have been granted this quasi-governmental power, it seems only fair that they, too, be prohibited from coercion. If there is no intent by union officials to coerce Federal employees, then they and their Senate allies should have no objection to this proposal.

Mr. President, the Hatch Act has served this country well for more than 50 years by shielding our Federal work force, and the American taxpayers, from the corrupting influence of machine politics. If the Senate insists on voting to gut the Hatch Act, it should at least adopt my modest and reasonable proposal to curb some of the abuses of our civil servants' political freedom that will most surely arrive should the Senate take this unwise step.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, one of the difficulties in dealing with the Hatch Act on the floor has been a difficulty in getting some of the very involved amendments enough in advance that we could comment on them intelligently once they were officially offered. Once again, that has proven to be the case. This amendment put forth by the distinguished Senator from Kentucky does have some ramifications to it that we wish to study. I had requested all day yesterday that we be given the amendment just as early as possible when I knew the Senator from Kentucky was going to offer it. We could not get a copy of it yesterday, so we are going to have to take a little bit of time this morning to look at it before I know exactly what we want to do.

Mr. McCONNELL. Will the Senator yield on that one point?

Mr. GLENN. Certainly.

Mr. McCONNELL. When I reached the floor yesterday, the Senator from Kentucky discovered that the amendment might not be germane, and since we had all wanted to proceed on this bill with germane amendments, it took some time yesterday afternoon to make it germane. It is germane this morning, and I apologize for not being able to get it to my friend from Ohio yesterday.

Mr. GLENN. All right, I understand. Let me make just a couple of comments off the top of my head while we have staff giving this a little more thorough look than we have been able to do so far.

Mr. President, Federal employees are already protected by statute from paying union dues for use in any activities to which they may object. Under section 7102 of title 5 of the United States Code, each employee shall have the right to join any labor organization or refrain from joining without fear of penalty or reprisal. Furthermore, a labor organization which has been accorded exclusive recognition in a unit must represent all employees of that unit without regard to whether they are members of that labor organization as stated in section 7114 of title 5.

When we discussed some of these things yesterday very briefly, I believe this was a followup to the Beck decision in the Supreme Court. That particular decision was directed at protecting employees who were forced to pay union dues because of the union's bargaining agreement. In other words, they had a closed shop, union shop, everybody had to be a member to work at that particular place, and then could employees' political contributions be used properly or not in that situation where they were forced into a union because of the contract with that particular company.

So this is a different situation because Government unions, employee unions are strictly voluntary. That is provided for in law.

Now, 5 U.S.C. 7102, employees' rights, says:

> Each employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and each employee shall be protected in the exercise of such right. Except as otherwise provided under this chapter, such right includes the right—
>
> (1) to act for a labor organization in the capacity of a representative and the right, in that capacity, to present the views of the labor organization to heads of agencies and other officials of the executive branch of the Government, the Congress, or other appropriate authorities, and
>
> (2) to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under this chapter.

Another part of 5 U.S.C. 7114:

> Representation rights and duties.
>
> (a)(1) A labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering all employees in the unit. An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.

It goes on with some other things there. So it would appear at least after a first look at this it probably is already covered under existing law, but we wish to look into it in more detail. Then I will decide whether we wish to accept this or dispose of it by whatever means the distinguished Senator from Kentucky might wish.

Mr. McCONNELL. Mr. President, the problem as the Senator from Kentucky understands it is simply this. Under current law, the employee has a Hobson's choice; he can pay dues and get to vote on the collective-bargaining agreement, or he cannot pay dues and have no vote. What the Senator from Kentucky is trying to cure is that problem. We would like for this Federal employee to be able to pay that portion of his dues related to the job of

negotiating the terms of employment and not, if he chooses not to, have to be charged for political activities with which he might disagree.

That is the purpose of the amendment of the Senator from Kentucky.

Mr. GLENN. Mr. President, would the distinguished Senator from Kentucky want to make this applicable not only to Government employees but to all employees, wherever, there was a similar employment situation in business or industry; that those employees would be given the right with their company or with whatever the organization is, business PAC's or whatever, to make the same limitation?

I do not see why we would necessarily say that Government unions are bad except that it is the perception on the other side of the aisle that they only contribute to Democrats, which happens to be not right. But there are a lot of PAC's out there that from a Democratic viewpoint mainly contribute to Republicans and Republican causes, too.

Would the distinguished Senator from Kentucky want to apply the same standards to all unions for whatever political purposes and not limit it just to Government employees?

Mr. McCONNELL. I say to my friend from Ohio, the Senator from Kentucky would like to do precisely that, but it is his hope to keep the amendments on this bill germane. Later today, as a matter of fact, the distinguished Republican leader and myself will be introducing a McConnell-Dole Republican alternative on campaign finance which will do precisely that. But it has been our goal, as this discussion has unfolded on this bill, not to have the campaign finance debate on the Hatch Act reform proposal, and so the amendment of the Senator from Kentucky is narrowly crafted to be germane to this bill.

But it certainly would be my view that this should be applied more broadly, and such an effort will be made at a subsequent time.

Mr. GLENN. We are having staff look at this and go through it right now, and we will decide what our position will be on it. I just wanted to raise those few comments starting out. I am sorry we did not have it available for overnight study, but we will get at it as fast as we can and get it disposed of.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. (Mr. KERREY). The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that I may proceed as though in morning business on another subject for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCUMBENT ADVANTAGES: A MYTH THAT SHOULD NOT CONTROL CAMPAIGN FINANCE REFORM DECISIONS

Mr. DIXON. Mr. President, the Senate will soon take up the issue of campaign finance reform. I hope some of my colleagues may be listening right now or that their staffs will be because I am going to report on some facts that I think may be surprising to many Senators.

I strongly support sound reform, and I intend to work hard to see that the Senate achieves final action on a workable, effective reform package. I do not want to take the time of my colleagues now to discuss the specific issues we will be considering. There will be time for that later.

Instead, Mr. President, I would like to talk for a moment about the myth of incumbent advantage—the theory that campaign reform should be structured to protect challengers, who now find it impossible to compete with entrenched incumbents. I am sure all my colleagues have seen the stories:

Incumbents have all kinds of staff, who do nothing but spend time burnishing their image;

Incumbents have the frank, and mail ever-increasing volumes of junk mail to their constituents, giving them real electoral advantages over their potential opponents; and,

Incumbents have access to their own TV and radio facilities, and command much more press attention than challengers.

Story after story goes on and on in this vein. Frankly, if I took any of them seriously, I would never have run for office in the first place.

These reports often sound convincing, and because of sheer repetition, a lot of people seem to think that they are true. The fact, however, is that our electoral system is very competitive, and the theory of incumbent advantage is not supported by the facts, at least, Mr. President, not in the Senate.

That the incumbent advantage is a myth in the Senate becomes obvious when one takes a few moments to review the last several Senate elections, starting with 1978.

I admit 1978 is a somewhat arbitrary choice, but I chose it for three reasons:

One, because it allows a review of six Senate elections, two full 6-year terms' worth;

Two, because it includes two elections when the President of the United States was a Democrat; and,

Three, because starting with the 1978 election instead of earlier avoids any aberrations that might have been caused by the Watergate scandal.

Mr. President, in 1978 there were 35 seats up for election. Ten Members of the Senate retired that year. Ten incumbent Senators were defeated that year, three in primaries, and seven in the general election.

What that means is that looking only at the contested seats, only 60 percent of the incumbents—60 percent, Mr. President—running for reelection were, in fact, returned to office by the voters. Stated another way, challengers won 40 percent of the seats contested by incumbents.

Those figures alone, convincingly demonstrate, I think, that incumbency was of no advantage that year. Sixty percent is a far cry from the 98-percent retention rates that are talked about so very much. However, it is worth remembering, Mr. President, that even the 60 percent figure tends to understate challengers' real competitiveness. After all, some incumbents retire because they do not believe they can win reelection.

It is worth stating the statistic one other way. Based on the percentage of freshmen elected to the Senate in that election cycle, and on that basis, Mr. President, freshmen won 57 percent of the seats at stake. In other words, over half of the seats at stake that year, 1978, were not retained by incumbents.

And, 1980 was, if anything, even more dramatic. That year, of course, control of the Senate shifted from the Democrats to the Republicans; 34 seats were contested in that election. Only 5 incumbent Senators resigned, but 13 incumbents were defeated, 4 in primaries, 9 in the general election.

Again, looking at only the seats contested by incumbents, challengers defeated incumbents in 45 percent of the seats contested by incumbents. Fifty-three percent of the seats at stake went to freshmen, and were not retained by incumbents.

In 1982, although we were in a deep recession, it was a more proincumbent year; 33 seats were at stake. Only three Senators retired, only two incumbents were defeated. So challengers won only about 6 percent of the contested seats. In 1982, therefore, Senate incumbents achieved a 94-percent retention rate.

Looking at the overall numbers, however, incumbents only retained 85 percent of the seats at stake, newcomers won five.

Although 1984 was not as kind to incumbents as the prior election, it was still much less dramatic than the 1978 and 1980 elections.

In 1984, there were 33 seats up for election; 4 Senators retired, 3 incumbents were defeated. Interestingly all three of these incumbents, two Republicans, and one Democrat, outspent their challengers. More money though, did not save them from defeat. Ten percent of the seats contested by incumbents were won by challengers, and freshmen won 21 percent of the overall seats at stake.

After two relatively status quo elections, 1986 was another poor year for incumbents. Control of the Senate

came back to the Democrats; freshmen won 38 percent of the 34 seats up for election. Six Senators retired, seven incumbents were defeated; six of the seven defeated incumbents outspent their challengers once again. But again, having more money did not save them. Incumbents retained only 75 percent of contested seats, challengers won 25 percent.

The most recent Senate election in 1988 again demonstrated how competitive Senate races are. Newcomers won over 30 percent, over a third of the 33 seats at stake. Sixty-seven Senators retired, and four incumbents were defeated in the general. Challengers, therefore, won 15 percent of the contested seats. Two of these incumbents outspent their successful challengers.

In the other two races, the challengers and the incumbents had essentially equal amounts of money to work with.

I have cited a lot of figures because the figures are important. They make a compelling case that there is no particular incumbent advantage in the Senate. In the six elections I reviewed only once was the incumbent retention rate over 90 percent. In at least two elections newcomers won over 50 percent of the seats at stake. Incumbents retained 60 percent or less of the contested seats.

Senators serve 6-year terms and only one-third of the Senate, therefore, faces the voters in any given election year.

Mr. President, that makes it even more significant that there are only 55 Senators here today that were also here in 1978. Slightly more than half of the Senate—think of it. Slightly more than half was here in 1978. During that time period 34 incumbents retired, 39 were defeated by their challengers. What this means is that, believe it or not, Senators have only slightly better than a 50-50 chance on average of staying in the Senate more than two terms. I think it is fair to say, then, that the Senate therefore bears no resemblance to the "incumbents' protection club" we always read about. It is in fact already extremely competitive—a fact that we should carefully keep in mind, in my view, as we work to achieve the necessary consensus on campaign reform.

Mr. McCONNELL. Will the Senator yield?

Mr. DIXON. Mr. President, I will yield to the Senator.

Mr. McCONNELL. I was listening to the Senator with some interest. I think his speech was outstanding, and it is certainly the case that under existing law the Senate has been a dynamic, competitive place. It has changed hands twice in terms of the majority, and I think the Senator made an outstanding speech which pointed out how competitive the Senate elections are, on the whole, under the existing legislation. I simply want to commend the Senator from Illinois for a fine speech.

Mr. DIXON. Mr. President, I want to respond to my friend by saying that I appreciate those remarks. The only thing that compelled me to make this speech was that I keep reading all these 98 percent figures, and I kept wondering how that could occur when this Senator, who is only in his ninth year, is about in the middle of seniority in the Senate, and I am thinking, there has to be some flaw in this figure.

When I had my folks research it, I was frankly astounded to find that this Senator who came here in 1980, had he come in 1978 would be in the upper half of his class probably. So quite obviously, while I cannot comment and do not know the numbers on the House side, I think it is pretty clear it is competitive over here.

I want to say to my colleague, because I think we have a substantial difference of opinion about campaign finance limitations, that I do not think that does anything to change the position of some of us, which I understand my friend from Kentucky does not share, that we ought to put caps on campaign spending. I genuinely believe, without regard to all the other things that are done, on the question of PAC's, whether you limit PAC's or eliminate PAC's altogether or soft money and all the other things, I say to my colleague, I genuinely believe that if we do not have campaign spending limitations that meet the standards somehow of the Supreme Court in the most recent case, I would want a strong nonseverability clause to see that part of the bill become law and the rest fail. If we do not have caps, I believe we are going to have some major scandals around here. This money-chasing around the country is an outrage—not just by incumbents but by challengers as well.

When you see that kind of money being spent in the country, it is an outrage. I say to my colleague that I believe people are going to get in trouble if we do not do something about it.

If I recall the bill that we have—and I understand there is an honest difference of opinion, and I hope we ultimately get some kind of an accommodation, but my recollection roughly of the bill we have is that my State of Illinois would permit candidates on both sides to spend $4.5 million, maximum, in the campaign spending limit we have in our bill, and then would permit another 20 percent under that flexible rule, money raised in your own State in increments of small amounts, which would be roughly $5.5 million.

I have to tell my friend, and others in the room, that is not an unreasonable number for my State. It is more than I have spent any time I have run. My colleague spent more, but he was running against an incumbent the last time. Perhaps he and his opponent will spend more this time. I suspect he and his opponent could live within a cap of about $5.5 million.

I do not want my speech misinterpreted. I did not come here to say that the existing law is OK. I came here to say that it is not true that we need to figure out some way to make this a level playing field, because I suggest there is already fairly much of a level playing field, and what I further urge is that we have that in mind when we craft the bill. I have to say once again what I deeply and truly feel, that is, there needs to be campaign spending limits.

I think—no offense meant to any Senator—any bill that one passes here that does not have a cap on it is not effective. It is, in my view, not sufficiently responsive to the needs of the country. But I understand—and I say this in the warmest way to my colleague—that we may have some honest differences of opinion around here about that.

I thank the Chair.

Mr. McCONNELL. Mr. President, one further brief observation. We can have the campaign finance debate later, but I want to point out further that the Senator from Illinois makes an important point, that under the existing law, the Senate has been a competitive place and the House has not. People typically mix apples and oranges when they talk about a lack of competition. They use House statistics to argue for Senate revisions. I, too, am not a defender of the status quo and think there ought to be dramatic changes in the way we handle campaign finance in the country.

I will offer later a bill that does just that. I do not intend to begin debate on that here this morning. Rather, I want to say that the Senator from Illinois made an important contribution to raising the level of understanding regarding an issue about which there is appalling ignorance in this body and outside among those who follow the issue. I thank the Senator from Illinois for the contribution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with consideration of the bill.

Mr. GLENN. Mr. President, it is going to take some time for the staff

and for us to study the proposal by the distinguished Senator from Kentucky. What I would like to suggest, if there are other amendments that can be brought to the floor, we could temporarily set this aside while we consider other amendments, so we make the best use of the Senate's time. That way we can move the bill along more expeditiously.

It will require a little while to study this particular amendment. If others can be brought to the floor, and people in the offices could bring them over here now, we would be glad to consider them while we give this a bit more study. I suggest that as a way of moving this along.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, over the last 5 or 6 days that we have been dealing with these reforms of the Hatch Act, we have given some of the purposes of this change many times, but I would like to give them one more time here and then specifically address the proposal by my distinguished colleague from Kentucky.

Mr. President, S. 135, the Hatch Act reform amendments are exactly that, they are reform. They are not the repeal that keeps being referred to, nor do letters from particularly interested organizations referring to this as a repeal act add any validity whatsoever. They are not repeal at all.

There have been a number of abuses under the Hatch Act that have been permitted through the years in some cases by some 3,000 interpretations of what could or could not be done that were folded into the Hatch Act in 1939 that came out by previous interpretations and applied to the civil service system. They were incorporated. They are very confusing. It has left many Federal employees not knowing what they can do or what they cannot do.

S. 135 proposes changes that would allow these civil servants to participate voluntarily—they cannot be coerced; that is prohibited in the law now; it does not change that at all; voluntarily—as citizens in the Nation's political process.

Another misconception of this bill that has come out repeatedly in the debate is reference to some of the dire things in the House bill. This is not the House bill. It does not do the same things. The House bill specifically permits Federal employees to go out and to solicit contributions and permits Federal employees to run for elected public office.

We specifically prohibit that in this. We are going to have a great conference when we get together, once this passes, with the House. That is another subject, and we will deal with that in its time.

We view S. 135 as a very modest proposal which tries to bring some order so people will know where they are violating law and where they are not violating law and specify, make more clear, what can be done on the job and what cannot be done on the job or off the job. It would eliminate many of the complicated and restrictive rulings that presently govern the political activities of Federal civilian and postal employees.

The committee held 2 days of hearings on the Hatch Act in February of 1988, and one in July of last year. Much of the testimony focused on the fact that under current law, as I indicated, civilian and postal workers must comply with some 3,000 separate administrative rulings about what kinds of political activities are permissible or not.

Witness after witness testified that the set of rulings have become so confusing and illogical and trival over the years that they do not know what to do.

I admit to being very lukewarm going into the discussion about whether there should be any changes to the Hatch Act or not. It worked reasonably well. Nobody is really happy with it or that unhappy with it. A few people are, but I doubted whether I should get involved in it or not.

The more I got into it, the more I looked at some of these differences of interpretation under the law, I finally came to be a firm believer that we have to do something just in simple fairness to bring a little bit of understanding to what the Hatch Act provides.

Let me give some examples. Those who have followed the floor action have heard these before. So bear with me if you are hearing it for the second, third, or fourth time.

But if "Hatched" right now, what can you do? You can wear a campaign button on the job. As my distinguished colleague from Wyoming pointed out the other day, how would you like to be a dyed-in-the-wool, card-carrying Republican, walk into the IRS office, and the IRS agent who is there to audit your account has a big Dukakis button on? It would not give you much confidence that you are going to get a square shake, perhaps.

Or to put it the other way around, I walk in, and here is a fellow with a big 3-inch Bush-Reagan button on. Am I going to get a fair shake? I hope I will. I, as an American citizen, should not just hope in a situation like that.

So you can wear a campaign button on the job, and that person, as a Government employee, can write a $1,000 check to a candidate. That is fine. But do you know what he cannot do? That same person cannot go down and stuff envelopes in a back room someplace. He cannot put things in to be mailed: he cannot contribute any of his time. He can take part of that $1,000 and hire a professional firm to do that and that would be legal, but he cannot do it himself.

Those are the rulings. I did not make them up. They are there. Is that right? It seems a little crazy.

Let me add another example. If you are "Hatched" right now, under some of these 3,000 interpretations, you cannot go to a rally and hold a political poster. You cannot do that; that is illegal. But I can go outside and put 50 of those posters on my car and drive around, or I can go to my home and put all sorts of signs up in the yard. Does it make any sense to have a restriction in one area but not in another?

What if I am at a political rally and a friend of mine comes by? I am "Hatched"; I am a Government employee. I am standing in the back of the room. I am permitted to be at the rally, but I am not permitted to participate. A friend comes by and says, "I have to repark my car; it is on a meter. Will you hold my sign"—that has somebody's name on it—"for me a minute until I come back in a few minutes?"

So I, being a good friend, hold the sign. I am in violation of Federal law, by present interpretation. I can be cited for that. I can receive a penalty for that. I can be suspended for a certain length of time from my job for temporarily holding a sign. That is prohibited under the interpretations. Is that right? I cannot imagine we really want to put that kind of an interpretation on this.

Another example: If you are "Hatched," you may express your opinion about a candidate publicly, but it goes on to say you cannot make a speech or campaign for or against a candidate. What is meant by that? People do not have any idea what is meant by that.

If I make a speech, but it is not to anybody—I am going to have to be out in the middle of the woods someplace—is it a speech or is it not a speech? I do not know.

My distinguished colleague at the moment says he recommends I go out in the middle of the woods and give that speech. Maybe that is the general consensus. But if I go out in the middle of the woods and I have one other person there, does that become a public speech? Am I required to have three, four, or five people present? What is the definition of a public speech?

This is not all that ridiculous, because one of the things that came up

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during the last election was in the State of Washington, Navy shipyard workers were notified they could not actively participate in the State's Presidential caucuses, State caucus, where you have to be there for the duration of the caucus. Some vote by hand; some vote by ballot. But you have to stay there. You do not have a vote unless you stay. They could not even attend without violating the Hatch Act, they were told. It seems to me that denies them rights that every American citizen has a right to expect.

The current Hatch Act, up until about a year ago, even extended to the letters to the editor. You could write not more than five letters to one newspaper, or one letter to five newspapers on a political matter without being in violation of the Hatch Act.

Those are just some examples, and they are not ridiculous examples. They are things that some 3 million Federal workers right now have to live with, and they try to make interpretations and try to decide what they can do and cannot do. That does not make much sense.

So the changes we are making do not make great sweeping changes in the Hatch Act. They are not a repeal of the Hatch Act. What they are trying to do is bring some sense and order out of a situation like this.

The right of American citizens in good standing to participate in the politics of the Nation is a serious and an important constitutional right.

We first started this debate the other day. It kept being stated over and over again that the Hatch Act does not violate the Constitution. I agree with that 100 percent. The Supreme Court has ruled on that, and I agree with that. That did not have anything to do with our debate here, really.

But I submit that this constitutional right that people have is a right that, if restricted, which we do with the Hatch Act, should be restricted only to the extent necessary to prevent more profound violations from occurring.

When the Hatch Act was passed some 50 years ago, the development of a professional civil service was being undermined and seriously undermined by patronage appointments.

At that time—this was back in the Great Depression days, the days of the New Deal and WPA and all of those things—more than 60 new Federal agencies had been created by the end of 1934—60 new Federal agencies—to deal with the dire economic straits this country found itself in at that time. But do you know how many of those 60 new Federal agencies had been put under the jurisdiction of the Civil Service Commission? Only five. So this meant that the majority of these agencies were being staffed on the basis of political patronage rather than merit competition, and that rapid growth of patronage jobs, 300,000 we estimate now—300,000 jobs, straight patronage jobs, straight patronage jobs—created congressional concern that some civil servants might be working for partisan rather than national interests. I think that was a very legitimate concern.

So in 1939, a special Senate investigation disclosed that political appointees in the WPA had, in fact, coerced relief workers into making political contributions in return for their jobs, a flat out deal, and that was wrong.

The Hatch Act was quickly passed. It was passed without congressional hearings, with little debate, in order to protect the Federal employees. That was very fast action. In fact, the Senate vote on the act was so hasty, so hasty, that a subsequent amendment had to be offered on the House floor to exempt the President, the Vice President, and Members of Congress from Hatch Act restrictions that would have prevented them from even seeking reelection because they were Government employee and could not have done anything politically to run for reelection. A ridiculous situation. That is how fast it was passed.

In passing the Hatch Act, Congress attempted to guard the civil service from undue political influence by prohibiting Federal workers from engaging in partisan political activities altogether. Fifty years later we have a dramatically different situation. We have an established professional civil service hired on a competitive merit basis. We also have a system of checks and balances to guard against political abuses. I believe that a compelling case has been made for revamping restrictions on the political liberties of today's work force. At the same time, I am acutely aware of public concern that too dramatic a change in the Hatch Act might serve to repoliticize the civil service and expose workers to coercion.

So what we face in proposing reform of the Hatch Act is a balancing act; we balance a need to protect the integrity of the civil service with our duty to protect the constitution right of all citizens to participate to the greatest permissible extent in the Nation's political processes.

How do we do this? We do it by being very careful about what can be done on the job and what can be done off the job. That is where much of the confusion has arisen through the years over these some 3,000 or more interpretations with which civil servants have to try to live.

Under the bill, "Hatched" employees would enjoy more freedom after hours by being allowed to wear voluntarily—voluntarily, could not be coerced, that is in the law now—as private citizens for the candidates and causes of their choice. Could they carry a poster at a political rally or stuff envelopes or participate in voter registration drives and distribute campaign material while off the job? Why not? These are basic rights that other Americans take for granted. However, we do not just open up everything off the job. We keep some restrictions on off-the-job activities. For instance, first, current law prohibitions against Federal and postal employees soliciting campaign contributions from the general public would remain in force— no campaign contributions solicitation from the public. That is permitted in the House bill. It is not permitted in this bill.

Second, this bill would keep current law prohibitions against Hatched employees running for partisan elective office. The House bill would permit that; the Senate bill does not.

At the same time, it would allow them to participate in local party organizations or affiliated groups, precinct chairmen, committee men, whatever. They cannot do that today, but I think that should be permitted. This bill provides it.

S. 135 would ensure the continued protection of Hatched employees from political coercion by making a very, very clear distinction between activity on the job and activity away from work on an employee's own time.

On the job, nothing, no political activity. Off the job, we still keep the prohibitions of not running for elective office and no solicitations, no contributions solicitations. Outside of that, should people be able to enjoy the same political freedom as everyone else? Why not? I do not see any reason why not.

The Department of Justice and other opponents of the bill have charged that provisions of S. 135 intended to prevent abuses will be ineffective in achieving that goal as a practical matter because of the difficulties inherent in proving even the most patent abuses.

That is true right now under existing law. The problem right now is that some of those abuses people do not even know are abuses because of the confusion in the law itself. On the other hand, such a statement by the Justice Department that we should not have a law because of difficulties inherent in proving abuses is a little bit astounding because it is incredible that these officials, having the primary responsibility for upholding the laws of our country, would maintain that criminal statutes are ineffective because of difficulties in proving the charges. Such difficulties are often the case, but surely Justice officials would not advocate repealing the statutes involved in those cases because it is difficult to bring a case under certain law.

Mr. President, I urge my colleagues to give Federal workers the right to participate more fully in the political process. This is a right that has been

denied to them for over 50 years. We bring some clarity to the law with S. 135. That is all it does.

I believe that this action by the Senate is long overdue.

Mr. President, let me address briefly and make a few remarks regarding the amendment before us by my distinguished colleague from Kentucky.

I point out that the provisions he makes in this amendment apply to Government unions. They are not the same as the Supreme Court Beck case where some employees brought a case to the court to point out that they were forced in a union shop, or a closed shop, to join the union to get a job. They did not like their money being used for political purpose, and they sued under that.

Now, this is not the same as the Beck case. Government unions are all voluntary. There is no closed shop, no union shop for Government employees. Let us take the provisions that the distinguished Senator from Kentucky is proposing and say that we will apply them to outside corporations. What happens to outside corporations? Are they permitted political activity? Yes, they are to some extent under certain rules. They quite often fund foundations that take political views or can even take a political position.

We have all seen the Mobil Gas Co. ads, the ads in the paper in which they make straightforward political statements. They lobby—political statements, public policy.

What happens to the stockholders of that company? If the stockholders do not like that, they cannot say, "Wait a minute, Mobil. I'm a stockholder, so I want you to not use my part of what might otherwise be dividend money, I want you to send my part back on a pro rata share because I do not agree with your share that was in the paper." No. What is the procedure if a stockholder has a beef against a company? He cannot just say, "I want my part of that back." What he does, if he does not like the ads, he goes to the stockholders' meeting and he gets a majority vote to agree with his opinion, if he can do so.

Similarly, inside the Government, it would appear to me that Government employees who join the union on a voluntary basis, completely voluntary, can do exactly the same thing. These unions that are voluntary unions inside Government cannot force anybody to join. Government employees can go to meetings and change the internal way that union operates if they can get the votes. These unions operate on a majority vote of their members.

Why is that not adequate? There is no infringement of rights here.

Let us look at the costs. If we went ahead with the costs put forward by my distinguished colleague from Kentucky, we have some 3 million Government employees I believe. The mailing he suggests would have to go to every one of them every year. Let us say the cost of postage being what it is right now at 25 cents, I guess that means we would have some $750,000 cost just to do the mailing every year. It costs at least that much again to prepare the letters, have them printed, and have them sent out.

I guess we are probably asking for $10.5 million, and for what purpose? I do not see it really accomplishes that much.

Let me add that at the hearings we had where people came in and expressed themselves who were in opposition to S. 135, not a single person, to my memory, and I was at all of the hearings, brought up anything like this. Nothing was even brought up that indicated that there is any problem at all. I would think if this is such a major issue that this would have been brought up at those hearings.

Mr. President, I further say to my distinguished colleague from Kentucky that title II deals with coercion. I support very fully that same feeling he has that coercion should absolutely not be permitted in any way, shape, or form. But I would also submit that is covered in other law and is also covered in the bill in that you cannot coerce anybody for any reason period, and that is it. It is illegal to do that. So, I do not know whether we need to repeat it again in title II. I do not believe we do.

As I indicated earlier, we are still studying the proposal here. But I wanted to make these few remarks on it from the review that I have made of the proposal by the Senator from Kentucky so far.

Mr. President, staff just gave me a copy of a bill, a copy out of the morning paper, Wednesday, May 9, by Bell Atlantic in which it is basically a political ad. It is lobbying people to support a particular piece of legislation that Senator HOLLINGS has put in. "Mr. HOLLINGS' bill would stimulate more telecommunications breakthroughs, it will promote healthier competition, provide better phone service"; a lengthy article here on the page, strictly political.

What if somebody does not agree with the Hollings bill and they are a stockholder in Bell Atlantic? Should they be able to go out and say, Bell, send me my pro rata share of that, deduct it or add it on to my next dividend check?

I hardly think so. That is the situation we find ourselves in.

We will continue our study of the amendment. If there are other amendments to be brought forward, we can set this aside and continue with it. As soon as we are prepared to make a more complete statement, I will seek recognition to do exactly that.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I am pleased to support the amendment of the Senator from Kentucky [Mr. MCCONNELL]. This amendment will serve to add additional protection for Federal workers. Further, it will give employees of the Federal Government both the ability to be represented by union leadership at the bargaining table, and independently choose if they want the union to represent them in the political arena.

The Federal worker, I believe, deserves the freedoms the Hatch Act reform bill seeks to give them. However, we must make these freedoms equitable. Due to a unique situation that exists within the Federal work force, many workers have no choice but to accept collective-bargaining representation by union officials. Workers may choose to join a union because of this negotiating power—the choice to do so being a personal one—but those choosing against such an option must not be penalized.

The dues paid to the union are used to represent the worker at the bargaining table, but additionally, they are often used to further the union's political agenda. A Federal employee wanting to have a grievance mediated may be forced to utilize union services, and because of that may join a labor organization. However, the civil servant may not agree politically with the union that represents him or her at the negotiating table. Because of the monopoly status the unions enjoy in this area, the individual civil servant should have the right to join that union, but maintain the right to choose what political causes he or she wishes to financially support.

Additionally, this amendment adds important language to S. 135 to explicitly prohibit any form of political coercion of Federal civil servants by union officials. I believe that both proponents of the bill and those opposed to this legislation agree that we must take every step to ensure that coercion be eradicated from the Federal workplace. This amendment takes important steps to give our civil servants the security of knowing that any person who attempts to coerce them, either union or Government official, will face severe penalties.

Mr. President, the civil servants of this country are vital to our Nation's continued well being and prosperity. Their importance cannot be underestimated, and they should not be penalized for serving our Nation. S. 135 seeks to restore to these individuals certain freedoms that the private sector now enjoys. This amendment furthers that goal, and I believe is important to make sure that we do not cause unforseen and inappropriate pressures in our Federal work force. I urge my colleagues to support this amendment and ensure that the civil

servants of our Nation are given the opportunity to work in an environment free of coercion and one that cherishes the freedom of choice.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL].

AMENDMENT NO. 1591, AS MODIFIED

Mr. McCONNELL. Mr. President, I send a modification amendment to the desk. This modification will replace the previous amendment entirely. It will not change the substance of the amendment. It is purely procedural in nature.

Mr. GLENN. Mr. President, would the Senator yield for a moment for a parliamentary inquiry? Was the agreement last night that we would proceed to campaign finance reform at 11:45? Was that set aside, or have we gone beyond the time?

Mr. McCONNELL. There was an understanding, if I may.

The PRESIDING OFFICER. It was an understanding, not an order.

Mr. GLENN. I gather we are not proceeding to campaign finance reform at 11:45. Is that correct?

The PRESIDING OFFICER. It is an understanding. The Senator from Kentucky does have the right to modify the amendment. The amendment is so modified.

The amendment (No. 1591), as modified is as follows:

On page 4, after line 2 strike through line 21 and insert the following:

"§ 7323. Political activity authorized; prohibitions

"(a) An employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal employee organization;

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal employee organization; or

"(3) run for the nomination or as a candidate for * * *

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services, except that such examination shall, at a minimum, constitute a "special report" as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4) (A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) of 316(b) of the Federal Election Campaign Act only with funds legally collected under this Act for its separate segregated fund.

"(B) for the purposes of this paragraph, subparagraph (A) or paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 7323A. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18 UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity."

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

Mr. McCONNELL. Mr. President, if I may——

Mr. GLENN. That was not part of this. This was to set aside the Hatch Act considerations as I understood it at 11:45 to 12:15 so that the campaign finance reform from the Republican side could be introduced on the floor. I do not want to impinge on that time, if they are ready to proceed. It is my understanding that was the agreement last night.

The PRESIDING OFFICER. That is the anticipated procedure with the understanding.

Mr. ROTH. Mr. President, it is my understanding that the distinguished minority leader is on his way back and should be here within a very few minutes. So we could just proceed.

Mr. GLENN. The distinguished minority leader has arrived.

Mr. ROTH. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, will the distinguished minority leader and our colleague from Kentucky—do I understand this will take until 12:15 or will it go longer?

Mr. DOLE. If the Senator will yield, we had 30 minutes. It will probably take until about 12:30 now, at least. We are late getting started.

Mr. METZENBAUM. There are some others who want the floor.

Mr. DOLE. Does the Senator want to cosponsor our package? I will let him speak first.

Mr. METZENBAUM. I want to consider that.

Mr. DOLE. Mr. President, the majority leader is on his way back. I do not think he will have any objection to extending the time since we are starting late. But I will wait until he returns. He can make the request. I would be happy to yield the floor. I

think other Senators have been waiting, Senator PACKWOOD, and Senator MCCONNELL. I will speak last.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Kentucky.

Mr. METZENBAUM. Will the Senator from Kentucky be willing to yield 3 minutes to the Senator from Ohio for the the purpose of introducing a bill at this point?

Mr. MCCONNELL. I am happy to yield.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 2602 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1990

Mr. MCCONNELL. Mr. President, I rise today on behalf of myself, the Republican leader, Senator PACKWOOD, Senator NICKLES, and 30 other Senators to introduce the most comprehensive campaign finance reform bill ever introduced in the history of our country, including 34 different points.

Mr. President, covering some of the highlights of this measure, there is in the proposal that we are introducing today a complete ban on contributions from political action committees. Mr. President, this puts the PAC's out of business.

If the American people have an interest in this issue, and we think they do, their interest is in special interest funding of political campaigns. This measure is the most comprehensive measure ever introduced on this subject.

In addition, the American people are concerned that money that comes into campaigns be limited and disclosed. One of the great scandals of American politics has been the so-called soft money, particularly, Mr. President, those who hide behind the Tax Code and who benefit from that tax exemption and go out and get involved heavily in political campaigns.

The bill we are introducing today would ban non-party soft money entirely. Also, Mr. President, the bill we introduce today draws a distinction between those who can vote for a candidate and those who cannot, in terms of the amount of their individual contribution. This bill makes that distinction and lowers the limit on contributions from those outside of the candidate's State.

In addition, this bill eliminates Keating-style bundling and also closes the millionaires' loophole. All of us have been frustrated, on both sides of the aisle, by the growing tendency in recent years of people of great wealth simply writing out a check for political campaigns. It is not possible to entirely eliminate that problem, because there is a constitutional difficulty in eliminating millionaire contributions, but there are other ways of getting at it.

This bill requires that if a candidate is going to spend more than a quarter of a million dollars of his own money in a race, he must so notify the FEC, and thereby his opponents, who are given then the opportunity to raise up to $5,000 per individual for their own campaigns. Further, if an individual expects to spend in excess of $1 million on his own behalf, then there would be no individual contribution limits whatsoever for his opponents.

In addition, Mr. President, this bill has a significant broadcast discount, from 50 to 70 percent for every contested race for television and radio time. It is simply not possible to get a handle on campaign costs without a significant reduction in the rates for broadcast time.

This bill requires that 60 days before the general election and 45 days before the primary candidates be allowed to buy fixed time, that is time that will certainly run at the time purchased for the lowest time cost available during that period.

I might say, Mr. President, that later as this debate unfolds, I expect other suggestions will be offered by others to further lower the cost of broadcasting to political candidates. I think those ought to be looked at very carefully.

The final point I make, of the 34 points contained in this bill, this bill provides a ban on franked mail during election years. No franked mail whatsoever during election years.

So we, as the campaign finance debate unfolds, some time later this week, or next week, will be looking forward to debating all of these issues that will be before us. The Republicans are in large measure unified behind the bill that we introduced today. And at this point I yield to my friend and colleague from Oregon [Mr. PACKWOOD].

Mr. PACKWOOD. Let us look at what we are trying to achieve by campaign reform. What are the charges now made against campaigns? One, PAC's, political action committees, are allegedly evil. They are controlling money, they are getting an ear, they have an unfair advantage, and they are skewing honesty in politics. That is a charge that is made. Two, sewer money, or soft money, as some people call it, money outside of the spending limitations, goes to State parties, and it is all lumped together in some people's minds as sewer money, but it is not subject to any serious restraints under present law. That is the charge.

Three, bundling. You can give me $1,000 for my primary campaign. You can give me a thousand for my general election, too. If you as a PAC officer go around to everybody in your industry and gather up $100,000 in checks and hand me $100,000, you have not violated the $1,000 limit, because they are 100 separate checks at $1,000 apiece from different people. Bundling is an evil.

Four, campaign costs. Campaign spending costs too much, or we spend too much. There is that charge. We are too beholden to out-of-State people. There is that charge.

Now, without arguing as to whether or not those charges are right or wrong, the charges are there. So what does this bill do to address these charges?

One, PAC's are out. They cannot give to candidates. They cannot give to parties. They are out of business.

Two, bundling is prohibited. It is easy enough to define and prohibit it. It is out. You can no longer go around to an industry and collect a $100,000 check and give a candidate $100,000.

Three, sewer money is out. Four, campaigns are too expensive. This bill puts a $500 limit on out-of-State contributions. That is going to be a serious impingement for some people from smaller States where they do not have a sufficient population base to raise sufficient money in a campaign to run a campaign. We are saying they are going to have to do that. Henceforth, you have to be more proportionately dependent than you used to be on people in your State. Those in-state contributions can still give $1,000 each.

What is going to be the effect of this? If you have no PAC's, no bundling, no soft money, and lower the out-of-State limit to $500, the inevitable result, at least for the next two or three election campaigns will be that spending is going to go down, because almost everyone in the Senate and Congress to this point has taken the easy way to raise money—the easy way is to raise it in large contributions from relatively few people or few PAC's. We are going to be forced now under this bill to go out, and I think it is a good step, and raise money in smaller amounts from many, many more people.

We are going to have to broaden our base. Instead of $5,000 PAC contributions from one source, we will have to seek much smaller contributions from many sources. If you want the $5,000 now that you used to get from PAC's, you are going to have to find five individuals who will give you $1,000 apiece to make up $5,000. My hunch is you are going to have a lot of people give you $50 apiece. When you finally get

100 of them, it adds up to $5,000—but you have to involve 100 people in your campaign.

Now, what is the criticism of what this bill does? Because if anyone were to look at it on its face they would say, "Well, you get rid of PAC's, you get rid of bundling, you reduce spending costs for the campaign, you reduce the contributions from out of State." It does all those things.

Where does the criticism come from? And in fairness the criticism is partisan because this bill does not have spending limits in it; it does not have some kind of enforceable mechanism whereby, on this side of the aisle, we are forced to give up some of our rights now in exchange for accepting a spending limit.

I would maintain there is in this bill a de facto reduction in spending; that is what people want, a reduction in spending. I have been in this business of elective politics since 1962. I am willing to stake my knowledge of politics on this fact. If this bill passes, less money will be spent on Senate campaigns in 1994 and 1996, less money will be spent in those years for Senate campaigns on average than will be spent in 1992.

Mr. McCONNELL. Mr. President, will the Senator yield for a quick observation?

Mr. PACKWOOD. Yes.

Mr. McCONNELL. That will continue the trend that has already begun.

Mr. PACKWOOD. Yes.

Mr. McCONNELL. Because spending will be down all right, down from 1986 to 1988. The Senator is on the mark; that will decline campaign spending.

Mr. PACKWOOD. I think it will take us, in my judgment, four or five elections to get back to the spending level that we had in 1988. If we do get back to it, the only way we will get there is by broadening the base so dramatically that we are raising literally the same amount of money from 100,000 people that we used to raise from 20,000 people, the same amount of money. But what it means is that you will have found lots and lots of people to give you $20, $30, $40. If they will give you $20 or $30 or $40, they will also probably come out and man a phone bank one night a week or help put up lawn signs on Saturday afternoon, and probably help register voters in their office. That is not wrong. That is good for politics. I think if we could get 30 million to 40 million people—and I think we can, 30 or 40 million people in this country to give $20 or $30 or $40, to a campaign—that is a step in the right direction, not a step in the wrong direction. You are hard pressed to say you are beholden to some special interest when the special interest is 20,000 or 30,000 or 40,000 people giving you $20 apiece. There is no uniform, single interest in those 20,000 or 30,000 or 40,000 people. You have diverse interests. You have some that are pro choice on abortion and some antichoice on abortion. You have some who work for mutual insurance companies and some work for stock insurance companies and have opposing views on how insurance companies should be taxed.

Some work for trucking outfits and some work for railroads, and each thinks the other side has advantage and all of them, if they have given $20 or $30 or $40, may hope that you vote with them. This situation cannot be likened to PAC giving, some 20 or 30 PAC's each of which may give up to $5,000, and all of which have roughly a similar interest.

So the only objection to this bill that I have found, because I think I can say this in fairness and honesty, the only objection one could possibly find to this bill is that it does not have spending limits in it. That is a touchstone difference, and make no mistake, spending limits are dependent on some kind of Federal largess. It may not necessarily be money directly from the Treasury, but it will be some form of Federal largesse in exchange for agreeing to spending limits: It will be reduced mail rates or free television time or free something else if you agree to the spending limits. Public financing of campaigns whether it be direct or indirect, is not in this bill, and that is a touchstone difference between the Republicans and the Democrats. The Republicans are very adverse to asking the taxpayers to fund our campaigns when we are running $150 billion deficits. Whether it is direct payment from Treasury, as in Presidential campaigns, or subsidized mailing rates, it is still money from the Government. When we are running $150 billion deficits, we should not be asking on top of that for taxpayers to fund our campaigns, either fully or partially.

Democrats, by and large, say the only way you can have meaningful reform is if you have some quid pro quo: Agree to spending limits in exchange for the incentive of Federal Government largess, a big incentive it turns out to induce a candidate to adhere to those spending limits.

I contend, and I will say this once more, when you have gotten rid of PAC's and sewer money, when you have gotten rid of bundling and lower the out-of-State contribution limit to $500, the effect will be to drive campaign spending down.

And it will stay down until we learn how to raise the equivalent amount of money that we spend now from hundreds of thousands of tens of millions of people instead of a few people in large amounts.

So I would hope that the Senate would accept this. Apart from this spending limit issue, I think most people of good conscience can say these reforms go in the right direction. I would hope that this reform would not get hung up on the sole issue of spending limits and the assertion that if there are no spending limits, there will be no reform at all.

Mr. President, I ask unanimous consent that my formal statement be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. PACKWOOD. Mr. President, I rise today to join with my colleagues in introducing a very far-reaching, comprehensive campaign finance reform bill. This measure goes farther than any other reform proposal to date. It achieves what I believe should be the goals of campaign finance reform. Those goals are twofold.

First, if PAC's are an evil, then ban PAC contributions altogether. If the special interest spending is troublesome, and more and more people across the nation seem to think it is, then we can do something about it. That something is, in my view, doing away with PAC contributions. Whatever may have been the public perception of campaign financing in the past, there is today widespread feeling that elections are principally financed by groups who have a very narrow interest as opposed to a broad public interest. In a democracy, the public must perceive the law to be fair or confidence is severely undermined. The obvious way to respond to the growing perception that Members of Congress are "bought and paid for" by the special interests is to eliminate all PAC contributions—corporate, labor, trade association, and independent. The bill we are introducing today does this.

Second, any campaign finance reform bill should encourage massive participation in campaigns. You don't accomplish this with expenditure limits. Such limits simply drive a candidate to raise money in the least expensive, quickest way possible and with the least effort. The candidate contacts a minimal number of contributors who are able to give the largest amount until the contribution limits are reached. I don't think this is what we want to achieve. Our goal should be to encourage millions of people to give small financial contributions directly to campaigns. If we can encourage 10 to 20 million people to give $5, $10, or $50 directly to a campaign, we will ensure the massive voter participation we are trying to achieve. While the bill before us does not go as far as I would like in this regard, it is a good start. We cut in half (from $1,000 to $500) the individual contribution limit for out-of-state contributions. The in-state individual contribution limit is left unchanged at $1,000.

I do not believe most candidates have explored the extent to which they can finance a campaign through small contributions. In every instance where candidates have tried to collect small contributions, they have succeeded. In my campaign for re-election in 1986, I had over 161,000 contributions—95 percent of those were contributions of $50 or less.

The challenge, then, is to create a device that will seek to make congressional campaigns more competitive, less dependent on large contributors, and financed by a broader segment of the population. This bill provide the means by which to accomplish this. If we force candidates to finance their campaigns with thousands and thousands of small contributions, then the candidate will

have to go door to door; they will have to be involved at the grassroots level.

Ironically, the candidates this will favor the most are not incumbent United States Senators or Representatives, who of necessity must spend most of the year in Washington, DC. Rather it will favor their challengers, who can stay in the state all year long, who will have a good base of support, and who will have hundreds of followers who believe in them and will help them raise money through small donations. The link between voters and candidates is strengthened by this grassroots approach. Candidates are made aware of voters' concerns and are hence more responsive once elected. The bill we are introducing today puts people back into the political process.

In addition, the bill contains a number of other sweeping and, I believe, very necessary reforms. We get rid of soft money contributions. We limit bundling and independent expenditures. We eliminate the "millionaire's loophole." A candidate should work hard to get elected. He or she should earn the seat.

What we really want to accomplish with campaign reform legislation is voter participation, a galvanization of grassroots volunteers, and money raised in small amounts. This would be good for the voters, good for our states, good for politics, and good for challengers who are in local politics in our home states. you than have every benefit without having to resort to PACs, soft money or bundling. At the same time, you are able to run a successful campaign without one penny of public funds.

Mr. President, it is time to put aside partisan differences and ambitions and correct the flaws in our campaign finance system. There is genuine bi-partisan agreement on a number of the proposed solutions. The time has come, and I believe we have the commitment, to enact comprehensive, meaningful reform, reform which will foster competition and encourage broad-based individual participation in our nation's political process.

Mr. PACKWOOD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise today in conjunction with our colleagues, Senators DOLE, MCCONNELL, and PACKWOOD, and others in support of the bill we are introducing which is significant campaign reform.

I might note I would venture to say that every Senator has said, "Yes, I am for campaign reform." But that is where the similarities cease. The Republican bill, which we are introducing—I call it the Republican bill because we do not have any Democrats on it yet. I hope we will. It is significant campaign reform. It does ban PAC's. I have heard Common Cause and others say, wait a minute, we have too much special interest money, and too much of that money is all biased toward incumbents. I looked at the figure in 1988, the PAC's, the PAC community gave $118 million to incumbents. They gave $18.7 million to challengers. That is about a 6-to-1 ratio for incumbents. We talked about it.

Under the Democrat bill, they do not reduce the amount of money PAC's can give. They give $5,000 per election, that would be $10,000. Republicans said ban them. Some people say it is unconstitutional. We also put a provision if determined unconstitutional and we reduce the amount PAC's can give from $5,000 to $1,000, the same amount an individual can give. So we would significantly reduce the amount of money that PAC's are giving which would again restore some balance for challengers. But we make some other changes, too.

We reduce the amount of money that out-of-State persons can give to one half. They can only give $500 per election, $500 for primary, $500 for the general. Right now they can give $1,000. So that would reduce a lot of out-of-State special interest fundraisers.

Again, incumbents have the power or the authority to command, and very few challengers do. So that would reduce some of the special interest money.

Then we go a giant step further—and this is a very significant reform in this Senator's opinion, one of the most important—we ban unsolicited mass mailings in an election year.

If my colleagues have paid any attention whatsoever to the cost of mass mailings, this is a very significant, very real reform that needs to happen if we want to allow challengers a real chance at winning a seat to the U.S. Congress or to the U.S. Senate.

In 1988, $113 million were spent on mass mailings. Again, in an election year we have mass mailings pouring out. In the House they are building new buildings to house new printers. It costs millions of dollars to crank out the mail. So we need to limit mass mailings, particularly in an election year, so they cannot be abused by incumbents. We do that in our bill.

We either ban PAC's or limit PAC's. We cut the amount of money that can be raised from individuals out of State by one half. We ban mass mailings in election years. Those are real reforms. I think Common Cause and people who are really interested in reforms should take a look at that proposal and say, "Yes, that is a good idea; let us do it."

We also ban soft money. We ban soft money. I have heard some people use the term sewer money. I do not call it that, but we do ban undisclosed, unreported, undocumented money. We require all of those contributions to be documented. We require all of them to be disclosed.

It is interesting. In the Democrat bill they ban party soft money, but they do not ban any soft money coming from unions or corporations. That is crazy.

They say, well, we ban PAC money to individuals. But then the PAC's can give money to other parties, to other organizations, and they can contribute. So what the Democrat bill does on PAC's, it allows a gigantic filtering system for hidden money. We should not be trying to hide the money. We should be trying to increase disclosure and we should be encouraging individual contributions, not discouraging individual contributions.

The Republican bill tries to limit PAC's. We try to limit soft money. We try to ban those. We try to cut down on the amount of money from outside interests. The Democratic bill does just the opposite. It tells PAC's, well, you give money to different groups, State party organizations and so on, and they will give it to the candidates. Soft money is fine from unions and corporations; that is fine. They do not have any restrictions on that. I think that is ridiculous.

Then they come with the ultimate insult to taxpayers: Under the Democratic bill they say, we want the taxpayers to pay 90 percent of the cost of general elections. I find that to be an outrage. I think if the taxpayers knew that was a serious proposal they would either laugh or they would be quite upset.

I took a look at what that would do in my State of Oklahoma. It is very interesting. In my State of Oklahoma, if a gentleman or women won the election for the primary, if they raised $55,000 in State and $55,000 out of State, they are going to be the beneficiary of $1 million coming from Uncle Sam. And that does not even count the amount of money for the discounted mail. They get the mail at one-fourth the cost the rest of the citizens in this country pay. What a subsidy that is. We are going to increase the mail cost again.

I find that to be an outrage. To think a person can raise $110,000 and get over $1 million from Uncle Sam, from the taxpayers, to subsidize their campaign, I find that to be an outrage.

Then at the same time they are going to limit what individuals from that Senator or Congressman's district can contribute.

Why should we tell somebody, no, you cannot contribute any more to a campaign, to a person you happen to agree with. We are going to limit that. No, you cannot contribute to them. We are going to take care of it from the public trough. I do not think the public is going to support it.

We are going to have increased deficits, so we will have a fund that does not have any funds there. How are we going to write these $1 million checks when there is no money there? It is not that popular even on the Presidential level. It is estimated we will not be able to finance all the people on the 1992 or 1996 race for President. Yet the Democrats want to have the

people pay 90 precent of the general cost of an election.

I do not think it is a serious proposal. I think what they are doing is jockeying for position or something, because they cannot be serious that they want the taxpayers to pay 90 percent of the costs of a general election.

I cannot really think they are serious, that they want the taxpayers to subsidize mail costs for election purposes to where somebody running for office would only have to pay one-fourth the postal expense that other individuals pay. I find the Democrats' proposal to be an outrage and it should not be accepted. It is not even a serious proposal.

On the other hand, the Republican proposal is serious. It does ban PAC's and reduces PAC's from $5,000 to $1,000. It limits out-of-State contributions, cuts that in half. It bans the use of unsolicited mass mailings in an election year. It is a serious proposal, a good proposal, and one I think we should pass this year.

Mr. DOLE. Mr. President, it's the witching hour for campaign finance reform.

Those of us in Congress have talked about reform for quite some time. During the past several months, we have done our share of posturing. And both parties in the Senate have unveiled their own comprehensive reform proposals.

Now it is time for us in Congress—and in the Senate—to either put up or shut up. It is time for us to grab the legislative mop and clean up the campaign finance mess, and clean it up now.

REPUBLICANS WANT REFORM

Despite what you may read in the liberal press, Senate Republicans have always been committed to meaningful campaign finance reform.

Senate Republicans wanted meaningful reform last year when we introduced S. 7. We wanted reform when we introduced the President's bill, S. 1727. And we want reform today.

That is why Senate Republicans last week unveiled the Comprehensive Campaign Finance Reform Act of 1990. And that is why I am joining with 33 of my Republican colleagues in formally introducing the bill today.

HIGHLIGHTS OF THE INITIATIVE

The Republican reform initiative is bold, it is broad, and it has a very simple and straightforward goal—to put the beltway special-interest peddlers out of business for good.

Comprehensive in scope and daring in approach, the Republican initiative adopts the following three core principles.

One, political action committees lie at the heart of the special interest problem now plaguing Congress. PAC's are not shy in their efforts to influence Congress on behalf of their own special interest agendas. And, frankly, Congress should not be shy in response.

The Republican initiative zero's-out PAC's from the Federal election process entirely. No exceptions. No loopholes. No PAC's. It is that simple.

I am pleased to see the Senate Democrats following the Republican lead on this issue. But unlike the Democrat bill, the Republican initiative goes all the way, and it does not contain any gaping PAC loopholes.

Not only does the Republican initiative ban PAC contributions to Senate candidates, it bans PAC contributions to House candidates, to the national and State parties, and to the senatorial and congressional committees.

Two, the tide of unreported and unregulated soft money—or sewer money, as it is now fashionably called—continues to rush through the campaign finance pipeline.

The sewer money stinks up the political system, and it links political success with a candidate's coziness with the special interest soft money operators.

The Republican initiative takes a heads-on approach to the soft-money problem by banning soft money outright.

It prohibits all tax-exempt 501(c) organizations from engaging in partisan activities on behalf of a specific candidate for Federal office. It codifies the Supreme Court's Beck decision. It prohibits unions and corporations from engaging in get-out-the-vote campaigns aimed at their members or stockholders. It requires all party committees to disclose their Federal and State accounts with the Federal Election Commission. And it ensures that party activities benefiting Federal candidates are, in fact, financed with hard Federal dollars.

Three, last February, Senator MITCHELL and I commissioned a six-member bipartisan panel of experts to review our current system of campaign financing. One idea offered by the panel was the now famous flexible spending limit, which proposed a cap on PAC money and on money from out-of-State sources.

Like the panel, the Republican initiative recognizes how important it is for campaigns to be financed primarily by the people who ought to count in the campaign process, our constituents. And it recognizes that congressional campaigns should not be financed exclusively by a litter of fat cats living thousands of miles away from a candidate's home State.

As a result, the Republican reform initiative cuts in half—from $1,000 to $500—the maximum contribution that an out-of-State resident may make to a congressional campaign.

By putting a premium on individual in-State contributions, the Republican initiative adopts the approach of the bipartisan panel. And by banning PAC contributions—in addition to reducing the limits on out-of-State contributions—the Republican initiative takes the panel's approach one step further.

OTHER PROVISIONS

Mr. President, the Republican reform initiative contains many other important proposals that will increase competition in politics and reduce the costs of campaigns.

The initiative, for example, incorporates a seed money mechanism that would allow the national parties to match—up to $100,000—the in-State contributions raised by a candidate challenging an incumbent. This proposal will obviously increase political competition by giving viable Senate and House challengers a well-deserved and much-needed jump-start in the early stages of their campaigns.

The initiative incorporates the broadcast discount provision, originally proposed by Senator DANFORTH. This provision would allow candidates to purchase nonpreemptible television time at the cheapest price a television station offers for preemptible time.

No doubt about it, the broadcast discount will significantly reduce the cost of television advertising, which is today the most expensive component of any congressional campaign.

The Republican initiative also contains a provision, originally proposed by Senator DOMENICI, that will close the millionaire's loophole that now exists in the Federal election law.

It goes without saying that no person should be able to buy a seat in Congress. By raising the contribution limits for the challengers of those candidates who intend to finance their campaigns with personal funds in excess of $250,000, this provision will help level the playing field for wealthy and nonwealthy candidates alike. And it will help ensure that the initials M.C. do not become shorthand for the millionaire's club.

PUBLIC FINANCING—NO!

Let me just say a few words about what the Republican bill will not do.

The Republican bill rejects outright the public financing of congressional campaigns.

If history teaches us anything, it teaches us that public financing is bad public policy, and it is very, very expensive.

In case you have not noticed, we have an enormous Federal budget deficit, and it is a deficit that is, unfortunately, not getting any smaller.

During these difficult budgetary times, the American people want their money spent on programs that work. They want their money spent on programs that are tried and tested.

And you can bet the house that the American people are not interested in the taxpayer-financing of politicians.

THE NEED FOR BIPARTISANSHIP

Mr. President, last week, I pointed out that I was optimistic about the propsects for developing a bipartisan reform package, particularly now that both parties have unveiled their respective campaign finance bills.

Today, I remain optimistic, though no one should expect any miracles from the majority leader and myself. There continue to be many disagreements and many different points of view.

We will try our best to bridge these differences in the days ahead, as we get down to the business of serious bipartisan negotiations. It is my hope that these negotiations will produce some common ground upon which we can build a serious, a comprehensive, and a bipartisan, campaign finance reform package.

Mr. President, I thank my colleagues, the Senator from Oklahoma, the Senator from Kentucky, and the Senator from Oregon, and I know others who will not be speaking but will be speaking when the bills are before us, maybe this Friday or Monday or sometime soon.

I think the point is that we have talked about campaign reform on both sides of the aisle for a long time. I am not certain the American people have really followed this closely. I do not know what percent of the American people even contribute to campaigns. But I have a feeling, if they have followed it, they would be wanting us to do something to reform the system. So, I reiterate, I think it is time for us to pick up the legislative mop and try to clean up the mess we are in.

I must say it is going to take a lot of give and take on both sides. We are not close to anything yet.

We think we have a good bill and we are introducing that bill today. We wanted reform last year when we introduced S. 7 and when we introduced the President's bill, S. 1727. And we want reform today.

We did unveil last week what I think has been already addressed here in detail, so I will not repeat them, a comprehensive campaign finance reform plan. We now have 34 sponsors. We hope to have more.

Some of our colleagues who are with us but are not for every provision will not be cosponsors, but I think it is fair to say somewhere around hopefully 40 on this side feel pretty much the same.

I also want to particularly thank the Senator from Kentucky [Mr. MCCONNELL] for his tireless efforts, daily, weekly, monthly efforts, the past 2 or 3 years, just to bring us this far. He has been able to work with other Republicans and I hope we can work together now with Democrats in the weeks ahead and see if we can put something together.

Political action committees go to the heart of it. I think it is rather amusing, in a way, we have a bill on the floor that is going to make Federal employees' PAC's bigger. Instead of trying to eliminate PAC's, we are going to try to make it possible to have bigger pots of gold where 90 percent of the money goes to my colleagues on the other side of the aisle.

We eliminate PAC's, as opposed to the Democratic bill which is sort of a money-laundering bill. You cannot give it to the Senate candidates but you can give it to the committees and the candidates and everybody else in the country so they will end up giving the money to the candidates. We zero out PAC's.

Then there are some political action committees who think this is a bad idea. I would say most PAC's are probably legitimate. They reflect the views of a lot of their members. It was a hard decision to make, but we made a decision.

Maybe there is some way to compromise it. I do not know. But, I say again, our initiative goes all the way and it does not contain any gaping loopholes. We not only ban PAC contributions to Senate candidates but we ban PAC contributions to House candidates, to the national State parties and senatorial-congressional committees. All the Democratic bill does is ban PAC contributions to Senate candidates. Everything else, you can have a PAC or you can contribute to one.

Also, as has been indicated by the Senator from Oregon at length, we do go after the so-called sewer money, the soft money, the sort of money that stinks up the political system. You do not have to disclose it or account for it or tell anybody how much you spent.

I think we will be able to show after we get into debate in a number of States, a lot of money was dumped into States, never reported, never disclosed, and had the same impact as all the other money in the campaign. It had to be reported and it made a difference, changing some of the races. So we take a head-on approach to that.

I also commend at this time the so-called bipartisan panel of experts. Senator MITCHELL picked three. As Republican leader, I picked three. These people deal in campaigns and campaign financing all the time. They have different ideas.

One idea offered by the panel is the now famous flexible spending limit which proposed a cap on PAC money, on money from out-of-State sources. Like the panel, the Republicans recognized how important it is for campaigns to be financed primarily by the people who ought to count in the campaign process, our constituents, and recognized congressional campaigns should not be financed exclusively by fat cats living thousands of miles away from a candidate's home State.

What we try to do is to encourage candidates to go back to their States to raise money, rather than to the New York Times; 90 percent of their money was coming from outside their State. There are a lot of good reasons for that.

In any event, we say in our bill the most you can receive from an individual out-of-State is $500, compared to $1,000 in-State. So we put a premium on in-State contributions.

We adopt the approach of the bipartisan panel, and by banning PAC contributions, in addition to limiting out-of-State contributions, we take the panel's approach one step further.

So we think we have addressed many of the areas that should be addressed. We also have television provisions in our proposal so we can spend less money. It is always kind of interesting to watch during the day some TV stations around the country. They are running spots for Democrats and Republicans in all kinds of races. Then at night, at 10 o'clock, they have an editorial saying we are spending too much on campaigns, when 60 to 70 percent of the money goes to the electronic media. Again, they may have it both ways, but we hope we can reduce the cost of television.

Finally, I think the biggest problem with the Democratic bill is I do not think they can pass it. If we did nothing but stand here, they could not get 51 votes for public financing. Maybe I am wrong, but I doubt it. I do not believe there are that many Democrats who think the only answer is to turn it over to the Federal Government and let the Government pay for it.

That is why we have a $3.2 trillion debt. We have been turning too much over to the Federal Government. Now we want to get the Federal Government involved in funding our campaigns. Despite all the things you can say—that will eliminate all the special interests, eliminate all the temptation—I do not really believe that with the deficit problem we have we are going to end up with public financing. I would be surprised if some of the Democrats, maybe half the Democrats, not many more than half, vote for that.

Let me make the same statement I have made before. When it is all over, it is going to take bipartisanship, and we have to have enough Members on each side of the aisle willing to forget about their own particular situation. If we try to draft a campaign bill that protects 100 Senators, we are not going to have one. So we have to find some broad general guidelines and agree to those.

If it makes it more difficult to raise money or makes it more difficult if you are an incumbent, but makes it easier for a challenger, in my view, those are all positive things. But if we

do not bite that bullet, then we probably are not going to be able to put campaign finance reform together.

There are some who do not want it. They may talk about it and say they want it, but they really do not want it. They like the present system.

In my view, you should not have to spend, even in the smallest States, $3 or $4 million to be elected to the U.S. Senate. In some of the other States, it will be $12 million, $15 million, maybe $20 million before long unless we find some way to limit campaign spending.

So, again, I thank my colleagues on this side. I thank the majority leader. He has indicated a willingness after we have a couple day's discussion of these bills, the Democratic bill and the Republican bill, that we then start some negotiations perhaps a small group of four or five Members on each side, to see if they can find common ground or common cause. Common ground I guess is a better word.

In any event, we look forward to working with our colleagues on the other side. Again, I thank my Republican colleagues.

It is my understanding the Senator from Kentucky is now prepared to introduce the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to thank the Republican leader and the others who have worked so hard on this issue. Next week when we begin the debate, I think it ought to be clear that Republicans are not in favor of the status quo. We would like to see change. But in the course of the debate, I do think it is important that we deal with facts and not certain mythology that has arisen.

For example, on the floor of the Senate just yesterday, it was said that Senators have to raise $15,000 a week every week. The fact, Mr. President, is that only six Senators have raised an average of $15,000 or more a week since their last election.

In fact, Mr. President, 83 percent of the total campaign receipts of incumbent Senators up for reelection in 1988 was raised in the last 2 years of the cycle.

How many times have you heard around here about the money chase; that people are not doing anything but raising money? The fact of the matter is the only people who are raising any money to speak of are those who are in the last 2 years of their cycle.

We did a study of the class of 1988. As I am sure is typical of any class, 6 percent of the money raised by the class of 1988 was raised in the first 2 years, only 8 percent in the second 2 years, and 83 percent in the last 2 years.

In fact, what is happening, Mr. President, is people are raising money only in the last 2 years before their election, and they are only doing it if they have a challenger, or are running for President.

I think it is important we deal with reality and not myth. The final myth is we will soon be spending, it was said yesterday, $40 million, $50 million, $60 million on campaigns. In fact, campaign spending is going down. It went down 5 percent from 1986 to 1988. The trend line is already down.

So, Mr. President, as the debate unfolds next week, we will try to deal with reality and not mythology.

Mr. President, I rise today to offer the most comprehensive bill which has ever been introduced on the subject of campaign finance reform. I am joined in this effort by 33 of my colleagues who will serve as the initial cosponsors of this legislation.

Republicans are tired of being accused of obstructing reform of our campaign laws. It is an outrageous assertion. As the minority party in both the House and the Senate, we have a very strong interest in rewriting the rules which govern campaigns and elections. However, we believe that any new rules should be developed in a truly bipartisan manner and not through a process where the controlling party perpetuates its majority by trying to railroad a bill through the Congress.

We organized a filibuster against the original Byrd-Boren spending limits bill because it did not represent true reform. Instead, it was designed as a partisan measure which advanced Democratic objectives at the expense of the Republican Party. It was ludicrous for anyone to think that our party would stand by and let that happen to us shortly before the important 1992 elections.

For the last 3 years, Democrats in the Senate have been trying to sell the concept of spending limits as the only way to reform the campaign finance laws. Let me tell you why they are doing this—because it serves the partisan interests of the Democratic Party. And these partisans have been aided in their effort by one tax-exempt organization, Common Cause, whose members act more like they are an arm of the Democratic Party than bipartisan advocates for true reform.

As an incumbent Senator, I should vote for the Byrd-Boren spending limits bill. It is clearly going to ensure that I never have a competitive race again in the State of Kentucky. With a State-by-State spending limit, my opponent will have to run a shorter campaign and will never be able to overcome my name recognition and incumbency advantages. We will see more challengers lose close races and a lot of us will be free to stay in the Senate until we decide it is time for a comfortable retirement.

I don't support a concept which is in my own best interests as an incumbent because I think it is important for us as officeholders to encourage competition in politics. I think it is our responsibility to avoid enacting laws which create barriers to public office. Instead, we should be encouraging people to run for public office and suporting policies which stimulate policital debate and the expression of ideas.

I am not asserting this proposition because I believe that—in every case—a challenger must spend more than an incumbent to win. Rather, the problem is that good challengers must be able to reach voters and convince them it is time for a change. And that is no small task in a race if you are facing an incumbent who has built a statewide organization and has all of the perks of office at his disposal.

The Byrd-Boren spending limits bill will limit the ability of challengers to mount effective campaigns. If the State-by-State limits in that bill applied to the last three election cycles, 8 of the 13 successful challengers who won close races would not be here because they would have had to spend more than the limit assigned to their State. Look at what PAUL SIMON and TOM HARKIN spent in 1984. What TOM DASCHLE, BOB GRAHAM, and DICK SHELBY spent in 1986. And what DICK BRYAN, BOB KERREY, and JOE LIBERMAN spent in 1988. All of these challengers had to exceed the Byrd-Boren limits to win. These races were very close and an arbitrary limit on the challenger's spending ability probably would have saved most, if not all, of the incumbents they were facing.

I think the time has come for us to stop trying to build on those advantages we enjoy as officeholders and try to approach this issue in a sensible and bipartisan manner. The real problem in campaign finance is the source of political money, not how much spending is necessary.

The advocates of the Byrd-Boren bill use the spending limits concept to address every problem in campaign finance. Yet the bill directly curtails Republican fundraising advantages while conveniently excluding from any disclosure or limitations many activities by special interest sources which benefit Democratic candidates.

If we really want to tackle the campaign finance issue, we should be looking at where political money is coming from and where it is being spent. We need to look at:

The special interest influence of political action committees [PAC's];

The soft money activities of unions and other tax-exempt organizations; and

The activities of large out-of-State contributors.

A second area we need to explore is why some Federal races are not competitive. I think this is primarily a problem in the House of Representa-

tives, where the reelection rate is an astounding 98 percent. By contrast, the Senate has been a fairly competitive place. In the last decade, we have sworn in many new Senators and majority control has turned over twice.

Challengers in the House, unfortunately, do not stand a chance. Norman Ornstein has described the process as a 100-yard dash where the incumbent starts from the 50-yard line. The incumbent has a large staff, can mail numerous franked newsletters to everyone in his or her district throughout the election cycle, appears frequently on television, radio, and in the local newspapers to discuss issues of importance, and can raise a huge campaign warchest from special interest groups.

These practices have turned the House of Representatives into the House of Lords. We need to look at measures which will limit incumbent advantages and help challengers mount effective and competitive campaigns.

A third area we need to look at is the cost of campaigns. The reason we have to spend so much time fundraising is primarily because the cost of television advertising is escalating higher and higher.

Let us face it, a modern Senate campaign is a television event. It requires, on average, 50 percent of the budget of a competitive candidate and the cost is skyrocketing. In my race for reelection this year, our media consultant has estimated that my television costs will be double what I spent in 1984 for the same amount of advertising time. We need to deal effectively with this problem so we can reduce the fundraising pressures on everyone.

The Republican alternative is designed to deal with these three areas in campaign finance. The bill is a 30-point plan which combines a variety of legislative ideas, old and new. We even have incorporated almost all of the ideas presented by the bipartisan panel of experts commissioned by Senators MITCHELL and DOLE to offer suggestions for reform.

This bill has three titles. The first title is designed to curtail the influence of special interests on congressional elections. In this title, the bill sponsors propose:

The elimination of all political action committees, including leadership PAC's;

A ban on all soft money from being used by unions, corporations, tax-exempt organizations, and parties to influence a Federal election;

A substantial reduction in the amount, from $1,000 to $500, that an out-of-State individual can contribute to a Senate candidate;

Provisions which were recommended by the Mitchell-Dole panel report to strengthen the role of political parties;

The elimination of Keating-style bundling and fundraising activities; and

More regulation over independent expenditures.

The second title of the bill is designed to increase competition in all Federal elections. In this title, the sponsors propose:

The creation of a seed money mechanism to help qualified House and Senate challengers obtain more party money at an early stage in the campaign;

A provision which prohibits an incumbent from supplementing official office expense accounts with campaign funds;

Special protections for individuals who are facing millionaire candidates;

A prohibition on using the congressional frank for mass mailings during an election year;

Limitations on gerrymandering activities; and

New provisions to combat election fraud at all levels of government.

The third and fourth title of this bill deal with campaign costs and FEC enforcement. The most important provision in this title provides a meaningful discount for television and radio advertising 45 days before a primary and 60 days before a general election. In my opinion, this is the most important provision in the bill because it deals directly with the reason that Senate campaigns are so expensive: the cost of television.

Let me conclude my remarks with several additional observations. First, this bill is the most comprehensive piece of legislation which has ever been offered to solve the problems in campaign finance. We have assembled ideas which have been offered by many Senators, House Members, the administration, campaign finance scholars, and the recent report by the Mitchell-Dole panel of experts.

Second, the provisions of this bill, taken together, demonstrate that Congress can legislate true reform in this area without the need for spending limits. It was not even necessary to adopt the concept of flexible spending limits recommended by the Mitchell-Dole panel. Instead, we decided to limit more directly the two less-favored sources of political money which would be capped by flexible spending limits: PAC's and out-of-State money. Rather than establish a large limit on how much of a candidate's money can be derived from these two sources, we have abolished one source completely—PAC's—and have reduced by one-half the contribution limit for out-of-State donations.

Finally, this bill is an attempt at a bicameral solution to the campaign finance issue. I think everyone recognizes that we should not have two separate campaign finance systems in the Congress. We have tried to address certain issues which are unique to the House in addition to proposing a comprehensive plan for our own institution. I will not say we have drafted perfect solutions to every problem, but this bill can serve as a useful starting point for what I hope will be meaningful bipartisan negotiations in both Houses of Congress. It is time we reform the campaign finance laws and I call on my colleagues in both bodies to stop playing partisan politics with this issue and get on with enacting sensible reforms to our campaign finance laws.

I ask unanimous consent that a copy of this bill and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2595

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

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform Act of 1990".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Sec. 101. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 111. Ban on soft money.
Sec. 112. Restrictions on party committees.
Sec. 113. Protections for employees.
Sec. 114. Restrictions on soft money activities of tax-exempt organizations.
Sec. 115. Denial of tax-exempt status for certain politically active organizations.
Sec. 116. Contributions to certain political organizations maintained by a candidate.

Subtitle C—Other Activities

Sec. 121. Modifications of contribution limits on individuals.
Sec. 122. Political parties.
Sec. 123. Contributions through intermediaries and conduits.
Sec. 124. Independent expenditures.

TITLE II—INCREASE OF COMPETITION IN POLITICS

Sec. 201. Seed money for challengers.
Sec. 202. Use of campaign funds.
Sec. 203. Candidate expenditures from personal funds.
Sec. 204. Franked communications.
Sec. 205. Limitations on gerrymandering.
Sec. 206. Election fraud, other public corruption, and fraud in interstate commerce.

TITLE III—REDUCTION OF CAMPAIGN COSTS

Sec. 301. Broadcast discount.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Sec. 401. Elimination of reason to believe standard.
Sec. 402. Injunctive authority.
Sec. 403. Time periods.
Sec. 404. Knowing violation penalties.
Sec. 405. Court resolved violations and penalties.
Sec. 406. Private civil actions.
Sec. 407. Knowing violations resolved in court.
Sec. 408. Action on complaint by Commission.
Sec. 409. Violation of confidentiality requirement.
Sec. 410. Penalty in Attorney General actions.
Sec. 411. Amendments relating to enforcement and judicial review.
Sec. 412. Tightening enforcement.

Subtitle B—Other Provisions

Sec. 421. Disclosure of debt settlement and loan security agreements.
Sec. 422. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 423. Severability.
Sec. 424. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

"(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 111. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) BAN ON SOFT MONEY.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act."

SEC. 112. RESTRICTIONS ON PARTY COMMITTEES.

(a) DISCLOSURE OF INFORMATION BY POLITICAL COMMITTEE.—(1) Subsection (c) of section 302 of FECA (2 U.S.C. 432(c)) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(2) Subsection (b) of section 304 of FECA (2 U.S.C. 434(b)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(b) ALLOCATION OF EXPENDITURES FOR MIXED ACTIVITIES.—Title III of FECA, as amended by section 101(a), is amended by adding at the end thereof the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"SEC. 325. (a) REGULATIONS REQUIRING ALLOCATION FOR MIXED ACTIVITIES.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) GUIDELINES FOR ALLOCATION.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candi-

date for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) MIXED ACTIVITY.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) ACCOUNTS.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices."

SEC. 113. PROTECTION FOR EMPLOYEES.

(a) CONTRIBUTIONS TO ALL POLITICAL COMMITTEES INCLUDED.—Paragraph (2) of section 316(b) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) APPLICABILITY OF REQUIREMENTS TO LABOR ORGANIZATIONS.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to *de novo* review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 114. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) DENIAL OF TAX-EXEMPT STATUS FOR ACTIVITIES TO INFLUENCE A FEDERAL ELECTION.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1990.

SEC. 115. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 114, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.—

"(1) IN GENERAL.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) CANDIDATE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) MEMBERS OF CONGRESS.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of the enactment of this Act.

SEC. 116. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) CONTRIBUTIONS BY PERSONS IN GENERAL AND BY MULTICANDIDATE POLITICAL COMMITTEES.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 101(c), is amended by inserting at the end thereof the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(b) CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 113(b), is amended by inserting at the end thereof the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(c) DATE OF APPLICATION.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January 24, 1990.

Subtitle C—Other Activities

SEC. 121. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) APPLICABLE AMOUNT DEFINED.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 116(a)(3), is amended by adding at the end thereof the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1991 and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1989. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year."

SEC. 122. POLITICAL PARTIES.

(a) ITEMS NOT TREATED AS CONTRIBUTIONS OR EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

(b) AGGREGATE LIMITS NOT TO APPLY TO PARTY COMMITTEES.—Section 315(a)(3) of FECA (2 U.S.C. 441a(a)(3)) is amended by inserting "to political committees which are not established and maintained by a national, State, or local political party" after "$25,000 in any calendar year".

SEC. 123. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office."

SEC. 124. INDEPENDENT EXPENDITURES.

(a) ATTRIBUTION OF COMMUNICATIONS; REPORTS.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end thereof the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted."

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent."

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter."

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end thereof the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure."

TITLE II—INCREASE OF COMPETITION IN POLITICS

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 111, is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding subsection (a)(2), the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) which in the aggregate do not exceed the lesser of—

"(A) $100,000; or

"(B) the aggregate qualified matching contributions received by such candidate and the candidate's authorized committees.

"(2) Any contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection, the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held.

"(4) For purposes of this subsection, the term 'eligible candidate' means a candidate for Federal office (other than President or Vice President) who does not hold Federal office."

SEC. 202. USE OF CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts" and inserting at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), a holder of Federal office may not transfer any amounts received as contributions or other campaign funds to any account maintained for purposes of defraying ordinary and necessary expenses in connection with the duties of such Federal office."

SEC. 203. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

(a) Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(k)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection."

SEC. 204. FRANKED COMMUNICATIONS.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(3) Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall regis-

ter annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.

(b) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Paragraph 1 of Rule XL of the Standing Rules of the Senate is amended by striking "less than sixty days immediately before the date" and inserting "during the year."

(2) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 205. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional districts boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section."

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term "redistricting authority" means the officer or public body having initial responsi-

bility for the congressional redistricting of a State."

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking "chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census."

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 206. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use of any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(2)(A) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) FRAUD IN INTERSTATE COMMERCE.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

TITLE III—REDUCTION OF CAMPAIGN COSTS

SEC. 301. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1), by striking "class and";

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

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

"(c) A licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1)."

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 401. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint."

SEC. 402. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 401, is amended by adding at the end thereof the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction."

SEC. 403. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by—

(A) striking ", for a period of at least 30 days,"; and

(B) striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 404. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation."

SEC. 405. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A) by—

(A) striking "Commission may" and inserting "Commission shall";

(B) striking "including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B) by—

(A) striking "court may" and inserting "court shall"; and

(B) striking ", including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 406. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 405, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end thereof the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States. In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission."

SEC. 407. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 408. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 409. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 410. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 411. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) TIME LIMITATIONS FOR AND INDEX OF INVESTIGATIONS.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 124, is amended by adding at the end thereof the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly."

(b) PROCEDURE ON INITIAL DETERMINATION.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 402, is amended by adding at the end thereof the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination."

(c) PROCEDURE ON PROBABLE CAUSE DETERMINATION.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end thereof the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent."

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end thereof the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law."

(d) ELIMINATION OF EN BANC HEARING REQUIREMENT.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 412. TIGHTENING ENFORCEMENT.

(a) REPEAL OF PERIOD OF LIMITATION.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) SUPPLYING OF INFORMATION TO THE ATTORNEY GENERAL.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end thereof the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial."

Subtitle B—Other Provisions

SEC. 421. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 112, is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report."

SEC. 422. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) DEFINITION.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end thereof the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office."

(b) DRAFT AND ENCOURAGEMENT CONTRIBUTIONS TO BE TREATED AS CANDIDATE CONTRIBUTIONS.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate."

SEC. 423. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 424. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on November 7, 1990 and shall apply to all contributions and expenditures made after that date.

THE COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1990

By Mr. McConnell (for himself, Mr. Dole, Mr. Packwood, Mr. Bond, Mr. Boschwitz, Mr. Burns, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Domenici, Mr. Garn, Mr. Gorton, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Hatfield, Mr. Heinz, Mr. Jeffords, Mrs. Kassebaum, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Roth, Mr. Rudman, Mr. Simpson, Mr. Specter, Mr. Symms, Mr. Thurmond, Mr. Wallop, and Mr. Wilson)

SECTION-BY-SECTION SUMMARY

Section 1. *Short Title.*—This act may be cited as "The Comprehensive Campaign Finance Reform Act of 1990".

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SUBTITLE A—ELIMINATION OF POLITICAL ACTION COMMITTEES FROM FEDERAL ELECTION ACTIVITIES

Section 101. *Ban on Activities of Political Action Committees in Federal Elections.*—This section eliminates all "special interest" political action committees (corporate, union, and trade association PACs). This section also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1000 contribution limit.]

SUBTITLE B—BAN ON SOFT MONEY IN FEDERAL ELECTIONS

Section 111. *Ban on Soft Money.*—This section *bans* all "soft" money from being used to influence a federal election. "Soft" money is the raising and spending of political money outside of the source restrictions, contribution limits, and disclosure requirements of the Federal Election Campaign Act and its regulations.

Section 112. *Restrictions on Party Committees.*—This section establishes new rules for political party committees to ensure that "soft" money is not used to influence federal elections, including:

(1) the requirement that national, state and local political parties establish a separate account for activities benefiting federal candidates and a separate account for activities benefiting state candidates;

(2) the requirement of full disclosure of *all* accounts by any political party committee that maintains a federal account; and

(3) the establishment of minimum percentages of federal funds which must be used for any party building program (*e.g.* voter registration, get-out-the-vote, absentee ballot, ballot security) which benefits both federal and state candidates.

Section 113. *Protections for Employees*—This section codifies the Supreme Court decision in *Beck* and provides certain rights for employees who are union members. [S. 1645 (McConnell); S. 1727 (Bush); House Republican Task Force]

Section 114. *Restrictions on Soft Money Activities of Tax-Exempt Organizations.*—This section prohibits tax-exempt, 501(c) organizations from engaging in any activity which attempts to influence a federal election on behalf of a specific candidate for public office. This section accomplishes this goal by extending to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c)(3) charities. [Note: the effective date for this provision will be September 1, 1990.]

Section 115. *Denial of Tax-exempt Status for Certain Politically Active Organizations.*—This section restricts tax-exempt organizations from engaging in voter registration or GOTV activities (which are not candidate-specific) if a candidate or Member of Congress solicits money for the organization. [S. 2148 (McConnell)]

Section 116. *Contributions to Certain Political Organizations Maintained by a Candidate.*—This section restricts federal activities by state PACs created by Members of Congress [S. 2148 (McConnell)]

SUBTITLE C—OTHER ACTIVITIES

Section 121. *Modification of Contribution Limits on Individuals.*—This section reduces from $1000 to $500 the maximum allowable contribution by individuals residing outside of a candidate's state.

This section also indexes the individual contribution limit ($1000 per election for in-state contributions or $500 per election for out-of-state contributions) for Congressional candidates using the Consumer Price Index; adjustments would be rounded to the nearest $100. [Mitchell/Dole Panel Recommendation (modified)]

Section 122. *Political Parties.*—This section exempts certain organizational activities (research, GOTV, voter registration) from coordinated or other limitations; requires disclosure and allocation for these activities; and retains the same coordinated expenditure limits for media expenditures. [Mitchell/Dole Panel Recommendation]

This section also exempts contributions to political parties from the $25,000 annual limit. [Mitchell/Dole Panel Recommendation]

Section 123. *Contributions Through Intermediaries and Conduits.*—This section prohibits "bundling" by registered lobbyists, unions, trade associations, corporations, and other employers. Bundled contributions which are permitted must be made payable to the candidate and disclosed to the candidate and the Federal Election Commission. [Mitchell/Dole Panel Recommendation; S. 1727 (Bush)]

Section 124. *Independent Expenditures.*—This section requires all independently-financed political communications to disclose the person or organization financing it; requires that disclosure be complete and conspicuous; and requires timely notice to all candidates of the communications' placement and content. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

This section also defines "independent expenditure" to prohibit consultation with a candidate or his agents; requires the FEC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

Finally, this section creates an expedited cause of action in federal courts for a candidate seeking relief from expenditures which are not "independent". [Mitchell/Dole Panel Recommendation]

TITLE II—INCREASE OF COMPETITION IN POLITICS

Section 201. *Seed Money for Challengers.*—This section permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions by challengers to help begin a campaign. Party committee matching funds would be permitted to a maximum of $100,000 for any House or Senate candidate who is a challenger. [Ornstein (modified)]

Section 202. *Use of Campaign Funds.*—This section prohibits Members from supplementing their official office accounts with campaign funds. [S. 1727] (Bush)]

Section 203. *Candidate Expenditures From Personal Funds.*—This section requires Congressional candidates to declare upon filing for an election whether they intend to spend or loan over $250,000 in personal funds in the race; raise the individual contribution limit to $5000 per election from $1000 for all opponents of a candidate who declares such an intention. No limits would apply to individual contributions and expenditures by party committees if a candidate spends more than $1 million in personal funds. [S. ___ (Domenici); S. 7 (Dole-McConnell-Stevens)(modified)]

This section also prohibits candidates from recovering personal funds or loans used in their race from contributions raised after the election. [S. 332 (McConnell)]

Section 204. *Franked Communications.*—This section prohibits franked "mass mailings" during the election year of a Member of Congress.

This section also requires more disclosure of the use of the frank for unsolicited mailings. [House Republican Task Force]

Section 205. *Limitations on Gerrymandering.*—This section requires new standards for Congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision will: (1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; (2) repeal current statutory provisions permitting multi-member Congressional districts and require single-member Congressional districts; and (3) limit the division of county and political subdivision boundary lines, as well as redistricting egregious partisan gerrymandering. [S. 1727 (Bush); House Republican Task Force]

Section 206. *Election Fraud and Other Public Corruption.*—This section creates a new public corruption statute which codifies current case law and increases the authority of the U.S. Justice Department to combat election fraud at all levels of government. [S. ___ (Biden-McConnell)]

TITLE III—REDUCTION OF CAMPAIGN COSTS

Section 301. *Broadcast Discount.*—This section allows Presidential and Congressional candidates to purchase non-preemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election. [S. 1009 (Danforth-Hollings); S. 744 (McConnell); S.7 (Dole-McConnell-Stevens)]

TITLE IV—MISCELLANEOUS PROVISIONS

SUBTITLE A—FEDERAL ELECTION COMMISSION ENFORCEMENT AUTHORITY

Section 401. *Elimination of Reason to Believe Standard.*—This section eliminates the "reason to believe" standard. The Commission, upon receiving a complaint, will have to investigate a complaint if the identity of the complainant is known, and the complaint is sufficient on its face. [S. 1655 (McConnell-Reid)]

Section 402. *Injunctive Authority.*—This section provides the FEC the authority to seek injunctive relief to stop certain violations or an impending violation. [S. 1655 (McConnell-Reid)]

Section 403. *Time Periods.*—This section streamlines the administrative procedures for a complaint brought by the Commission by eliminating the minimum waiting period of 30 days and lowering the maximum period for post-probable cause conciliation bargaining to 60 days. [S. 1655 (McConnell-Reid)]

Section 404. *Knowing Violation Penalties.*—This section increases the penalties for knowing and willful violations which are resolved informally and requires these penalties to be mandatory. [S. 1655 (McConnell-Reid)]

Section 405. *Court Resolved Violations and Penalties.*—This section increases the penalty for violations that must be resovled in court and requires the penalty to be mandatory. [S. 1655 (McConnell-Reid)]

Section 406. *Private Civil Actions.*—This section permits a candidate, or a person authorized by a candidate, to sue on a complaint whenever the Commission declines to pursue an alleged violation by a tie vote. In such an action, the complainant may bring suit in U.S. District Court and any monetary award would be made in favor of the United States. The prevailing party would collect attorney's fees from the loser to discourage frivolous suits. [S. 1655 (McConnell-Reid)]

Section 407. *Knowing Violations Resolved in Court.*—This section increases the penalties for knowing and willful violations resolved in court. [S. 1655 (McConnell-Reid)]

Section 408. *Action on Complaint by Commission.*—This section reduces the time period by which the Commission must act on a complaint from 120 to 60 days. [S. 1655 (McConnell-Reid)]

Section 409. *Violation of Confidentiality Requirement.*—This section increases the fines for violations of the confidentiality requirement. [S. 1655 (McConnell-Reid)]

Section 410. *Penalty in Attorney General Actions.*—This section increases the penalties for violations of the election laws where the Attorney General separately prosecutes. [S. 1655 (McConnell-Reid)]

Section 411. *Amendments Relating to Enforcement and Judicial Review.*—This section implements several procedural recommendations proposed by the Mitchell/Dole Panel on Campaign Finance Reform. This section will:

Provide the Commission with more authority to informally resolve both complaint- and internally-generated investigations before any determination by the Commission;

Provide respondents with more access to documents provided by third parties in an investigation;

Provide respondents with access to any report submitted to the Commission by the General Counsel after the respondent has filed his or her brief;

Provide respondents with the right to present oral arguments before a Commission finding of probable cause;

Eliminate the ability of the Commission to routinely require admissions by the respondent that a violation has occurred; and

Establish time limits for investigations and require the Commission to publish an index of all investigations which have been concluded. [Mitchell/Dole Panel Recommendation]

Section 412. *Tightening Enforcement.*—This section repeals the shortened 3 year statute of limitations for violations of the Act and returns to the general 5 year statute of limitations. This section also permits the Attorney General to have access to FEC compliance files pursuant to a criminal investigation or trial. [S. 1727 (Bush)]

SUBTITLE B—OTHER PROVISIONS

Section 421. *Disclosure of Debt Settlement and Loan Security Agreements.*—This section clarifies FEC rules on campaign credit, loans, and debt settlement. [House Republican Task Force]

Section 422. *Contributions for Draft and Encouragement Purposes With Respect to*

Elections for Federal Office.—This section 3 defines "contribution" to include donations made to draft or exploratory committees advocating that a clearly identified individual becomes a candidate for federal office. [House Republican Task Force]

Section 423. *Severability.*—This section provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

Section 424. *Effective Date.*—This section requires the Act to be effective on November 7, 1990, unless a specific section provides otherwise.

Mr. DOMENICI. Mr. President, I wish to state my strong support for the Comprehensive Campaign Finance Reform Act of 1990, and to commend the Senator from Kentucky, Mr. MCCONNELL, the Republican leader, Mr. DOLE, and others who worked so very hard to bring together this package of true and meaningful reforms to the way we finance congressional campaigns.

This is progressive legislation. This is a bill that offers real reform, not partisan reform. It is fair to say that this bill makes it tough on Republicans and Democrats alike. That is the way it should be.

Frankly, the bill does not achieve everything I would have sought, but this bill provides some thoughtful changes to solve some very difficult issues.

If Democrats and Republicans in the Senate are truly serious about campaign reform, they should adopt this bill. It is legislation that gives no candidate or party an inherent advantage. Certainly, incumbents would no longer carry any advantage.

I want to discuss several specific initiatives in the McConnell-Dole bill, as many are quite close to provisions that I introduced two months ago in S. 2265, the Grassroots Campaigning and Election Reform Act of 1990.

As this Senator sees it, the most important components of the McConnell-Dole bill are those totally outlawing political action committees [PAC's] and what has come to be called "soft money," but has been more aptly termed "sewer money" by the New York Times.

I support those prohibitions. Both were in my bill. Both are critical if we are to have real campaign reform. Without those prohibitions, I do not see how we can ever pass a reform bill.

Many Members in the Senate—and many so-called experts inside the Washington Beltway—want to put arbitrary spending limits on campaigns, and then provide an option for funding campaigns out of the Federal Treasury. Others want to bully the American taxpayer into direct financing of our campaigns.

I reject both concepts. They are wrong.

It is interesting that most of those same reformers would continue to allow contributions from PAC's, and would allow the open sewer of soft money, by which they have lived for decades, to continue to spew out funds.

With that said, and recognizing the desire of some to use campaign reform for strictly partisan advantage, this Senator believes there are two fundamentals we ought to be able to agree upon:

Removal of the undue influence that could be exercized by PAC's and other big-spending institutions, and

Returning campaign financing to our constituents, to the grassroots.

The McConnell-Dole bill achieves both of these goals. It would wring a lot of money out of the system, but in a natural way that leaves all candidates playing on a level field.

Let me describe several of the very basic changes contained in the McConnell-Dole bill, changes I support enthusiastically.

Section 101 eliminates PAC's.

When the American people are asked about campaign financing, they state their strongest concerns over the role of PAC's.

We must listen, and this bill does. Under the McConnell-Dole bill, when an individual wants to give, he or she must give directly to a candidate, no longer using a high-powered intermediary.

Section 111 of the McConnell-Dole bill eliminates soft money, contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

That prohibition is total and absolute. I support that. Since soft money expenditures, according to some experts, exceeded $500 million—half a billion dollars—during the 1988 election cycle, this prohibition could well be the most significant reform of all. It certainly is critical to my support for this bill or any bill.

Section 203 includes an initiative I suggested several years ago to create a strong disincentive to a superwealthy candidate overloading a campaign with family money.

Under section 203, if a superrich candidate opens the family coffers—committing more than $250,000 to a campaign—the opponent or opponents get a fighting chance with higher per-person giving limit for their donors. This is only fair. Further, section 203 tracks my proposal prohibiting anyone from recovering large loans he or she gave to his or her own campaign.

Section 204 prohibits all franked mass mailings during any candidate's election year, another excellent and progressive step.

Section 205 places restrictions on gerrymandering of House districts, which we all know has been a major factor in the near invincibility of House incumbents over recent years.

The one area where the McConnell-Dole bill fails to go as far as I would like appears in section 121. This is the provision involving individual contribution limits.

Under the McConnell-Dole bill, an in-State donor is permitted to give $1,000, plus inflation, after passage of the bill, per election to each congressional candidate running in the donor's home State. A donor would be limited to a $500 contribution, plus inflation, to any candidate running in another State.

When I introduced S. 2265, I included a flatout prohibition on House and Senate candidates raising money outside their home State. The $500 out-of-State limit in this legislation moves in the right direction, but not far enough. If we are to have out-of-State giving, I would have preferred limits of $100 or $200 per candidate.

Nevertheless, I support the compromise approach in the McConnell-Dole bill. This is an outstanding reform bill, and it deserves the Senate's full support.

This bill clearly restrains campaign spending, limiting sharply the sources of available funds. Importantly, it limits campaign spending in a natural way, not using some arbitrary, federally imposed ceiling.

Nor does this approach use tax dollars to underwrite our campaigns.

I think the time has come for the Senate to adopt legislation that really reforms our system of campaigning. We achieve that goal with this bill.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I still have my leader's time reserved?

The PRESIDING OFFICER. The Republican leader has his leader time reserved.

DEFICIT REDUCTION

Mr. DOLE. Mr. President, I will take a minute and a half to indicate we did meet again this morning with President Bush, the four leaders: my colleague, the majority leader; myself; the Speaker of the House; and the Republican leader in the House, Congressman MICHEL.

We did, again, discuss getting underway an effort to reduce the deficit. It is not going to be easy. I know that some of my colleagues are already positioning themselves to oppose anything that might not suit their fancy.

Let me say on the other side, I hope my colleagues will not lock themselves in. The easiest answer around here is:

"I am not going to do it; we will let somebody else do it; or, I will vote no and hope enough people will vote yes, and nobody is going to blame me for being part of the problem." What I think is, we should be responsible.

Let me say, the President is dedicated to moving ahead with a bipartisan approach on deficit reduction. The four leaders have pledged to the President they were willing to cooperate, as long as it is totally nonpartisan, bipartisan, everything is subject to negotiations, "everything on the table."

That means process reform, which is very important. If we are going to have any meaningful, long-range deficit reduction or any discipline, we have to have process reform.

We must agree on some figure. How much are we going to reduce the deficit? We have not agreed on that yet. Is it going to be multiyear? We have not agreed on that. What do we do with defense? What do we do with mandatory programs? What do we do when it comes to revenues? All those areas have not yet been specifically addressed.

In my view, to make it a very positive package, it must provide different provisions that would, in fact, encourage economic growth.

If we want the support of the American people, we need to make certain that they understand that the primary purpose of the deficit reduction package, in addition to being responsible and being good fiscal policy, is that it is going to provide economic growth, by reducing long-term interest rates and increasing investment and productivity.

So these are the goals that we have in general. We want to increase investment. We want to increase productivity. We want it to be bipartisan. We want to make certain we have substantial deficit reduction. It has to be a bold package so that the American people understand that we finally were serious in the Congress about the most serious problem that has been overlooked for the past dozen years—or swept away every year for the last dozen years.

So I again congratulate the President. It is not an easy choice for him, I might add. If you read the papers or watch television, he is being bombarded from all sides about taxes, taxes, taxes. I think he has decided that the first thing you must consider is future economic growth in America—jobs, opportunities for those who now have jobs, for young people coming into the job market. We need to address inflation. We need to be more competitive around the world. We need to reduce the cost of capital. We need to do all these things that, in my view and the view of the President, hinge on an impressive deficit reduction package.

So I assume there is some talk about a meeting next week of the group of 25 or whatever it will be, 25 or 26, and that will initiate what we hope will be a successful beginning and will have a successful ending, and we have to do it very quickly.

One thing I think frustrates the American people is that Congress never seems to do anything quickly. We take forever; what we might do in 2 or 3 weeks, we do in 2 or 3 months. We do not have that much time. We did not set any deadline. There were no deadlines set. But the leaders agree with the President that we ought to move as quickly as we can if we are going to implement this package and have it have an impact yet this year and the outyears.

So, Mr. President, I thank my fellow leaders in the House and Senate and the President of the United States and the members of my staff. I think we are prepared to begin. We may succeed. It is like I said, putting Humpty Dumpty back together again. It is not impossible but it is almost. We will need public support. We will need to reach out to our colleagues on both sides of the aisle. But the bottom line is let us not lock ourselves in. Let us give the President a chance if you are a Republican, or if you are a Democrat, let us give the Democratic leadership a chance. But above all, let us give the American people the opportunity to improve the economy and to sustain economic growth so that their lives will be better. In my view, we are on the right track.

Mr. President, I reserve the remainder of my time.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENT OF 1989

The Senate continued with the consideration of the bill.

Mr. ADAMS. Mr. President, I rise today to speak in favor of S. 135, the Hatch Act reform bill. I particularly have waited to this point because several times during this debate there has been mentioned a particular thing that happened in the State of Washington, where certain Federal employees really had their rights, political rights and, as such, their constitutional rights of free speech infringed upon the provisions and the way in which the Hatch Act was enforced.

So I want to state my strong support for the reforms brought to us by the chairman of the committee and for S. 135. I also want to state that, as a former Federal prosecutor and a Senator whose constituents have been adversely affected by current restrictions, I am well aware of the history and controversy involved with the enactment of the Hatch Act and its implementation.

The question before us is not whether or not the Hatch Act should be reformed. I believe the answer to that question is a most emphatic yes.

As a Senator whose constituents' freedom of speech has been adversely affected by the current law, I believe the reforms provided in S. 135 are necessary and warranted. So it is not just a question of should we do it but yes, we should, and this is the vehicle to do it.

As my colleagues know, the Hatch Act was enacted in 1939 after investigations revealed that political appointees of the Works Progress Administrations coerced Federal employees into political contributions in return for jobs. Back then only 32 percent of the Federal work force was under the classified merit system and Federal jobs were being increasingly awarded on a patronage basis. However, today, close to 80 percent of the jobs are covered and protected by the Civil Service system. Today, both the employees and the public are insulated from political influence and coercion by a system based upon merit.

Mr. President, it is apparent that times have changed and that the Federal employee should be given many of the political freedoms currently denied by a hastily enacted and now badly outdated measure and badly outdated regulations which, as the chairman has repeatedly stated, are confusing due to their number and to the manner in which they are applied.

This body has already heard some of the confusing and illogical rules that currently govern political activities of Federal employees resulting from the Hatch Act, and these rules have directly affected the first amendment rights of my constituents. In 1988 Federal employees at the Puget Sound Naval Shipyard in Bremerton, WA, were astonished to learn that they could attend party caucuses but that regulations implementing the Hatch Act prohibited them from addressing the caucus in support of or in opposition to a particular partisan candidate once the caucus began its deliberations for the purposes of choosing a candidate. In other words, the employees are required by law to remain passive observers during one of the most important and purposeful parts of the caucus.

As expected, many Federal employees were confused as to exactly what they could or could not do. Washington State is a caucus State. These caucuses were to select the person that would be supported by the delegates

from the State of Washington at the Presidential nominating convention and would be in a position to hopefully participate in the choosing of the next President of the United States. These caucuses are an affair where you must vote for a particular candidate and your vote is then tallied with the other votes in the caucus. Those are then gathered together to select delegates and these delegates then go to another convention in the State and those delegates eventually go to the national convention. So this is a direct political right to select a Presidential candidate.

The Puget Sound Naval Shipyard is not a small institution. It varies with employees from 6,000 to over 15,000 employees. In one area it is of course completely dominant. So you can imagine that removing from a whole congressional district this number of people or at least confusing them to a point where they did not participate was certainly a violation of their constitutional first amendment rights and, yes, could skew the election by skewing the nomination of delegations selected from that particular area.

Such uncertainty breeds frustration and hesitation reduces involvement even in allowed activities. They did not know what they could do, and as has been pointed out by the chairman of the committee, there was confusion at that time as to whether or not they could wear buttons. I had that case when I was a Federal prosecutor in 1960 and it was decided people could wear buttons but none of us were sure by 1988 whether the button rule was on or off. The chairman of the committee has described many times about how you can put a sign on your car but cannot put a sign a lot of other places.

Indeed, our employees, having been warned of substantial penalties associated with this exercise of free speech, the many shipyard workers just simply did not attend their caucuses and many leaders of both parties believed this skewed the outcome of the Presidential caucuses in Washington State. Under the current Hatch Act, Federal employees who choose to speak their minds run the risk of losing their careers.

The bill we are considering today addressed the problem I just described. It provides for a Federal employee's full expression during political caucuses, rallies, and running for party office such as delegate or chairman and for other off-time political events. At the same time, it keeps restrictions prohibiting fundraising and running for partisan political office. It also increases the range of penalties for coercion and intimidation.

Mr. President, at this time when the Iron Curtain is lifting from Eastern Europe resulting in greater political freedoms in that part of the world, it is ironic that an archaic curtain of silence stills hangs over American Federal employees, barring them from participating in legitimate and reasonable acts of political expression.

Civil service should not carry with it a vow of silence when the subject is politics. Government and postal workers are decent, thoughtful, and patriotic individuals who deserve our respect. Our Federal and postal employees have put up with this unfair law for over 50 years. It is time to make the reforms necessary to bring these several million citizens back into the mainstream of American life.

I urge my colleagues to support this legislation because it would be tragic if American civil service employees had fewer rights than the new parties and people in Eastern Europe who are now beginning for the first time to exert their political rights in the selection of the delegates to their conventions and caucuses and eventually their government.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHERE IS THE PRESIDENT

Mr. WIRTH. Mr. President, it is time for the end of this good cop/bad cop business that has been going on related to the White House on environmental issues. The bad cop is obviously the Chief of Staff of the White House, John Sununu, and we can all justifiably beat up on Mr. Sununu. That is a very convenient relationship for the White House to have.

All the hatcheting gets done by Sununu, and the President benignly says, "I am the environmentalist. I do not know anything about this."

It is time to end the good cop/bad cop, Mr. President. And it is time for us to ask the question: Where is the President? We can say it more derisively—which I do not want to do—as it was done during the campaign: Where is George? But where is the President?

The issue before us right now is the issue of chlorofluorocarbons, and the reluctance, unwillingness, and refusal of the administration to participate in the world fund, to work with developing countries, particularly India and China, to help them through the economic problems they are going to face as we phase our chlorofluorocarbons, an absolutely imperative position for us to take.

That one has been addressed here earlier today. It was recommended by Mr. Riley, recommended by the State Department, and turned down by the bad cop. Where is the President on that? Where is President Bush on this issue? Where is the President on the issue of global warming?

During the campaign, he said, "Don't worry about the greenhouse effect; watch the White House effect." We have not seen anything of that. Why? Because again, the bad cops got involved in this, vetoed, intervened with, tried to wear down with a lot of revisionist science the evidence that is very clear on the subject of global warming, and the administration has backed off of its earlier position. Where is the President on that?

On the issue of wetlands, probably as difficult an issue we face in the United States, and enormously important for the development of the whole food chain, the administration has espoused a policy of no net loss of wetlands. But that has been eroded away, too. The bad cops have gotten involved in that, and the Office of Management and Budget and the Office of Chief of Staff of the White House have once again eroded away the no net loss of wetlands policy. Where is the President on that?

The World Bank, Mr. President, met in town during just this last week. There was a major commitment by the World Bank to a $300 million fund focused on particular environmental issues in the developing world of crucial nature to the whole of the world. World financial institutions all got together and agreed to participate in that $300 million fund, except for one major country: Embarrassingly, the United States of America. Where is the President on that issue?

World population: The conference that was here this last week, which was attended by more than 300 delegates from around the world and more than 42 countries, focused on issues of the environment. At the top of the agenda was the issue of population growth and the need for us to again urge the United States to again resume the position that we had in the sixties and seventies of world leadership on population, making sure we do all the variety of things that have to be done in providing population planning information, empowerment of women, a whole series of things that have to be done.

But the U.S. participation in that has eroded as well very sharply. Presi-

dent Bush, who used to be in a very enlightened position on that subject as a member of the U.S. House of Representatives, has now apparently done a "180." We ought to ask the question on population as well, Mr. President: Where is President Bush?

These issues stack up and become clearer and clearer and clearer. From this morning's very disturbing and embarrassing news about the U.S. position on chlorofluorocarbons to the issue of global warming to the issue of wetlands to our responsibilities to the World Bank to the population issue, the good cop/bad cop routine continues.

I think what we must do, Mr. President, is continue to ask the question: Where is President Bush on this? He says that he is an environmentalist. He says: Look for the White House effect. He tells us with all the good stuff, he is an environmental advocate, but his administration is doing just the opposite.

I hope my conclusion is wrong. I hope the President is an advocate. I hope the President's environmental policy is more than "Do not eat broccoli." I hope the President is involved in this issue. He certainly must be.

The issue is not Sununu. Sununu works for the President, and we have to ask the questions on these terribly important issues of the future: Where is President Bush? Where do we see his influence? He is the only elected official downtown. Where is President Bush?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, it is my understanding that the manager of the bill is shortly going to go to a vote. Let me just summarize.

First, there was an excellent article on the Beck case by columnist James J. Kilpatrick recently. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington (KY) Herald-Leader, May 2, 1990]

PLAYING HARDBALL POLITICS WITH SOFT MONEY: IT'S TIME TO REFORM

WASHINGTON.—In the hardball league of big-time politics, "soft money" constitutes a key element of the game. This is the money that goes not directly to a candidate, but only generally for such gauzy purposes as "voter education."

As Congress nudges its way toward election reform, the topic of soft money cries out for attention. How much money are we talking about? No one knows, because soft money is not reported. It is well established, however, that the great bulk of it comes from labor unions. Congressional Quarterly quotes one estimate that unions spent "at least $45 million" in the 1988 elections, all but $5 million on activities that favored Democrats.

To be sure, corporations and trade associations also may contribute soft money to voter education and registration, but industry tends to the timid side. Its soft money—there isn't much of it—generally is spent as a manifestation of civic virtue. When unions mount a campaign to get out the vote, it's nonpartisan in name only.

Sen. Mitch McConnell of Kentucky heads a Republican task force on campaign finance. He wants to write a provision into the pending bill for election reform that would compel disclosure of soft money spending. He proposes "to regulate and restrict it," a goal more easily promoted than achieved. Democrats understandably oppose the idea.

Republicans will mount a companion effort to add another desirable amendment to the bill. This would write into law the salutary substance of what is known as the "Beck decision." It is an effort that merits more attention.

The Beck case dates from 1976, when 20 employees of AT&T and its subsidiaries brought formal charges against the Communications Workers of America (CWA) and four of its local unions. Harry Beck and the other plaintiffs were not members of the union; but under a union shop contract, they were compelled to pay fees and dues equivalent to those paid by union members. Their complaint was that most of these payments went to purposes that were irrelevant at best and odious at worst.

Specifically, Beck and his coworkers objected to spending by the CWA in support of causes and candidates they opposed. They contended that their payments, wrested from them under the coercion of a union shop contract, could be used only for the legitimate purposes of collective bargaining, contract administration and grievance adjustment. To spend their fees for other purposes violated their First Amendment rights of free speech.

The case was bitterly fought. In the union's view, the relevant provisions of the National Labor Relations Act put no restrictions whatever upon their spending. If Harry Beck didn't like it, so what? He could join the union and argue his position from within.

The trial court was not persuaded. It insisted upon a detailed accounting of CWA expenditures. After months of haggling, an astonishing figure emerged: Only 21 percent of the outlays were for purposes reasonably related to collective bargaining with AT&T and its subsidiary companies. The other 79 precent went for other union activities—for publications, for entertainment, for lobbying, for organizing workers in other companies and so on.

Twelve years after the suit began, it reached the Supreme Court. In June 1988, Justice William Brennan spoke for a five-member majority. The law, he said, does not leave unions free "to exact dues equivalents from non-members in any amount they please, no matter how unrelated these fees may be to collective bargaining activities." Non-members may be compelled to pay fees intended to defray the costs of bargaining in their behalf—they cannot derive benefits as free riders—but beyond that limit, no. The excess must be refunded.

Regrettably, the court did not reach the constitutional issue. The National Right to Work Legal Defense Fund, which supported Beck's suit, contended that under the peculiar circumstances of a union shop contract, the union functions in effect as an agency of the state. No state may abridge a right of free speech. Harry Beck's right was plainly being abridged, but the high court put off the questions.

The statutory interpretation enunciated in Brennan's opinion ought to be written into law. Union members, of course, have a right to form voluntarily a political action committee and support any candidate they like. They have no right to hijack non-members.

Mr. McCONNELL. Mr. President, the McConnell amendment, the one that we will be voting on shortly, has the following purpose: It is to protect Federal employees from political activities of Federal employee labor organizations and to protect Federal employees from political coercion by Federal employee labor organizations. The scope of this amendment is that it applies to all Federal employees and postal workers.

Mr. President, the Federal employee and postal unions would have to inform their members of their constitutional right not to pay for such political activities as "get out the vote," political communications to members, and expenses of PAC fundraising. Members would have then a right to a partial refund of dues if they object.

This is based on the 1988 Supreme Court case, Communication Workers of America against Beck, and on the U.S. District Court for the District of Maryland 1990 decision in Kidwell versus Transportation Communications International Union.

This amendment would prohibit labor organizations or their agents from engaging in political coercion against Federal employees and postal workers. Protected worker activities would include the right of an employee to vote as the employee may choose; the voter may refrain from voting for any candidate or any measure in any election, to make or refrain from making campaign contributions, to engage or refrain from engaging in any legal form of political activities. There will be political penalties—fines of not more than $5,000, or imprisonment for not more than 3 years, or both.

Let me further say, Mr. President, that I strongly support extending this concept to other labor organizations including, for that matter, other segments of society.

Federal and postal workers presently must finance through their union dues political causes that they, in fact, may not support. The differences between this situation and that considered by the Supreme Court in the Beck case is illusory at best. The Beck case involved compulsory union dues. Here dues are voluntary. However, precisely the same coercive element at issue in Beck is present here.

Federal and postal workers are presented a Hobson's choice—pay union dues and gain the right to vote on terms of employment. But under present law a portion of their dues may go to support, through soft money, a candidate or candidates the worker may vehemently oppose.

The other part of the Hobson's choice is you do not pay the union dues, and you do not provide financial assistance to candidates that you continue to support. Only now under present law you will lose your voice on vital terms of employment issues.

My amendment would lift the burden of that Hobson's choice from the shoulders of Federal and postal workers.

It is somewhat ironic that we are discussing what purports to be workers rights legislation and a majority apparently does not want the support of this workers rights amendment. Indeed one of the issues that delayed the Senate last night was that my amendment was too expansive in terms of workers rights, and it had to be limited.

So I again urge passage of this narrowly crafted amendment which is germane to the bill.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, first, I ask the distinguished Senator from Kentucky, can I have a copy, please, of the Kilpatrick article that he referred to? I would like to look at it.

Mr. President, the distinguished Senator from Kentucky remarked about the debate on this last night, or discussion of this last night. It must have been in the Republican Cloakroom that that occurred, because I could not get a copy of the amendment last night. It must have been at some other place. I do not believe we made any comment on the floor.

Mr. McCONNELL. Will the Senator yield?

Mr. GLENN. Yes.

Mr. McCONNELL. I did not mean to imply we were discussing it on the floor. We were trying to make the amendment germane yesterday afternoon, is what I was referring to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the amendment by the distinguished Senator from Kentucky, my colleague, Senator McCONNELL, is a six-page amendment. It is a little complicated. I am sorry for the delay this morning but we did not get copies of it until the Senator from Kentucky proposed it this morning. We have had time to look through it and analyze it.

I just basically do not see the need for the amendment. The amendment has two basic parts.

The first part provides that no Federal employee labor organization can operate a multicandidate PAC unless that organization gives written notification annually to all Federal employees eligible to be represented by the organization that—you have to notify all Federal employees—those employees are not required to join the organization and then they can withhold part of their dues if they do join to the extent that those dues are used in part for political purposes.

The political purpose is not very clearly defined in the amendment. It is not defined at all. But, quite apart from that, this would mean that unless there was written notification to all Federal employees, all 3 million of them, each year would not be just to those who are union members; it would be to all Federal employees, telling them basically what they already know: They do not have to join the union to begin with.

The reason I do not think this is necessary is that is a fact within the Federal service that all these people are aware of already and the reason I object to it is this: This is not a cheap thing to do. It is not easy. You are talking about going out to some 3 million people. Just the cost of the postage for that is going to be about $750,000, probably duplicate that again in the cost of preparing the material and putting it out, and you are talking about $1.5 million or so just to make that kind of notification of something that they already know about.

This part of the McConnell amendment attempts to track a Supreme Court decision that was directed at protecting employees who were forced to pay union dues because they had a union shop. There is no analogy to the Federal employee organizations because they are completely voluntary.

A statement by columnist Mr. Kilpatrick was entered in the RECORD a few moments ago and in it he makes a good point. He talks about the need for something like that in those cases as I understand it, and I have not had a chance to really study this, and he points out that this was a union shop contract. But that is not what we have with Government employment. There is no union shop in Government. So it is a completely different situation than applied in the Beck case.

Federal employees are already protected by statute from paying union dues for use in any activities to which they may object. Under section 7102 of title 5 of the United States Code, each employee shall have the right to join any labor organization or refrain from joining without fear of penalty or reprisal.

Furthermore, a labor organization which has been accorded exclusive recognition in a unit must represent all employees of that unit without regard to whether they are members of that labor organization as stated in section 7714 of title 5.

My friend from Kentucky says he wants Federal employees who belong to a union to be able to vote on collective-bargaining agreements and still be able to withhold part or all of their union dues if they disagree with any expenditures for political activity, again a term that is not really defined in the amendment.

Mr. President, whether we are talking about unions or corporations or business or whatever we are talking about, we do not allow people who choose to invest or people who are in other unions outside the Government to say that majority will not rule, that they could come in and say I want back part of my whatever it is, union dues or purchase price of stock or whatever, and Federal employees I do not believe should have this kind of restriction placed on them unnecessarily because they do not have to join the union to begin with. That is the main point.

They do not have union membership as a requirement for their employment. So I do not see how this applies.

I think it is ludicrous to think that Federal employees do not know they are not required to join a union in order to work for the Federal Government.

What the amendment does is say we have to spend $1 million, $1½ million, $2 million, whatever it will require to send a letter to every Government employee each year to tell them what they already know.

The law says that any Federal employee may or may not join the union; it is that person's choice. In places where there is a union, he will be represented by that union in any case. If he wants to vote, then he pays dues just like a citizen who wants to vote at a corporation annual meeting or union

outside where a person has a vote in union affairs and if those persons feel they do not like what is going on with the representation of that union, they have a full right to address that in their union meetings and by majority vote try and change whatever the union is doing.

The first part of the McConnell amendment is already covered by existing law. No Federal employee must join or pay any dues to a union. The second part of the amendment deals with preventing political coercion by labor organizations. Once again, there is nothing in this part which is not already covered by existing law, particularly title 42, United States Code, sections 1971 and 1973, as well as title 18, United States Code, section 594 and section 597.

Mr. President, even if those things were not included in existing law, in this legislation we already had an amendment which I cosponsored. It was submitted by Mr. ROBB for myself and Mr. WARNER and it is now part of this bill, part of S. 135, and it deals very specifically with coercion. It is section 610. I will read this so there cannot be any doubt about how coercion is prevented, and I think it preempts what the distinguished Senator from Kentucky is trying to do here.

Let me read this. Section 610. Coercion of Political Activity.

And I would say that is in or out of government. It does not limit it just to this.

It shall be unlawful for any person to intimidate, threaten, command, or coerce, or attempt to intimidate, threaten, command, or coerce, any employee of the federal government as defined in 5 U.S.C. 7322(1), as amended, to engage in, or not to engage in, any political activity, including, but not limited to, voting or refusing to vote for any candidate or measure in any election, making or refusing to make any political contribution, or working or refusing to work on behalf of any candidate. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Mr. President, I think these things are already covered. I do not want to cut off debate if there are other speakers, but at the appropriate time I will move to table the amendment by the Senator from Kentucky.

I hope we can get on with the other amendments this afternoon. I discussed some of these procedures with the majority leader a short time ago and I know it is his intent to go to a vote tomorrow morning on the cloture motion. At that time, as he indicated to me, if the vote is favorable, we would continue on the 30 hours permitted under cloture at that time and run it right around the clock. We would be continuous for 30 hours of Senate session to run it off.

I know this interferes with some of the plans that people have for certain travel and so on, but that is what has been indicated. So I hope we can get some of these things out of the way this afternoon. I also hope we can get copies of any other amendments to be brought up so we can look at them so we do not have to wait and wait; we can consider them. We have now wasted half a day on this one when, if we had had it yesterday, we could have taken action on it and we would have been much further on today.

Let me just say, before we vote on this, S. 135, once again, what it does, it does not repeal anything. What it does, it takes a whole mass of very confusing and conflicting statements, interpretations that have built up under the Hatch Act over many years. Some of the ones I read into the RECORD again this morning, and it has been several times I read those in.

If you are "Hatched" you can wear a campaign button on the job and write a $1,000 check, but you cannot give any in-kind donation of any kind. You cannot go down and stuff envelopes. You can take the $1,000 and hire a professional firm to stuff them if you wanted to, but you could not do it yourself. You can go to a political rally, but you cannot hold a sign at that rally. If I am standing in the back of the hall as a Government employee and someone hands me a sign and says, "I have to go check my car. It is parked outside. I have to put another dime in the meter," and I am caught holding that man's sign for 5 minutes, I am in violation. I can be suspended from my job for a period of time. Those are interpretations under the Hatch Act now.

We have asked them year after year after year to correct some of these things which are ludicrous. But they do not seem to want to do it.

You cannot hold that sign at the rally but you can put all kinds of signs on your car and drive around or you can post a sign in your yard at home.

If asked, you can express your opinion about a candidate publicly. What is publicly? One person listening to you? Two people? Five? Fifty? That is not defined.

So people do not really know what they cannot do and what they can do. That is the biggest problem we heard about at the two hearings we held on this subject.

This became a serious issue in the State of Washington during the last election when shipyard workers were notified they could not actively participate. It was published, given to them, that they could not participate in the Presidential caucuses without violating the Hatch Act. They could not even go and vote, something you can do in a primary State. In a caucus State it is different, you have to go and stay there, personal presence. Well, that was one of the interpretations of the Hatch Act. Then it was later corrected.

This has created all sorts of confusion. Letters to the editors. Until it was corrected about a year ago, you could send five letters to one paper, one letter to five papers, and if you went beyond that you were in violation of the Hatch Act under some of these 3,000 interpretations that were folded into the Hatch Act out of the old civil service experience when the Hatch Act was passed in 1939.

There are many examples like that we can go into. The reason I read these once more is because all we do in this is try to clarify this. This is not a repeal. And to clarify what can be done, we say on the job you cannot do anything, period. That is it. No political activity. Nothing.

That political button there, as my distinguished colleague from Wyoming said on the floor here yesterday—how would you like to come in as a diehard, died-in-the-wool Republican, and sit down and the IRS auditor across the table from you has a big Dukakis button on? That would stop people. If it were reversed, the other way around, a Democrat coming in and the Republican button there, I suppose that would give people pause. That is permitted now. You can do that now. But with S. 135, that will be prohibited because on the job you cannot do anything politically; it is prohibited, and that is that.

Off the job what do we do? We are contrary to our colleagues over in the House. They would permit you, in the House bill that has been passed, to run for elective political office. And they permit solicitations of campaign funds from the public under the Hatch Act. I cannot go along with that, and we do not in this legislation. We say you cannot run for public office and you cannot solicit contributions. Those are two mighty big protections and those are big differences between the House version and our version here.

I think we give those protections. Outside of that, should a person be able to be over in Arlington County, next to Washington, DC, and participate as the local—whatever, board chairman or precinct captain or something like that? Well, why not? Why restrict things if not necessary. Because every other protection of law, as far as coercion protection or raising money, is already prohibited.

The very basic principle here is we should not restrict unduly, unless there is a reason to restrict. I think we fit that kind of a balance here. What we do is we do not change the basic Hatch Act. We clarify it so people, perhaps inadvertently, will not make a mistake and violate the Hatch Act. It is so confusing now, with all these interpretations, they do not know what they can do. And for those who would deliberately subvert the Hatch Act for their own nefarious purposes, what-

ever they might be, it makes it more difficult for them to operate also.

I wanted to give that little bit of background here. At the appropriate time, when all debate is done on this particular amendment, I will move to table the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment of the Senator from Kentucky and to identify myself strongly with the remarks of the Senator from Ohio, my distinguished chairman of the Committee on Governmental Affairs.

This amendment pending now that has been offered by the Senator from Kentucky [Mr. McCONNELL] really does compound the basic inequity that we are trying to deal with in S. 135. The inequity is that we are treating 3 million plus of our fellow Americans who happen to be employees of the Federal Government in a way that deprives them of their political rights, the same rights that you and I and all the rest of us have who are privileged to be citizens of this country, just because they work for the Federal Government.

We do that in spite of the fact that there is a litany of laws that protect the public from any possible mixing of politics and governmental service. There is a long list of laws that protect individual Federal employees from any mixing of politics and their public service. For instance, it protects them from being coerced or influenced by their superiors based on their political activities. And still the Hatch Act says after all those specific wrongs are protected against, we are going to tell you, you cannot participate in exercising your political liberties.

We treat the Federal employees differently than we treat everybody else. We treat them, in a sense, as second-class citizens. I suggest this amendment perpetuates that in a slightly different way by taking a court decision, the Beck decision, which related to employees of the private sector, and applying the principles through a codification that would be carried by this amendment to employees of the Federal Government who are distinguished from their counterparts in the private sector who belong to unions primarily by this factor.

Membership in a public employee association, Federal Government employee association, is not mandatory. They have the liberty to come and go as they want. So the additional options and limitations on their associations that is being carried out, and would be carried out by this amendment, would really further inhibit the opportunity for those associations to adequately represent their members and put burdens on those Federal employee associations in their attempt to exercise some of the same opportunities for political involvement that are exercised repeatedly by unions of workers who work in the private sector and by all the rest of us who are privileged to be citizens of this country.

Mr. President, it is time to give some measure of equal rights to the 3 million plus Federal employees.

S. 135 will do so. This amendment by the Senator from Kentucky would not and I, therefore, oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yields the floor.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I have listened with great care, both this morning and this afternoon, to what my distinguished chairman of the Governmental Affairs Committee has to say about this legislation, as well as the distinguished Senator from Connecticut.

One of the allegations is that it is not fair; it is not equitable to have the Hatch Act in place because it prevents 3 million Federal employees from participating in the political process.

If one buys that argument, is it not ironic that yesterday no concern was shown about the military, who likewise are not able to participate in the political process? All of them, whether they are civilians or military, are, of course, citizens of this great country and should enjoy the same political rights.

But it seems to me that if the advocates really believed what they were saying, they would have supported the Gramm amendment, which proposed that we extend to the soldiers, those in uniform, the right to participate exactly the same as they are proposing for the civilians.

Mr. President, that is not really what is behind this legislation. This legislation is essentially a political grab, a political thrust. What we are suddenly doing is letting Federal employees off duty become involved in partisan political events. The Hatch Act, of course, forbids that.

For 50 years, the Hatch Act, which was enacted by a Democratic Congress under the stewardship of a Democratic President, has been on the books and has served the Federal employees and the Government and the American public very well, indeed; so well that, in fact, we have little demand for repealing the Hatch Act, as S. 135 would do. And make no mistake about that.

But the thing that bothers me in talking about the impact of the Hatch Act on the Federal employee is that nothing is said about the rights of the American public. We are all in agreement that Federal employees, like those in the private sector, should have the right to exercise his or her vote; a very important right, indeed.

I think we should also be in agreement that it is critically important in the administration of the Federal laws that they be administered in not a political or partisan manner, but in a neutral, nonpartisan manner.

The reason for the Hatch Act became law in 1939, was because people were weary of the spoils system. It not only involved those in the private sector but in the public sector. One of the principal purposes of the Hatch Act is to protect the Federal employee from coercion, direct or indirect, blatant or subtle. Time after time, there were examples where the way the Federal personnel system was administered depended upon the political activity or lack of political activity of a public servant.

That was a principal reason for the law. It was to prevent the Federal employee from becoming involved in partisan political activity, but also to protect him from being coerced, from being required to make political contributions, to participate in the political process.

As I said, we have several objectives. One is to protect the Federal employee; another is to protect the public. And when you try to strike a balance with these competing goals, one has to draw a line somewhere, and that is exactly what the Hatch Act did.

The advocates of this legislation keep arguing that the law is so complex, and they refer time and again to 3,000 administrative decisions that were made prior to the Hatch Act. They know as well as I that those old decisions are not part of the rules and regulations of today.

Essentially, we have distilled from the various rules and regulations, or the administration has, 29 rules and regulations that are relatively simple in context. People like to sit back and say it is too complex. It reminds me of years ago when I went to law school and the professor, wherever you drew the line, tried to take a case very close to where that line was drawn to show how complex the law was. But there is nothing that complex about the Hatch Act. It guarantees that the employees has the right to be involved in the sense of voting and registering, but it is also very clear he or she does not have the right to become involved in partisan political activity.

That means that there are some lines to be drawn. As a Federal employee, one can write a letter to the local newspaper or 5 letters or 10 letters on a partisan issue saying where he or she stands. This is taken as part of a private right. What you cannot do is to become part of a partisan effort, so that if you are writing those letters as a part of a candidate's campaign, it is forbidden. It is a pretty simple line to draw.

I think in most cases, the Federal employees know whether or not they are coming up close to that line or not. But if they have any question as to what they are doing, as to whether it is lawful or prohibited, there is a hotline which they can reach and propound their question and get an answer.

Mr. President, just let me recite what Federal employees may do now.

As I said:

First, they can register to vote and vote.

Second, a Federal employee can contribute money to partisan political campaigns.

Third, they can express their views in private and in public, though not in a concerted way to elicit support for a candidate or party.

Fourth, they can attend conventions and rallies but only as a spectator. That means that they cannot carry banners and run around in a demonstration. That is part of partisan political action. But they can attend a convention.

Fifth, they can run as an independent candidate in certain partisan contests in designated areas with a high concentration of Federal employees.

Sixth, they can assist a nonpartisan voter registration drive.

Seventh, they can campaign for or against political referendum questions.

Eighth, they can participate as a nonpartisan poll-watcher or election judge.

Ninth, they can wear buttons off duty or on duty subject to various agency restrictions.

Tenth, they can participate in nonpartisan campaigns.

Additional activities that Federal employees could do under S. 135:

First, hold office in a political party.

Second, distribute campaign literature and solicit votes, off duty.

Third, organize and participate in phone banks, off duty.

Fourth, organize and participate in political meetings, off duty.

Fifth, politically endorse candidates and urge others to support them, off duty.

Sixth, solicit contributions to the PAC of a Federal employee organization to which both the employee and the donor belong, off duty.

This latter list of activities is, as I said, a repeal, a 180-degree change in direction of the law, if enacted. Today the Federal employee cannot become involved in partisan political action. What S. 135 proposes to do is reverse that trend and encourage—not permit but encourage—Federal employees to indulge in partisan political activity.

I yield the floor.

Mr. GLENN. Mr. President, I will reply briefly and then at the appropriate time move to table the amendment. I do not believe anybody else wants to speak.

Mr. McCONNELL. If the Senator from Ohio will yield, I will need 30 seconds and I am through.

Mr. GLENN. That is fine.

Mr. President, let me respond to the remarks of my colleague from Delaware. Once again we hear this rhetoric being trotted out that this is some kind of political grant. I never heard anything any more ridiculous, when all we are trying to do is clarify some of the uncertainties of the law right now.

Of course, the Hatch Act is needed. I agree with that. But I want to make it workable. I want to make it do something, not be so confusing that nobody knows what is occurring. So, once again, to refer to S. 135 as a repeal of the Hatch Act is just not true. I have corrected this quite a number of times.

We are talking about the rights of the American public to vote. Of course, they need Federal laws administered in a nonpartisan manner. I agree with that 100 percent, and that is exactly what S. 135 does. It says that on the job you cannot do one single thing that is political. That tightens up the law.

Under a spoils system which existed at one time, the Hatch Act was passed to protect people from coercion. I agree with that 100 percent. There already is protection against coercion in law. What we do specifically in this bill is exactly the same thing—the amendment by Mr. ROBB.

The objective is, indeed, to protect the employee and protect the public, and what we do is make that a workable line so that people will understand what is happening.

The 3,000 interpretations that we refer to, those were folded into the Hatch Act when it was passed and have not all been done away with yet, as witness the examples I have given on the floor many times. They have not all been distilled down to where there are very clear rule and regulations. Otherwise, why would we need something like a hotline for Federal employees to call to get an interpretation of whether they can or cannot do something? Is it not a ludicrous situation that the law is that unclear? And yet that is what we have. We have to establish a hotline so people can call in and say, can I stuff envelopes, or am I going to be charged with a violation if I stuff some envelopes down here in the boiler room some place? Or can I go to a political rally? What can I do? We have to have a hotline to try to describe these different interpretations that have grown up and been there under the Hatch Act through a good part of its existence since 1939.

All this bill tries to do is clarify some of that so that, exactly as the Senator from Delaware said, the public is protected, the employee is protected because they now will know without benefit of a hotline that they cannot do anything political on the job, that they cannot even wear that infamous buttons we have talked about on the floor repeatedly. So we tighten it up in that respect.

On the other hand, we keep some of the restrictions outside, such as no raising of political funds from the general public and not running for public office. The House bill permits both of those. This is a long-needed revision that S. 135 has made.

Mr. President, with regard to the amendment by the Senator from Kentucky, the basic point is we do not need all the same things, and that is what took us so long, we had to research this. We were trying to go through line by line and search whether each item in there is covered in some way under existing law. As I said in my remarks a few moments ago, we have determined that they are covered under other law so we do not need this amendment. That is the reason I rise to oppose it. Whenever the sponsor of the amendment has finished, I will be prepared to move to table.

Mr. McCONNELL. Mr. President, in conclusion, it is the view of the Senator from Kentucky that the present law does not cover this situation. Federal and postal workers presently must finance, through their union dues, political causes that they in fact may not support. My amendment is about the Hobson's choice that Federal and postal workers currently are presented. The Hobson's choice, Mr. President, is this: Pay union dues and gain the right to vote on terms of employment. But under present law, a portion of their dues may go to support, through soft money, a candidate or candidates that the workers may vehemently oppose. That is the first choice. If you pay your dues in order to gain the right to participate in a collective-bargaining agreement, your money can be diverted to political causes in which you may not believe, or as a Federal worker or postal employee, you choose not to pay the dues because you do not want to provide financial assistance to those whose views you do not support. Only under present law you lose your voice on vital terms of employment issues.

So the purpose of the McConnell amendment is to eliminate the Hobson's choice and to eliminate in the

future the possibility that, against the will of the Federal or the postal employee, his dues money can be diverted for the purpose of supporting political causes with which that union member may not agree.

So, Mr. President, I urge adoption of my amendment. I yield the floor.

Mr. GLENN. Mr. President, I point out one last time that this is not the same as the situation under Beck where, for employment, a person was required to join the union or they would not have any employment.

They will not have any employment. The Government employees have full choice on whether to join the union or not. If they object to any of the union rules, then they do not have to join. Yet they are represented by that union. That is required by law.

They do not have to join. They can go their own way and still be represented. If they want to join—and under the rules, each union has set up what they are going to do if they want to join the union—work from inside on the majority rule in a situation like that to change the what the union is doing, that is permitted. That is not only permitted but encouraged. That is democracy at its best.

Let me read one other statement into the RECORD. Then I will move to table.

As the Supreme Court has recently explained, the Federal statutes authorizing union security agreement, that is, agreements that require the payment of dues or fees as a condition of employment, have been construed in a way that "does not permit a union, over the objection of nonmembers, to expend compelled agency fees on political causes." *Communications Workers* v. *Beck*, — U.S. —, 108 S.Ct. 2641, 2648 (1988). These decisions rest on the principle that putting all other considerations aside, employees who choose not to join the union should not be compelled to contribute financially to the union's political activities.

Union security agreements are not allowed in the Federal sector. A Federal employee may choose to join the union acting as a collective bargaining representative and pay dues, or may choose not to join and not to pay anything. And the union is required by the Federal law to fairly represent each and every employee in the bargaining unit whether or nor the employee joins the union and whether or not the employee pays a penny in union dues. Thus, the problem addressed in cases such as Beck simply does not arise in the Federal sector, because there are no "compelled agency fees," and therefore no danger of Federal sector unions "expend[ing]" such fees "on political causes" "over the objection of nonmembers * * *." *Communications Workers* v. *Beck*, *supra*, 108 S.Ct. at 2648.

The Supreme Court, in defining the right of objecting nonmembers to prevent the expenditure of their agency fee payments on political causes, also took care to note that the majority "has an interest in stating its views without being silenced by the dissenters." *Machinists* v. *Street*, 367 U.S. 740, 773 (1961). To express their views, the majority of employees who support the union must be allowed to freely associate in that organization as members. And this freedom of association has always been understood to include the right through proper democratic processes first to adopt the organization's goals and programs and second to establish membership rules that ensure that all who join will meet their financial obligations to the organization.

A public law that requires the majority to take employees in as members who refuse to accept the union's rules, including its dues requirements, would, in other words, be contrary to the most basic notions of free association. So far as I am aware, neither the Federal Government nor any State legislature has intruded in the affairs of a voluntary private association in that way.

In short, Federal employees who disagree with a union's political positions can simply refuse to join—or if they have joined, can resign—and they will suffer no adverse consequences, because the union must fully represent members and nonmembers alike. Thus, there is no reason to allow such employees to join the union on some terms other than those normally required for membership. On the other hand, forcing the majority of employees who have freely joined the union to accept into their ranks employees who wish to join on their own terms is contrary to the essential tenets of freedom of association.

The PRESIDING OFFICER. Does any Senator seek recognition.

Mr. GLENN. Mr. President, if there is no other discussion of this amendment, I move to table the amendment of the distinguished Senator from Kentucky.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. GRAHAM). The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—63

Adams	Exon	Levin
Baucus	Ford	Lieberman
Bentsen	Fowler	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gore	Mitchell
Boren	Graham	Moynihan
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kassebaum	Sanford
Cranston	Kasten	Sarbanes
Daschle	Kennedy	Sasser
DeConcini	Kerrey	Shelby
Dixon	Kerry	Simon
Dodd	Kohl	Stevens
Domenici	Lautenberg	Warner
Durenberger	Leahy	Wirth

NAYS—35

Armstrong	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Burns	Heinz	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Lott	Simpson
D'Amato	Lugar	Specter
Danforth	Mack	Symms
Dole	McCain	Thurmond
Garn	McClure	Wallop
Gorton	McConnell	

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1591, as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, we stand ready for any other amendments now. We had a long delay getting this one. We understand we have a couple more. We would like to get them on the floor as rapidly as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order. Those who have business other than that before the Senate will please adjourn to the cloakroom.

Mr. GLENN. Mr. President, I just wanted all my colleagues to know that in discussions earlier this morning with the majority leader, it is his intention that if we cannot resolve this and get amendments to the floor and if there is delay such as we have experienced, it is his intention, so stated this morning, to move tomorrow to cloture; and if that is necessary and cloture is invoked, it is his intention to go right around the clock for 30 hours. I know what this does to some of the travel plans for many Senators on the other side of the aisle who have important meetings that are taking place outside the country, but that is the intention.

So I hope that anyone with additional amendments would get them to the floor so we can consider them. We are ready to consider the amendments and that is the plan that was expressed this morning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum have been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1607

(Purpose: To provide that the employees of each department and agency may select either current law or the proposed amendment to subchapter III of chapter 73 of title 5, United States Code, to apply, and for other purposes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1607.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, insert between lines 13 and 14 the following new section:

SEC. . EMPLOYEE REFERENDUM ON APPLICABLE LAW.

(a) Notwithstanding any other provision of this Act, each department and agency shall conduct a referendum of all employees (as defined under section 7322(1) of title 5, United States Code, as amended by section 2(a) of this Act) in such department or agency to determine the provisions of law to apply to the political activities of such employees.

(b) The provisions of law described under subsection (a) shall be limited to—

(1) the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act; or

(2) the provisions of such subchapter as amended by this Act, and the other provisions of this Act.

(c) The Office of Personnel Management shall promulgate regulations—

(1) governing procedures and other matters for the conduct of such referendum which shall occur—

(A) no later than 120 days after the date of the enactment of this Act; and

(B) at such regular intervals, thereafter, as determined by the Office of Personnel Management, but in no event more often than every 5 years;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency.

(d) For any department or agency in which employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply in accordance with a referendum under this section, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(e) The provisions of this section shall take effect on the date of the enactment of this Act.

Mr. DOLE. Mr. President, this is the all-American amendment. The purpose is simple: To provide employees of each department and agency of the Government the opportunity to select either current law or S. 135, the embodied law, within their particular agency or department.

The amendment does not change in any way any of the permitted activities and prohibited activities set forth in S. 135. It does not do a thing to that. It is simply an amendment affording employee groups the right to choose specifically, and this is how the amendment would work: Prior to the effective date of S. 135, the employees of each Government agency, of the department, would pull a referendum pursuant to which employees would vote whether they want their particular agency or department to be governed by the stricter limitations on political activity as currently embodied in the Hatch Act—in other words, under the present law or under the much looser standards set forth in S. 135.

If more than 50 percent of the employees who vote cast ballots in favor of S. 135, then their political activities will be judged on the basis of S. 135. That is it. If not, they are judged under current law. We direct the Office of Personnel Management to promulgate regulations governing the procedures and other matters with respect to the conduct of such referendum and also to undertake the task of informing and educating the employees of the standards for political activities that apply to each agency or department.

Finally, the Office of Personnel Management would be directed to issue regulations with respect to the holding of subsequent referendums on partisan political standards which referendums would occur no more frequently than every 5 years. The work force changes that there ought to be another referendum in 5 years, because those opposed might be in favor of participating under S. 135.

The purpose is simple. You would have referendums at regular intervals. You could look down the road. It also ensures the initial vote of the employee, agency, or department will not bind the agency forever. One obvious reason for this is the turnover of employee staffs, and one group of employees should not bind a different group of employees 5, 10, 15 years down the road.

Mr. President, we heard repeatedly from proponents of this legislation saying that this is something the workers want. I must say, if they want it, they are being very quiet about it. My phone is not ringing off the wall. It probably will be because I said that, because somebody can generate phone calls. I learned that fast.

I have been advised one Senator who has his office in a Federal building has not been contacted by a single Federal employee. This is another one of these things put together by the labor leaders saying it is something their members want, when surveys indicate that over half the members do not want this, and 70 percent of the SES employees do not want this.

So it seems to me the Senator from Ohio and others would consider this, and consider the survey of the Senior Executive Service, which indicated that 70 percent of such workers prefer current law. So if we really believe that this is something the workers want, why not give them a chance to vote? We do that in agriculture programs. We say, oh, this is what the farmers want.

We started having referendums and we started finding out farmers did not want what Congress thought they wanted, or what some leader of a farm organization thought they wanted. So what the workers may want will probably be left alone in most cases, not having to be dragged into partisan political activity or not having to make contributions to some political campaign under the fear of intimidation by some superior.

My amendment just lets the workers within each agency vote and decide for themselves.

I cannot think of any more democratic way, anything more fair. If the workers want to keep politics out of the office and they discover it, because

they will know before we know—let us say they have a referendum; 51 percent of the people say we want to go to S. 135, the looser bill. Let us say 5 years later the employees, whoever they may be, Democrats, Republicans, Independents, notice a lot of this political activity going on that is never going to be reported. We know it is never going to be reported—a lot of intimidation, maybe some coercion, maybe at least some perception of that. Then you had another referendum. It would give the employees a right to protect themselves without having their jobs threatened, without having to go through some complaint procedure. All they would do is simply vote in a referendum, a secret vote.

So it seems to me this is a good way to sort of police whatever happens, either for or against S. 135. This would be a self-policing mechanism, because I have to believe that if the good Federal employees—and they are good Federal employees—are going to make decisions, they do not want to make some that might cost them a job, a promotion, a transfer. So they are going to be very cautious, if S. 135 passes without some safeguard like this.

So, if the primary purpose of this act is to get rid of the rules and regulations that they claim are inconsistent, this ought to be a way to clarify it. I cannot believe this is an amendment that will not be agreed to. It probably will not be agreed to, but I hope it will be adopted on a broad bipartisan basis.

I am told that some of the labor leaders say they do not care; they are going to win every election anyway. Let us find out. I do not think they are going to win the election within the FBI or the IRS or the Federal Election Commission or the DIA or the CIA. All these sensitive agencies are now going to be involved in partisan political activity. They may not win the election of the postal workers or whatever.

But in any event, it is a commonsense amendment, something we think we have in the Midwest. We would like to share it with our friends around the country. We believe in fairness; we believe in democracy. We believe Federal workers ought to have a right to vote whether or not they want to engage in more political activity, and it just adds a new section to the bill that provides that referendums will be held and the time they are going to be held.

I cannot say much else about it. It seems to me it is a great idea, even though I may have thought of it. So I hope it might be well received by my colleagues on the other side and this side of the aisle. I am prepared to vote as soon as the Senator from Ohio has made his argument either for or against the amendment.

Mr. GLENN. Mr. President, we have just received a copy of this as we came on the floor, so we once again need a little time to make sure what we are doing. My first look at it is that I will, indeed, oppose it. I regret that is the case, but if the Senator will give us a few more minutes, we will be prepared to make a statement and then move on it.

I also hope that any other people who have amendments will bring them over, so we have a chance to look at them in advance, so we do not have to sit with staff and try to go through these things word by word, line by line, and consider them right here on the floor. We appreciate having them in advance so we can really get them through in a more expeditious manner.

I will speak on this in a few moments.

Mr. DOLE. Will the Senator yield?

Mr. GLENN. Yes.

Mr. DOLE. Let me indicate I share that view. I have managed bills. It is pretty hard to manage the bills if you do not know what the amendments are. You do not need a surprise party every 30 seconds around here, so I have advised my staff as soon as they are drafted to make them available.

Mr. GLENN. There has been some late drafting going on around here.

Mr. DOLE. I agree. I think the Senator should have them in advance.

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, the proposal by the distinguished minority leader, if applied across the board, would mean that we would have, not just Federal employees but in other areas of Government or our society, groups getting together to decide a referendum on what laws would apply to them and what laws would not apply to them. I do not believe that when the Hatch Act was passed originally there was a vote to say whether it would be or would not be. There was abuse that was seen and action was taken to correct that abuse, and that was the Hatch Act. It corrected a lot of these abuses, but it would create confusion in what is going to be administered, what is going to be done with it, how it is interpreted, and that is what we are trying to correct.

As my distinguished friend from Kansas says, this is not a looser law in any way, shape, or form. It is not a repeal of the Hatch Act. In some respects, in fact as far as what people can do in the workplace, it is a tighter law. It tightens up the law and gives the people better protection in their agencies or wherever they work for the Federal Government. Better protection is tighter job restrictions, which they probably like.

As far as the comments about intimidation or coercion, those are already prohibited by law, so we are not talking about that. As to the farmers, the Senator talked about, when we pass a national agriculture bill, it applies in California as well as Kansas, as well as Louisiana, as well as my home State of Ohio, and every other State, and we do not say whether you opt in or opt out, depending on what the biggest advantage is for you when we pass whatever law it is we are passing. We make it as fair as we possibly can, and then we apply it to everyone. That is what this does.

To let each agency have a choice of which laws they will prefer to be governed under just balkanizes this thing, makes it even more confusing because at that point we would have employees who in one agency would vote one way and employees in another would perhaps vote another and we have not simplified things, which is the objective of S. 135. We would have, indeed, complicated them much more than they are right now.

So, for those reasons, Mr. President, at the appropriate time, whenever debate is finished, I will move to table the amendment by the Senator from Kansas. I do not know who else wishes to speak on this or if he wishes to respond, but at the appropriate time I will move to table.

Mr. DOLE. I thank the Senator from Ohio. I just wanted to point out what we have done. We have a couple of charts which show what you can do under current law and what you can do under S. 135. There is no doubt about which is the looser law.

Under S. 135, you can solicit contributions to the PAC of a Federal employee's organization to which both the employees and the donor belong. You can campaign for or against a candidate or slate of candidates in partisan elections. You can make campaign speeches or engage in other partisan activities to elect partisan candidates. You can distribute campaign material in partisan elections. You can register voters for one party only. You can organize or manage political rallies or meetings. You may hold office in political clubs or parties, and you may circulate nominating petitions.

That is what we have as opposed to what we have today, current law, which is much less limited. Under current law, you can contribute money to political organizations or attend political fund raising functions. You may participate in campaigns where none of the candidates represent a political

party. You may assist in nonpartisan registration drives. You may display political badges, buttons, or stickers. You may attend political rallies or meetings. You may join political clubs or parties.

You may sign nominating petitions, you may campaign for or against referendum questions, constitutional amendments, municipal ordinances, and, or course, you can register and vote as you choose.

That is a much tighter provision than contributing to the PAC, or a Federal employees organization, to which both the employee and the donor belong, and you can campaign for or against a candidate or slate of candidates in partisan elections. It is a whole rewrite to repeal what we have now and a whole substitute to broaden the political partisan activity or Federal employees who belong to different unions.

Some do not want to do it. If we are going to take the democratic way and mandate that this law passes, you are going to be subject to all of this stuff, you are going to be asked to give money, and you are going to be frightened if you are a Federal employee somewhere. It may be somebody asking you who might have some influence on whether or not you are going to have your job or be promoted or whatever.

What I have done is try to come up with an amendment that at least you have a majority of the Federal employees in an agency say yes or no. It seems to me it makes a great deal of sense. Referendums are being used all over Eastern Europe now. People are getting their freedom and are having referendums. They are deciding what kind of government they are going to have. Somebody is not mandating what kind of government they are going to have. It is precisely when it gets into an area like this, in my view, that a referendum is a good idea.

I am sorry to hear that the Senator from Ohio, after reflection by a narrow margin, is opposed to the amendment. Maybe it is not a narrow margin. But I am prepared to vote, in any event.

Mr. GLENN. Mr. President, I move to table the amendment.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—62

Adams	Fowler	Lott
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Graham	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Heinz	Pell
Bumpers	Hollings	Pryor
Burdick	Inouye	Reid
Byrd	Jeffords	Riegle
Conrad	Johnston	Robb
Cranston	Kasten	Rockefeller
Daschle	Kennedy	Sanford
DeConcini	Kerrey	Sarbanes
Dixon	Kerry	Sasser
Dodd	Kohl	Shelby
Domenici	Lautenberg	Simon
Durenberger	Leahy	Stevens
Exon	Levin	Wirth
Ford	Lieberman	

NAYS—36

Armstrong	Garn	McConnell
Bond	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Pressler
Burns	Hatch	Roth
Chafee	Helms	Rudman
Coats	Humphrey	Simpson
Cochran	Kassebaum	Specter
Cohen	Lugar	Symms
D'Amato	Mack	Thurmond
Danforth	McCain	Wallop
Dole	McClure	Warner

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1607 was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I and others who may wish to join may proceed as if in morning business for 20 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, we return to a period for morning business.

The Senator from New York is recognized for a period up to 5 minutes.

THE BUDGET

Mr. MOYNIHAN. Mr. President, I rise to call the attention of the Senate to what appears to this Senator, and I believe to some others, a hugely unfortunate statement which was made yesterday by the House Republican whip, Representative NEWT GINGRICH of Georgia, in the context of the upcoming meetings of the President, the majority leader, and Republican leader here in the Senate, the Speaker and the Republican leader in the House, having to do with the budget for the coming fiscal year in the context of new numbers, if I may put it that way, that the Office of Management and Budget has issued which show the deficit to be much greater than ever it was said to be in the President's original budget which was even then not accepted and even now seems to me to have a very serious credibility problem.

Mr. President, it is well established, as clear as anything will ever be in our city, that the President asked for these meetings. The President approached Members of the House side, I believe, first and then the Senate side. On Thursday, in a policy meeting of the Democratic Policy Committee, the majority leader spoke with us about this matter and asked the counsel of his colleagues. We said, "By all means, go to that meeting on Sunday and see what the President has in mind."

And now in subsequent meetings it has been agreed that these discussions, this summit as the term is, will go forward—a clear initiative from the administration and followed up by a statement by the White House Press Secretary that everything would be on the table—to that effect, I do not quote Mr. Fitzwater—followed by information coming from the Office of Management and Budget to say that the deficit is much larger than was first projected. No news to anyone in this body, I should not think, and I do not think it is much news to anybody in the administration, even in the Office of Management and Budget. That has become an annual ritual, as the distinguished Senator from Tennessee, the chairman of the Budget Committee, has said, a budget to arrive from the administration filled with the familiar rosy scenario only to have them then disprove it before it is even voted upon.

In the House of Representatives, the opportunity was available to offer the President's budget. It was declined. We now hear of increased outlays for the savings and loan disaster, increased interest rates, the budget deficit is up and up again. And that deficit includes as its general revenues the surplus of the Social Security trust funds, a matter about which I have spoken before and others have done.

Well, the Government has to go forward and there is nothing in the least the matter with the negotiations between the congressional leadership and the President.

However, what is one to think, with this record as clear as it can be, to read in this morning's New York Times, for which I express my appreciation as a New Yorker, Mr. GINGRICH saying that, and I will read the full paragraph.

Despite White House efforts to reassure the opposition, Representative Newt Gingrich of Georgia, the House Republican whip, sought to stigmatize the Democrats as the true authors of the current thinking about a tax increase.

And then this:

I don't think there's any question in this country which party is addicted to tax increases and which party is reluctantly willing to negotiate.

"Reluctantly willing to negotiate" is the way the Republican whip in the other body characterizes the President's request that the congressional leadership come to the White House to talk with him at the summit, as that term is now used.

This raises anxiety. I want to make clear in no sense do I question the good faith of the President, the Secretary of the Treasury, the Director of OMB. But this fact is here in front of us. The meetings have not even begun when a member of the Republican leadership on the other side—not this body—clearly distorts the process by which the meetings got underway and already seeks to characterize any outcome that might involve taxes as the work of the parties invited to talk as against those who did the inviting.

That raises questions of good faith, good faith in the large political sense of will we come together in these matters or will they be used as a setting for the character assassination of the Democratic Party?

We, sir, have been in this body for 4 months now, raising the question of how can Social Security trust funds be used as general revenue, without ever charging bad faith; saying this activity, in which both the Congress and the executive branch are now involved, does raise the question of good faith with the American people, with the 132 million people who pay a Federal Insurance Contributions Act payment. It is not an income tax. On the payroll it says FICA; it is a contribution to insurance. It was never remotely conceived by the authors, President Roosevelt, Members of the House and Senate in the 1930's, to be Federal revenue for general purposes.

In a specific document in the Roosevelt papers talking about this matter, for example, Luther Gulick, of Columbia University, who was working in the Government in 1941, specifically suggested to the President it might be time to merge these revenue streams.

"No," said Franklin D. Roosevelt, "that is a separate source of money that goes to an insurance fund. Credits are made to individual accounts." There is a number on every dollar in the trust fund. It is yours, or mine, or our wives' or our brothers', our cousins'. Every dollar in that trust fund has somebody's name on it. These are not general revenues.

Yet already in the presentations by Mr. Darman, we include the surpluses, running at about $75 billion this year, as if they were part of the revenue base of the Treasury. They are not. Or at least in the judgment of this Senator they are not.

That enormity apart, as if that were not enough that we are being asked to begin our discussions by conceding the not-conceded point that insurance contributions are revenue to be used for everything from battleships to paperclips, what you will, as against revenue to be used only for benefits and the very small administrative costs of running the program—now, for it to be said that on top of this the discussions begin by, I will say again, "the party addicted to tax increases," to wit this party, on this side, and "reluctantly" entered into on the other side, is to at the very least cause apprehension and concern.

Mr. CRANSTON. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to yield to the majority whip.

Mr. CRANSTON. May I see that quotation?

Mr. MOYNIHAN. Certainly. The New York Times, the newspaper of record.

Mr. CRANSTON. I am delighted the Senator from New York has called this to the attention of the Senate and to the public. This is an absolutely outrageous statement by the number two leader of the Republican Party in the House, and I want to repeat the quote that the Senator from New York just read.

Representative NEWT GINGRICH of Georgia, the House Republican whip, quoted in the New York Times as seeking "to stigmatize the Democrats as the true authors of the current thinking about a tax increase. 'I don't think there's any question in this country which party is addicted to tax increases and which party is reluctantly willing to negotiate.' "

To come from a man who is in the leadership, who is presumably involved in the negotiations, and knows perfectly well who asked for the negotiations, the President of the United States, to state that the Republican Party is the reluctant one, since they have initated the negotiations, is obviously a falsehood.

I do not know how negotiation can be carried on in good faith with people who resort to such statements. The actual fact is that the Democrats have been somewhat reluctant to enter into these negotiations. We believe the President and his Mr. Darman are driven by economic facts to wonder about the necessity of a tax increase. What they hope to do is to blur who is responsible for that by having any such proposal come out of a meeting where Democrats are participants, That is obviously the plan that is involved in these negotiations being proposed.

The Republicans are embarrassed by the President's statement, "Read my lips, no new taxes," since the economic facts of life may well be driving him to a decision that new taxes are in order.

It seems to me to have honest negotiations, or straightforward negotiations, the President should state the facts as he sees them about a tax increase, about any other aspect of the budget process that must be considered, and then we can have a meeting where the cards are plainly on the table.

I want also to applaud the Senator from New York for his leadership on the issue of Social Security. This administration, like its predecessor, seeks to use Social Security funds to balance the budget. The Senator is leading the battle to see to it that process is brought to a halt. I am delighted to be one who is working with him in that effort.

Mr. MOYNIHAN. I thank, so very much, the distinguished senior Senator from California.

I would say to the Presiding Officer that we would hope to have some respect. It is not out of order to have us say on the floor today: Could we not hear from the executive branch that they do not share this view, that they do not endorse the statement of Mr. GINGRICH? For, if no comment is made, with what measure of trust will these negotiations go forward? What is likely to be the outcome if it is said in advance how the outcome will be characterized; if any mutual agreement will be characterized as a position imposed by one party on the other reluctant party? Well, there is not likely to be an agreement, or if one emerges, it is not likely to be well received when it returns to this body or to the other body, I would think.

On this matter of Social Security; no new taxes? On the first of January, the last of the rate increases for Social Security contributions, OASDI, the old-age and survivors and disability insurance program put in place in 1977 in anticipation of a very rapid changed demographic situation in our country beginning the third decade of the next century—that increase took place. It was treated immediately as if it were just another tax increase. Revenue is now available for general purposes, as against social insurance.

That statement reported in the New York Times, that is the equivalent of your 30-second attack commercial. Wham, out of nowhere; bop, disappeared.

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At least it had a name attached to it. I will concede that. But it is that attack mode, that accusatory mode that is poisoning and paralyzing our political governmental processes. If we cannot trust in the essential attachment to fact on the other parties, we cannot trust to make any opening proposal or respond to opening proposals, in turn.

Bryce Harlow, a great adviser to Dwight D. Eisenhower, one of the finest public men ever to serve Presidents in this city in the second half of the 20th century, said it very well. He said, "Trust is the coin of the realm." And he meant the trust among the elected Representatives.

And where that leaches away, the realm is accordingly deprived of the vigor and directed capacity that makes political choice possible. John F. Kennedy used to say, and I have heard him say it—nothing put in a speech, but at a meeting—to govern is to choose.

We have to make some choices here. We have avoided them for the better part of a decade. To seriously impair that effort even before it has begun is scarcely, it seems to me, a service to the President, much less to the Congress.

Mr. President, I yield the floor. I thank the Chair.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. MOYNIHAN. I am happy to yield.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I say, as one who sits on the Budget Committee and happened to sit in on the leadership meeting yesterday with the White House, I expressed to the President that I thought the revenues were growing quite well.

As a matter of fact, under the Senate Budget Committee approach that is approved by the Budget Committee, revenues are anticipated to grow by $112 billion, or 11 percent. That is a big increase already budgeted, already anticipated. Some of that has new revenues, about $15 billion.

I will just ask my colleague a question. We talk about making tough choices. The Senator from New York made an interesting proposal for cutting Social Security taxes, stating the Social Security bill in 1983 raised taxes too dramatically. I agree with the statement, or at least that is my statement that the 1983 so-called bipartisan Social Security solution had dramatic tax increases, and possibly too much. I voted against it in 1983 for that reason.

But there are enormous surpluses. The Senator from New York said make it pay as you go, so we have a big tax cut. But I have not heard the Senator's position on how we would make up for the deficit. I heard him talk about making tough decisions. I have not heard the second part of that. I would like to support his effort, but I do not want a similar increase in the deficit.

If we are going to have a massive cut in Social Security taxes, I am not really interested in having a massive increase in the deficit. I am not really interested in raising taxes in other areas in like amount. I would be happy to hear the Senator if he has made some of those tough decisions. If he has made the decision, I would like to know about it, and maybe others would like to sponsor it.

Mr. MOYNIHAN. May I say I see the distinguished Senator from Delaware has returned, and I believe they would like to return shortly to this measure.

To my friend from Oklahoma, first of all, in my view, these are not taxes. They are insurance premiums paid into a trust fund.

Second, I say to my colleague, those increases were not put in place in 1983; they were put in place in 1977. I was here. I voted for them.

Third, with respect to the proposal I made, the Senator will have a chance to vote on it, I assure him.

I see the Senator from Connecticut.

Mr. DODD. Will my colleague yield? I want to commend my colleague from New York, as a member of the Budget Committee. Like most of us here, when the President suggested there be a summit meeting on this matter, my first reaction was, of course, I presume the President will be submitting a revised budget proposal.

I do not know how we conduct a negotiation unless both sides place on the table their respective positions. That would be the first order of business.

Mr. MOYNIHAN. The Senate committee has reported a budget resolution.

Mr. DODD. That is correct; as well as the House committee. Both committees have reported budget proposals. The Senate proposal was bipartisan in that one Member of the minority supported that particular effort. But, nonetheless, a budget proposal. There are critics of it, I am sure, but, nonetheless, a position the committee had taken. The House has done the same.

I presume that the President and the administration would lay down their revised proposal. I found it somewhat disingenuous that they would not even allow a vote in the House on the President's budget proposal. They did not even want a vote on that. My first point would be I hope that is the case.

But secondly, I must say, and I commend my colleague from New York for raising this point, you cannot begin a process like this with one of the leaders of the minority, in this case in the House, taking the position that this is once again an effort to raise taxes, or this summit proposal was initiated by the Democrats, and expect the kind of atmosphere to prevail which would allow for an intelligent discussion about what needs to be done to put this house in order. If we are going to begin on that note, then I suggest we are not going to get very far.

Certainly, I hope we will not pursue negotiations or pursue a summit when the President's party and those who are leading it take the position that this is an effort by the Democrats to raise taxes. Nothing could be further from the truth, and it is not the kind of environment which is conducive to negotiations.

So I hope the President will submit that proposal. I will be shocked if we enter negotiations with only one proposal on the table, and that is from the legislative branch.

I thank my colleague for raising the issue.

Mr. MOYNIHAN. The Chair has been very patient. I thank the President and the Senator from Delaware, who graciously gave us this interval.

The PRESIDING OFFICER. The time for morning business under the unanimous consent order has expired.

The Chair recognizes the Senator from Delaware [Mr. ROTH].

HATCH ACT REFORM AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. ROTH. Mr. President, S. 135 would prohibit any Federal employee from knowingly soliciting, accepting, or receiving a political contribution from any person, with one exception. That exception is for the solicitation of any other person who is a member of the same Federal employee organization, and of a contribution that is solicited for a PAC of such organization.

This language makes clear the overt partisan nature of this legislation. Today, Federal employees may not solicit political contributions at all, and that is the way it should be. The bill accepts this principle, but makes one glaring exception for Federal employee PAC's.

Last week, a front-page story on "PAC-man" George Gould, which I have referred to earlier in this debate, reveals what this provision is all about. Make no mistake regarding this provision. It creates an additional political power for Federal employees organizations, an awesome power. Like many of the key operative words in the bill, the term "Federal employee organization" is not defined in the bill or, as far as I am aware, in law.

Thus, there is no legal requirement the Federal employee organization be limited to membership to only Federal employees. Title 5, Definition of Labor Organization for Civil Servants, refers

to an organization composed in whole or in part of employees. In whole or in part; that means that employees and nonemployees alike can both be members of the organization.

What this means is that this exception to the ban on soliciting political contributions is not as narrow as many believe. In addition, while many assume that the impact of this exception is limited because Federal employee membership is fragmented among several organizations, the bill does not codify this assumption.

There is nothing in the bill that prevents the formation of a single nationwide network consisting of Federal employees and others who might wish to join. There is nothing that prevents Federal employees from forming one giant network with members of, for example, the AFL-CIO. Or it could be some entirely newly constituted organization.

Under the scenario, any member of the network can solicit contributions, pledges, payments for services, or services themselves from any member of the network, whether or not they are members or Federal employees.

By law, Congress will have created a major political force: Postal employees, Federal employees, and other union employees.

On the basis of the Washington Post article last Wednesday, contributions were made on the basis of 90 percent to the Democratic Party, 10 percent to the Republicans, so it would appear that a new political force would devote its efforts, on the basis of this information, to electing Democratic Party candidates. This bill is overly political. The adoption of the amendment that I will offer would eliminate the most outrageous aspect of this legislation. The amendment does not cure the coercion problem; only preservation of the Hatch Act can do that. But this amendment and its disposition will show the public what has brought the bill to the Senate floor.

AMENDMENT NO. 1608

(Purpose: To prohibit Federal employees from soliciting, accepting, or receiving a political contribution from any person)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1608:

On page 4, line 11, beginning with the comma strike out all through line 19 and insert in lieu thereof "; or".

Mr. ROTH. Mr. President, my amendment would strike from the bill the ability of Federal employees to solicit political contributions from other Federal employees who belong to the same employee organization. This is not current law. Federal employees cannot solicit from other Federal employees today. This amendment would conform S. 135 to current law. I believe, if this amendment fails and the current provisions are retained in S. 135, we are setting a very dangerous precedent permitting political contribution solicitation by Federal employees.

More than 100 years ago, the Supreme Court upheld a prohibition against Federal employees contributing to or soliciting other Federal employees for political purposes. This legislation would repeal a similar provision in current law.

In 1882, the Supreme Court considered a case, Ex parte Curtis, which arose before the major civil service reforms of both the Pendleton Act and the employee protections of the Lloyd-LaFollette Act and the Hatch Act itself. In this case, the Supreme Court upheld a prohibition against Federal officials or employees contributing to or soliciting other Federal employees for political purposes. The Court held that:

If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet the demand may be treated by those having the power of removal as a breach of some supposed duty, growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of personal displeasure of a superior, as to promote the political views of the contributor . . . the law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss. No one can for a moment doubt that in * * * these statutes the object was to protect the classes of officials and employees provided for from being compelled to make contributions for such purposes through fear of dismissal if they refused.

Mr. President, I have been more interested in what has not been said by those who are advocating S. 135 than by what has been said, and well they might remain silent, because I think when it becomes clear as to what the real thrust of this legislation is, the American people will, indeed, be concerned.

Let me point out that essentially what this basic legislation would do would be to create the potential for national Federal and postal PAC's. It would create the situation where far more money could be collected than is currently possible, and I would just like to point out that these organizations already do pretty well, as we have already pointed out from the recent Washington Post article; something like a total of $769,000 was passed out to political candidates by one group—$769,000. That is, indeed, a lot of money. And that, I might point out, is only one of the union PAC's. As I have said before, it is ironical to me that we have legislation before us at this stage to expand PAC's to make it possible for Federal employees to dun other employees if they are members of the same employee organization at the very time it has been announced that the next, or at least in the next few days we will be considering legislation to reform campaigns. And central to that campaign reform is to eliminate, or at least to reduce, PAC's. And yet here we have a legislative proposal to expand PAC's.

I might point out, if you look at this chart, what we are really talking about is a number of postal and Federal unions that have contributed very substantially in recent elections. For example, take the case of the American Federation of Government Employees. In the last election, it donated $195,000 to Democrats, $15,000 to Republicans. Or, to break it down by percentage points, 92.5 to Democrats, 7.5 to Republicans; the American Postal Workers Union, 93 percent Democrat, 7 percent Republican; National Association of Letter Carriers, 90 percent Democrats, 10 percent Republicans; National Rural Letter Carriers, 81 percent Democrats, 18.8 percent Republicans; National Treasury Union employees, 94.2 percent Democrats, 5.8 percent Republican; National Association of Postal Supervisors, 85.8 percent Democrats, 14.2 percent Republicans; National Association of Postmasters, 72.7 Democrats, 27.3 Republicans; and National League of Postmasters, 67.5 Democrats, 32.5 Republicans.

I just would point out according to this chart, that means of the total money given in 1987, 1988, 88 percent went to Democrats, 11.9 to Republicans; in 1985-86 92.2 percent was given to Democrats, 7.8 percent by Republicans.

I might say, Mr. President, these PAC's, like other PAC's have done very well in collecting funds. Of course, they certainly have the right to donate or contribute to whoever they want. But what concerns us here is twofold: First, there is a growing consensus that something ought to be done to limit PAC's; not to expand but to limit, if not to limit them outright. But instead of reducing, instead of limiting, S. 135 expands. I think this chart shows very well why that is the goal and the objective.

I might also point out that it would mean at least these numbers are probably not as large as they could be, because there are 680,000 postal employees, in the unions, and 300,000 Federal employes in the unions.

So it is entirely probable, at least possible, that considerable funds, more funds will be collected as a result of this legislation if it were to become law. As I said, it is ironic that this is at the very time when we are considering

legislation to reduce, if not outright eliminate PAC's.

A second matter on which the advocates of this legislation are very silent—and I can understand why—is what could occur under S. 135 is the creation of a potential for a national network of Federal and postal employees. This legislation provides that Federal employees can campaign—I might say not only can, but it encourages them to campaign—and get involved in partisan politics off duty. And what a network.

Let me just point out we could take the postal employees alone. They reach into every district, into every State, and through their mail delivery service you would have one of the greatest networks available to any political organization.

We all know, those of us who have campaigned, that one of the most difficult things is to deliver your campaign literature to every household in your State or your district. Under this law, all that would have to be done is to get your postal employees on Sunday, an off-duty day, and have them distribute on that day all your literature. What a beautiful natural political organization would be available. Why not? Why not move in that direction?

Mr. President, the purpose of the Federal Government, the purpose of the Federal laws, is to serve the American people—not the Democrats, not the Republicans, but the American people. The purpose of the Hatch Act has been to assure the American people that the laws of the Federal Government will be administered fairly, and squarely, and in a nonpartisan way.

Presidents, going way back to George Washington, have been concerned, deeply concerned that Federal employees might use the position to influence in a partisan way. They recognize that it was wrong, under our form of Government, to permit that kind of Federal influence.

It was not until 1939 that it was corrected. It was corrected by the passage of the Hatch Act, that very carefully worked out a balance between the interests of the Federal employees to exercise their right to vote as American citizens, and at the same time to ensure the American people that their laws were going to be administered in a fair and nonpartisan manner.

As I have said in a number of cases, you know, how would you feel trying to get a Government contract, where the individual responsible for awarding the contract has been, in off-duty hours, very involved in either Democratic or Republican politics? Assuming that you are of the opposite party, and that is a well-known fact, are you going to have much confidence in the administration of the laws when the person responsible for determining who will be awarded the contract is an active participant in the opposite political party? The answer is no.

So that S. 135 just opens a whole door to a return of spoils politics.

Let me say the enactment of the Hatch Act was a great triumph. That law, I might say again, was enacted under a Democratic President, and a Democratic Congress. It has served the American people well, and it has served the Federal employees well for the 50 years it has been in effect. No wonder we have so many employees who do not want to change. Roughly 70 percent of the Federal employees either oppose or are neutral about any change, so that it becomes very clear that there is no mass movement among the Federal employees for enactment of S. 135.

As I said earlier, the idea of a neutral nonpartisan Federal bureaucracy is something that has been seen as important from the days of George Washington. I think it is interesting to see that Thomas Jefferson, the Nation's third President, was among the first to express concern about the issue of political activity on the part of Government employees. In response to Jefferson's concerns, the heads of the executive department issued an order which stated that while it is the right of any officer, that is Federal employee, to give his vote in elections as a qualified citizen, it is expected that he will not attempt to influence the vote of others nor take part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution.

It was deemed inconsistent with the Constitution at the beginning of our Republic. There is nothing that really has changed the situation today.

Our distinguished chairman of Governmental Affairs said last week, that the legislation before us, S. 135, does not significantly expand the ability to collect funds for PAC's. To be specific he said:

> Mr. President, I would respond by saying that the intention was right now only the elected union leaders could do this, and for a large organization, to let them delegate that to some of the other people. I think it only makes common sense that that is what would be done under any other PAC's, I believe.
>
> I see no reason they should be prohibited here. I do not think you are going to see under this any great flood of people, where everybody is dunning everybody else within a particular union or employee organization for money. That was not the intent. Nor would it actually operate that way.

So this was not meant to open any floodgates, nor do I see how it would. I read the specifics here a moment ago as to exactly who can and who cannot solicit money now, and who would and would not be able to solicit funds after S. 135 is passed. And it hardly varies at all. So I do not see the difference here.

Well, Mr. President, I have to respectfully, but strongly, disagree with that statement. This legislation would open the floodgates.

Just let me, once again, emphasize and underscore that under current law, no Federal employee can solicit contributions from a fellow employee on duty or off duty, whether they are a member of the same union or employee organization or not. The prohibition is clear. What S. 135 provides is that the Federal employee can, so-called off duty, dun his fellow employee for voluntary contributions, whether it be in the form of money or services, or whatever.

Let me point out, I cited in the figures a few minutes ago that you have in the postal unions 680,000 employees. That means that they would be eligible under S. 135 to solicit off duty contributions from their fellow employees, whether it is a request to make a financial contribution, to buy a ticket to a campaign dinner, or whether it is for some kind of services. Maybe it is just filling envelopes or, as I said, it could be on Sunday to deliver the campaign mail of a candidate. You also have 300,000 employees in Federal employee unions. So you have roughly a million employees who under this legislation would, for the first time in modern times, be able to be solicited from.

So this is a very, very significant change. I can understand why the members of the other great party would be favorably disposed, but I think it is a mistake at this juncture, at this moment of history, when we will be addressing the problem of campaign reform, to make these major changes in who could collect PAC's.

I want to point out that my amendment does not abolish or limit PAC's. We are hoping that is going to be done in the next week or two when it becomes part of the campaign reform legislation. What my amendment does, it eliminates from this bill the provision which expands the role and significance of Federal employee organization PAC's. I urge my colleagues to support this legislation. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Senator GLENN is recognized.

Mr. GLENN. No matter how many times it is said from the other side that this expands or loosens the Hatch Act, it just does not do that. My distinguished colleague from Delaware has made a big thing out of the fact that we have PAC contributions here from some of the Government employee unions, and it shows very decidedly, I admit—I give that going in—that these people feel that their interests have been best served by the Democratic Party, obviously, or they would not give that kind of money.

I think it would be far more fair if we trotted out all the different PAC's. When labor came up with PAC's years ago, it was followed immediately by business PAC's. I did not bring with me today a listing of all the PAC's and who they have given to, but I submit I can trot out charts like this all day and all night that show different organizations of business and other interests to whom the lopsided contributions are just as much in favor of the Republicans as this is in favor of the Democrats.

So to pick out one particular item here—I do not think it is one particular group of unions like this, although they are involved with the Hatch Act and are Government employees; but to think that we are trying to somehow set up a situation where they are going to be benefited enough and this is the reason for this, as was charged here on the floor the other day, that we are trying to set this up because it is an election year, and this is somehow supposed to tremendously benefit the Democrats is just ludicrous.

How about NCPAC, Chamber of Commerce, NAM, AMA, and a bunch more. I do not have a complete listing. To whom do they give the bulk of their funds? At least some of those organizations are very heavy contributors to Republicans, and much lighter contributors to Democrats. So this business of playing games with which PAC contributes to whom is something that I think we ought to be careful with.

I was handed a list here, and I have not read it myself. But I am told that among the top 50 money raisers in 1987 and 1988 were the National Security PAC; they did the Willie Horton ad. Remember that one? The American Medical Association, NRA, Political Victory Fund, National Congressional Club—that, one of our distinguished Senators has—Campaign America, National Auto Dealers Association, National Conservative PAC, NCPAC, RUFF PAC, National Right To Life PAC, Congressional Victory '88, Citizens for the Republic. All of these are ones I believe that would show close to the same benefit to the Republicans that you show for Democrats on this particular chart here in front of me. We could get information on the rest of them.

Mr. President, just as an aside, it would be my intention however to talk for about another 7 or 8 minutes and be prepared to move to table the amendment at an appropriate time. I do not wish to cut off debate, but perhaps we can agree on an approximate time that will occur. Can the distinguished floor manager on the Republican side give me an estimate of how much time he may need to speak yet on this before we vote?

Mr. ROTH. I say to the distinguished chairman, I am not in a position to say how much longer. I share his interest and concern in trying to bring a vote as rapidly as possible.

Mr. GLENN. I understand that. It would be my intention, unless there is serious objection, to move to table at, say, 5:45. And people who want to speak on this can come to the floor, and they can be advised that is probably what we will do, unless there is serious objection. I do not want to force a vote, if we are really exchanging views and are going to illuminate the subject more. I hope we can move to table this by 5:45.

Mr. ROTH. Mr. President, if that is in the form of a request, I am compelled to object, and I do object. But as I said, it is my intent and hope to expedite action on this amendment, as the chairman desires.

Mr. GLENN. Mr. President, S. 135 does retain restrictions on political fundraising activities by Federal workers. All these boogeymen we seem to trot out here on the floor in debate just are not realistic. Some think, to use the words of my distinguished colleague, that this is going to result in a giant network across the country of fundraising capability never before seen, a national network he referred to even after that, and I submit whatever networking can be done can be done right now. That is not prohibitive for these particular organizations now, I do not believe, if there is to be any great networking, because what we permit within this bill is not something like that at all, beyond anything that they could do right at this moment. S. 135 does not expand the capability in any way.

To the extent to which Federal employees would be able to engage in any political fundraising activity it would be strictly limited under this legislation. Federal workers would not be able to solicit political contributions from anyone except other members of their employee organizations.

Furthermore, solicitations could only be made on behalf of their organization's political committee. And under S. 135 Federal employees cannot solicit funds on behalf of individual candidates nor can they solicit funds for other PAC's or political parties. Fundraising cannot be conducted while the employee is on duty, while in uniform, or while using a Government vehicle.

What does this mean? It means that Federal employees cannot solicit general contributions from the general public. It means that a Federal worker will not be able to solicit contributions on behalf of the candidate of their choice from anyone. You are still limited. It means that no partisan political activity can occur during working hours even if it involves two members of the same Federal employee organization. What more protection can there be than that? So this does not open things up.

There has been considerable rhetoric from the other side, the big scare, if you will, concerning just what S. 135, the Hatch Act reform bill, provides in the solicitation of campaign contributions and the operation of political action committees.

Let us just set the record straight on both current law and on S. 135. Under current law, the Hatch Act does not mention political action committees at all. The reason for this is that PAC's as such did not exist when the law was enacted in 1939. The rules governing the establishment and operations of PAC's are the Federal Election Campaign Act of 1971. That governs PAC's, not the Hatch Act.

As we all know, under the 1971 act, any group of individuals, management or union employees of a private company, Federal employees, any group of individuals with a common interest—for example, the conservatively leaning individuals who joined together to form what was called NCPAC, a group I am sure my colleagues on the other side of the aisle remember—any group could band together to form a PAC.

Once again the rules for establishing and operating a PAC are not in the Hatch Act. They are in the Federal election laws. Among the authorities vested in a PAC under the Federal elections laws is the authority for each PAC to decide on its own rules concerning which of its members may solicit contributions for the PAC. This is covered under the FEC now, under the Federal election laws, not under the Hatch Act. They set their own rules. That is provided in law.

However, when it comes to the involvement in PAC operations by a Federal employee, be it a PAC operated by a Federal employee group or a PAC such as NCPAC to which a Federal employee belongs, a provision of the Hatch Act does come into play because the Hatch Act prohibits Federal employees from active—active—participation in partisan political activities.

Somewhere among all those 3,000 rules that we have talked about is one that concludes that soliciting for a PAC or rather soliciting others to become members of a PAC which is different and constitutes active participation.

Let me read that again. There is a rule that concludes that soliciting for a PAC or rather soliciting others to become members of a PAC constitutes active participation.

So what we have now is a set of laws. One allows any group of individuals including Federal employees to band together to form a PAC and another which says that while Federal employees can join or band together among

themselves or with others, they cannot play an active role in the PAC.

That Federal employees currently participate in or have PAC's has been well established by my colleagues who have been waving around certain articles from the Washington Post. But, of course, they did not need a newspaper to tell them about those Federal employee PAC's. A good many of them have, including several of my very worthy opponents on the matter before us have, in fact, received money from those PAC's. But we will not discuss that here today nor is it really that pertinent as I see it.

But what does S. 135 do? What does it change? Well, it is very simple. S. 135 simply allows current Federal employees to play an active role in the operation of any PAC to which they may belong—only the operation of the PAC to which they may belong—so long as that PAC is comprised solely of Federal employees.

Further, S. 135 simply provides that a Federal employee PAC will no longer have to go through the charade of seeking out a retired member or hiring someone to operate their PAC. S. 135 simply puts the Federal employee PAC on an equal footing and allows them to operate under the same rules as any other PAC which is determined by the Federal Election Commission. S. 135 does not allow Federal employees to participate actively in PAC's having other than Federal employees and retirees as members. In other words, you cannot use this to go off and raise money and do things in other PAC's someplace. It does not allow Federal employees to participate actively in PAC's having other than Federal employees—it could not be outside, for instance—and retirees as members.

A Federal employee who belongs to NCPAC still will not be able to actively participate in that PAC because it has members who are not Federal employees. The bill does not allow employees to solicit private citizens. It does not increase the money pool for Federal employee PAC's. And it does not usurp from the election laws the rules governing who may or may not establish PAC's. That is determined by the FEC and this has nothing to do with that.

Federal and postal employees have PAC's right now. S. 135 simply allows them to operate the way other PAC's operate in accordance with Federal law. If we vote to change current law, then these Federal and postal employee PAC's would operate in accordance with those changes. And if we voted to change Federal law to ban all PAC's, then these PAC's would also cease to exist.

Mr. President, I obviously rise in opposition to this amendment. What we do in S. 135 in no way opens up all these floodgates of giant networks and national networks and things beyond what people have been capable of doing up to now under existing law.

So this is not any great opening up at all. It is, as I have said many times on the floor here, basically a clarification of very confusing Hatch Act interpretations. This will sort all that out by saying that there are still restrictions on Federal employees. They cannot go outside on their off-duty time when they are not on the job. They cannot run for public office. They cannot solicit for contributions outside by the general public. And on the job then they cannot do anything politically. Now that clarifies it.

We do not need that hotline for people. We do not need a law on the books and interpretations on the books so confusing. As my colleague indicated a while ago, there is a hotline that Government employees can call to find out what they are permitted to do and not do. Now, what a law. What a law. It has been interpreted so many different ways we have to establish a Government hotline and pay for it with taxpayer dollars. I do not know how much that costs, but we now have a national network where people can call in and find out: "Can I hold a poster at a political campaign? Can I contribute something or can I not? May I stuff envelopes? Or am I prohibited?"

Well, that and a thousand other questions will be asked on the hotline.

What we try to do with S. 135 is very simply set this whole thing up with a way where it will be simple, it will be very straightforward, it will be understandable and people will not need that hotline to find out whether they are breaking the law or not. That is the purpose of S. 135.

Mr. President, I do not know whether other speakers are available. I know there are none on our side of the aisle. I would be prepared to vote on this as soon as the distinguished author of the amendment is prepared to do so.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, first let me point out that what we seek to do by my amendment is very simple. What we are seeking to do is eliminate any reference to PAC's. As I said earlier, the next major piece of legislation presumably to come before the Senate is the question of campaign reform. If we are going to either expand or reduce or modify—or eliminate them, as I hope we will—then I think any reference to PAC's ought to be eliminated in the legislation before us.

We all know one of the major thrusts of campaign reform is to make major changes in PAC contributions. Those reforms should apply to all PAC's. I agree they should apply to PAC's that substantially give to Republicans just as much as they apply to those that give substantially to Democrats. What we are trying to do is create, in campaign reform, an approach that will have the support and confidence of the American people.

So it seems ironic to me, as I said earlier, that as we get ready to address the problem of campaign reform, PAC reform, that we have legislation before us that would expand PAC activity—admittedly for Federal employees—but of PAC's that are also, obviously, seen to benefit the Democratic Party.

Ninety percent of the contributions of the PAC's that would be affected by the legislation under discussion today goes to Democrats; 10 percent to Republicans. So from the partisan political point of view I can well understand why they are seeking to expand the opportunity of these PAC's to increase their contributions. Perhaps that should be done. I think not. I think the American consensus is that we ought to at least restrict, if not outright prohibit, PAC's. But in any event we ought to consider the whole ball of wax when campaign reform comes up and not as part of the Hatch Act.

My distinguished chairman says in his opinion the legislation before us does not change the treatment of these PAC's. It takes me back to a statement I made several days ago: Read the legislation. Read the legislation, because this proposed law will very substantially change the method of operation of PAC's sponsored by Federal union employees.

Under the current law it is very clearly said that an employee may not seek a political contribution from a fellow employee. In section 7323 the Hatch Act currently provides that a Federal employee, except when appointed by the President by and with the advice of the Senate, "may not request or receive from or give to an employee, a Member of Congress, or an officer of a uniformed service, a thing of value for political purposes."

It goes on to say that "An employee who violates this section shall be removed from the service."

So we have an outright, total prohibition against a Federal employee soliciting funds from another employee. And that is exactly what this proposed law, S. 135, proposes to change. It would permit a Federal employee to solicit a fellow employee who is off duty and a member of the same employee organization.

Let me point out the term "employee organization" is nowhere defined. The distinguished chairman says that a Federal employee would not be permitted, if I understood him correctly, to solicit funds from any non-Federal employee when, in fact, under the vague and ambiguous language of S. 135, it would be possible.

What S. 135 provides is that a Federal employee can solicit funds from

other members of employee organizations. It does not say all the members of the organization have to be employees. They can be nonemployees. Under this specific language of this S. 135, the Federal employee could solicit from those nonemployee members of the organization.

But more important is the fact that we have at least 1 million individuals who are members of these employee organizations who cannot, today, solicit from each other. And I agree with the distinguished chairman, these PAC organizations have done very well, and well they might. They are operating perfectly legally and according to their goals and desires.

But what we are trying to prevent is Federal employees from soliciting each other. And that is exactly what S. 135 would permit to be done.

So, again, S. 135 represents a very major change in the treatment of PAC's of Federal employee organizations. It is not just a slight little modification but one that would enable them to not only, let me point out, solicit from their fellow employee contributions, cash contributions, but services as well.

Again, I repeat, it will make a wonderful political organization because under this proposal, under S. 135, on Sunday it would be permissible for the postal carrier to deliver campaign mail to every house in the United States, something I think either political party would love to have at their beck and call.

Let me address one additional point. It is not true that employees can network today. Because under the Hatch Act, it forbids an employee from taking part in political management or political campaigns, and that, of course, would include networking. Under S. 135, the contrary is true.

But again I would like to point out to my distinguished colleague, the chairman of the Governmental Affairs Committee, and to my colleagues in the Senate, that what we seek to do by my amendment is very simple.

We would strike all reference to PAC's. We would ensure that it remains neutral on that score so that next week or whenever we take up campaign reform, PAC's could be treated in its entirety, whether they are Government PAC's or private industry PAC's or public service PAC's.

I urge my colleagues adopt my amendment.

Mr. GLENN. Mr. President, there have been many misrepresentations made about S. 135 since the beginning of this debate. But no misrepresentation is greater, I believe, than the one uttered by my distinguished colleague from Delaware when he said S. 135 would expand the PAC's currently operating.

Let us examine this claim. I could ask a series of questions. I could ask: Does S. 135 require any Federal or postal employee to contribute to a PAC? The answer is no. Current law does not require it. In fact, S. 135 creates additional stiff penalties for attempted coercion in this area.

The word "coercion" has been brought up many times in this debate. We have applied stiffer penalties for coercion. We have that written into S. 135. The Robb amendment did that the other day. It is now included as part of S. 135. So it is tougher than the Hatch Act in that regard.

Another question: Does S. 135 make it easier to form another Federal employee PAC? The answer is no. The rules for forming employee organizations or PAC's are not addressed by S. 135 at all. In fact, it is not even in the Hatch Act. That is covered by the Federal Elections Commission.

Another question: Does S. 135 allow solicitation of PAC contributions at times that are currently prohibited under the Hatch Act? The answer is no. S. 135 allows no political activity, including solicitation. No political activity, no political contributions, no nothing by Federal employees while they are on the job. That is tougher.

Mr. President, I submit that there is no merit to the claim that S. 135 expands existing PAC's in any way. I believe the amendment is based on a false claim. I believe it stems from general opposition to any political activity by Federal employees. For that reason, I feel it should be defeated.

So, Mr. President, I do not plan to prolong this. I am prepared, as I indicated earlier, to move to table the amendment at 5:45. It is now 5:45. I would like to know if there is any further discussion on the other side before I move to table the amendment.

Mr. ROTH. Mr. President, let me just underscore one more time what I have been saying, because the distinguished chairman, in my judgment, sets up certain straw men and then knocks them down.

For example, he says, No. 1, it does not change the rules or laws on how PAC's can be formed. On that, we agree. I never argued that this particular legislation changed the process for creating PAC's.

No. 2, the distinguished chairman says that that sets up the straw man that I apparently said that employees can solicit campaign contributions on duty. I never made that charge. It is true that S. 135 specifically provides that you may not solicit campaign contributions while on duty.

What I have said is that it makes a very significant difference in the fact that today Federal employees cannot solicit voluntary contributions either on duty or off duty. But what S. 135 permits is for Federal employees to solicit contributions from each other, as well as other members of employee organizations, off duty. That is a very significant change. What its impact exactly will be, no one will know until it becomes law and, hopefully, that will not happen.

But what I seek to do here is to neutralize S. 135 with respect to PAC's, to strike the language that would expand the ability or enable the employees to solicit each other so that when we take up campaign reform next week, or whenever, we can deal with the problem of PAC's in its entirety, and not piecemeal, as would be provided under the current version of S. 135.

Mr. President, I am ready for a vote.

Mr. GLENN. Mr. President, I move to table the amendment of the distinguished Senator from Delaware.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion to table the amendment of the Senator from Delaware.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—63

Adams	Ford	Lieberman
Baucus	Fowler	McCain
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mikulski
Bingaman	Graham	Mitchell
Boren	Harkin	Moynihan
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Heinz	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Jeffords	Robb
Conrad	Johnston	Rockefeller
Cranston	Kasten	Sanford
Daschle	Kennedy	Sarbanes
DeConcini	Kerrey	Sasser
Dixon	Kerry	Shelby
Dodd	Kohl	Simon
Domenici	Lautenberg	Stevens
Durenberger	Leahy	Warner
Exon	Levin	Wirth

NAYS—35

Armstrong	Gorton	Murkowski
Bond	Gramm	Nickles
Boschwitz	Grassley	Packwood
Burns	Hatch	Pressler
Chafee	Helms	Roth
Coats	Humphrey	Rudman
Cochran	Kassebaum	Simpson
Cohen	Lott	Specter
D'Amato	Lugar	Symms
Danforth	Mack	Thurmond
Dole	McClure	Wallop
Garn	McConnell	

NOT VOTING—1

Wilson

So the motion to lay on the table amendment No. 1608 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be futher rollcall votes today.

Under the current schedule, a cloture vote on the bill will occur 1 hour after the Senate convenes tomorrow morning.

I have been discussing with the distinguished Republican leader and the managers of the bill an agreement which would permit us to withdraw the cloture motion and proceed to a vote on final passage of the bill sometime tomorrow during the day which agreement would also include limitation and identification of the remaining amendments to the bill so that any Senators who have an interest in this matter should be alert to that fact, and we are going to attempt to get that agreement shortly. Any Senator who has an interest should make his interest known or be present on the floor.

Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanmous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote scheduled for tomorrow, Thursday, be vitiated and that no later than 4 p.m. on tomorrow, Thursday, May 10, the Senate proceed to third reading of S. 135; that the Governmental Affairs Committee then be discharged of H.R. 20; that all after the enacting clause be stricken and the text of S. 135, as amended, be substituted in lieu thereof and the Senate then proceed without any intervening action or debate to third reading and final passage of H.R. 20; that no motions to recommit be in order; and that the following be the only first-degree amendments remaining in order to S. 135 and that they be subject to relevant second-degree amendments. Those amendments are: An amendment by Senator DOLE regarding agency exceptions, NSA; an amendment by Senator DOLE, regarding agency exceptions, IRS, No. 1595; an amendment by Senator DOLE regarding agency exceptions, FEC, No. 1596; an amendment by Senator DOLE regarding agency exceptions; Department of Justice, No. 1597; an amendment by Senator DOLE regarding agency exceptions, CIA, No. 1598; an amendment by Senator DOLE regarding agency exceptions, DIA, No. 1599. Senator DOLE reserves the right to offer these amendments either separately as listed or combined in some form.

An amendment by Senator DOMENICI regarding return to current law re:PAC's and eliminate certain agencies; an amendment by Senator DOMENICI regarding intelligence and law enforcement agencies; an amendment by Senator SIMPSON regarding the striking of Federal employee organizations and insertion of Federal labor organization, No. 1606; an amendment by Senator GLENN regarding restrictions on activities and/or certain employees.

If by 4 p.m. on tomorrow any of the above listed amendments have not been disposed of, the Senator offering the amendment be recognized to offer the amendment which would then be debated for 10 minutes equally divided and in the usual form; and that, if a second-degree amendment is offered to any such amendment, the second-degree amendment be subject also to a 10-minute time limitation on debate equally divided and in the usual form.

I further ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time proceed to the consideration of Calendar No. 485, S. 137, the campaign finance reform bill; that prior to the close of business on Friday, May 11, the majority leader be recognized to move to proceed to Calendar item No. 523, S. 2240, the AIDS, CARE bill, and at that point, a cloture motion will be filed on the motion to proceed; that following the period for morning business on Monday, May 14, the Senate resume consideration of the motion to proceed to S. 2240 for debate only; that the cloture vote on the motion to proceed to S. 2240 occur at 10 a.m. on Tuesday, May 15, and that the live quorum under rule XXII be wavied.

Mr. President, I am authorized to state that this agreement has been cleared by and approved by the distinguished Republican leader who had to leave the floor because of another engagement and that this has been cleared by the Republican leader, I am advised by his staff at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Thursday, May 10, 1990, when the Senate resumes consideration of S. 135, the Hatch Act reform amendments, the following amendments be the only amendments in order, that they be first degree amendments only, and that they be subject to relevant second degree amendments:

Dole—Agency exceptions,NSA;

Dole—Agency exceptions,IRS No. 1595;

Dole—Agency exceptions,FEC No. 1596;

Dole—Agency exceptions,Dept. of Justice No. 1597;

Dole—Agency exceptions,CIA No. 1598;

Dole—Agency exceptions,DIA No. 1599;

Domenici—Return to current law re: PAC's and eliminate certain agencies;

Domenici—Intelligence and law enforcement agenices;

Simpson—Strike Federal employee organization and insert Federal labor organization No. 1606; and

Glenn—Restriction on activities and/or certain employees.

Ordered further, That the Senator from Kansas (Mr. Dole) reserves the right to offer his above listed amendments separately or in any combination thereof.

Ordered further, That no later than 4 p.m. on Thursday, May 10, 1990, the Senate proceed to third reading of S. 135, that the Governmental Affairs Committee be discharged from further consideration of H.R. 20, the House companion bill, that all after the enacting clause be stricken, that the text of S. 135, as amended, be substituted in lieu thereof, and the Senate, without any intervening action or debate, proceed to third reading and final passage of H.R. 20.

Ordered further, That if by 4 p.m. on Thursday, any of the identified amendments have not yet been offered, then the Senator may be recognized to offer the amendment on which there will be 10 minutes debate, to be equally divided and controlled in the usual form, with 10 minutes debate on any second degree amendment.

Ordered further, That no motions to recommit be in order. (May 9, 1990)

Ordered further, That the majorty leader, after consultation with the Republican leader, be authorized to proceed to the consideration of S. 137, the Campaign Financing Reform Act. (May 9, 1990)

Ordered further, That prior to the close of business on Friday, May 11, 1990, the majority leader be recognized to move to proceed to S. 2240, the AIDS C.A.R.E bill, and at that point a cloture motion will be filed on the motion. (May 9, 1990)

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

USAF COL. CHARLES E. SHELTON, OWENSBORO, KY

Mr. FORD. Mr. President, today many Americans assume that the Vietnam conflict is over and that it offi-

cially ended in May 1975, some 15 years ago. However, this is not totally true. There are approximately 2,000 American men unaccounted for, of which all but one have been declared officially dead in accordance with the Missing Persons Act, title 37, United States Code.

This American's name is Col. Charles Ervin Shelton, Serial No. 401384899FV, from Owensboro, KY, who served admirably in the U.S. Air Force.

Mr. President, on April 29, 1965, Colonel Shelton's 33d birthday, he was piloting a RF101C during a routine reconnaissance mission over the Sam Neau Province of Laos. At 11:58 a.m. on that date, Shelton was shot from the sky by hostile fire. Another American pilot witnessed Shelton parachuting to the ground, but Shelton informed the pilot by radio contact that he was safe. Shelton waited at this spot for 3 days to be rescued, as the weather was too severe for the Army helicopters. However, the rescue did not occur, and according to a village witness, Shelton was captured by Pathet Lao Forces. This capture was later confirmed by U.S. rallier reports.

Three years after his capture, according to a CIA report, Shelton was escorted to a North Vietnamese Army Office by three Communist soldiers. The soldiers were attempting to chain Shelton to a desk when he managed to obtain the chain and killed them in self-defense.

In 1971, Colonel Shelton and another American were briefly rescued, but were later recaptured by the Vietnamese. Later that year, Shelton's wife Marian and Louisville Courier-Journal newspaper reporter entered Laos in search of Shelton. However, their search was unsuccessful.

No, Mr. President, the Vietnam war will not be truely behind us until we can account for the nearly 2,000 missing Americans. Their families, and the entire American public, deserve to know the exact disposition of these Americans who honorably served their country in an unfavorable situation at home. They did their part, and we owe them the same in return.

There are those in our Government who say that Colonel Shelton has been allowed to remain the sole American POW for symbolic reasons. However, there are others who indicate there is a possibility that he may be alive. The U.S. Treasury continues to issue monthly checks to Shelton's wife, made payable to Charles E. Shelton. Shelton was a captain in the Air Force when he was shot down. Today, after numerous promotions, he holds the rank of colonel. Because it is uncustomary to promote or pay deceased soldiers, many believe Shelton may be alive.

Mr. President, today I urge President Bush to issue a directive that all appropriate steps will be taken to account for those missing in Southeast Asia. May 24, 1990, will mark the 25th anniversary of Shelton's capture.

Furthermore, I would urge that the President proclaim May 24, 1990 as Col. Charles E. Shelton Day, in memory of Shelton and all other missing American servicemen who served in Vietnam. It would serve as a reminder that we have not forgotten them and the honorable service they gave to this country.

Col. Charles E. Shelton, you are not forgotten.

Thank you, Mr. President.

SMALL BUSINESS: LEADING AMERICA INTO THE 21ST CENTURY

Mr. SANFORD. Mr. President, I rise today in recognition of the outstanding achievements and contributions the small businesses of America have brought to our society. The zealous and innovative spirit which led out pioneers across this uncharted continent leads our small business owners today in a business climate that offers new challenges and practices in this new global marketplace.

The theme for this week is "Small Business: Leading America Into the 21st Century", I believe it is appropriately named as the small businesses are demonstrating their creative and inventive talents in adapting to global markets and new product designs. In the wake of the political changes in Eastern Europe are new economic freedoms. The changing Eastern European countries are turning to the small business community in the United States to study how the free enterprise system works in a democratic society.

I am very proud of the accomplishments of small business in the United States. With over 20 million small businesses in America today, small businesses employ 6 out of every 10 working people. Small businesses also "account for the majority of new jobs and are more immediately responsive to changing demographics, economic patterns, and shifting markets than larger firms."

The pioneers and the entrepreneurs of small business should be commended this week, and should be remembered as we draft and pass legislation which affects the business community. In speaking with business leaders in North Carolina I have come to understand how our spending priorities affect our small businesses. I have heard complaints from small business owners that there is a lack of adequately skilled and literate workers. I have heard complaints from small business owners that there is insufficient roadway systems for consumer and manufacturer accessibility. I have also heard complaints from business leaders about the increasing costs of capital.

I would hope that we in Congress adopt the spirit of the small business person and strive to be creative and innovative in providing funding for our human resource and education programs to ensure that our public is literate and employable. And I also hope we possess the courage of the pioneers as we work to deal with the increasing Federal deficit and growing budget problems.

Lastly, Mr. President, I would like to congratulate every small business person in America, and express my appreciation to them for their determination and their many achievements. I especially would like to extend my congratulations to Mr. Tony A. Pope, president of Catawba Transportation Group, Inc., of Claremont, NC, the State small business winner from North Carolina. Mr. Pope, through his family business, exhibits the dedication and drive that is so characteristic of small business leaders. I hope that we continue to recognize the many benefits brought to our society through the small businesses of America, and try our best in Congress to emulate their courage and conviction to purpose.

MUST SIGNAL SUPPORT OF COLOMBIAN DEMOCRACY

Mr. HATCH. Mr. President, the recent foiled plan by the Medellin drug cartel to purchase sophisticated stinger antiaircraft missiles and other advanced United States weapons demonstrates the degree to which the drug cartels will go to undermine and destabilize democracy in Colombia.

According to reports, the suspects involved in the scheme expressed an urgent need to have the weapons delivered before the May 27 Presidential elections; and by their own admission, these stingers were to be used "to shoot down Colombian Government helicopters" and "to send a message because the Government was getting too close to Pablo Escobar." It is clear the drug cartels will do whatever is necessary to build a public consensus against the Colombian Government's antinarcotic efforts, even if it means bringing down the Government.

Three Presidential candidates already have been assassinated by the drug cartels. How many more must be murdered? Hundreds of police officials, judges, and innocent men, women, and children have been murdered by the drug traffickers. How many more must be victimized by this callous disregard for democratic rule, disrespect for the rule of law, and indifference to human rights?

Mr. President, it should be clear by now that the drug cartels will go to any extreme to satisfy their ambitions.

Despite these actions and threats, the government of President Virgilio Barco and the Colombian people refuse to be intimidated. Their courage to fight the drug cartels demonstrates their commitment to democracy and respect for human rights. The U.S. commitment to assist these efforts should be no less. We have an obligation to give the Colombian people the best possible assets to fight the drug cartels. Moreover, we have an obligation to protect our own law enforcement personnel and equipment already helping in this effort. To further this endeavor, the Senate unanimously passed one of my amendments last week to H.R. 4404, the emergency supplemental appropriations bill. My amendment directs the President to use his authority to lease Cobra gunship helicopters to the Colombian National Police to fly cover and protect government aircraft and antinarcotic operations. These helicopters are desperately needed to meet this threat. In a letter supporting my amendment, Colombian Ambassador Victor Mosquera Chaux wrote:

Your proposal is very timely. The drug trafficking organizations are continuing to wage a campaign of terror and violence against Colombian society, and the government must press harder in its attempts to dismantle these groups. The Cobra gunships would provide much needed firecover to our transport helicopters when flying missions into dangerous territory. Unarmed transport helicopters can become easy targets for automatic weapon or missile fire and have a higher inherent risk of loss of equipment and human lives. The Cobra escort helicopters would decrease the dangers involved in drug interdiction operations conducted by our security forces.

Mr. President, I urge my colleagues in the Senate and House who are conferees to the supplemental appropriations bill to make my proposal part of the conference report. This timely action will send the signal to the drug cartels that the United States is committed to supporting the Government of Colombia's efforts to maintain democracy, rule of law, and respect for human rights.

TERRY ANDERSON

● Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,880th day that Terry Anderson has been held in captivity in Beirut.

I would also like to bring tothe attention of the Senate a most unfortunate statement issued yesterday by the leader of the Islamic Amal, a faction of Lebanon's Hezbollah movement. Reconfirming our worst fears of the hostage-takers' Hussein Mussawi, siad that the release of three Israeli soliders thought to be held captive was "impossible" and that prospects for the release of the remaining foreign hostages did not look good.

I ask unanimous consent that the Washington Post article containing the report of Mr. Mussawi's remarks be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[Los Angeles Times]

HEZBOLLAH AIDE REJECTS FREEING ISRAELI SOLDIERS

NICOSIA, Cyprus, May 8—A top official of lebanon's pro-Iranian Hezbollah militants declared today that freedom for three captive Israeli servicemen is "impossible" and expressed doubt that the ordeal of the remaining foreign lostags in Beirut will end soon.

Hussein Mussawi, instrumental in the release of two American hostages last month, told the Voice of Lebanon, the Communist Part radio station, that the issue of the hostages has "turned into a very complicated case because of the negative American stand. . . . This year may not witness a solution."

Iranian demands that the United States make a tangible response to the release of the two hostages have focused on Lebanese Shiite prisoners held by Israel.

Israel has reaffirmed its policy against unconditional releases but has said it is prepared to deal on exchanges of prisoners and hostages. It demands the return of the three servicement believed held by Hezbollah in Lebanon.

Mussawi, who heads the Islamic Amal faction, said that American pressure on the Israelis would "have positive effects" but that a swap of the israeli servicement of Shiite and Palestinian prisioners in "impossible." He did not explain his statement, according to Beirut press reports.●

ANNUAL REPORT ON OCCUPATIONAL SAFETY—MESSAGE FROM THE PRESIDENT—PM 117

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 29 U.S.C. 675), I transmit herewith the 1988 annual reports on activities of the Department of Labor, the Department of Health and Human Services, and the Occupational Safety and Health Review Commission.

GEORGE BUSH.

THE WHITE HOUSE, *May 9, 1990.*

MESSAGES FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4521. An act to establish a Hydrogen Research and Development Program;

H.R. 4522. An act to improve the information available to emergency response personnel in the field, and for other purposes; and

H.J. Res. 453. Joint resolution designating May 1990 as "National Digestive Disease Awareness Month."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 272. Concurrent resolution authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of the Honorable William D. Ford.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4521. An act to establish a Hydrogen Research and Development Program; to the Committee on Energy and Natural Resources.

H.R. 4522. An act to improve the information available to emergency response in the field, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 272. Concurrent resolution authorizing printing of the transcript of proceedings of the Committee on Post Office and Civil Service of the House of Representatives incident to presentation of a portrait of the Honorable William D. Ford; to the Committee on Rules and Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, May 9, 1990, he had signed the following enrolled bill and joint resolution which had previously been signed by the Speaker of the House:

H.R. 4637. An act to amend Public Law 101-86 to eliminate the 6-month limitation on the period for which civilian and military retirees may serve as temporary employees in connection with the 1990 decennial census of population, without being subject to certain offsets from pay or other benefits; and

H.J. Res. 490. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BOND, Mr. BOSCHWITZ, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. McCAIN, Mr. McCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. SPECTER, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, and Mr. WILSON):

S. 2595. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. 2596. A bill to amend the Federal Noxious Weed Act of 1974 and the Food Security Act of 1985 to provide for improved weed and pest management activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2597. A bill to amend the Act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Energy and Natural Resources.

By Mr. GRAMM:

S. 2598. To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make grants (in conjunction with the Secretary of Defense) for the establishment of research centers at qualifying medical schools to carry out medical research in areas of interest to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 2599. A bill to authorize a certificate of documentation for the vessel *Angelos*; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HATFIELD, Mr. MITCHELL, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. ADAMS, Mr. INOUYE, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PELL, Mr. HARKIN, Mr. KERRY, Mr. JEFFORDS, Mr. SANFORD, Mr. BURDICK, Mr. JOHNSTON, Mr. CONRAD, Mr. MOYNIHAN, Mr. SIMON, and Ms. MIKULSKI):

S. 2600. A bill to combat homelessness through the establishment of housing-based family support centers, through the provisions of housing-based services to elderly individuals with chronic and debilitating illnesses and conditions, through the provision of residence-based outpatient mental health services, and through the use of grants for the improvement of community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 2601. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. PRESSLER, Mr. GRASSLEY, Mr. HATFIELD, and Mr. GRAHAM):

S. 2602. A bill to amend the Public Health Service Act to provide assistance for biomedical and health services research, treatment programs and for other purposes relating to Alzheimer's disease and related disorders; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS:

S. 2603. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE (for himself, Mr. McCAIN, Mr. ADAMS, Mr. BINGAMAN, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DASCHLE, Mr. DeCONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. HATCH, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. REID, Mr. RIEGLE, Mr. SHELBY, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 311. Joint resolution to designate the month of November, 1990 as "National American Indian and Alaska Native Heritage Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 281. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BOND, Mr. BOSCHWITZ, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HEINZ, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. McCAIN, Mr. McCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. SPECTER, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, and Mr. WILSON):

S. 2595. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

(The remarks of Senators on the introduction of this legislation and the text of the legislation appear earlier in todays RECORD.)

By Mr. DASCHLE:

S. 2596. A bill to amend the Federal Noxious Weed Act of 1974 and the Food Security Act of 1985 to provide for improved weed and pest management activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WEED CONTROL ACT

Mr. DASCHLE. Mr. President, today, I am introducing legislation that will improve the control of noxious weeds and reduce their spread. The primary purpose of this bill is to improve the Federal Noxious Weed Act of 1974, which aimed to prevent the further spread and introduction of noxious weeds into the United States. As currently written and interpreted, this law provides only partial protection from the invasion and spread of designated species, and new noxious weeds continue to enter the United States at an alarming rate.

Many people may not realize the serious nature of weed problems in our country. Greater emphasis is often placed on controlling insect and disease outbreaks because farmers and landowners see the immediate impact that these organisms have on crops and their land. However, weeds can cause serious long-term economic damage to cropland and natural ecosystems. Many landowners in the Great Plains have been forced to abandon land because it is so seriously infested with noxious weeds. Natural ecosystems are threatened by the introduction and rapid spread of noxious weeds. When these natural areas are infested they no longer benefit wildlife or man.

Conservation Reserve Program [CRP] acreage is also becoming infested with noxious weeds. Many landowners have inadequately controlled weeds on their CRP land. Uncontrolled weeds on CRP are causing aggravation for neighboring landowners and are adding to long-term weed problems. The legislation that I am introducing addresses the failure to control weeds on CRP. Controlling these weeds will require landowner cooperation with Federal, State, and local officials.

Senators BAUCUS and CONRAD have also recognized the serious nature of the noxious weed problem and have introduced legislation to improve control of noxious weeds. I hope to create a package of noxious weed legislation that can improve current law and be part of the new farm bill.

Mr. President, I ask unanimous consent that the full text and a summary of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2596

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 "Weed Control Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) noxious weeds are not being adequately controlled on Federal, State or private lands;

(2) noxious weeds and other weeds and pests are proliferating on land that is enrolled in the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985;

(3) weeds are responsible for control costs and losses to agricultural production of over $18,000,000,000 annually;

(4) Federal noxious weed control programs have been under funded; and

(5) noxious weeds are entering and being spread in the United States through methods that cannot be managed under the present scope of the Federal Noxious Weed Act of 1974.

(b) PURPOSES.—It is the purpose of this Act—

(1) to amend the Federal Noxious Weed Act of 1974 to improve its scope and control authority; and

(2) to improve the management options for weeds and other pests that are found on land enrolled in the conservation reserve established under subtitle D of title XII of the Food Security Act of 1985.

TITLE I—FEDERAL NOXIOUS WEED ACT OF 1974

SEC. 101. DEFINITION OF NOXIOUS WEED.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) is amended—

(1) by striking out "or not widely prevalent in"; and

(2) by inserting "natural ecosystem" after "fish or wildlife resources".

SEC. 102. NOXIOUS WEED TECHNICAL ADVISORY GROUP.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 17. NOXIOUS WEED TECHNICAL ADVISORY GROUP.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the Department of Agriculture a Noxious Weed Technical Advisory Group (hereinafter referred to in this section as the 'Group') to make recommendations to the Secretary concerning actions taken under this Act.

"(2) COMPOSITION.—The Group shall be made up of representatives of Federal, State, and local agencies and private sector organizations that are involved in the control of noxious weeds.

"(3) DUTIES.—The Group shall—

"(A) develop noxious weed classification criteria and make recommendations concerning which noxious weed species should be included or excluded from such classifications;

"(B) make recommendations to the Secretary concerning methods for improving noxious weed control strategies;

"(C) make recommendations to the Secretary concerning actions to be implemented under this Act; and

"(D) annually prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, reports concerning the implementation of this section and the Act.

"(4) DESIGNATION AS NOXIOUS WEEDS.—

"(A) IN GENERAL.—The Secretary, acting through the Group, shall approve plant species recommended by the Group for designation as Federal Noxious Weeds.

"(B) PUBLICATION.—Proposed species that are recommended for designation as a Federal Noxious Weed under subparagraph (A) shall be listed in the Federal Register for a period of 90 days for public comment, and the Secretary shall provide the opportunity for a public hearing on such recommendation if such is necessary.

"(b) FOREIGN WEED NOT LISTED AS A FEDERAL NOXIOUS WEED.—

"(1) EMERGENCY AUTHORITY.—The Secretary shall have the authority to prohibit the importation of a noxious weed even though such weed is not included on the Federal Noxious Weed List.

"(2) NOTICE.—The Secretary shall provide public notice of the prohibition on the importation of a weed under paragraph (1), and shall include the reasons for such prohibition in such notice.

"(3) REQUEST BY AGENCIES OR INDIVIDUALS.—State agencies, or members of the general public, who are aware of the importation of a noxious weed that is not included on the Federal Noxious Weed List may request that the Secretary take emergency action under paragraph (1) to prohibit the importation of such weed.

"(4) REVIEW.—The Group shall review all decisions to prohibit the importation of any weed under paragraph (1) during the previous year, to determine whether any weed that is subject to such a prohibition should be placed on Federal Noxious Weeds List.

"(c) CLASSIFICATION OF NOXIOUS WEEDS.—

"(1) DEVELOPMENT.—The Secretary shall develop a list of noxious weeds that will allow for an understanding of the status and level of action being taken against specific noxious weeds that shall be based on the following classification system.

"(A) CATEGORY I.—Federal Noxious Weeds identified as such in the United States for which Federal funding for the control or eradication of such through Federal or State cooperative projects has been appropriated prior to the date of enactment of this section.

"(B) CATEGORY II.—Federal Noxious Weeds identified as such in the United States for which Federal funding for the control or eradication of such has not been appropriated prior to the date of enactment of this Act.

"(C) CATEGORY III.—Federal Noxious Weeds that are not known to occur in the United States.

"(D) CATEGORY IV.—Weeds designated on a State noxious weed list that are not classified under subparagraphs (A), (B), or (C).

"(E) CATEGORY V.—Weeds that appear to meet the criteria for designation as Federal Noxious Weeds but that have not yet been designated as such.

"(2) FEDERAL STATE COOPERATION.—

"(A) IN GENERAL.—The Secretary, or any other Federal agency involved with noxious weeds and their control, shall cooperate with State agencies in carrying out noxious weeds programs.

"(B) NOTICE.—If the Secretary intercepts a noxious weed designated as category IV under paragraph (1), the Secretary shall notify the appropriate State agencies affected.

"(3) EMERGENCY ORDER.—Action shall not be taken against weeds designated as category V under paragraph (1) except under an emergency order under section 4(d).".

SEC. 103. INTERSTATE MOVEMENT OF NOXIOUS WEEDS.

Section 4 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2803) is amended by adding at the end thereof the following new subsection:

"(d) Prohibitions on the movement of a noxious weed under this section shall include movement by any means, including by vehicles, air transportation, through the mails, and human movement, unless a special permit for such movement is issued by the Secretary.".

SEC. 104. REGULATION OF IMPORTED AGRICULTURAL AND VEGETABLE SEEDS.

Section 12 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2811) is amended by striking out "not apply to shipments" and all that follows through "Seed Act" and inserting in lieu thereof "be applied independently of the provisions of the Federal Seed Act concerning noxious weeds".

TITLE II—LAND ENROLLED IN THE CONSERVATION RESERVE PROGRAM

SEC. 201. PROGRAMS TO CONTROL THE SPREAD OF WEEDS AND PESTS.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1246. TECHNICAL GUIDES.

"(a) IN GENERAL.—The Secretary, in consultation with State experiment stations, the Administrator of the Extension Service, the Chief of the Soil Conservation Service, and State pest and weed control boards, shall make available to owners and operators of land that is subject to a contract under subtitle D, weed and pest control technical guides that address common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program.

"(b) EFFECTIVE CONTROL ON NEW CONTRACTS.—If the Secretary determines that effective control of weeds is not achieved, as a result of not following the recommendations in the weed control technical guides provided under subsection (a), on acreage enrolled in the conservation reserve program under subtitle D, and following review by the Administrator of the Agricultural Stabilization and Conservation Service, local committees, State and local weed and pest control boards, or other agencies responsible for carrying out the conservation reserve program or local weed and pest laws the owner or operator of the acreage that is subject to the contract under such subtitle shall—

"(1) be subject to fines assessed by the Secretary for failing to control weeds on land enrolled in such program that shall be based on the entire acreage that such owner or operator has enrolled in such program.

"(c) REGULATIONS.—Not later than 60 days after the date of enactment of this section, all owners and operators of land that is subject to a contract under subtitle D shall be provided with notice and information concerning the availability of technical guides under subsection (a) and any new regulations that apply to such.".

SUMMARY—WEED CONTROL ACT OF 1990

(Senator Tom Daschle, South Dakota, Chairman, Agriculture Subcommittee on Research and General Legislation)

This legislation is designed to improve the scope and purpose of the Federal Noxious Weed Act of 1974. The intent of the 1974 law was the spread and entry of noxious weeds into the United States. However, as currently written and interpreted, this law provides only partial protection from the invasion and spread of designated species, and new noxious weeds are still entering the U.S. at an alarming rate.

Title 1. The current definition of noxious weed is modified to include natural ecosystems. Natural areas often have some of the most serious noxious weed problems. The present definition is also modified to allow for control activities to be conducted on noxious weeds that are already in this country.

A noxious weed technical advisory group is established. The technical advisory group would have the responsibility of recommending noxious weed control management strategies and developing noxious weed classification criteria. The group would have responsibility for approving plant species for designation as Federal Noxious Weeds. Emergency authority would also be granted to the Secretary to prohibit the importation of a noxious weed that is not included on the Federal Noxious Week List.

A new classification system for noxious weeds is established. The new classification system outlines categories for control based on the extent of control activities that are being conducted by USDA. The new system allows for coordination with States, which may have their own noxious weed lists that may be considerably different than the Federal listing.

Interstate movement of noxious weeds would be prohibited by any means including, vehicles, air transportation, and by mail, unless a special permit is issued by the Secretary. Many noxious weeds are currently being sold in aquatic magazines and at nurseries.

The Federal Noxious Weed Act is modified so that the regulation of imported agricultural and vegetable seeds would fall under the jurisdiction of the Act. Noxious weeds are entering the United States through seed shipments from foreign countries. The bill requires foreign seed shipments to meet noxious weed regulations.

Title 2. This title establishes a program to improve the control of weeds and pests on acreage that is enrolled in the Conservation Reserve Program (CRP). The Secretary is instructed to work with the Extension Service, Soil Conservation Service and State and Local authorities to develop weed and pest control guides for CRP contract holders. New CRP contracts would have a penalty system for failing to control weeds or pests, based on the entire acreage in contract.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2597. A bill to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Energy and Natural Resources.

NEW MEXICO ENABLING ACT AMENDMENTS

● Mr. DOMENICI. Mr. President, I rise today to introduce legislation to grant the consent of Congress to an amendment to the New Mexico Enabling Act. The amendment would permit the State of New Mexico to exchange for beneficial purposes lands granted or confirmed to it by the United States when New Mexico was admitted to the Union.

In 1910, Congress passed the Enabling Act that led to statehood for New Mexico. Subsequently, the people of New Mexico consented to the Enabling Act, and it became a part of New Mexico's fundamental law as if it had been incorporated directly into the New Mexico Constitution.

Pursuant to the Enabling Act and other acts, the Federal Government transferred approximately 13 million acres of land to the State of New Mexico to be held in trust for certain specific purposes. These lands are managed and administered by the State Land Commissioner.

Congress placed very strict limits on the disposal of the trust lands granted under the Enabling Act to New Mexico and Arizona—stricter limits than it had placed on any other States. Under the Enabling Act, the State Land Commissioner can only dispose of trust lands by sale or lease to the highest bidder at a public auction, which must be advertised for 10 weeks. Prior to the auction, the lands must be appraised, and no sale or lease can be made for less than the appraised fair market value of the land. Any sale or lease of trust lands that does not conform with the requirements of the Enabling Act is null and void.

New Mexico has not amended its Enabling Act to permit such exchanges, except for the limited purposes of exchanging trust lands for National Forest lands.

The New Mexico Attorney General has issued a written opinion that the State Land Commissioner lacks the authority to exchange trust lands for other lands—except for National Forest lands—because of the Enabling Act's requirements of appraisal and public auction.

The State Land Commissioner seeks to conduct land exchanges with the Anthony, Los Lunas, and Moriarity School Districts for school sites, with the city of Roswell for an airport expansion, with the Bureau of Land Management for wilderness areas, and with other Federal and State agencies, cities, Indian tribes, and other groups for a multitude of beneficial purposes.

The New Mexico Attorney General and the State Land Commissioner have determined that the only way to permit such exchanges is to amend the Enabling Act.

Amendment of the New Mexico Enabling Act requires the consent of the Congress and a State constitutional amendment.

The bill I am introducing today would grant the consent of Congress to the amendment of the Enabling Act. It would permit the State of New Mexico to exchange State trust lands with the Federal Government, State agencies, city governments, Indian tribes, institutions for whom the lands are held in trust, and private entities.

Exchanges would be permitted only where: First, the land that the State is to receive is of equal or greater value than the land that the State is to convey; and second, the exchange is beneficial to the interests of the institution from whom the land is held in trust.

In order to assure that exchanges that have been conducted in good faith since 1910 are not invalidated, the bill makes the Enabling Act amendment retroactive to 1910.

The New Mexico State Legislature has already approved the constitutional amendment necessary to amend the Enabling Act. The constitutional amendment will be submitted to the voters for their ratification in November.

Mr. President, I ask unanimous consent that a joint memorial of the legislature of the State of New Mexico regarding the amendment of the Enabling Act be inserted in the RECORD at the end of my remarks.

Mr. President, this amendment to the New Mexico Enabling Act is longoverdue. I hope that the U.S. Congress will grant its consent expeditiously.

I am pleased to be joined in introducing this legislation by my colleague from New Mexico, Mr. BINGAMAN, and the senior Member of the House of Representatives from New Mexico, Mr. SKEEN.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2597

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

SECTION 1. AUTHORITY TO EXCHANGE LAND.

Section 10 of the Act of June 20, 1910 (36 Stat. 563), is amended by inserting after the ninth paragraph thereof the following new paragraph:

"The State commissioner of public lands may exchange any land granted or confirmed by this Act for any land of the United States or an agency thereof, a State agency or political subdivision, a beneficiary of lands granted or confirmed by this Act, an Indian tribe or pueblo, or a private entity when the commissioner finds, after consultation with the chief administrative officer of the affected beneficiary of lands granted or confirmed by this Act, that—

"(1) based upon appraisals of the true value thereof, the value of the land to be received by the State is equal to or greater than the land to be conveyed by the State; and

"(2) the proposed exchange is beneficial to the interests of the affected beneficiary.".

SEC. 2. EFFECTIVE DATE.

(a) FINDING.—The Congress finds that the retroactive application of the amendment made in section 1 to approve, validate, and ratify land exchanges made prior to the effective date of the amendment will not prejudice the interests of any person and will benefit the interests of the parties to such exchanges, the beneficiaries of land granted or confirmed under the Act of June 20, 1910, and the public.

(b) RETROACTIVE APPLICATION.—On the date that the Secretary of State of the State of New Mexico certifies that the people of the State of New Mexico have consented to this Act by amendment of article XXI of the constitution of the State of New Mexico, the amendment made in section 1 shall be effective as of June 20, 1910, so as to approve, validate, and ratify all exchanges made after that date of lands granted or confirmed to the State of New Mexico after that date.

SEC. 3. CONSENT TO CONSTITUTIONAL AMENDMENTS.

The consent of Congress is given to amendments to article XXI of the Constitution of the State of New Mexico to consent to the amendment made in section 1, to become effective as of June 20, 1910, as provided in section 2.

JOINT MEMORIAL—STATE OF NEW MEXICO

Whereas, in the Federal Land Exchange Facilitation Act of 1988, Congress found that land exchanges are a very important tool for State land managers to consolidate land holdings for more efficient management and to secure important State objectives; and

Whereas, the Enabling Act for New Mexico, of June 20, 1910, ch. 310, 36 stat. 557, provides guidelines for exchange of lands granted to New Mexico by Congress in that case of reclamation projects or national forests but does not expressly address the State's exchange authority in other situations; and

Whereas, although the State has completed, in good faith, thousands of acres of exchanges for purposes other than reclamation and national forests pursuant to its interpretation of the Enabling Act for New Mexico and general trust principles, reasonable minds may differ as to the authority of the State to make such exchanges; and

Whereas, clarification of the status of such prior exchanges could avoid potential hardship and harm both to the State and the other parties to the exchanges; and

Whereas, the increased interest in exchanges manifested by the Federal Land Exchange Facilitation Act of 1988 demands that the State's power to exchange lands granted to it by Congress be clarified so that the purposes of the land grant are secured; now, therefore, be it

Resolved by the legislature of the State of New Mexico, that the Congress of the United States be respectfully petitioned to amend section 10 of the Enabling Act for New Mexico, as amended, to limit the exchanges of lands granted to the State by Congress, whether such exchanges be with the United States or an agency thereof, with a State agency or political subdivision, with a land grant beneficiary, with an Indian tribe or pueblo or with a private entity, to those exchanges where the commissioner of public lands after consulting with the chief administrative officer of the affected land grant beneficiary, funds, based upon an appraisal of the true value thereof, that the value of the land to be received is equal to or greater than the value of the land to be conveyed by the State and that the proposed exchange is beneficial to the interests of the affected beneficiary; and

Be it further resolved, that the Congress of the United States be respectfully petitioned to consent to an amendment of article 21 of the constitution of New Mexico as amended November 1, 1911, to effectuate the clarification of exchanges as provided herein and to clarify the status of prior exchanges of lands granted or confirmed by the Enabling Act for New Mexico and made by the State prior to January 1, 1990, by validating, ratifying and confirming such exchanges as being in substantial compliance with the provisions of section 10 of the Enabling Act for New Mexico; and

Be it further resolved, that copies of this memorial be sent to the President of the United States Senate, the Speaker of the United States House of Representatives and the New Mexico Congressional Delegation.●

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HATFIELD, Mr. MITCHELL, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. ADAMS, Mr. INOUYE, Mr. LIEBERMAN, Mr. BRADLEY, Mr. PELL, Mr. HARKIN, Mr. KERRY, Mr. JEFFORDS, Mr. SANFORD, Mr. BURDICK, Mr. JOHNSTON, Mr. CONRAD, Mr. MOYNIHAN, Mr. SIMON, and Ms. MIKULSKI):

S. 2600. A bill to combat homelessness through the establishment of housing-based family support centers, through the provision of housing-based services to elderly individuals and individuals with chronic and debilitating illnesses and conditions, through the provision of residence-based outpatient mental health services, and through the use of grants for the improvement of community development corporations, and for other purposes; to the Committee on Labor and Human Resources.

HOMELESSNESS PREVENTION AND COMMUNITY REVITALIZATION ACT

Mr. KENNEDY. Mr. President, today I join with 20 of my colleagues in the Senate and Congressmen JOE KENNEDY and DALE KILDEE in the House of Representatives to introduce the Homelessness Prevention and Community Revitalization Act of 1990. This legislation is intended to lay the foundation for a long-term policy to deal with the worsening tragedy of homelessness in America.

Our policy toward the homeless is at a crossroad. Three years ago Congress enacted the Stewart B. McKinney Homeless Assistance Act, which has provided worthwhile emergency assistance to homeless men, women, and children across the Nation. But now, it is time to do more.

According to the best estimates, as many as 2 million Americans are homeless today. But the overall statistics do not begin to describe the dimensions of the tragedy.

The number of homeless families doubled over the last decade.

The fastest growing group among the homeless today consists of families with children.

As many as one in four homeless persons is a child.

Homeless women are often victims of sexual assault and rape.

Homeless people are at higher risk of traumatic injuries, such as contusions, fractures, and lacerations. They are also at a higher risk of tuberculosis and other respiratory diseases, skin diseases and infestations, and medical problems related to exposure, such as frostbite and hypothermia.

Mental illness and emotional disorders, alcoholism, and drug abuse, well-known as causes of homelessness, are also exacerbated by homelessness.

Poverty, the root cause of homelessness, afflicts 32 million Americans, 13 million of whom are children.

Meanwhile, the gap between rich and poor in our society is larger than at any time since the census Bureau first began collecting this information.

This bill is intended to address the need for support services and social service networks in our attempts to assist today's homeless and prevent homelessness tomorrow. This measure will provide $215 million a year in Federal grants to public and private nonprofit agencies for vitally needed services to people in low-income housing and communities. It will also provide $50 million in grants to Community Development Corporations to enable them to contribute to the construction and operation of low-income housing.

The bill has three major goals. The first is to encourage low-income housing to provide a safer and more positive environment for the families and individuals who live there. Low-income communities are often plagued by drugs, violence, and hopelessness. This proposal is intended to provide resources to help revitalize low-income housing developments and communities.

The second goal is to reduce the number of families and individuals who are currently homeless and are living on our city streets and in shelters. The bill accomplishes this goal by providing family support services, health and mental health services on-site in low-income housing so that troubled families and those suffering from health problems and mental illnesses can leave the shelters without leaving the supportive services they need.

The third goal is to prevent poor or precariously housed families from sinking into homelessness. These families also need support services to ensure that they do not join the ranks of the homeless. This legislation will provide the health, job training, counseling, and case management services that at-risk families and individuals need before a crisis occurs.

The causes of homelessness are numerous, and the homeless population itself is diverse. Many of the homeless are victims of poverty. Some are single heads of households struggling to support their families. Others have lost their jobs and even their homes due to layoffs, illness, economic changes or disability. Often faced with such a crisis in their lives, they have nowhere to go for help.

The problem is especially acute for families with children, who suddenly find themselves without any source of support. Title I of this bill provides funds for family support centers to provide the services and helping hand that these poorest and most vulnerable families need. These services will include drug and alcohol abuse treatment and counseling, parenting classes, family and community violence counseling, child care and health care. These are precisely the services needed to move homeless families off the streets—and keep poor families from becoming homeless.

Other Americans are homeless or at risk of long-term institutionalization in a nursing home or hospital because of a serious health condition. This group, which includes the frail elderly, people with AIDS, and those with disabilities, need special assistance with housing if they are to lead independent lives. Title II provides the key services that can make the difference such as transportation, meals, and ready access to health care including emergency health services.

Finally, perhaps the best known cause of homelessness is mental illness. In this case the road into the present crisis has been paved with good intentions. In recent years, large numbers of the mentally ill have been released from State mental hospitals, in an attempt to reduce the unnecessary and often cruel consequences of institutionalization. Part of the promise of that reform, however, was not kept. Needed outpatient health clinics, half-way houses, and support networks were never established.

Many of those released from institutions were capable of living independently in the community, with a little extra help. They found the doors of the institutions open—but the doors of the community closed. Countless number of these citizens now call the streets their home. Title III of this bill is a step toward promise by providing needed resources in the group home setting. Services to be provided under this title will include mental health care, drug and alcohol abuse treatment and counseling, job training, and case management.

The Homelessness Prevention Act does not stop at the provision of services. Over the past decade, Federal funding for low-income housing has declined by more than 75 percent and this decline has directly contributed to the rise of homelessness. It is imperative that Congress act this year to expand the Nation's supply of housing for our lowest income citizens. Both the Senate and House Banking Committees are working tirelessly to address the housing needs of low-income Americans. Title IV of this bill adds to that effort by providing $50 million in grants to Community Development Corporations for the planning, operation and construction of low-income housing. CDC's represent successful examples of public-private partnerships and can make a unique contribution to the goal of expanding housing opportunities for low-income communities.

We must expand the supply of low-income housing, but housing alone is not enough. We must provide support services to go with it. We must make low-income housing accessible to individuals with special needs. We must encourage housing that anticipates the need for health and mental health care, education, transportation, and family counseling.

This legislation is designed to address all of the underlying causes of this senseless tragedy. Homelessness must not become something that America accepts as a fact of life. By acting now, we can begin to deal with these problems more effectively. I urge my colleagues to support this measure, and I ask unanimous consent that the text of the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2600

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homelessness Prevention and Community Revitalization Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
TITLE I—FAMILY SUPPORT CENTERS
Sec. 101. Definitions.
Sec. 102. General grants for the provision of services.
Sec. 103. Planning grants.
Sec. 104. Training and retention.
Sec. 105. Amounts of grants.
Sec. 106. Family case managers.
Sec. 107. Evaluations.
Sec. 108. Report.
Sec. 109. Construction.
Sec. 110. Authorization of appropriations.
TITLE II—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS
Sec. 201. Establishment of program.
TITLE III—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR THE HOMELESS
Sec. 301. Establishment of program.
TITLE IV—COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.
Sec. 401. Community development corporation improvement grants.
TITLE V—PLAN FOR COOPERATION
Sec. 501. Plan for cooperation.

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) help create safe, positive environments for families, children and individuals in low income housing and neighborhoods;

(2) reduce homelessness by making permanent housing accessible and hospitable to low income families and individuals of special needs; and

(3) prevent additional homelessness by providing on-site social services and case management to families and individuals who are at risk of homelessness due to income level, illness, mental illness or lack of social and economic support networks.

TITLE I—FAMILY SUPPORT CENTERS

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADVISORY COUNCIL.—The term "advisory council" means the advisory council established under section 102(d)(2)(K).

(2) ELIGIBLE AGENCY.—The term "eligible agency" means a Head Start agency, any community-based organization, public housing agencies as defined in section 3(b)(6) of the United State Housing Act of 1937, State Housing Finance Agencies, and in addition includes an institution of higher education, a public hospital, a community development corporation, a community health center, and any other public or private nonprofit agency or organization specializing in delivering social services.

(3) FAMILY CASE MANAGERS.—The term "family case managers" means advisers operating under the provisions of section 106.

(4) GOVERNMENTALLY SUBSIDIZED HOUSING.—The term "governmentally subsidized housing" means any rental housing that is assisted under any Federal, State or local program (including a tax credit or tax exempt financing program) and that serves a population that predominately consists of very low income families or individuals.

(5) HOMELESS.—The term "homeless" has the same meaning given such term in the subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a) and (c)).

(6) INTENSIVE AND COMPREHENSIVE SUPPORTIVE SERVICES.—The term "intensive and comprehensive supportive services" means—

(A) in the case of services provided to infants, children and youth, infant and child primary and health services designed to enhance the physical, social, emotional, educational and intellectual development of such infants and children and that shall include, where appropriate, screening and referral services, child care services, early childhood development programs, early intervention services for children with, or at-risk of developmental delays, drop-out prevention services, after-school activities, job readiness services, education and support services for youth, and nutritional services;

(B) in the case of services provided to parents and other family members, services designed to better enable parents and other family members to contribute to their child's healthy development and that shall include, where appropriate, substance abuse education, counseling and treatment or referral for treatment, employment counseling and training as appropriate, life-skills

training, education, parenting classes, health care and mental health services, peer counseling and crisis intervention services; and

(C) in the case of services provided by family case managers, needs assessment and support in accessing social services, referral for substance abuse counseling and treatment or referral for treatment, family violence counseling services, violence intervention counseling and peer support services, and family advocacy services.

(7) LOW INCOME.—The term "low income" when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(9) VERY LOW INCOME.—The term "very low income" when applied to families or individuals means a family or individual income that does not exceed 50 percent of the median income for an individual or family in the area, as determined by the Secretary, except that the Secretary may establish income ceilings that are higher or lower than 50 percent of the median for the area on the basis of a finding by the Secretary that such variations are necessary because of unusually high or low individual or family incomes.

SEC. 102. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

(a) AUTHORITY.—The Secretary is authorized to make grants to eligible agencies in rural and urban areas to pay the Federal share of the cost of programs designed to encourage the provision of intensive and comprehensive supportive services that will enhance the physical, social, emotional, educational, and intellectual development of low-income families, especially those very low income families who were previously homeless and who are currently residing in governmentally subsidized housing or who are at risk of becoming homeless.

(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

(2) the proximity of the agencies and facilities associated with the program to the low-income families, especially those very low income families that were previously homeless or at risk of becoming homeless and are currently residing in governmentally subsidized housing, to be served by the program or the ability of the agency to provide offsite services;

(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for education, health and mental health services, substance abuse services, social services, child care, nutrition, income assistance, and other relevant services), and with appropriate nonprofit private organizations involved in the delivery of eligible support services;

(4) the management and accounting skills of the eligible agency;

(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program; and

(6) the involvement of project participants and community representatives in the planning and operation of the program.

(d) REQUIREMENTS.—

(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall—

(A) if a planning grant application has been approved for such agency under section 103(b), have such application on file with the Secretary;

(B) have experience in providing services such as those required under this section; and

(C) submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

(2) APPLICATION.—Each application submitted under paragraph (1)(C) shall—

(A) identify the population and geographic location to be served by the program;

(B) provide assurances that services are closely related to the identifiable needs of the target population;

(C) provide assurances that each program will provide directly or arrange for the provision of intensive and comprehensive supportive services;

(D) identify the referral providers, agencies, and organizations that the program will use;

(E) describe the method of furnishing services at offsite locations, if appropriate;

(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

(G) describe how the program will relate to the State and local agencies providing health, nutritional, job training, education, social, substance abuse, and income maintenance services;

(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

(J) describe the manner in which the applicant will implement the requirement of section 104;

(K) provide for the establishment of an advisory council that shall provide policy and programming guidance to the eligible agency, that shall consist of not more than 15 members that shall include—

(i) prospective participants in the program,

(ii) representatives of local private industry;

(iii) individuals with expertise in the services the program intends to offer;

(iv) representatives of the community in which the program will be located;

(v) representatives of local government social service providers;

(vi) representatives of local law enforcement agencies; and

(vii) representatives of the local public housing agency;

(L) describe plans for evaluating the impact of the program;

(M) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

(N) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

(O) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

(e) FAMILY SUPPORT CENTER.—Each program that receives assistance under this section shall establish at least one family support center that shall operate out, or in the immediate vicinity, of governmentally subsidized housing. Such centers shall be the primary location for the administration of the programs and the provision of services under this title.

SEC. 103. PLANNING GRANTS.

(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 102.

(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require. Each such application shall—

(1) describe the capacity of the eligible agency to provide or ensure the availability of the intensive and comprehensive supportive services pursuant to this title;

(2) describe the low-income families to be served by the program including the number to be served and information on the population and geographic location to be served;

(3) describe how the needs of individuals identified under paragraph (2) will be met by the program;

(4) describe the intensive and comprehensive supportive services that program planners intend to address in the development of the plan;

(5) describe the manner in which the program will be operated together with the involvement of other community groups and public agencies;

(6) specify the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

(7) contain assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 102(d)(2)(K)), that shall include—

(A) prospective participants in the program,

(B) individuals with expertise in the services the program intends to offer;

(C) representatives of the community in which the program will be located;

(D) representatives of local government social service providers;

(E) representatives of local law enforcement agencies; and

(F) representatives of local public housing agencies;

(8) describe the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonable require;

(9) contain an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 102; and

(10) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

(c) ADMINISTRATIVE PROVISIONS.—

(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

(2) MAXIMUM NUMBER OF GRANTS.—Not more than 20 planning grants may be made under this subsection.

(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 102 unless such applicant receives a grant under this section.

(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

SEC. 104. TRAINING AND RETENTION.

The Secretary shall require that agencies that receive a grant under section 102 use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

SEC. 105. AMOUNTS OF GRANTS.

(a) IN GENERAL.—The Secretary shall pay to an eligible agency having an application approved under section 102 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

(c) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

(2) PRIVATE CONTRIBUTIONS.—Of the non-Federal share, 25 percent of such amount shall be provided through contributions from private entities.

(d) PAYMENTS.—Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

SEC. 106. FAMILY CASE MANAGERS.

(a) REQUIREMENT.—Each program that receives a grant under section 102 shall employ, subject to subsection (e), an appropriate number of individuals with expertise in family social service delivery, child development and welfare services, substance abuse services, and family crisis intervention matters to serve as family case managers for the program.

(b) NEEDS ASSESSMENT.—Each low-income family that desires to receive services from a program that receives assistance under this title shall be assessed by a family case manager on such families initial visit to such program as to their need for services.

(c) CONTINUING FUNCTIONS.—Family case managers shall formulate a plan based on the needs assessment for each family. Such case manager shall carry out such plan, and remain available to provide such family with counseling and services, including school advocacy services), to enable such family to become self-sufficient. In carrying out such plan the case manager shall conduct monitoring, tracking, and follow-up activities.

(d) SPECIAL SERVICES.—Case managers shall provide comprehensive services as required under the application submitted under section 102, that places special emphasis on services relating to substance abuse and domestic violence.

(e) LIMITATION.—No family crisis adviser shall carry a caseload of in excess of 20 families.

SEC. 107. EVALUATIONS.

(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this title are evaluated, by a third party with expertise in the types of services to be provided under this title, on an annual basis.

(b) INFORMATION.—Each eligible agency receiving a grant under this title shall furnish information requested by evaluators in order to carry out this section.

(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

SEC. 108. REPORT.

Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

(1) concerning the evaluations required under section 107, together with such recommendations, as the Secretary considers appropriate; and

(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this title.

SEC. 109. CONSTRUCTION.

Nothing in this title shall be construed to modify the Federal selection preferences described in section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) or the authorized policies and procedures of governmental housing authorities operating under annual assistance contracts pursuant to such Act with respect to admissions, tenant selection and evictions.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $100,000,000 for each of the fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

TITLE II—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS

SEC. 201. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end thereof the following new part:

"PART L—PROVISION OF SERVICES TO ELDERLY INDIVIDUALS AND INDIVIDUALS WITH CHRONIC AND DEBILITATING ILLNESSES AND CONDITIONS

"SEC. 399B. DEFINITIONS.

"As used in this part:

"(1) ADVISORY COUNCIL.—The term 'advisory council' means the advisory council established under section 399C(d)(2)(K).

"(2) ELIGIBLE AGENCY.—The term 'eligible agency' means any community-based organization, State or local agency, community health center, or other institution that will provide or arrange for the provision of nursing care, health care, meal services, visiting services, or other social services to elderly or seriously ill individuals.

"(3) GOVERNMENTALLY SUBSIDIZED HOUSING.—The term 'governmentally subsidized housing' means any rental housing that is assisted under any Federal, State or local program (including a tax credit or tax exempt financing program) and that serves a population that predominately consists of low income families or individuals.

"(4) HOMELESS.—The term 'homeless' has the same meaning given such term in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(a) and (c)).

"(5) LOW INCOME.—The term 'low income' when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

"(6) VERY LOW INCOME.—The term 'very low income' when applied to families or individuals means a family or individual income that does not exceed 50 percent of the median income for an individual or family in the area, as determined by the Secretary of Housing and Urban Development, except that such Secretary may establish income ceilings that are higher or lower than 50 percent of the median for the area on the basis of a finding by such Secretary that such variations are necessary because of unusually high or low individual or family incomes.

"SEC. 399C. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

"(a) AUTHORITY.—The Secretary is authorized to make grants to eligible agencies to pay the Federal share of the cost of programs designed to encourage the provision of eligible services to low-income elderly or low-income seriously ill individuals, especially those very low income elderly or seriously ill individuals who were previously homeless or who are at risk of becoming homeless or at risk of institutionalization.

"(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

"(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

"(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

"(2) the proximity of the agencies and facilities associated with the program to the low-income individuals to be served by the program, or the ability of the agency to provide offsite services;

"(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for health and mental health services, social services, nutrition, and other relevant services), and with appropriate nonprofit private organizations involved in the delivery of eligible support services;

"(4) the management and accounting skills of the eligible agency;

"(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program;

"(6) the involvement of program participants and community representatives in the planning and operation of the program; and

"(7) the demonstrated or potential effectiveness of the eligible agency in serving the populations or subpopulations intended to be served under this section.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

"(2) APPLICATION.—Each application submitted under paragraph (1) shall—

"(A) identify the population and geographic location to be served by the program;

"(B) provide assurances that services are closely related to the identifiable needs of the target population;

"(C) provide assurances that each program will provide directly or arrange for the provision of eligible services of the type described in section 399D;

"(D) identify the referral providers, agencies, and organizations that the program will use;

"(E) describe the method of furnishing services at offsite locations, if appropriate;

"(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

"(G) describe how the program will relate to the State and local agencies providing health, nutritional, social, and income maintenance services;

"(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

"(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

"(J) describe the manner in which the applicant will implement the requirement of section 399F;

"(K) provide for the establishment of an advisory council that shall provide policy and programming guidance to the eligible agency, that shall include—

"(i) prospective participants in the program,

"(ii) individuals with expertise in the services the program intends to offer;

"(iii) representatives of the community in which the program will be located;

"(iv) representatives of local government social service providers;

"(v) community based organizations with a history of providing service to participants;

"(vi) representatives of local public housing agencies; and

"(vii) representatives of local health care professions;

"(L) describe plans for evaluating the impact of the program;

"(M) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

"(N) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

"(M) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(e) HOME HEALTH SERVICE PROGRAM.—Each recipient that receives assistance under this section shall establish at least one home health service program that shall operate out of, or in the immediate vicinity of, governmentally subsidized housing. Such programs shall be the primary location for the administration of the programs and the provision of services under this part. Such programs may operate out of existing family support centers.

"SEC. 399D. PLANNING GRANTS.

"(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 399C.

"(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require, including—

"(1) a description of the capacity of the eligible agency to provide or ensure the availability of services pursuant to this part;

"(2) a description of the low-income elderly or low income seriously ill individuals to be served by the program including the number to be served and information on the population and geographic location to be served;

"(3) a description of the needs of individuals identified under paragraph (2) that will be met by the program;

"(4) a description of the services that program planners intend to address in the development of the plan;

"(5) a description of the manner in which the program will be operated together with the involvement of other community groups and public agencies;

"(6) a specification of the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

"(7) assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 399C(d)(2)(K), that shall include—

"(A) prospective participants in the program,

"(B) individuals with expertise in the services the program intends to offer;

"(C) representatives of the community in which the program will be located;

"(D) representatives of local government social service providers;

"(E) representatives of local housing agencies, if appropriate;

"(8) a description of the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonably require;

"(9) an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 399C; and

"(10) an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

"(2) MAXIMUM NUMBER OF GRANTS.—Not more than 20 planning grants may be made under this section.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 399C unless such applicant receives a grant under this section.

"(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

"SEC. 399E. ELIGIBLE SERVICES.

"(a) IN GENERAL.—Grants awarded under this part shall be used to provide services of the type described in subsection (b) to low-income elderly or low income seriously ill individuals, especially those very low income elderly or seriously ill individuals who were previously homeless, or who are at risk of becoming homeless or at risk of institutionalization.

"(b) SERVICES.—Agencies receiving grants under this part shall use such grants to provide comprehensive services, in accordance with the service plan, that shall include, where appropriate—

"(1) 24-hours nursing supervision services;

"(2) case management services;

"(3) home health care services;

"(4) homemaker services;

"(5) meal provision services;

"(6) attendant services;

"(7) volunteer visiting services;

"(8) adult day care service;

"(9) treatment for substance abuse;

"(10) hospice services;

"(11) post hospitalization respite care services;

"(12) transportation services;

"(13) mental health services; and

"(14) any other services determined appropriate by the Secretary.

"(c) COORDINATION.—Programs that receive assistance under this part shall be coordinated with a local hospital or community health center that regularly provides emergency medical care services.

"(d) SET-ASIDE FOR ELDERLY.—The Secretary shall require that at least 20 percent of the grants made under this part shall be set-aside for the provision of subsidized housing-based services to elderly individuals, especially those very low income elderly individuals who were previously homeless or who are at risk of becoming homeless or at risk of institutionalization.

"SEC. 399F. TRAINING AND RETENTION.

"The Secretary shall require that agencies that receive a grant under section 399C use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

"SEC. 399G. AMOUNTS OF GRANTS.

"(a) IN GENERAL.—The Secretary shall pay to eligible agencies having applications approved under section 399C the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

"(c) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

"(2) CASH.—At least 25 percent of the non-Federal share under paragraph (1) shall be in the form of cash.

"(d) PAYMENTS.—Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"SEC. 399H. EVALUATIONS.

"(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this part are evaluated, by a third party with expertise in the types of services to be provided under this part, on an annual basis.

"(b) INFORMATION.—Each eligible agency receiving a grant under this part shall furnish information requested by evaluators in order to carry out this section.

"(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

"SEC. 399I. REPORT.

"Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

"(1) concerning the evaluations required under section 399H, together with such recommendations, including recommendations for legislation, as the Secretary considers appropriate; and

"(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this part.

"SEC. 399J. CONSTRUCTION.

"Nothing in this part shall be construed to modify the Federal selection preferences described in section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) or the authorized policies and procedures of governmental housing authorities operating under annual assistance contracts pursuant to such Act with respect to admissions, tenant selection and evictions.

"SEC. 399K. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $100,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

TITLE III—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR HOMELESS INDIVIDUALS.

SEC. 301. ESTABLISHMENT OF PROGRAM.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end thereof the following new part:

"PART F—MENTAL HEALTH SERVICES GRANTS FOR GROUP HOMES FOR HOMELESS INDIVIDUALS

"SEC. 571. DEFINITIONS.

"As used in this part:

"(1) ADVISORY COUNCIL.—The term 'advisory council' means the advisory council established under section 572(d)(2)(K).

"(2) CHRONICALLY MENTALLY ILL INDIVIDUAL.—The term 'chronically mentally ill individual' means an individual who has been diagnosed as having a major mental illness that causes significant disability that occurs, or is expected to occur, over a period of at least several months.

"(3) ELIGIBLE AGENCY.—The term 'eligible agency' means any community-based organization, or public or private agency that specializes in providing mental health care, or services relating to substance abuse to low income chronically mentally ill individuals.

"(4) GROUP HOME.—The term 'group home' means any small service supported residential facility designed to house individuals with special needs, such as chronic mental illnesses.

"(5) HOMELESS.—The term 'homeless' has the same meaning given such term in subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302 (a) and (c)).

"(6) LOW INCOME.—The term 'low income' when applied to families or individuals means a family or individual income that does not exceed 80 percent of the median income for an individual or family in the area, as determined by the Secretary, except that the Secretary may establish income ceilings that are higher or lower than 80 percent of the median for the area on the basis of a finding by the Secretary that such variations are necessary because of prevailing levels of construction costs or unusually high or low individual or family incomes.

"SEC. 572. GENERAL GRANTS FOR THE PROVISION OF SERVICES.

"(a) AUTHORITY.—The Secretary shall establish a demonstration program to make grants to eligible agencies to pay the Federal share of the cost of programs designed to encourage the provision of housing based services to low-income chronically mentally ill individuals who were previously homeless who will reside in a group home.

"(b) AGREEMENTS WITH ELIGIBLE AGENCIES.—The Secretary shall enter into contracts, agreements, or other arrangements with eligible agencies to carry out the provisions of this section.

"(c) CONSIDERATIONS BY SECRETARY.—In carrying out the provisions of this section, the Secretary shall consider—

"(1) the capacity of the eligible agency to administer the comprehensive program for which assistance is sought;

"(2) the proximity of the agencies and facilities associated with the program to the low-income individuals to be served by the program, or the ability of the agency to provide offsite services;

"(3) the ability of the eligible agency to coordinate its activities with State and local public agencies (such as agencies responsible for health and mental health services, and other relevant services), with appropriate nonprofit private organizations involved in the delivery of eligible support services;

"(4) the management and accounting skills of the eligible agency;

"(5) the ability of the eligible agency to use the appropriate Federal, State, and local programs in carrying out the program; and

"(6) the involvement of program participants and community representatives in the planning and operation of the program.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—Each eligible agency desiring to receive a grant under this section shall submit an application at such time in such manner and containing or accompanied by such information, including the information required under paragraph (2), as the Secretary shall reasonably require.

"(2) APPLICATION.—Each application submitted under paragraph (1) shall—

"(A) identify the population and geographic location to be served by the program;

"(B) provide assurances that services are closely related to the identifiable needs of the target population;

"(C) provide assurances that each program will provide directly or arrange for the provision of eligible services of the type described in section 574;

"(D) identify the referral providers, agencies, and organizations that the program will use;

"(E) describe the method of furnishing services at offsite locations, if appropriate;

"(F) describe the extent to which the eligible agency, through its program, will coordinate and expand existing services as well as provide services not available in the area to be served by the program;

"(G) describe how the program will relate to the State and local agencies providing health and mental health services, including substance abuse services;

"(H) provide assurances that the eligible agency will pay the non-Federal share of the cost of the application for which assistance is sought from non-Federal sources;

"(I) collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and treated, and such other information as the Secretary requires;

"(J) describe the manner in which the applicant will implement the requirement of section 575;

"(K) provide for the establishment of an advisory council that shall provide policy and programming guidelines to the eligible agency, that shall consist of—

"(i) prospective participants in the program;

"(ii) individuals with expertise in the services the program intends to offer;

"(iii) representatives of the community in which the program will be located;

"(iv) representatives of local government social service providers and mental health professions; and

"(v) representatives of local law enforcement agencies;

"(L) describe plans for evaluating the impact of the program;

"(M) provide an assurance that the applicant has access to appropriate facilities to use as a group home to provide services under this part for the term of the grant;

"(N) include such additional assurances, including submitting necessary reports, as the Secretary may reasonably require;

"(O) contain an assurance that if the applicant intends to assess fees for services provided with assistance under this section, such fees shall be nominal in relation to the financial situation of the recipient of such services; and

"(P) contain an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(e) HOME-BASED MENTAL HEALTH CARE.—Each program that receives assistance under this section shall establish a mental health services program that shall operate out of, or in the immediate vicinity of, a group home. Such group home shall be the primary location for the administration of the programs and the provision of services under this part.

"SEC. 573. PLANNING GRANTS.

"(a) IN GENERAL.—The Secretary is authorized to make planning grants to eligible agencies to enable such entities to develop and submit plans and applications for grants under section 572.

"(b) APPLICATION.—Each eligible agency desiring to receive a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary shall reasonably require, including—

"(1) a description of the capacity of the eligible agency to provide or ensure the availability of the services pursuant to this part;

"(2) a description of the low-income chronically mentally ill individuals that were previously homeless and are to be served by the program, including the number to be served and information on the population and geographic location to be served;

"(3) a description how the needs of individuals identified under paragraph (2) will be met by the program;

"(4) a description of the services that program planners intend to address in the development of the plan;

"(5) a description of the manner in which the program will be operated together with the involvement of other community groups and public agencies;

"(6) a specification of the agencies that are intended to be contacted and the activities to be coordinated during the planning phase;

"(7) assurances that the applicant will establish a planning phase advisory council, that may become the council required under section 572(d)(2)(K), that shall include—

"(A) prospective participants in the program,

"(B) individuals with expertise in the services the program intends to offer;

"(C) representatives of the community in which the program will be located;

"(D) representatives of local government social service providers;

"(E) representatives of local law enforcement agencies; and

"(F) representatives of local housing agencies;

"(8) a description of the capacity of the eligible agency to raise the non-Federal share of the costs of the program and such other information as the Secretary may reasonable require;

"(9) an assurance that the agency will use funds received under this section to prepare a plan as described in this subsection and submit such plan in an application for a grant under section 572; and

"(10) an assurance that amounts received under a grant awarded under this section shall be used to supplement not supplant State and local funds currently utilized to provide services of the type described in this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) TERM OF GRANT.—No planning grant may be for a period longer than 1 year.

"(2) MAXIMUM NUMBER OF GRANTS.—Not more than 15 planning grants may be made under this section.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to those applications that demonstrate that the applicant would not have the financial resources available to prepare a plan and application for a grant under section 572 unless such applicant receives a grant under this section.

"(d) MAXIMUM AMOUNT OF GRANT.—No grant awarded under this section to a single eligible agency may exceed $50,000.

"SEC. 574. ELIGIBLE SERVICES.

"(a) IN GENERAL.—Grants awarded under this part shall be used to provide mental health services in group homes for low income chronically mentally ill individuals who were previously homeless who will reside in such group home.

"(b) SERVICES.—Services provided under subsection (a) shall include, where appropriate—

"(1) health care services offered by providers that operate from regular office hours from the home-based mental health center established with the grants provided under this part;

"(2) emergency mental health services;

"(3) substance abuse counseling and treatment;

"(4) outpatient drug therapy conducted under the oversight of a staff psychiatrist;

"(5) job training and life skills counseling for individuals who are determined to be in need of such services as a prerequisite for reentering the workforce;

"(6) intensive case management services provided by case managers that have a caseload of not more than 15 individual; and

"(7) any other services determined appropriate by the Secretary.

"(c) DUAL DIAGNOSIS.—Agencies that receive grants under this part shall provide services with an emphasis on treatment for individuals suffering from both substance abuse and a chronic mental illness.

"SEC. 575. TRAINING AND RETENTION.

"The Secretary shall require that agencies that receive a grant under section 572 use not less than 5 percent of such grant to improve the retention and effectiveness of staff and volunteers through appropriate service delivery training programs.

"SEC. 576. AMOUNTS OF GRANTS.

"(a) IN GENERAL.—The Secretary shall pay to eligible agencies having applications approved under sections 572 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—The Federal share shall be 80 percent for each fiscal year.

"(c) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—The non-Federal share of payments under this section may be in cash or in kind fairly evaluated, including equipment or services.

"(2) CASH.—At least 50 percent of the payments required under paragraph (1) shall be in the form of cash. The value of any residence or other housing facility provided under this subsection shall be included in meeting such 50 percent requirement.

"(d) PAYMENTS.—Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"SEC. 577. EVALUATIONS.

"(a) IN GENERAL.—The Secretary shall require that programs that receive assistance under this part are evaluated, by a third party with expertise in the types of services to be provided under this part, on an annual basis.

"(b) INFORMATION.—Each eligible agency receiving a grant under this part shall furnish information requested by evaluators in order to carry out this section.

"(c) RESULTS.—The results of such evaluations shall be provided to the eligible agencies conducting the programs to enable such agencies to improve such programs.

"SEC. 578. REPORT.

"Not later than October 1, of each fiscal year, the Secretary shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a report—

"(1) concerning the evaluations required under section 578, together with such recommendations, including recommendations for legislation, as the Secretary considers appropriate; and

"(2) describing any alternative sources of funding utilized or available for the provision of services of the type described in this part.

"SEC. 579. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $15,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.".

TITLE IV—COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS

SEC. 401. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

Part 4 of subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9814 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 634. COMMUNITY DEVELOPMENT CORPORATION IMPROVEMENT GRANTS.

"(a) PURPOSE.—It is the purpose of this section to provide assistance to community development corporations to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

"(b) SKILL ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop low-income housing and to develop community economic development projects.

"(2) USE OF FUNDS.—Grantees may use funds obtained under this section—

"(A) to purchase training and technical assistance from agencies or institutions that have experience in the construction, development and management of low-income housing or experience in community economic development; or

"(B) to purchase such assistance from other highly successful community development corporations.

"(c) OPERATING GRANTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to community development corporations to enable such corporations to support an administrative capability for planning, developing, constructing and managing low-income housing, and for other community economic development projects.

"(2) USE OF FUNDS.—Of amounts made available in any fiscal year for operating grants under this subsection, the Secretary of Health and Human Services shall use—

"(A) 40 percent of such amounts to assist in starting up community development corporations; and

"(B) 60 percent of such amounts to assist established community development corporations.

"(3) TERMS AND CONDITIONS.—Assistance provided through operating grants under this subsection shall be of sufficient size and duration, including multiyear grants where appropriate, to enable a community development corporation receiving such assistance to have an appreciable impact on the area or areas to be served.

"(d) GRANTS FOR COMMUNITY DEVELOPMENT CORPORATION EQUITY ACCOUNTS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services shall make grants to any nongovernmental, nonprofit entity that is principally involved with the development, construction or management of low-income housing, or to community development corporations, to enable such entities to establish and maintain equity accounts with which such corporations may plan, develop, construct and manage low-income housing.

"(2) TERMS AND CONDITIONS.—Assistance provided through equity account grants under this subsection shall be of sufficient size and duration, including multiyear grants where appropriate, to enable a community development corporation receiving such assistance to have an appreciable impact on the area or areas to be served.

"(e) APPLICATIONS.—Community development corporations that desire to receive assistance under this section shall prepare and submit, to the Secretary of Health and Human Services, an application at such time, in such form, and containing such information as the Secretary shall reasonably require. Such Secretary shall not require project-specific information for applications for assistance under subsections (b), (c) and (d).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1991, and such sums as may be necessary in each of the fiscal years 1992 through 1995.

"(2) USE.—The Secretary of Health and Human Services shall use—

"(A) 20 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (b);

"(B) 30 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (c); and

"(C) 50 percent of the amounts appropriated under paragraph (1) in each fiscal year to make grants under subsection (d).

"(3) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(g) DEFINITION.—As used in this section, the term 'community development corporation' means a nonprofit entity of the type described in this section and that meets the resident control and governing body requirements of 42 U.S.C. 9807(a)(1).".

TITLE V—PLAN FOR COOPERATION

SEC. 501. PLAN FOR COOPERATION.

(a) IN GENERAL.—Not later than the date on which regulations necessary to carry out title I of this Act, part L of title III of the Public Health Service Act (as added by title II), part F of title V of the Public Health Service Act (as added by title III), or section 634 of the Community Economic Development Act of 1981 (as added under title IV) are issued, the Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall prepare and submit, to the Committees on Education and Labor, and Banking of the House of Representatives and the Committees on Labor and Human Resources, and Banking of the Senate, a plan concerning the programs to be carried out under such title, parts, and section.

(b) CONTENTS.—The plan prepared under subsection (a) shall—

(1) describe the method in which the Secretary of Health and Human Services and the Secretary of Housing and Urban Development shall consult with one another in implementing and administering the programs described in subsection (a) and coordinate the implementation of such programs with other relevant programs and Acts (including the programs established under the Stewart B. McKinney Homeless Assistance Act, or the amendments made by such Act, and under Federal housing Acts);

(2) contain an assurance that such Secretaries will consult with one another on an ongoing and continuous basis in such implementation; and

(3) contain procedures, developed by the Secretary of Housing and Urban Development, for granting priority in the provision of rehabilitation or renovation assistance by such Secretary, to applicants that receive grants under the title, parts, and section referred to in subsection (a).

Mr. DODD. Mr. President, I am very pleased to speak this afternoon to lend enthusiastic support to the Homelessness Prevention Community Revitalization Act of 1990. This important legislation is an innovative and cost-effective approach to prevent homelessness. The prevention of homelessness, Mr. President, may well be the best means of remedying it.

We are all familiar with the scope of the problem as well as its rate of growth. The Urban Institute estimated that the homeless in March 1987 numbered between 500,000 and 600,000—about double the figure reported by the Department of Housing and Urban Development in 1983. Estimates from the National Coalition for the Homeless are far higher.

What we sometimes don't appreciate, however, is that the homeless are not a distinct, defined, nor fixed segment, of our population. The overtly homeless are in frequent flux—merging in and out of a far larger group of hidden or borderline homeless. These "hidden homeless" are composed of individuals and families living on the edge. They may be doubled, or even tripled up, with relatives or friends. They are technically domiciled for the moment, but they may have been homeless last year. And they have a good chance of becoming frankly homeless in the next few months.

While the stereotypical homeless individual remains a single adult man, families and children have become the fastest growing segment among the homeless. Families with children account for 40 percent or more of the homeless population in Chicago, Kansas City, Louisville, and Philadelphia. For children, the insecurity, instability, and disruptions often result in irreparable harm to growth, development, and maturation.

This legislation, Mr. President, recognizes that the problem of homelessness goes beyond simple lack of shelter. Homelessness is the end result of varied and complex social ills. Poor education, inadequate or outdated vocational skills, mental health problems, lack of community and support systems, personal instability or disorganization, single parenting with poor parenting skills—these are the substrate that give rise to homelessness. The provision of shelter alone is not the answer. Finding housing for the homneless and calling it a solution is like finding a hospital bed for a cancer patient and calling it a cure.

This bill would strike at the root causes of homelessness. It would assist the homeless, but—as importantly—also serve the hidden or prehomeless. First, this legislation would establish "family support centers" in or near low-income housing. These centers would provide comprehensive and continuous services including: health and mental health services, nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, child care, job training, and parenting classes. The family support centers are designed to help their beneficiaries cope. They would provide the very skills needed to forestall and prevent homelessness.

Second, this act would establish home health services in low income neighborhoods. Individuals with chronic and debilitating diseases would receive support services in coordination with a local hospital or Community Health Center. These would include home health care, homemakers and meals, mental health and substance abuse services, and nursing supervision.

A third important provision would be directed toward individuals who are chronically mentally ill and who were previously homeless. This would include substance abuse counseling, outpatient drug therapy, job and life-skills training, and mental health care provided by a health care provider in a group home setting.

Implicit throughout is the recognition of the need to reach out and intervene in the low income neighborhoods. Many of those who are or will be homeless are unfortunately dysfunctional. Entire families and segments of our society are becoming dysfunctional. They don't have the means or wherewithal to act in their own, nor their childrens, best interests. The worrisome and dramatic fall in children's immunizations is but one striking example of this fact. Services that are passive, that require considerable initiative on the part of the beneficiary, are not succeeding.

This legislation constitutes an important step toward restoring function. It is as, and perhaps even more, important than providing a bed and a room. This bill addresses the need to

bring the disenfranchised and incapable back into the mainstream of those who are able and self-sufficient. I am pleased to support this act and strongly urge its passage.

Mr. HATFIELD. Mr. President, I am pleased to join my colleagues as a cosponsor of the Homelessness Prevention and Community Revitalization Act of 1990. This legislation is an excellent complement to the initiatives contained in the McKinney Act.

Too often in this body we fail to address the root causes of the myriad problems we face. This legislation, however, is different. It is designed to prevent homelessness. Shelters, of course, are a necessary component of the solution to homelessness, but shelters do little to actually confront the root causes of homelessness.

The solution to homelessness is complicated and involves many needs that have to be met. This legislation authorizes discretionary grant money to provide social services to three specific populations: Families with young children; persons with debilitating health problems; and the chronically mentally ill. Grants are also authorized to promote Community Development Corporation involvement in the provision of low income housing.

I am particularly excited about the family support center concept contained in this legislation. Various housing authorities around the country have begun to develop such centers, including the Housing Authority of Portland, and I am pleased to join in this effort to encourage further development of such centers. These centers would be established in or near low-income housing. They are designed to provide an array of social services to very low income families, particularly those families that have been homeless or are likely to become so.

Services to be provided would include health and mental health services, nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, child care, job training, and parenting classes. By encouraging the provision of such services to low income families, we go a long way toward preventing such families from losing their homes. We are adopting clear measures that address the root causes of homelessness.

This legislation also begins to address the needs of those low income persons with chronic or debilitating health conditions who have been or are at risk of becoming homeless. Specifically, grants would be authorized to provide health services to low-income elderly, those who are HIV infected, and the chronically mentally ill. Services would include home health care, case managemnt, meal services, substance abuse counseling and other care.

The Homelessness Prevention and Community Revitalization Act of 1990 will not solve this country's homeless problem. It will, however, assist in providing the infrastructure necessary to prevent people from becoming homeless. An individual or family on the brink of losing their home needs to know that services are available to bring them back from the brink. This legislation, I believe, will begin to provide the reassurance and stability that the homeless so badly need.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator KENNEDY, Senator DODD and other colleagues in supporting the Homelessness Prevention and Community Revitalization Act of 1990. This bill is a compassionate measure designed to extend support and assistance to families and individuals who are hovering on the brink and at grave risk of becoming homeless.

Homelessness is a national tragedy. No State, no community is immune. Repeatedly, we see in the national news the tragic picture of families and individuals living on the streets of New York and Washington. We read about families struggling to raise children in temporary shelters. The Affordable Housing Institute estimates that between 4 to 14 million families live "on the knife edge of homelessness." Unfortunately, West Virginia has its own stories of homeless people. We also have too many families struggling in substandard housing, on the brink of homelessness.

Americans recognize the tradegy of homelessness. National surveys show that people want to do something about this problem. For example, a recent Washington Post-ABC News poll indicated that 2 out of 3 Americans believe homelessness is a major national problem, and 7 out of 10 said that they would even pay more taxes to build shelters for the homeless in their areas.

This legislation is an important step toward combating homelessness. It follows the old saying, an ounce of prevention is worth a pound of cure. The bill seeks to prevent homelessness by offering support and assistance to those most vulnerable—families living in public housing, individuals suffering from chronic or debilitating illness, and others in need.

This measure seeks to establish family support centers in or near low-income housing. The centers would provide a wide variety of services to individuals and families to prevent vulnerable people from slipping into homelessness. The centers would offer health and nutritional services, drug and alcohol counseling, family crisis and domestic violence counseling, child development programs, job training, education and parenting classes. These are basic needs that should be met.

The bill also includes home health services targeted to low-income housing and neighborhoods to provide support services necessary to give people the option of living at home rather than entering a nursing home or institutional care facility. I am a strong proponent of home health care. With some help—a visiting nurse, periodic visits by a homemaker, or respite care relief for the primary caregiver—many Americans would be able to stay in their own homes rather than enter a nursing home or some type of institutional care. People want to stay in their own homes. It is more comforting. It is more compassionate. It is an important health care option that should be expanded.

This bill is an important, positive step toward preventing homelessness. I am pleased to support this measure which is aimed at helping low-income families and individuals stay off the streets, and I believe it is a wise investment.

I also recognize that our Nation must invest in more affordable housing to meet the needs of families, seniors and others struggling to keep a roof over their heads. There is much to be done to prevent homelessness and revitalize our communities and neighborhoods. The Homelessness Prevention and Community Revitalization Act is a solid step forward.

Mr. HARKIN. Mr. President, today I join my distinguished colleagues, Senator KENNEDY, chairman of Labor and Human Resources Committee, and Senator DODD, chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, in introducing the Homelessness Prevention and Community Revitalization Act of 1990. This important legislation will offer much needed assistance to the growing number of Americans who are homeless.

Mr. President, the problem of homelessness is growing in my State of Iowa. A study by researchers at Drake University for the State of Iowa which was released this past December, identified a much larger homeless and near homeless population in Iowa than in previous studies. The study found that 15,713 Iowans are homeless. And what is the largest group within the homeless population? Tragically, it's children. 8,405, or well over half of all homeless Iowans are children. This study also found that the number of people who are near homeless—those who would be homeless without entitlements such as fuel or rent assistance—has reached over 68,000. Of these near homeless, over 25,000 are children.

Homelessness is a very complex problem with many interwined causes. Another recent study indicates that homelessness in my State is largely rooted in economics. A 1986 report by

the Des Moines Coalition for the Homeless cited five root causes of homelessness in Iowa:

First, general economic pressure forced by the farm crisis;

Second, lack of low-income housing;

Third, rising utility costs;

Fourth, low levels of support for social and economic aid programs; and

Fifth, deinstitutionalization of State mental health population.

Mr. President, the legislation being introduced today will take important strides toward preventing homelessness by providing critical social services to three target populations: Families with young children, individuals with debilitating health conditions, and the chronically mentally ill. These services can mean the difference between being able to remain in one's home or apartment and being out on the street or in a shelter.

For many older people and others with disabilities, often living alone, getting some help in their homes can keep them out of nursing homes. For this reason, I was very pleased to work with Chairman KENNEDY on provisions in this bill which will establish grants to provide home health services. Services to be provided include: Home health care services, case management, meal services, 24-hour nursing supervision, services for HIV infected individuals, respite care services, mental health services and substance abuse treatment.

Mr. President, although homelessness is not often thought of as a rural problem, smaller towns and communities in Iowa and across the Nation have significant and growing homeless populations. I want to thank Chairman KENNEDY for agreeing to specifically address the problem of homelessness in rural areas and assuring that an equitable number and amount of grants established by the legislation are awarded to eligible agencies serving rural areas.

I was very pleased that we were able to win approval of two important provisions addressing the growing homelessness problem in the supplemental appropriations bill. Health care for homeless Americans is woefully inadequate. As chairman of the Subcommittee on Labor, Health and Human Services, Education, I was able to gain approval of a provision providing $2.3 million for projects to provide critical health care services to homeless individuals, including funds to maintain the People's Community Health Clinic's homeless health care program in Waterloo, IA. In addition, we won passage of an emergency appropriation of $50 million to help people in States like Iowa who faced unexpectedly high home heating bills last winter. Assistance like this, added to the kind of help offered by the legislation we are introducing today, should bring meaningful help to many thousands of Americans in need.

Mr. JEFFORDS. Mr. President, the great number of homeless demonstrates that we have failed as a nation to provide the very basic human needs that allow individuals to live in dignity, and in true freedom. No one is free who does not know where they will find the next meal for their children, or a doctor to treat their illness, or decent shelter they can afford. The multiple social problems we face—a lack of affordable housing, affordable health care, and decent jobs, have manifested themselves in the condition of so many homeless.

Homelessness has had a long-term cause, and therefore requires a long-term solution. Homelessness is not just a singular condition. It is a series of pre-existing conditions that have contributed to an individual becoming homeless. It is compounded when a homeless person then does not have access to the kind of care that will alleviate his or her situation.

The bill we are introducing today authorizes $215 million in grant money to provide needed social services for three target groups: families with young children, individuals with debilitating health conditions, and the chronically mentally ill. In order to get communities more involved in the construction of low-cost housing, an additional $5 million will be authorized in grants to Community Development Corporations. We have formulated this legislation with existing State and local services in mind. The problems of the homeless are universal, but only individual communities know where the real gaps are in their services. The needs of communities in my rural State of Vermont will be very different from those, for example, in the greater Los Angeles area.

Our bill, in five parts, creates a comprehensive prevention program to attack the root causes of homelessness:

Family support centers, to provide services to families who are at risk of becoming homeless or who have already been homeless. Health and mental health services, nutrition, drug and alcohol counseling, family counseling, job training, and education would be provided. Programs established through grants to eligible State and local agencies.

Home health services programs, via grants to eligible agencies, to establish home health services to low-income housing and neighborhoods. $100 million in 1991, through 1995, with 20 percent matching from recipient agencies.

Group home services for the chronically mentally ill. Discretionary grants to agencies to target those at risk of becoming homeless, or previously homeless individuals. Would provide mental health and substance abuse counseling, job and life skills training, extensive case management. $15 million in 1991, through 1995, with 20 percent matching from recipient agencies.

Community Development Corporation improvement grants provides $50 million in 1991, through 1995, in discretionary grants to Community Development Corporations, for operation, enhanced business training for individuals operating CDC's, and equity grants to those involved in low-income housing.

Federal cooperation—requires the Secretaries of Health and Human Services and Housing and Urban Development to coordinate on administering the programs outlined in the bill. Plans submitted to Congress by the agencies must include a proposal for grants to recipients under the bill for renovation and rehabilitation grants available through HUD.

There are already existing a great many agencies and organizations in every State that have worked hard to help prevent homelessness. But the need has become so great that an extra helping hand is needed. Our hope is that this bill, as a prevention program, will help meet the needs of potentially homeless persons before they hit the streets. Great credit is due to those who work and volunteer at the soup kitchens and the shelters. But I look forward to the day when at least some of these can close their doors, for lack of homeless people to serve. That will be our measure of success.

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 2601. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Finance.

DIRECT CHARITABLE DEDUCTIONS

● Mr. INOUYE. Mr. President, today Senator KASTEN and I offer a bill to amend the Internal Revenue Code to allow a tax deduction for charitable contributions to taxpayers who do not itemize their deductions. This allowance would apply to contributions in excess of $100. Passage of this bill will increase fairness, promote a worthwhile social policy, and allow charitable organizations to recoup losses incurred due to a decrease in governmental aid.

From fiscal year 1982 to fiscal year 1988, Federal spending in the six budget functions of greatest concern to nonprofit organizations, exclusive of Medicare and Medicaid, declined. A cumulative total of $100.1 billion was foregone, compared to what would have been spent had earlier spending levels been maintained. This in turn reduced Federal support to private,

nonprofit organizations by an estimated total of $26.7 billion over the same period. I feel that it is important to support charitable and nonprofit organizations at a time in which Federal support is diminishing. President Bush speaks highly of our Nation's charitable organizations, referring to them as the thousand points of light. We must at least support charitable organizations by not hindering their efforts to raise funds privately. Without such support, these thousand points of light will go out.

America's most generous contributors to charity are low-income individuals. Studies have shown that taxpayers with incomes under $10,000 a year gave 2.8 percent of their household income while taxpayers with incomes of $75,000-$100,000 gave 1.5 percent of their household income. In fact, two-thirds of all charitable contributions come from families with annual incomes under $40,000. Many of these families cannot deduct their charitable contributions because they do not itemize their tax. Seven out of ten taxpayers, about 77 million people, do not itemize their income tax. The majority of nonitemizers are lower- and middle-income taxpayers. Ninety-one percent of all nonitemizers have incomes under $30,000 a year. Ninety-seven percent have incomes under $40,000 a year.

The Tax Code has allowed charitable deductions to itemizers since 1917. As the number of taxpayers who itemize their deductions declined in the late 1970's, the charitable contributions deduction was extended to nonitemizers to maintain a broad base of support for charitable organizations. The 1986 Tax Reform Act ended all deductions for charitable contributions by people who do not itemize their tax forms. Mr. President, the bill Senator KASTEN and I introduce for consideration today would allow both nonitemizers and itemizers to take a charitable contributions deduction. It is only fair to treat itemizers and nonitemizes alike.

Permitting low- and modest-income taxpayers to take a deduction for their charitable contributions serves important social needs. Nonitemizers give to causes which serve low- and middle-income taxpayers such as food programs for the homeless; drug prevention programs; aid to the elderly, the disabled, and victims of crime. They give to schools, churches and synagogues, and the Boy Scouts.

Mr. President, these worthy causes and others deserve more encouragement and consideration than the present tax policy allows. I urge my colleagues to support our measure.●

By Mr. METZENBAUM (for himself, Mr. PRESSLER, Mr. GRASSLEY, Mr. HATFIELD, and Mr. GRAHAM):

S. 2602. A bill to amend the Public Health Service Act to provide assistance for biomedical and health services research education, treatment programs and for other purposes relating to Alzheimer's disease and related disorders, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT

Mr. METZENBAUM. Mr. President, I rise today to introduce legislation that launches a decisive attack on Alzheimer's disease, one of our gravest public health problems.

That legislation is the Comprehensive Alzheimer's Assistance, Research and Education Act—the Alzheimer's care bill.

I am proud to join today with my very distinguished colleagues in introducing this bill: Senator CHARLES GRASSLEY, of Iowa, Senator LARRY PRESSLER, of South Dakota, and Senator MARK HATFIELD, of Oregon. Senator GRASSLEY and I have worked closely on previous Alzheimer's bills, including the one we introduced together last year that is the basis of our new bill. Senators PRESSLER and HATFIELD have helped deepen our understanding of this issue not just with their own legislation, but with personal and profound experience with Alzheimer's disease.

I am also pleased to have the support of Senator BOB GRAHAM, of Florida, as an original cosponsor.

You do not see the five of us together often. I have yet to hear anyone complain that the Metzenbaum-Grassley-Pressler-Hatfield-Graham gang is at it again, scheming up another plan. Our committee assignments, our political philosophies, our States, and our specialties vary widely.

But on the question of Alzheimer's disease, we are absolutely united.

And I know I speak for all of us when I say that we intend to do everything we can to pass this bill and have a fighting chance against a disease that seemed to come out of nowhere and now feels like it is everywhere.

Our legislation attacks this cruel disease on many fronts: stepping up research including testing of drugs to treat Alzheimer's reaching out to the families of Alzheimer's victims, and spurring States to take their own initiatives on this disease.

I am hopeful that this sweeping approach will yield significant and measurable results for America's 4 million Alzheimer's victims and their loving and exhausted families.

And I speak with a great sense of urgency. Because if we do not make progress soon, some 14 million Americans will be stricken with this dread disease in the next century.

Mr. President, if we do not act now on this most urgent problem, our already strapped health care system may crumble under the pressure.

Alzheimer's is costing us some $90 billion a year in Medicare nursing home payments and family resources. Just last week, a study in the Journal of the American Medical Association projected that increases in the number of elderly Americans with Alzheimer's and other diseases will cause Medicare payments for the aged to soar to $212 billion by the year 2040.

Our legislation costs less than half a billion dollars in its first year. With that, we might identify safe drugs to alleviate Alzheimer's devastating symptoms. We could help families learn to cope with the heavy burden of caregiving. Our research could one day cure Alzheimer's disease. Mr. President, even if this bill resulted in just one scientific breakthrough in the near term—an accurate and inexpensive tool to diagnose Alzheimer's—we'd save $1 billion a year in Medicare costs.

Few investments hold so much promise to stem so much suffering.

At an Alzheimer's hearing that Representative EDWARD ROYBAL and I chaired last month, I said that we could double our Federal spending on Alzheimer's research and spend about as much as the wings and wheels of just one B-2 stealth bomber. I hope our leaders in Congress and the President keep this in mind as they work out the broad parameters of our Federal budget.

Mr. President, the choice is clear. We can—and we must—move forward on Alzheimer's disease.

Representatives ROYBAL, OLYMPIA SNOWE, and others are introducing companion legislation in the House of Representatives. I am grateful to them for their cooperation and leadership. And I am most grateful to my colleagues here in the Senate, who have worked so diligently in developing this bipartisan consensus legislation.

With the distinguished Senators at my side today, I urge our colleagues to take action now and support this critical Alzheimer's legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2602

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 "Comprehensive Alzheimer's Assistance, Research, and Education Act of 1990 (CARE)".

SEC. 2. FINDINGS.

The Congress finds that—

(1) best estimates indicate that between 4,000,000 and 5,000,000 Americans presently have Alzheimer's disease or related dementias and that 14,000,000 Americans will have

Alzheimer's by the middle of the 21st century;

(2) estimates of the number of individuals afflicted with Alzheimer's disease and related dementias are unreliable because current diagnostic procedures lack accuracy and sensitivity and because there is a need for epidemiological data on incidence and prevalence of such disease and dementias;

(3) studies estimate that between one-half and two-thirds of patients in nursing homes meet the clinical and mental status criteria for dementia;

(4) the care for individuals with Alzheimer's disease and related dementias falls primarily on their families, and such care is very often financially and emotionally devastating;

(5) the cost of caring for individuals with Alzheimer's disease and related dementias is great, and conservative estimates range between $80,000,000,000 and $90,000,000,000 per year solely for direct costs;

(6) although substantial progress has been made in recent years in identifying possible leads to the causes of Alzheimer's disease and related dementias and more progress can be expected in the near future, given adequate research funding, the research community may find itself on the verge of a breakthrough in the foreseeable future which would eliminate or substantially reduce the number of individuals with such disease and dementias or the difficulties of caring for such individuals;

(7) attempts to reduce the emotional and financial burden of caring for dementia patients is impeded by a lack of knowledge about such patients, how to care for such patients, the costs associated with such care, the effectiveness of various modes of care, the quality and type of care necessary at various stages of the disease, and other appropriate services that are needed to provide quality care;

(8) the results of the research that has been undertaken concerning dementia has been inadequate or the results have not been widely disseminated;

(9) more knowledge is needed concerning—

(A) the epidemiology of, and the identification of risk factors for, Alzheimer's disease and related dementias;

(B) the development of methods for early diagnosis, functional assessment, and psychological evaluation of individuals with Alzheimer's disease for the purpose of monitoring the course of the disease and developing strategies for improving the quality of life for such individuals and their families or caregivers;

(C) the understanding of the optimal range and cost-effectiveness of community and institutional services for individuals with Alzheimer's disease and related dementias and their families, particularly with respect to the design, delivery, staffing, and mix of such services and the coordination of such services with other services, and with respect to the relationship of formal to informal support services;

(D) the understanding of optimal methods to combine formal support services provided by health care professionals with informal support services provided by family, friends, and neighbors of individuals with Alzheimer's disease, and the identification of ways family caregivers can be sustained through interventions to reduce psychological and social problems and physical problems induced by stress;

(E) existing data that are relevant to Alzheimer's disease and related dementias; and

(F) the costs incurred in caring for individuals with Alzheimer's disease and related dementias;

(10) it is imperative to provide appropriate coordination of the efforts of the Federal Government in the provision of services for individuals with Alzheimer's disease and related dementias;

(11) it is important to increase the understanding of Alzheimer's disease and related dementias by the diverse range of personnel involved in the care of individuals with such disease and dementias; and

(12) it is critical that the Federal Government provide leadership and support public education regarding, and promote the awareness of, Alzheimer's disease and related disorders.

TITLE I—AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 101. BIOMEDICAL RESEARCH.

Section 445, which applies to the National Institute on Aging, of the Public Health Service Act (hereafter in this title referred to as the "Act") is amended to read as follows:

"(a) ALZHEIMER'S DISEASE RESEARCH CENTERS.—(1) The Director of the Institute shall award grants to and enter into cooperative agreements with public and private nonprofit entities to pay all or part of the cost of planning, establishing or strengthening not less than 15 Alzheimer's Disease Research Centers (hereinafter referred to as the "Centers") which shall support any part of the full range of research and development from very basic to clinical. Such research and development may involve—

"(A) biomedical and behavioral studies;

"(B) ancillary supportive activities necessary to the primary research or the research and development effort, such as protracted patient care; or

"(C) a multidisciplinary attack on a specific disease entity or biomedical problem area.

"(2) The Centers may also serve as regional or national resources for special research purposes.

"(3) Funds available pursuant to this subsection may be used for construction to expand or renovate Centers which the Director of the Institute determines inadequate to carry out the provisions of this subsection.

"(4) Support of a Center may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for additional periods of not more than five years each if the operations of such Center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Institute and if such group has recommended to the Director of the Institute that such period should be extended.

"(b) USE OF FUNDS.—Grants awarded under subsection (a) shall be used—

"(1) to conduct basic and clinical research, education, and training, including longitudinal and consortium-type multidisciplinary studies and clinical trials;

"(2) to operate tissue banks and patient registries;

"(3) to demonstrate advanced diagnostic, prevention, treatment, and management methods;

"(4) to conduct programs in community education; and

"(5) for staffing and other basic operating costs, including such patient care costs as may be required for research.

"(c) CENTER CORE GRANTS.—The Director of the Institute shall award center core grants or enter into cooperative agreements to support shared resources for categorical research by a number of investigators from—

"(1) different disciplines who provide a multidisciplinary approach to a joint research effort; or

"(2) the same discipline who focus on a common research problem.

"(d) SATELLITE DIAGNOSTIC AND TREATMENT LOCATIONS.—The Director of the Institute shall award grants to or enter into cooperative agreements with entities receiving financial assistance under subsections (a) and (c) to assist such entities in providing high-quality research and services in the diagnosis and treatment of Alzheimer's disease and related disorders at locations other than Centers established pursuant to subsection (a).

"(e) INVESTIGATORS AND TRAINING.—The Director of the Institute shall award grants to or enter into cooperative agreements with public and private nonprofit entities to—

"(1) attract new or young investigators to careers in fields involving research on the biomedical, behavioral, and social aspects of Alzheimer's disease; and

"(2) develop institutional training programs within the general guidelines of the National Research Service Awards program which shall emphasize—

"(A) training of individuals at the postdoctorate level; and

"(B) training of women and groups underrepresented in such research.

"(f) APPLICATION.—Each entity desiring to receive a grant or enter into a cooperative agreement under this section shall submit an application to the Director of the Institute at such time, in such manner and accompanied by such information as the Director may reasonably require.

"(g) CONSULTATION AND COORDINATION.—(1) The Secretary and the Director of the National Institute shall consult with the Director of the National Institute on Neurological Disorders and Stroke and the Director of the National Institute of Mental Health in carrying out the provisions of this section.

"(2) The Secretary shall coordinate research efforts assisted under this section with the Alzheimer's Disease Coordinating Committee of the National Institutes of Health and the Council on Alzheimer's Disease.

"(3) The Director of the Institute shall coordinate the research activities of the Centers described in subsection (a) with the activities of the satellite locations described in subsection (d).

"(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $30,000,000 for fiscal year 1991, $40,000,000 for fiscal year 1992, and $50,000,000 for fiscal year 1993 to carry out the provisions of subsection (a).

"(2) There are authorized to be appropriated $20,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $40,000,000 for fiscal year 1993 to carry out the provisions of subsection (c).

"(3) There are authorized to be appropriated $15,000,000 for fiscal year 1991, $20,000,000 for fiscal year 1992, and $25,000,000 for fiscal year 1993 to carry out the provisions of subsection (d).

"(4) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $4,000,000 for fiscal year 1992, and $6,000,000 for fiscal year 1993 to carry out the provisions of subsection (e).".

SEC. 102. AWARDS AUTHORIZED.

Section 445B of the Act is amended by inserting at the end thereof the following new subsection:

"(f) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section.".

SEC. 103. AWARDS FOR LEADERSHIP AND EXCELLENCE.

Section 445C of the Act is amended—

(1) in paragraph (1) of subsection (b) by—

(A) striking "Within 6 months after the date of enactment of the Alzheimer's Disease and Related Dementias Services Research Act of 1986, the" and inserting "The"; and

"(B) inserting "annually" before "prepare";

(2) in paragraph (2) of subsection (b) by—

(A) striking "Within one year after transmitting the plan required under paragraph (1), and annually thereafter, the" and inserting "The"; and

(B) inserting "annually" before "prepare"; and

(3) by inserting at the end thereof the following new subsection:

"(d) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section and section 445D.".

SEC. 104. CLEARINGHOUSE AND DISSEMINATION PROJECT.

Section 445E of the Act is amended by inserting the following new subsection at the end thereof:

"(d) There are authorized to be appropriated $1,000,000 for each of the fiscal years 1991 through 1993 to carry out the provisions of this section and section 445F.".

SEC. 105. FAMILY SUPPORT AND STATE SERVICES.

Subpart 5 of part E of title V of the Act is amended by inserting at the end thereof the following new sections:

"SEC. 445G. FAMILY SUPPORT RESEARCH AND DEMONSTRATION PROJECTS, AND BASIC CLINICAL RESEARCH.

"(a) DEMONSTRATION.—The Secretary, through the Commissioner on Aging, is authorized to make grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to—

"(1) conduct demonstration projects which help educate the families of individuals with Alzheimer's disease or related disorders regarding methods for providing appropriate care to such individuals; and

"(2) assist such families in managing the stress associated with caring for family members with such disease or related disorders.

"(b) LONG-TERM CARE.—The Director of the Institute is authorized to award grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to conduct long-term care research, including the evaluation of best practices for the development of appropriate standards, with respect to Alzheimer's disease and related disorders and with respect to the coordination of such long-term care services.

"(c) SUPPORTIVE SERVICES.—The Secretary, through the Director of the National Institute of Mental Health, the Administration on Aging, and the National Center for Nursing Research, is authorized to make grants to, and enter into contracts with, public and private nonprofit entities to enable such entities to conduct research with respect to developing methods for improving the delivery of supportive services to individuals with Alzheimer's disease or related disorders, including the delivery of such services by the families of such individuals. Such research shall include determining the methods of delivery most appropriate to various ethnic and cultural groups, and rural and innercity populations.

"(d) APPLICATIONS.—(1) Each public or private nonprofit entity desiring a grant or entering into a contract pursuant to subsection (a) or (c) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(2) Each public or private nonprofit entity desiring a grant or entering into a contract pursuant to subsection (b) shall submit an application to the Director of the Institute at such time, in such manner and accompanied by such information as the Director of the Institute may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated $12,000,000 for fiscal year 1991, $12,500,000 for fiscal year 1992 and $13,000,000 for fiscal year 1993 to carry out the provisions of subsection (a).

"(2) There are authorized to be appropriated $12,000,000 for fiscal year 1991, $12,500,000 for fiscal year 1992 and $13,000,000 for fiscal year 1993 to carry out the provisions of subsection (b).

"(3) There are authorized to be appropriated $5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992 and $7,000,000 for fiscal year 1993 to carry out the provisions of subsection (c).

"SEC. 445H. STATE ALZHEIMER'S DISEASE PROGRAM.

"(a) IN GENERAL.—(1) The Secretary shall make grants to States to enable such States to—

"(A) coordinate the development and operation, with public and private organizations, of services including diagnosis, treatment, care management, respite care, legal counseling, and education to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals;

"(B) provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders;

"(C) provide to health care providers, individuals with Alzheimer's disease or related disorders, the families of such individuals, organizations established to serve such individuals and such families, and the general public, information regarding diagnostic services, treatment services, and related services available to such individuals, sources of assistance in obtaining such services (including assistance under entitlement programs), and the legal rights of such individuals and such families;

"(D) coordinate the development and operation of training programs and continuing education programs for health care providers on the diagnosis, treatment, and care management of Alzheimer's disease and related disorders;

"(E) review State policies on the financing of and reimbursement of the costs of health care, including long-term care, for individuals with Alzheimer's disease or related disorders;

"(F) review State regulations that apply to the care of such individuals, and identify policy changes that can improve the care provided to such individuals; and

"(G) coordinate with any Federal programs relating to Alzheimer's disease or related conditions.

"(2) The public and private organization described in subparagraph (A) of paragraph (1) shall include—

"(A) the Institute;

"(B) the Veterans' Administration;

"(C) the Centers described in section 445(a); and

"(D) organizations representing individuals and families of individuals with Alzheimer's disease or related disorders.

"(b) AWARD BASIS.—Grants under subsection (a) shall be awarded on a competitive basis.

"(c) APPLICATIONS.—Each State desiring a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(d) RESTRICTIONS ON USE OF FUNDS.—(1) Amounts provided pursuant to a grant under subsection (a) may not be used to—

"(A) make cash payments to individuals with Alzheimer's disease or related disorders or to the families of such individuals; or

"(B) purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) Not less than 25 percent, and not more than 50 percent, of a grant under subsection (a) may be used in any fiscal year to provide respite care.

"(e) DURATION OF GRANT.—A grant made under subsection (a) shall be made for 3 years, subject to annual evaluation by the Secretary.

"(f) AMOUNT OF GRANT.—The amount of a grant under subsection (a) may not—

"(1) be less than $250,000; and

"(2) exceed one-half of the costs of the research for which the grant is made.

"(g) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which a grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(h) EVALUATIONS BY SECRETARY.—(1) The Secretary shall annually evaluate the activities and services conducted pursuant to each grant awarded under subsection (a).

"(2) The Secretary may enter into a contract with a private entity to conduct each evaluation described in paragraph (1).

"(3) If the Secretary enters into a contract to conduct an evaluation described in paragraph (1), the cost of such evaluation for the first year a grant is awarded under subsection (a) shall not exceed 2 percent of the amount of such grant.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 1991, $100,000,000 for fiscal year 1992, and $125,000,000 for fiscal year 1993 to carry out the provisions of this section.

"SEC. 445I. BASIC AND CLINICAL RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institutes of Health and the Director of the National Institute of Mental Health, may award grants to and enter into contracts with, public and private nonprofit entities for the purpose of enabling such en-

tities to conduct basic and clinical research with respect to Alzheimer's disease and related disorders.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the Institute, the Director of the National Institute of Neurological and Communicative Disorders and Stroke, and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) ALLOCATION OF CERTAIN APPROPRIATIONS AMONG AGENCIES.—For purposes of carrying out subsection (a), the Secretary shall, as appropriate in the determination of the Secretary, allocate between the Director of the National Institutes of Health and the Director of the National Institute of Mental Health any amounts appropriated pursuant to the authority of subsection (d)(3).

"(d) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purposes of carrying out this section there are authorized to be appropriated to the Director of the National Institutes of Health $187,000,000 for fiscal year 1991, $244,000,000 for fiscal year 1992, and $303,000,000 for fiscal year 1993.

"(2) For the purposes of carrying out this section there are authorized to be appropriated to the Director of the National Institute of Mental Health $23,000,000 for fiscal year 1991, $31,000,000 for fiscal year 1992, and $38,000,000 for fiscal year 1993.

"(3) For the purposes of allocations under subsection (c), there are authorized to be appropriated to the Secretary $23,000,000 for fiscal year 1991, $31,000,000 for fiscal year 1992, and $38,000,000 for fiscal year 1993.".

TITLE II—AMENDMENTS TO THE ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986

SEC. 201. FUNCTIONS OF COUNCIL ON ALZHEIMER'S DISEASE.

Section 912 of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (hereafter in this title referred to as the "Act") is amended—

(1) in paragraph (1) of subsection (b) by striking "Not later than 9 months after the date of enactment of this Act, the Council shall" and inserting "The Council shall annually";

(2) in subparagraph (A) of paragraph (1) of subsection (b) by striking "1987, 1988, 1989, 1990, and 1991" and inserting "1991, 1992, and 1993"; and

(3) in paragraph (2) of subsection (b) by striking "Within 1 year after the date on which the report required by paragraph (1) is transmitted to the Congress, and annually thereafter, the Council shall" and inserting "The Council shall annually".

SEC. 202. ESTABLISHMENT OF THE ADVISORY PANEL ON ALZHEIMER'S DISEASE.

Subsection (b) of section 921 of the Act is amended by striking "within 90 days after the date of enactment of this Act".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 923 of the Act is amended by—

(1) striking "100,000" and inserting "150,000"; and

(2) by striking "1988 through 1991" and inserting "1991 through 1993".

SEC. 204. NATIONAL INSTITUTE OF MENTAL HEALTH.

(a) IN GENERAL.—Section 931 of the Act is amended—

(1) in subsection (a) by inserting "and specialized care" after "services";

(2) in paragraph (1) of subsection (b) by—

(A) striking "Within six months after the date of enactment of this Act, the" and inserting "The"; and

(B) inserting "annually" before "prepare";

(3) by amending clause (iii) of subsection (b)(1)(A) to read as follows:

"(iii) the optimal range, types and cost-effectiveness of community, residential and institutional services and specialized care, particularly with respect to the design of such services and care, appropriate staffing for the provision of such services and care, the timing of such services and care during the progression of such disease or dementias, and the appropriate mix and coordination of such services and specialized care;";

(4) in clause (iv) of subsection (b)(1)(A) by inserting "the evaluation of best practices for the development of" before "appropriate";

(5) in clause (v) of subsection (b)(1)(A) by striking "and nursing home services" and inserting "nursing home services and other residential services and care"; and

(6) in clause (vii) of subsection (b)(1)(A) by striking "and nursing home services" and inserting "nursing home services, and other residential services and care".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 933 of the Act is amended by striking "$2,000,000 for each of the fiscal years 1988 through 1991" and inserting "$25,000,000 for fiscal year 1991, $26,000,000 for fiscal year 1992 and $28,000,000 for fiscal year 1993".

SEC. 205. AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

(a) AMENDMENT TO TITLE.—The heading to subpart 2 of part D of the Act is amended to read as follows:

"Subpart 2—Agency for Health Care Policy and Research".

(b) AMENDMENTS TO TEXT.—Section 934 of the Act is amended—

(1) by striking "Director of the National Center for Health Services Research on Health Care Technology Assessment" each place such term appears and inserting "Administrator of the Agency for Health Care Policy and Research";

(2) in paragraph (1) of subsection (b) by striking subparagraphs (A) through (E) and inserting the following:

"(A) provide for research on improving the organization, delivery, and financing of services for individuals with Alzheimer's disease and related dementias and their families, including research on the design, staffing, and operation of special care units for Alzheimer patients in institutional settings;

"(B) provide for research concerning the costs incurred by individuals with Alzheimer's disease and related dementias and their families in obtaining services, particularly services which are essential to such individuals and which are not generally required by other patients under long-term care; and

"(C) provide for research on the costs, cost-effectiveness and effectiveness of various interventions to provide services for individuals with Alzheimer's disease and related dementias and their families."; and

(3) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) Within six months after the date of enactment of the Comprehensive Alzheimer's Assistance, Research, and Educational (CARE) Act of 1990, and annually thereafter, the Administrator of the Agency for Health Care Policy and Research shall prepare and transmit to the appropriate committees of Congress a plan for the research to be conducted pursuant to subparagraphs (A) through (C) of paragraph (1).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 936 of the Act is amended by striking "$2,000,000 for each of the fiscal years 1988 through 1991" and inserting "$5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992, and $7,000,000 for fiscal year 1993".

SEC. 206. TRAINING AND EDUCATION OF HEALTH CARE PROFESSIONALS.

(a) AMENDMENT TO TITLE.—The title of section 962 of the Act is amended to read as follows:

"TRAINING OF HEALTH CARE PROFESSIONALS".

(b) AMENDMENT TO TEXT.—Section 962 of such Act is amended to read as follows:

"(a) IN GENERAL.—(1) The Director of the National Institute on Aging (hereafter in this section referred to as the "Director") in consultation with the Administrator of the Bureau of Health Professions is authorized to award grants to eligible entities to enable such eligible entities to provide training programs and continuing education programs with respect to health care for individuals with Alzheimer's disease or related disorders.

"(2) The Director shall award grants under this section on the basis of merit.

"(b) ELIGIBLE ENTITY.—For the purpose of this section, the term 'eligible entity' means—

"(1) an educational institution providing training and education in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(2) an educational institution providing prepatory training and education of personnel for nursing homes, hospitals, and home or community settings; or

"(3) an Alzheimer's Disease Research Center described in section 445(a) of the Public Health Service Act.

"(c) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Director shall ensure that grants awarded under this section are distributed among the principal geographic regions of the United States.

"(d) APPLICATION.—Each eligible entity desiring a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) contain assurances that the eligible entity will make the training programs and continuing education programs described in this section available to health care professionals, health care paraprofessionals, and family caregivers; and

"(2) contain assurances that the eligible entity will coordinate such training programs and continuing education programs with the Alzheimer's Disease Research Centers described in section 445(a) of the Public Health Service Act.

"(e) CURRICULA.—(1) The Director is authorized to award grants to eligible entities to assist such eligible entities in developing curricula for the training programs and continuing education programs described in subsection (a) including obtaining the most recent relevant research data available.

"(2) Each eligible entity desiring a grant under this subsection shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

"(f) NATIONAL EDUCATION PROGRAM.—The Director, in consultation with the Council on Alzheimer's Disease and the Alzheimer's

Disease Education and Referral (ADEAR) Center, shall establish the National Alzheimer's Education Program to—

"(1) provide coordination and leadership, working with public and private organizations, in the federal education and promotion effort for the general public, individuals with Alzheimer's disease and related disorders and the families of such individuals, health and long-term care providers, and other public agencies, including Federal, State and local public agencies regarding Alzheimer's disease and related disorders;

"(2) develop and distribute educational materials on Alzheimer's disease and related disorders, including print and electronic materials, for the general public, individuals with such diseases and disorders and the families of such individuals, and health and long-term care providers;

"(3) encourage and work with the print and electronic media to provide information on Alzheimer's disease and related disorders, sources of assistance to individuals with such diseases and disorders and the families of such individuals, progress in research, and the availability of preventive, diagnostic, treatment and supportive services;

"(4) encourage and work with public and private efforts to develop models for education, training and assistance programs for individuals with Alzheimer's disease and related disorders; and

"(5) provide technical assistance, using model programs and services, to public and private organizations, including agencies and organizations providing services to individuals with Alzheimer's disease and related disorders and the families of such individuals, and agencies and organizations representing such individuals and the families of such individuals, to help in the development of programs and services to—

"(A) educate the general public, individuals with Alzheimer's disease and the families of such individuals, and health and long-term care providers;

"(B) train and educate health and long-term care providers; and

"(C) assist individuals with such diseases and disorders and the families of such individuals in the areas of preventive, diagnostic, treatment and supportive services as such services become available.

"(g) EDUCATION.—(1) The Director is authorized to make grants to public and nonprofit private entities to assist such entities in establishing programs to educate health care providers and the families of individuals with Alzheimer's disease or related disorders on caring for individuals with such diseases or disorders, and on the availability in the community of public and private sources of assistance, including financial assistance, for caring for such individuals.

"(2) Each public or private nonprofit entity desiring a grant under this subsection shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 964 of such Act is amended by—

(1) inserting "(a)" after "964."; and

(2) inserting the following new subsections at the end thereof:

"(b) There are authorized to be appropriated $10,000,000 for fiscal year 1991, $10,500,000 for fiscal year 1992, and $11,000,000 for fiscal year 1993 to carry out the provisions of subsection (a) of section 962.

"(c) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $2,000,000 for fiscal year 1992, and $2,000,000 for fiscal year 1993 to carry out the provisions of subsection (e) of section 962.

"(d) There are authorized to be appropriated $2,000,000 for fiscal year 1991, $2,500,000 for fiscal year 1992, and $3,000,000 for fiscal year 1993 to carry out the provisions of subsection (f) of section 962.

"(e) There are authorized to be appropriated $10,000,000 for fiscal year 1991, $10,500,000 for fiscal year 1992, and $11,000,000 for fiscal year 1993 to carry out the provisions of subsection (g) of section 962.".

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleagues, Senators METZENBAUM, HATFIELD, and GRASSLEY in introducing the Comprehensive Alzheimer's Disease Assistance, Research and Education Act of 1990 [CARE]. This bill is introduced at a critical moment in history when scientists are on the verge of unlocking the secret that affects millions of people. How vitally important that the Federal Government support a comprehensive policy on Alzheimer's research and education. Alzheimer's disease has skyrocketed. More than 4 million people are affected by it. The cost of caring for the victims alone is $90 billion. That translates into an annual average cost of $22,500 per person. Yet, only $32 per person, with Alzheimer's disease, is expensed on research.

Biomedical and health services research must be increased substantially if we are to unlock the mystery that victimizes people with this disease. More funds for Alzheimer's research should be a higher priority. In research lies the solution to reducing the societal costs of Alzheimer's and improving the quality of life for patients and caregivers.

Recently, a lady whose husband has had Alzheimer's disease for 5 years wrote to me:

> We had early intervention and availed ourselves of the means of learning to manage this devastation that has come to us. I feel sure that our lives, after 5 years of living with the insidious disease, are far better than I ever could have expected they would be at the outset of Alzheimer's disease. We entered research for medication and are part of a psychotherapy group for early Alzheimer's patients. Federal grants have given us these opportunities.

A comprehensive approach to conquering Alzheimer's would include training, education, and support for health care providers and caregivers. The compassionate efforts by families and friends of Alzheimer's patients are costly. Our entire society is affected as victims and their families are removed from the mainstream of society. Much human productivity is channeled into caring for those with Alzheimer's. Caregivers and health providers would benefit from educational programs that provide them with a better understanding of the disease, methods of treatment, and psychosocial means of coping with the behavior or Alzheimer's victims.

I have been working on legislation in this area for nearly 12 years. Progress has been made in the field of biomedical research. But a much more concerted effort is required to control the devastation of Alzheimer's disease. I support that effort and will work with my colleagues in the Senate and House to develop a comprehensive national program on Alzheimer's disease.

In conclusion, I would ask unanimous consent to include in the RECORD an article from the Wall Street Journal, May 2, 1990, titled "Life With Alzheimer's Is Often the Hardest on Families of the Sick." This article is excellent testimony in support of CARE.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SLOW DEATH: LIFE WITH ALZHEIMER'S IS OFTEN THE HARDEST ON FAMILIES OF THE SICK

(By Brent Bowers)

PISCATAWAY, NJ.—Florence Jordan sits, bewildered, as her three children talk about how her Alzheimer's disease has made a hell of their lives.

Chris, the middle child and a recent college graduate, moved back in with her 54-year-old mother in Old Bridge, N.J., after seeing her pull a flaming dishrag from the oven, drop it onto the living-room rug and leave it there to burn.

"You find yourself thinking about [Alzheimer's] every hour," says Jimmy, 22, who is still in college." It takes over your mind."

Alzheimer's disease insidiously corrodes its victim's brains. Over a period of years, it progressively destroys their memories, their ability to reason and their hold on reality. Before it kills them, it robs them of speech and makes them incontinent. Some four million Americans are afflicted; about that many people are said to suffer other forms of dementia.

As the illness progresses, most victims cease to grasp fully what is happening to them. And that, mercifully, tempers their suffering. But it doesn't temper the suffering of the relatives and friends who feed, bathe and nurse them, who watch over them day and night, and who mourn their slow deaths. The families often suffer more than the victims do.

In Piscataway, the state-financed Copsa Institute for Alzheimer's Disease and Related Disorders is bringing relief both to dementia victims and to the husbands, wives and children who care for them. For the patients, it offers a day-hospital program that allows them to socialize, exercise, play games and practice simple mental tasks. It has a diagnostic clinic and, for relatives, it provides counseling, information and a desperately needed six-hour reprieve—several times a week—from exhaustion and despair.

A look at the Copsa Institute's experience shows a way of life that may well await tens of millions of Americans.

At 9:45 one Friday morning, about a dozen patients troop into a room and take their places at an oblong table. (The institute requested that only first names of most patients be used in this story.) A majority of them meet clinical criteria for "probable Alzheimer's disease," officials say, while the rest suffer dementias from vascular or other

causes. A definite diagnosis of Alzheimer's, a degenerative illness of the brain and nervous system with no known cause or cure, is made only in a post-mortem examination of brain tissue.

GETTING REACQUAINTED

Today, participants have spent half an hour outside in the lobby getting reacquainted, exchanging pictures of themselves and pinning on name tags. Decorative paper snowflakes dangle from the ceiling.

Staff nurse Sandy Egan opens the daily orientation period with questions about time and place. "What day is this?" she asks. "Friday," several voices pipe up. "Good!" Ms. Egan writes the word "Friday" in large letters on a board. On a calendar, she crosses out yesterday's date. "What day of the month is today?" she asks. This time, there is a pause, and only two or three hesitant replies.

After questions about famous movie actors, patients' birthdays, this and that, the group moves to a smaller room to have their thought-processes jogged. They are shown colorful pictures of improbable scenes—a worker drilling a hole in a library floor, a man walking upside down on a ceiling, an outsize telephone plunked onto a small table.

"What do you think of this one?" asks Lisa Berbig, the program's coordinator.

"It's a good picture," a man named Bill replies.

Esther says: "I think the little girl is going to the library, and he is doing some drilling."

Nobody mentions the giant phone.

FILLING IN THE BLANK

The group has better luck with aphorisms. Asked to complete the phrase, "Absence makes the . . .", several voices cry out happily, ". . . heart grow fonder."

Next comes a 15-minute walk, followed by group psychotherapy. Pauline describes her favorite photo, in which she is sitting in her grandmother's lap. Rinalda remembers how she used to crack the whip with her own daughter and seven—or was it eight?—sons. "I'd call their names in Italian," she says, her face crinkling into a grin. "They'd say, 'C'mon, let's get outta here. Mom's mad.' "

Lunch is chicken soup, rolls, manicotti and green beans, with peaches for dessert. To avoid confusion, patients each get just one utensil to eat with. Some patients sing along to tapes of old favorite songs.

After a rest period, health specialist Florence Meyers, the mother of seven and the widow of an Alzheimer's victim, leads an exercise period. Next comes dance time, and Ana, who has seemed quite reserved, seizes two bright scarves provided for the occasion and sashays about, swiveling her hips. Bill asks Ms. Egan, the staff nurse, to dance.

The Copsa Institute's day-hospital program was the first in New Jersey when it opened in 1982, and it has been a model and training ground for many of the 32 such facilities that have since sprung up in the state. While day-care facilities remain relatively rare in the U.S., people in the field predict they will be commonplace in the next century as the ranks of the elderly swell, to 68 million people over 65 in the year 2040, from 30 million now.

As this session comes to a close, the blinds are drawn to prevent pandemonium at the sight of arriving relatives. Ms. Berbig leads the group in imitating chickens—pressing hands to nose to form a beak, flapping elbows like wings and squawking. There's more singing and dancing, then "wrap-up" time, a review of the day's activities.

As people pick up the patients for the night, Florence Jordan—the woman who lives with her 23-year-old daughter Chris—struggles to get into her coat. Though her left arm is in one sleeve and Ms. Berbig is holding the other for her, she gropes around the back of her neck, searching in vain for the opening. After several seconds, Ms. Berbig guides her hand.

One of the biggest blows to Florence's son and daughters, they say, has been the abandonment of the family by some of their close relatives. Once, desperate for assistance, "we went begging" to them for a few hours of their time, says Florence's 26-year-old daughter Kathy Ciacciarelli, "but they didn't want to get involved." She, like her brother and sister, is active in her mother's care.

There have been some pleasant surprises, too. Florence Jordan's former husband, now remarried, helps out with money. The Jordans' children are closer to one another now because of their 54-year-old mother's situation. And while they no longer can have sensible conversations with her, they try to make sure she enjoys herself. She likes going to movies, taking walks and eating Chinese food.

As a guest is about to leave Mrs. Jordan's apartment, Jimmy, a thick-chested former football player, walks over to his mother and gives her a squeeze. "Hey, Ma, how you feeling?" he asks, grinning. She beams.

Florence Jordan's own parents are still living. After spending a day at their apartment in a high-rise for the elderly in Sayreville, she is eager to go home. Once she has left, her father, 84-year-old Joe Colombo, shakes his head. "As soon as she got here this morning, she wanted to leave," he says.

Mr. Colombo used to take his daughter for walks, but he recently had heart surgery and he has arthritis. When he and his 86-year-old wife, Vera, discuss their daughter, one question keeps coming up: Why? "Sometimes I ask God why he did this," Mr. Colombo says, adding quickly that he doesn't blame God. Vera rejects any suggestion that the disease was inherited. Joe seems to disagree: "It could be a little gene that snuck in," he says.

Mrs. Colombo brightens when she remembers Florence as a little girl. "She had eyelashes that turned way up," she says. "She was always running."

It is late afternoon, and Jule Sloane, a jaunty grandmother in plaid slacks, heavy silver earrings and wire-rimmed glasses, pours glasses of chilled white wine for herself and a guest at her home in Summit.

As her 72-year-old husband, John, a grandson of Thomas Edison, mutters on a couch nearby, she speaks about the happy years of her marriage. Mr. Sloane, a Yale graduate, went to war after they were married in 1942. When he returned from his service in England, Italy and North Africa, he took a job as a writer for a house organ at Westinghouse Electric Corp., translating scientific jargon "into plain English," she says.

"He was a quiet guy," she says. "He never looked rushed. But everything always got done. He was very funny in a dry way, always punning."

She talks about her husband's deteriorating mental state and the loss of his personality. His condition has been described as "senile dementia of the Alzheimer's type," but Mrs. Sloane believes his illness has been complicated by strokes. He began to show signs of disorientation in the early 1980s, forgetting what errands had brought him to town, for example. Recently, she has had to withdraw him from a day-care program because his behavior was becoming disruptive; he was always trying to leave the place.

Mrs. Sloane observes: "I don't say, 'Why me?' I say, 'Why him?' " He peers at his wife, frowning, searching for words. He is a handsome man—tall, slim, and nattily dressed in a plaid shirt and blue suspenders. His wife goes to him, gives him a hug. "Its OK, honey, now you just don't be upset," she says, and kisses his cheek.

At a spouse-support group meeting at the Piscataway center, a dozen men and women ranging in age from mid-50s to late 70s sit in a circle and talk about their anguish.

Once, they had dreamed of retirement as a reward for lives of hard work. Now, instead of traveling and spending time with friends, they stay at home and feed and dress their husbands and wives. The fatigue is evident in their faces. The ailments of old age plague them. They are angry at what they see as government favoritism for the poor over the middle class; they feel Alzheimer's disease, the nation's No. 4 killer (after heart disease, cancer and stroke) gets short shrift from the media. They wonder if they will ever enjoy life again.

One husband gets nods of understanding when he says he has fantasies about asphyxiating himself and his wife by "going into the garage and turning on the key" to the ignition of his car. A wife says she has devised "three ways" to kill herself.

A man named Gus says, "I'm at the end of my rope." His wife is 60 years old but is "going back to her childhood, when she was seven or eight," he says. "Sometimes, she gets violent." Roger says his wife can get "kinda tough." He goes on: "She might strike me, or throw water." Tears well up. Though seated, he is panting, nearly out of breath. "I get a little emotional," he says. "I myself have emphysema. So it's extremely difficult."

Other participants murmur their support. Here, people have empathy.

They also offer practical, tough-minded advice. There is a lively discussion about the best locks to use for foiling Alzheimer's patients' midnight wanderlust. Larry Benjamin, who was an advertising-makeup man for the New York Times Magazine before he retired, has been caring for his wife for about 15 years. He continues to feed her twice a day, though she has been in a nursing home since 1988. Mr. Benjamin, who is 74, gently urges younger participants in the group not to get their hopes up about the possibilities of new drugs, and not to look askance at restraining-devices for agitated dementia victims. "Restraint isn't cruel," he says. "It's [just] a bit of netting. You have to modify your thinking on this."

Several participants chastise Gus for letting his wife get him into arguments he can't win. Gus says he keeps telling her she will never find things she has "lost" because they don't exist.

"You're already in trouble," scolds Milton. "You can never win by reasoning with an Alzheimer's patient." Several people urge Gus to bring his wife to the Piscataway day-care center, and they suggest ways of overcoming her resistance to the idea. One says he tricked his wife into such a move by telling her they were going to church. By the time they arrived, she had forgotten the purpose of the trip.

Everyone laughs. The horror stories have their comic side. The laughter is easy because families see their own experience in the stories others tell. They laugh when

Ana, who married her husband 11 years ago, in late middle age, describes how he poured Coke into a jar of grated cheese and started drinking it. They laugh when Gus says he has read all the handbooks on coping with Alzheimer's patients but, unfortunately, "the books say one thing, and my wife does another."

Legal-services attorney Janice Chapin tells a crowded room of dementia victims' families how to cope with Medicaid rules that can gobble up all of one's savings in return for a place in a nursing home. One recommendation: Set up a big burial account free from the state's grasp, bequeath the unused portion to yourself or your children, and order a cheap funeral when the time comes.

No, she tells a gnarled old man, the eligibility information he got from a Medicaid office was wrong. A bureaucrat's mistake might have cost him thousands of dollars.

The questions at the lecture organized by the Copsa Institute go into the nuts and bolts of nursing-home placement and reimbursement. Standing chalk in hand next to a blackboard, Ms. Chapin explains that the assets, but not the earnings, of a healthy spouse can disqualify a patient from Medicaid. But, she says, some assets, like a home in which the healthy spouse is living, can't be touched.

"So what am I going to do?" asks one exasperated member of the audience. "Bury the money in the cellar?"

Ms. Chapin replies: "Basically, you've got to spend it all." Instead of putting it in the bank, she suggests, why not "buy a new roof for your house?"

William E. Reichman, the youthful, bearded medical director of the Copsa Institute, sits at his cluttered desk and talks about Alzheimer's. Dr. Reichman describes it as a "familial disorder." As a researcher, he seeks more-effective drugs to treat the disease, especially the hallucinations and psychotic behavior relatives find even more upsetting than the memory loss (Sample: the impostor syndrome, in which a spouse becomes a feared intruder.) As a psychiatrist, Dr. Reichman tries to guide families "through a grieving process" as Alzheimer's eats away at a loved one's very identity.

The day center, he says, gives participants "their peer relationships back." The elaborate structure of the activities is crucial; long after Alzheimer's patients have lost reasoning power, they still seem to know how to act in familiar situations.

Most Friday afternoons, Dr. Reichman examines dementia victims in nursing homes where few other psychiatrists venture. Consultations are difficult, and the state is stingy about paying doctors.

"As soon as I show my face in a nursing home to see Mrs. X, the nurses start grabbing me, begging me to look at patients Y and Z," Dr. Reichman says.

He tries to maintain a physician's professional detachment from the suffering he sees, but it isn't always possible. "Some families are remarkably powerful at pulling you in," he says. In California, where he got his early training at UCLA's Neuropsychiatric Institute, the teen-age son of an Alzheimer's patient interviewed him for a school report. Dr. Reichman got a copy of the essay in the mail as a gift, and he keeps it in his office. He reads excerpts:

"My father was a very bright man. He worked on developing the space shuttle. . . . What was once a sweet, kind, caring personality is now almost completely gone. . . . There isn't a moment of any day that he isn't on my mind. . . . From writing this paper, I also learned to deal with my own feelings. . . . I thought I was going to have a nervous breakdown."

In a nursing home a few miles' drive from Piscataway, Mary lies sedated and stretched out on a special restraining "geri-chair" in her room, a towel wrapped around a swollen left leg. Mary, who is about 80, suffers from Alzheimer's and from an injury to her head sustained in a car accident. She habitually becomes agitated at about this time—5:30 in the afternoon—but today she is still asleep. A nurse's aide bends over her, shouting, "Mary, wake up, the doctor's here." Mary, wake up, the doctor's here." Mary stirs. 'Oh, God," she moans.

This is Alzheimer's in its last, worst stages. Typically, the disease strikes people in their 70s and 80s—though the middle-aged aren't immune—and it results in death, often from pneumonia or other infections, five to 20 years after its onset.

Dr. Reichman examines Mary. He asks her to look at him, then loudly repeats the request. She stares vacantly. A nurse, Merlene, smoothes Mary's hair and gives her a hug. "How are you today, honey?" she coos.

Leaving the room, the doctor explains that the trick is to hit the "exact balance" of all the drugs Mary is taking. Then, she would be able to sleep well yet stay composed in her waking hours. But administering proper dosages is tricky: Sloppy record-keeping, often by poorly trained or overburdened nurses with little or no guidance from psychiatrists, is a big problem in nursing homes.

In a tiny alcove, Dr. Reichman pores over log books and barks questions at nervous personnel about patients' reactions to medications.

There are some slivers of light in the Alzheimer's nightmare.

There is Florence Meyers. Nursing her husband in the late 1970s and early '80s while raising seven children was so physically strenuous, she says that when she finally checked her husband into a clinic and got a few days' respite, "it hit me like a truck. My entire body ached from all that release." Today, as a health specialist at the Piscataway facility, she lights up the faces of the patients with her joshing, her hugs and an occasional tickle.

There is Tom Johnson, Copsa's clinical coordinator, whose uncle and aunt had Alzheimer's and who acknowledges that he is "obsessed" about his own prospects of getting the disease. Many of the sons and daughters of patients, he says, wonder if they are condemned by their genes to their parents' fate. Researchers say only about one in six patients suffer the variety of Alzheimer's that runs in families. Mr. Johnson feels that counseling gives people hope. "I see that life goes on, the world doesn't cave in," he says. "In the narcissism of being well, we say, 'Oh God, I'd kill myself.' But in the thick of the disease, people cope. They suffer—but they cope." What strikes him is the stubborn love families show victims even in the final states of Alzheimer's disease.

There is Carmine Cascella, a retired factory production-department superintendent who does volunteer work at the institute two afternoons a week for the satisfaction of thinking "maybe I've made [patients] a little happier." He says that "after a while, they sort of recognize you. You dance with them. You sing with them," Before he came to Copsa 2½ years ago, he had no idea what Alzheimer's was. Giving a helping hand, he says, "is like I'm giving something back" to society.

There is Mildren Potenza, who organized a grass-roots organization in the late 1970s to lobby the state to set up the Copsa program. Her duties as the institute's resource-center coordinator include fielding questions from all over New Jersey on an 800 line. She often talks to worried relatives "for half an hour or more. Even if I can't offer anything concrete, they feel much better."

Finally, there are all the exhausted husbands, wives and children whose love shines through. The wife of a former schoolteacher, married to him for nearly 60 years, and herself once a professional musician, struggles to remember how many children she has. Finally, she stammers, "Three, no two boys * * * and a girl." He gently corrects her: "No honey, it's two girls and a boy. You're doing just fine."

THE PATHS OF ALZHEIMER'S RESEARCH AND INQUIRY

Etiology: Possible causes of disease

Heredity is considered the cause of about 10 percent of Alzheimer's cases. Disease is thought to be linked to chromosome 21, the same one responsbile for Down's syndrome.

Environment studies show that certain toxins produce the same brain changes as are present in Alzheimer's patients.

Virus research has failed to show a direct viral relationhip to the disease, though scientists still regard it as possible.

Pathogenesis: How the disease manifests itself in the body

Cholinergic deficiency is evident in some people who have Alzheimer's. They lose the nerve cells in the basal nucleus, which makes acetylcholine. This may be a chemical basis for the loss of memory.

Amyloid accumulation in the center of plaques and in the walls of blood vessels of the brain is present in some victims of the disease. Research shows that the gene for amyloid sits on that same chromosome 21.

Nerve growth deficiency occurs in some Alzheimer's victims who lack other chemicals in the hippocampus and the cerebral cortex, which help the nerve cells make new connections. This deficit affects the temporal lobes, causing memory loss.

Mr. HATFIELD. Mr. President, I am tremendously pleased to join my colleagues today in introducing the second version of the CARE bill—the Comprehensive Alzheimer's Assistance, Research, and Educational Act of 1990.

Senators METZENBAUM, PRESSLER, GRASSLEY, and I have combined our various proposals for increased Federal support of Alzheimer's disease into this bipartisan piece of authorization legislation. We join forces on the Senate floor today to send a clear signal to those Americans currently wrestling with this devastating illness—we at the Federal level recognize the immediate need to elevate the war on Alzheimer's disease.

Alzheimer's disease is truly one of the most devastating diseases of our century. More than 100,000 individuals die of Alzheimer's disease annually, which makes it the fourth leading cause of death in adults, after heart disease, cancer and stroke. It is a progressive, degenerative disease that attacks the brain and results in impaired

memory, thinking, and behavior, in over 4 million American adults. Most of those who have it die within a decade.

It is no coincidence that the acronym of the Comprehensive Alzheimer's Assistance, Research, and Education Act is CARE. From the homes of Alzheimer's victims and their families to the research laboratories at the National Institutes of Health, millions of men and women across this country share a commitment to treating this disease and caring for its victims.

Alzheimer's disease already has touched 1 of every 3 American homes, and threatens to touch many more if an effective treatment is not found. Alzheimer's most often affects the Nation's elderly population. In only 50 years, the number of Americans 65 and older will more than double from 30 million today to an estimated 64 million in 2040.

Although millions of families have been coping with the disease and its effects for many years, Government efforts to develop a treatment to Alzheimer's and respond to the needs of its victims and their families are relatively recent. When I became chairman of the Appropriations Committee in the Senate, only $13 million was being spent for Alzheimer's research. Today, $148 million has been appropriated by this Congress for research and treatment of Alzheimer's disease.

That dramatic increase is an important first step, but annual Federal research spending still amounts to $1 for every $500 in the cost society pays for this debilitating disease. And funding for heart disease, AIDS, and cancer research each total between $600 million and $1.45 billion annually, continuing to outpace our research efforts in Alzheimer's disease. Much more can and should be done.

It was nearly 1 year ago that Senator PRESSLER and I introduced the original CARE bill in the Senate [S. 1321] and our colleagues, Congressmen ROYBAL, WAXMAN, STARK, and DOWNEY introduced companion legislation in the House [H.R. 1490]. Our intent was to quadruple Federal Alzheimer's research funding by 1992. Since that time we have been working with our Senate and House colleagues and the National Alzheimer's Association to refine the legislation. Today we are united in our efforts and our commitment to increase Federal support of research and assistance for Alzheimer's disease

Our legislation proposes to triple Federal biomedical and services research funding for Alzheimer's and related disorders to $571 million by 1993. In support of this effort, the bill reauthorizes the Council on Alzheimer's disease and the Advisory Panel on Alzheimer's disease and authorizes the Alzheimer's disease research centers, center core grants, and satellite diagnostic/treatment locations.

This will allow us to deploy our brightest research minds and our best facilities, with the support of Federal, State, and private funds, to fight Alzheimer's disease today before it paralyzes our country tomorrow.

Perhaps the most important part of the legislation, however, is its focus on the unsung heroes of our national battle against Alzheimer's: the caregivers. In addition to authorizing a number of family support and service delivery research and demonstration projects, the CARE bill would make matching grants available to every State in the country for Alzheimer's diagnostic, treatment, care management, legal counseling, and educational services.

Of course the various provisions of the CARE bill complement initiatives currently underway across the country. Of the Nation's 4 million Alzheimer's victims, at least 50,000 are in my State. Thanks to the leadership of a number of committed individuals and organizations, one of the most innovative programs in the country already is responding to the needs of Oregon's Alzheimer's victims and their families.

In 1987, the Alzheimer's Disease Center of Oregon [ADCO] was created as a joint project of the Columbia-Willamette chapter of the Alzheimer's and Related Disorders Association, the Veterans' Administration Hospital, Good Samaritan Hospital and Medical Center, and the Oregon Health Sciences University. This center is not a building, but a coalition. ADCO focuses on coordinating and interrelating the research, clinical care and educational activities in place, and developing needed programs that do not currently exist.

The desire of all four participating organizations is to foster collaboration throughout the region to benefit the overall campaign against Alzheimer's Disease. In so doing, ADCO provides the opportunity for: First, the development of enhanced research programs throughout Oregon; second, involvement statewide of scientists and clinicians in research and medical care related to Alzheimer's disease; third, expanded and more accessible clinical services throughout the State; and fourth, expanded educational activities for professionals and for the community and more importantly, better family support.

The Oregon Legislature immediately understood the potential benefits of the center, and provided funding for a brain bank to store and research brain tissue as well as for the development of a research data base. The legislature also agreed to put a check-off box on the Oregon income tax form, allowing 29,000 Oregonians to contribute $140,000 in tax returns to the center last year.

Only in Oregon will a Federal, a State and a private medical center and a nonprofit support group be working together to attack Alzheimer's disease on all fronts. But this is a model that can and should be replicated.

The shared goal of the Alzheimer's Disease Center of Oregon and other efforts across the country is the development of a treatment for Alzheimer's disease. As we work toward that goal, however, the fact remains that the disease continues to take a very large toll on millions of people across this country.

As we work toward a treatment tomorrow, CARE is what we can do today.

Mr. GRASSLEY. Mr. President, I am very pleased to be a part of this very comprehensive initiative today with my colleagues Senators METZENBAUM, PRESSLER, and HATFIELD.

This bill, the Comprehensive Alzheimer's Assistance, Research, and Education Act of 1990 [CARE], contrasts markedly with the first small steps that we were taking in 1983 when we began in the Subcommittee on Aging of the Committee on Labor and Human Resources to hold hearings on the Alzheimer's disease problem. In May 1983, I held what I believe was the second hearing by an authorizing committee in the U.S. Senate devoted exclusively to Alzheimer's disease. I believe that the first hearing on Alzheimer's disease by an authorizing committee was also held by the Subcommittee on Aging in July 1980 under the chairmanship of Tom Eagleton. We held a second hearing on research on Alzheimer's in October 1984. Senator METZENBAUM held a field hearing of the subcommittee in Ohio in November 1984. And also in 1984, Senator METZENBAUM, with a floor amendment to a Labor/HHS appropriations bill, secured funds for three Alzheimer's disease research centers.

The bill we are introducing today represents the merger of two major legislative initiatives with respect to Alzheimer's disease, and shows, I believe, that we have come a long way in developing a substantial Federal effort on Alzheimer's disease and are in a good position to build on that effort.

One of these legislative initiatives was S. 1255, a bill introduced earlier in this session by Senator METZENBAUM and myself, which was based primarily on recommendations of the national advisory panel on Alzheimer's disease. That advisory panel was created by the Alzheimer's Disease and Related Dementias Services Research Act of 1986, title IX of Public Law 99-660, which was authored by myself and Senator METZENBAUM during the 99th Congress. Serving on the advisory panel is Dr. Kathleen Buckwalter, who is a faculty member in the college of nursing at the University of Iowa, and

who is an authority on how services can be provided to those with Alzheimer's disease.

S. 1255 called for increases in funding for biomedical research on Alzheimer's disease, including expansion of the National Institute on Aging's Alzheimer's Research Centers Program, increases in funding for research on services and how they are financed, and a reauthorization of the provisions of the Alzheimer's Disease and Related Dementias Services Research Act of 1986.

The other legislative initiative contributing to the bill we are introducing today was S. 1321, the Comprehensive Alzheimer's Assistance, Research, and Education Act, introduced by Senators PRESSLER and HATFIELD.

The bill we are introducing today:

Authorizes a substantial increase in effort for basic and clinical research on Alzheimer's disease and related disorders.

Contains a number of innovative additions to the Alzheimer's Disease Research Centers Program. The National Institute on Aging, the agency which has managed in an outstanding manner the development from three centers to the current group of 15 centers, is to create satellite diagnostic facilities and is to award research center core grants. The satellite centers and the core grants will work in a coordinated fashion with the 15 research centers and should thus greatly speed advances in knowledge about Alzheimer's disease.

Authorizes a substantial new research effort, by several Federal agencies, devoted to learning how families can be better assisted in their efforts to take care of family members with Alzheimer's disease.

Authorizes a State Alzheimer's disease program which would help States develop services which could help those with the disease and their families. In my own State of Iowa, a Governor's task force on Alzheimer's disease has recently made recommendations to the Governor. There are around 40,000 people in Iowa currently suffering from this disease. Iowa has the largest and fastest growing group of those 80 years of age and older of any State. Clearly, we in Iowa will have increasing numbers of people suffering from this disease. I believe that the State grant program called for in our bill would go a long way to helping States like Iowa implement improved services for Alzheimer's disease victims and their families.

Finally, I am particularly pleased that the bill reauthorizes the Alzheimer's Disease and Related Dementias Services Research Act of 1986, an act for which I, with Senator METZENBAUM, was primarily responsible. I believe that this act has been successful. I have already noted the work of the advisory panel. I understand that the National Institute on Aging has developed diagnostic protocols, called for by the act, which are widely used in the United States, and in which considerable interest has been shown in Europe. The resource center called for in the act is up and running.

Mr. President, I believe that we are introducing a piece of legislation with many exciting provisions. If enacted, and if those who appropriate funds can find the money for it, it should bring us closer to the day when we can prevent people from getting this disease, or can cure it.

By Mr. HOLLINGS:

S. 2603. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL TRADE COUNCIL ACT OF 1990

Mr. HOLLINGS. Mr. President, no problem we face—and we face many—holds more peril to our future than the growing noncompetitiveness of the U.S. Government in the global economic contest. In calendar year 1989, we suffered a trade deficit of $108.6 billion, and this year that will rise easily, unless we sober up and straighten out our Government's twisted sense of priorities. Just as surely as $200 billion budget deficits have busted the Federal Government, our gigantic trade deficits are breaking the ecomony. Indeed, this Nation of once huge trade surpluses—this country of Yankee traders, hard bargaining, and world commerce—has come a cropper. We are now, believe it or not, the largest debtor in the world, in hock to everyone else. Worse, at the whim of the world, for if these other investing countries decide to pull the plug on America and take the billions they have invested here home, we would be washed right down the money drain.

There is no mystery as to the cause of our trade malady. Oh, some will tell you that it's because other peoples have surpassed the American worker in productivity. That is profoundly false. The Bureau of Labor Statistics and the chamber of commerce both agree that the American worker is still the most productive worker in the world. While the rates of increase here the past few years have lagged behind increases elsewhere, in absolute terms we are still measurably ahead in the productivity index. Others will argue that we lack the research and technology and this is wherein America fails. While it is true we have exported much of our expertise, America still has the lead in creativity, research, know-how, and industrial innovation. Nor is our problem any lack of competitive zeal among our business leaders and their employees. The captains of American industry have been retooling, modernizing, finding new ways to compete. Unfortunately, for want of encouragement to produce here at home, many have taken this know-how—and the jobs it produces—offshore. Not because they are unpatriotic, but because they are denied the help of their Government in the international trade competition.

This is the nub of the problem. All around this world of ours, countries are throwing their resources into taking over America's markets and picking off America's jobs. Governments everywhere work with business people to give them the advantage. They erect every sort of barrier imaginable—structural, legal, institutional—to keep our products out of their markets and they confer on their producers every advantage imaginable to corner our markets. Tax rebates on exported goods, complicated licensing requirements, lengthy inspection practices at the foreign dock, remote port facilities overseas, direct and indirect subsidies, government research and planning, government-backed loans, government procurement, government financing, government monetary and trade policies—you name it and it's being used against us even as we speak.

While other nations are down on the field competing for jobs, dollars, and markets, America sits up in the stands with our leaders caterwauling free trade, protectionism, free trade, protectionism as if the world hadn't moved on since the turn of the century. Their debate is as remote from the realities of today's world competition as the clipper ship is to the world of modern commerce. For in truth, what is at issue here is simple and stark. At issue are our jobs, our standard of living, our national security.

JOBS

Every billion dollars in America's trade imbalance is 25,000 lost jobs. Figure it out. Last year's trade deficit translates into 2,715,000 job opportunities lost to the United States.

STANDARD OF LIVING

The shirt I am wearing can be produced in Shanghai for 24 cents an hour. Would the free traders reduce America's standard of living to 24 cents an hour? Public policy exacts of America's industry certain costs of doing business. We require a minimum wage, a safe working place, product liability for defects, unemployment compensation, Social Security, clean air, clear water—together they constitute the American standard of living. Impose these standards on others and their costs rise too. But others don't require that standard. Safeguarding it is not undercutting any overseas comparative advantage. In this modern world, any product can be produced anywhere. The point is, we produce in a society where production must meet certain high standards vital to us all.

NATIONAL SECURITY

The United States is the leader of the free world. Upon the success of our economy rests the future of enterprise, the future of freedom. The world's leader cannot denude itself of the capacity to produce and still expect to lead. As a world power, we must have the capacity to produce steel, rubber, glass, textiles, machine tools, automobiles, rolling stock. You cannot deliver your wheat on an optic fiber. You cannot go to war in foreign uniforms. We cannot sustain without basic industry. We must disenthrall ourselves. What has been visited on basic industry is now experienced by every sector of American enterprise, including the electronics, computers, and high technology which were supposed to be our salvation.

Mr. President, Congress over the years has responded to our growing trade vulnerability. It has enacted statutes to protect against dumping, foreign subsidization, and other unfair and illegal trade practices being deployed against America. We have on the books a host of remedies which, if enforced, would level the field of play and give America's business and America's workers the chance to compete and show their stuff. We have countervailing duties, antidumping duties, section 301 actions, Super 301 actions, and section 337 actions. We have had escape clauses, peril points, and trigger prices put on the books. We have establishing agencies and tribunals to monitor America's trade condition. We have armed ourselves to compete.

Unfortunately, Presidents come to town and refuse to use the weapons provided. They get caught up in the State Department mentality of turning the other cheek whenever somebody infringes our markets. Because, after all, if we aren't nice to everyone, we won't have any friends left. This sounds nonsensical and is nonsensical, but that's been standard operating procedure down in Foggy Bottom and standard operating procedure in the Oval Office, too. And nowadays, that mentality is further entrenched by an overlay of free trade ideology making this administration and the Reagan administration even blinder than most of their dim-eyed predecessors.

Mr. President, after World War II, with communism on the march and America's well-being threatened, we instituted in the President's office the National Security Council. It was formed to coordinate the bureaucracies of the State and Defense Departments, to evaluate and distill the conflicting advice and competing constituencies of all the agencies of the Government involved in our national security. The object: to give the President the unvarnished facts and unbiased perspective from which to act quickly and effectively in the national interest. That procedure has served America well.

Now it is time to be equally serious about our dismal performance in the global economic contest. For on the outcome of this contest hinges perpetuation of our jobs, our standard of living, our very national security.

Today I introduce legislation to establish a Trade Council in the White House, analogous to the National Security Council. My legislation is patterned directly on the legislation which authorized the National Security Council. The Trade Council would coordinate all those departments and agencies of Government, and they are legion, who dip into trade policy. It would coordinate the Departments of State, Treasury, Commerce, Defense, Labor, Agriculture, and the U.S. Trade Representative into a coherent and competitive trade policy. Just as there is an assistant to the President for National Security Affairs, so would there be an assistant to the President for Trade Policy. The Council would be charged with advising the President on the totality of our competitive position and mandated to consider the standard of living and national security ramifications of America's trade policy.

The Trade Council would call on America's best and brightest in its deliberations. This legislation would provide an advisory board from science and education to counsel on research and technology. There would be an advisory council of business and labor to understand that in the enforcement of our laws, investments should go for jobs and increased productivity, and to ensure consideration of America's standard of living in all trade deliberations. There would be a food and fiber board advising the Trade Council so that once again we can become a reliable supplier of foodstuffs the world around.

A Trade Council brings a focus to trade decisions and provides the President with the unvarnished facts and the unbiased advice that only a council within the White House can provide. It makes no sense to continue down the road we have been traveling, with one agency deciding on relief only to have a bureaucrat in another agency or a Cabinet head in another department reverse the decision. A Trade Council confers on trade the high priority it demands. Don't come with suggestions simply to move the deck chairs around on the *Titanic*. That may improve the appearance of the ship on the surface, but the ship is sinking. America is sinking, and unless trade is given the focus and the priority attention which only a Trade Council can provide—unless there is a Trade Council above the bureaucratic fray to give the President what he needs to act—then we continue to sink until we are out of sight and out of breath.

By Mr. INOUYE (for himself, Mr. McCAIN, Mr. ADAMS, Mr. BINGAMAN, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. GARN, Mr. GORE, Mr. GORTON, Mr. HATCH, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. REID, Mr. RIEGLE, Mr. SHELBY, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 311. Joint resolution to designate the month of November 1990, as "National American Indian and Alaska Native Heritage Month"; to the Committee on the Judiciary.

NATIONAL AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH

● Mr. INOUYE. Mr. President, I am pleased today to introduce a Senate joint resolution designating the month of November, 1990, as the "National American Indian and Alaska Native Heritage Month."

As we near the 500th anniversary of the discovery by Columbus of American Indians, the time has come for American Indians and Alaska Natives, the original peoples of this land, to be honored and recognized by our country with the designation of a National American Indian and Alaska Native Heritage Month.

For the past 4 years, Congress has enacted legislation designating American Indian Heritage Week, thus ensuring eligibility for the establishment of a month of celebration. Our first Americans deserve a special month to honor their contributions as much as other Americans are recognized with a commemorative month every year.

One of the most important themes now being addressed by contemporary American Indians focuses on "the future of our children seven generations to come." This traditional approach to future planning brings to light historical and cultural approaches to protecting our environment, reinforcing our families, and preserving our rich, cultural heritage.

One goal is to bring elders together with the children so our senior citizens can benefit by teaching, while the children can benefit by learning traditional knowledge and the principles of respect. Together—young and old—we can go hand in hand, to ensure a brighter future for the coming generations.

A full month of celebration of the contributions of native Americans is necessary to assist educators, Indian and Alaska Native communities, and certain Federal agencies with their regular annual scheduling of cultural

events. There exists a growing need to help coordinate a united effort between schools, native American communities, and society as a whole in this celebration. Activities are planned that will focus on native American contributions, culture, religion, history, language, and art.

At schools across the country, native American speakers, artists, dancers, crafts people, story tellers, and Indian elders share their skills and knowledge with younger generations of Indians and non-Indians. For the Indian and Alaskan Native students, the positive benefits are increased pride and self-awareness. For the non-Indian students, the benefits are renewed appreciation of the culture and heritage of their first American friends and a better understanding of our shared history.

The month designated is during a time when fall harvest ceremonies are conducted by native Americans to give thanks for a good year's crop. National American Indian and Alaska Native Heritage Month will mark a time in which we as a nation can express our gratitude and appreciation for the contributions of the first Americans, the native Americans.●

ADDITIONAL COSPONSORS

S. 682

At the request of Mr. SIMON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," or "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 798

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 798, a bill to amend title V of the Act of December 19, 1980, designating the Chaco Culture Archaeological Protection Sites, and for other purposes.

S. 814

At the request of Mr. DOMENICI, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1214

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1214, a bill to provide that ZIP code boundaries may be redrawn so that they do not cross the boundaries of any unit of general local government.

S. 1349

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

S. 1628

At the request of Mr. BENTSEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1628, a bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1925

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1925, a bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes.

S. 1981

At the request of Mr. HOLLINGS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1981, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment and for other purposes.

S. 2003

At the request of Mr. HOLLINGS, the names of the Senator from Idaho [Mr. SYMMS], the Senator from North Carolina [Mr. SANFORD], and the Senator from Maine [Mr. COHEN] were added as a cosponsors of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2013

At the request of Mr. BRYAN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. FOWLER], and the Senator from Montana [Mr. BAUCUS] were added as a cosponsors of S. 2013, a bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System.

S. 2017

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2017, a bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program.

S. 2058

At the request of Mr. BRYAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2058, a bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions.

S. 2111

At the request of Mr. MATSUNAGA, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month."

S. 2158

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2240

At the request of Mr. KENNEDY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2240, a bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2545

At the request of Mr. BIDEN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 2545, a bill to amend title 18 of the United States Code, to in-

crease the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

S. 2579

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2579, a bill to amend the Export Administration Act of 1979.

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the names of the Senator from Texas [Mr. GRAMM], the Senator from Georgia [Mr. FOWLER], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. LIEBERMAN, the names of the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 276, a joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. ROCKEFELLER, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating July 19, 1990 as "Flight Attendant Safety Professionals' Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. MACK], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. WIRTH], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 281, a joint resolution to designate September 13, 1990, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 286

At the request of Mr. KERRY, his name was added as cosponsor of Senate Joint Resolution 286, a joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 290

At the request of Mr. ARMSTRONG, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Colorado [Mr. WIRTH], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 290, a joint resolution to designate the week of July 22, 1990, through July 28, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

SENATE JOINT RESOLUTION 293

At the request of Mr. RIEGLE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Wyoming [Mr. SIMPSON], the Senator from Delaware [Mr. ROTH], the Senator from Missouri [Mr. DANFORTH], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 293, a joint resolution to designate November 6, 1990, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. DODD], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 297, a joint resolution designating September 1990 as "National Craft Month."

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senator Concurrent Resolution 96, a concurrent resolution to urge the Administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services (GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE RESOLUTION 281—DIRECTING AN APPEARANCE BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, MDL—834, pending in the United States District Court for the District of Arizona, the ability of the Select Committee on Ethics to preserve the confidentiality of a preliminary inquiry into unsworn allegations of misconduct of Members of the Senate has been placed in issue;

Whereas pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, in support of the interest of the Senate in preserving the confidentiality of preliminary inquiries of the Select Committee on Ethics.

AMENDMENTS SUBMITTED

HATCH ACT REFORM AMENDMENTS

McCONNELL AMENDMENTS NO. 1591

Mr. McCONNELL proposed an amendment which was subsequently modified, to the bill (S. 135) to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes, as follows:

On page 4, after line 2 strike through line 21 and insert the following:

"§ 7323. Political activity authorized; prohibitions

"(a) An employee may take an active part in political management or in political campaigns, except an employee may not—

"(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

"(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

"(A) a member of the same Federal employee organization;

"(B) not a subordinate employee; and

"(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal employee organization; or

"(3) run for the nomination or as a candidate for * * *

"(b) No employee may knowingly solicit, accept, or receive a political contribution from any person for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of the employee's Federal employee organization, unless that organization—

"(1) provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement

of their employment) written notification presented in a manner to inform any such employee—

"(A) that an employee cannot be obligated to pay, through union dues or any other payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(B) that no employee may be required actually to join any labor organization;

"(C) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(D) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(E) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(2) the labor organization provides (for purposes of verifying the cost of such labor organization's exclusive representation services) to all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services, except that such examination shall, at a minimum, constitute a special report as interpreted by the Association of Independent Certified Public Accountants.

"(3) the labor organization maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (1).

"(4)(A) a labor organization that does not satisfy the requirements of subparagraphs (1), (2), and (3) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) of 316(b) of the Federal Election Campaign Act only with funds legally collected under this Act for its separate segregated fund.

"(B) for the purposes of this paragraph, subparagraph (A) or paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 7323A. PROTECTION OF EMPLOYEES FROM POLITICAL COERCION BY LABOR ORGANIZATIONS.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 611. POLITICAL COERCION BY LABOR ORGANIZATIONS.

"(a) It shall be unlawful for an officer, employee, or agent of a Federal employee labor organization to intimidate, threaten, coerce, or address an order to, or to cause to be expended any dues, fees, or assessments levied on the membership of the labor organization for the purpose of intimidating, threatening, coercing, or addressing an order to—

"(1) an employee within the labor organization's bargaining unit for the purpose of interfering with the right of an employee to vote as the employee may choose;

"(2) an employee within the labor organization's bargaining unit for the purpose of causing an employee to vote or to refrain from voting for any candidate or any measure in an election;

"(3) an employee within the labor organization's bargaining unit to make or refrain from making a contribution to a candidate, political party, or committee, or political cause of any kind; or

"(4) an employee within the labor organization's bargaining unit to engage in or refrain from engaging in any legal form of political activity."

"(b) A person who violates subsection (a) shall be fined not more than $5,000, imprisoned not more than 3 years, or both."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"611. Political coercion by labor organizations."

SIMPSON AMENDMENT NOS. 1592 AND 1593

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1592

On page 4, line 13, strike out all beginning with "Federal" through "organization" on line 14 and insert in lieu thereof "Federal labor organization as defined under section 7103(4) of this title".

AMENDMENT No. 1593

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof "Federal labor organization as defined under section 7103(4) of this title".

DOLE AMENDMENT NOS. 1594 THROUGH 1599

(Ordered to lie on the table.)

Mr. DOLE submitted six amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1594

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

AMENDMENT No. 1595

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Internal Revenue Service (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Internal Revenue Service (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

AMENDMENT No. 1596

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

AMENDMENT No. 1597

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

AMENDMENT No. 1598

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940,

by determinations of the Civil Service Commission under the rules prescribed by the President."

AMENDMENT No. 1599

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of the Defense Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of the Defense Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President."

DOMENICI AMENDMENTS NOS. 1600 THROUGH 1604

(Ordered to lie on the table.)

Mr. DOMENICI submitted five amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1600

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, (as amended by this Act) applies on whether such employees support the modifications on political activities as provided by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to the Congress.

AMENDMENT No. 1601

On page 4, line 4, strike out "An employee" and insert in lieu thereof "(a) Subject to the provisions of subsection (b), an employee".

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

On page 4, insert between lines 21 and 22 the following new subsection:

"(b)(1) An employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

"(2) No employee of any department or agency described under paragraph (3) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

"(3) The departments and agencies to which the provisions of this subsection apply are:

"(A) Department of Justice

"(B) Central Intelligence Agency

"(C) Internal Revenue Service

"(D) Federal Election Commission

"(E) National Security Council

"(F) National Security Agency/Central Security Service

"(G) Merit Systems Protection Board

"(H) Office of Special Counsel

"(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.".

AMENDMENT No. 1602

On page 4, line 11, strike out all beginning with the comma through "organization" on line 19.

AMENDMENT No. 1603

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to the Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code, (as amended by this Act) applies on whether such employees support the modifications dealing with soliciting, accepting or receiving political contributions as provided in section 7323 of this Act and by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of the enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to Congress.

AMENDMENT No. 1604

On page 9, insert after line 5 the following new subsection:

(d)(1) Notwithstanding the provisions of subsection (a), the provisions of this Act and amendments made by this Act shall not take effect until the date on which the Office of Personnel Management submits a report to the Congress that—

(A) includes the results of a scientifically based sampling survey of all employees to whom the provisions of subchapter III of chapter 73 of title 5, United States Code (as amended by this Act), applies on whether such employees support the modifications dealing with soliciting, accepting or receiving political contributions as provided in section 7323 of this Act and by the amendments of this Act; and

(B) such survey demonstrates that a majority of such employees favor modifications.

(2) No later than 120 days after the date of the enactment of this Act, the Office of Personnel Management shall conduct the survey described under paragraph (1) and report to Congress.

SIMPSON AMENDMENTS NOS. 1605 AND 1606

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to the bill S. 135, supra, as follows:

AMENDMENT No. 1605

On page 4, line 13, strike out all beginning with the word "Federal" through "organization" on line 14 and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(a)(4))".

AMENDMENT No. 1606

On page 4, line 19, strike out "Federal employee organization" and insert in lieu thereof:

"Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1990 had a multicandidate political commiteee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))".

DOLE AMENDMENT NO. 1607

Mr. DOLE proposed an amendment to the bill S. 135, supra, as follows:

On page 8, insert between lines 13 and 14 the following new section:

SEC. . EMPLOYEE REFERENDUM ON APPLICABLE LAW.

(a) Notwithstanding any other provision of this Act, each department and agency shall conduct a referendum of all employees (as defined under secion 7322(1) of title 5, United States Code, as amended by section 2(a) of this Act) in such department or agency to determine the provisions of law to apply to the political activities of such employees.

(b) The provisions of law described under subsection (a) shall be limited to—

(1) the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act; or

(2) the provisions of such subchapter as amended by this Act, and the other provisions of this Act.

(c) The Office of Personnel Management shall promulgate regulations—

(1) governing procedures and other matters for the conduct of such referendum which shall occur—

(A) no later than 120 days after the date of the enactment of this Act; and

(B) at such regular intervals, thereafter, as determined by the Office of Personnel Management, but in no event more often than every 5 years;

(2) providing that a majority of those employees voting in such a referendum shall determine which provisions of law shall apply; and

(3) informing and educating employees of the standards for political activities that apply to their department or agency.

(d) For any department or agency in which employees select the provisions of subchapter III of chapter 73 of title 5, United States Code, in effect before the effective date of this Act to apply in accordance with a referendum under this section, such provisions shall apply with the same force and effect of law as though the amendments in this Act had never been enacted.

(e) The provisions of this section shall take effect on the date of the enactment of this Act.

ROTH AMENDMENT NO. 1608

Mr. ROTH proposed an amendment to the bill S. 135, supra, as follows:

On page 4, line 11, beginning with the comma strike out all through line 19 and insert in lieu thereof "; or".

NOTICES OF HEARINGS

SUBCOMMITTEE ON EXPORT EXPANSION

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Export Expansion will hold a field hearing in Baltimore, MD, on Monday, May 14, 1990. The subcommittee will examine internal barriers to small business exports. The hearings will commence at 10 a.m. in the Constellation Room of the World Trade Center. For further information, please call Annie Lesher of Senator MIKULSKI's staff at 224-4654.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Commitee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, at 2 p.m., to receive testimony on the Trident missile and submarine programs in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, at 9:30 a.m. The committee will hold a hearing on the Small Business Administration's Small Business Investment Companies Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 9, at 10 a.m., to hold a hearing on the future of NATO strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 9, 1990, to receive the annual report of the Postmaster General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 9, beginning at 10 a.m., to conduct a hearing on the highway trust fund, related Federal-Aid Highway Program financing and policy issues, and certain legislative proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 9, 1990, at 9:30 a.m. to hold a hearing on S. 1981, legislation to lift the manufacturing restriction on the Bell operating companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on May 9, 1990, at 2 p.m. to hold a hearing on the Coastal Zone Management Act and S. 1189, the Coastal Zone Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 9, at 10 a.m., for a hearing on the Homelessness Prevention and Community Revitalization Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TEST-TUBE TOAST TO ROGER BRANDT

● Mr. SIMON. Mr. President, I would like to bring to your attention a unique individual who is working to excite Illinois youth about education. Mr. Roger Brandt is a resident of St. Charles, IL, and a volunteer at the Wild Rose Elementary School. He is a senior citizen and the adopted grandfather of a fourth grade class at the Wild Rose School. Twice a month he supplements their regular science class with new concepts and experiments that he ties into the curriculum.

Mr. Brandt integrates his working knowledge of science with a sense of responsibility to inspire the students in this area. He feels that students need to be carefully introduced to science so that they will be excited rather than intimidated by it. Mr. Brandt gives to his community in a way that few individuals do, he shares his time, energy, and knowledge in order to stimulate an interest in science among his adoptive fourth grade class.

The dedication of one man has enhanced the educational experience of a whole class of students. I urge my colleagues to recognize the outstanding achievement of Mr. Brandt and to note the success that can be gained through human commitment. I ask that a letter from the fourth grade class be printed in the CONGRESSIONAL RECORD.

The letter follows:

WILD ROSE ELEMENTARY SCHOOL,
St. Charles, IL, April 2, 1990.

Senator PAUL SIMON,
230 South Dearborn,
Chicago, IL

DEAR SENATOR SIMON: We are fourth grade students at Wild Rose School in St. Charles, Illinois. Mrs. Janice Rey is our science teacher.

A man named Roger Brandt comes to our science class twice a month to teach us concepts in science. He is a senior citizen who lives in St. Charles and is our adopted grandfather. He is a great man. He gives us his time and has inspired us to strive forward in science.

We are writing to you to request a letter of recognition for Mr. Roger Brandt, who volunteers his time so that we might know more about our world.

We appreciate your taking the time to read our letter. We hope that you will respond with a letter of appreciation for Mr. Brandt.

Sincerely,

4R WILD ROSE SCHOOL.●

HONORING THE 100TH BIRTHDAY OF MAY DAY PAGE

● Mr. HATFIELD. Mr. President, I want to call the Senate's attention to a momentous event which occurred on Tuesday, May 1, 1990. On that day, May Day Page, widow of former

Oregon Supreme Court Justice E.M. "Max" Page, celebrated her 100th birthday.

The Supreme Court of the State of Oregon has issued an order honoring Mrs. Page and has requested that this order be printed in the CONGRESSIONAL RECORD. It is indeed an honor to comply with this request.

Mrs. Page currently resides in Salem, OR, a few blocks from the Supreme Court Building where her late husband served as an Associate Supreme Court Justice from July 1949, through January 18, 1950, when ill health forced him to resign. From January 1941, until his appointment to the Supreme Court, Justice Page served as a circuit court judge in the Third Judicial District (Marion County) of Oregon. He served with great distinction in each of these positions.

May Day Tate married Everill Maxwell Page on December 31, 1922. They had one son, Richard Max Page and one granddaughter, Martha Ann Page. It is with great joy that I extend congratulations and best wishes to Mrs. Page and her family on the occasion of her 100th birthday.

I ask that the order of the Oregon Supreme Court offering their congratulations to Mrs. Page on her 100th birthday be printed in the RECORD immediately following my remarks.

The order follows:

THE 100TH BIRTHDAY OF MAY DAY PAGE, WIDOW OF FORMER SUPREME COURT JUSTICE E.M. "MAX" PAGE

The Court joins the family and friends of May Day Page in recognizing the occasion of her 100th birthday on Tuesday, May 1, 1990. Mrs. Page currently resides in Salem, Oregon, a few blocks from the Supreme Court Building where her late husband, E. M. "Max" Page served as an Associate Supreme Court Justice from July, 1949, through January 18, 1950, when ill health forced him to resign. From January, 1941, until his appointment to the Supreme Court, Justice Page served as a circuit court judge in the Third Judicial District (Marion County) of Oregon.

May Day Tate married Everill Maxwell Page on December 31, 1922. They had one son, Richard Max Page and one granddaughter, Martha Ann Page: It is

Ordered, That this order be published in the Oregon Reports and copies forwarded to May Day Page and her son, Richard Max Page: It is further

Ordered, That a copy of this order be forwarded to the Honorable Mark O. Hatfield, United States Senator for the State of Oregon, for inclusion in the Congressional Record.

Dated this 27th day of April, 1990.

EDWIN J. PETERSON,
Chief Justice.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., May 7, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1990 and is current through May 4, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 concurrent resolution on the budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, dated April 30, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS., AS OF MAY 4, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget Authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	3,011.6	3,122.7	−111.1
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 106. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

THE CURRENT LEVEL REPORT 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAY 4, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to states for AFDC work programs	15	15	
Payments to states for foster care	−85		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of May 4, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolutions		3,960	
Under budget resolutions	3,495		5,234

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

FORMER SENATOR HIRAM L. FONG ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, I would like to share with all Senators a letter I have recently received from former Senator Hiram L. Fong of Hawaii, in support of congressional term limitation. His tenure of 18 years proves again that there is nothing inconsistent in supporting term limitation and staying in Congress. No Senator should bind him or herself to a rule that does not apply to all others, and no State should be disadvantaged in that way.

The most recent cosponsor of Senate Joint Resolution 235 is Senator THURMOND, who is running for his seventh term. I ask that former Senator Fong's letter appear in the RECORD immediately following my remarks, and I urge all Senators to join in this urgent reform.

The letter follows:

APRIL 9, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUMPHREY: I have your letter of March 29, 1990.

I do support Senate Joint Resolution 235 limiting Senators to two six-year terms and Representatives to six 2-year terms.

With warmest aloha,

Sincerely,

HIRAM L. FONG,
U.S. Senator, Retired,
Hawaii 1959-77.●

EL SALVADOR PEACE, SECURITY, JUSTICE, AND DEMOCRACY ACT OF 1990

● Mr. LUGAR. Mr. President, I ask that the text of my bill, S. 2592, to implement United States policy toward El Salvador and to provide for conditions on assistance to El Salvador be printed in the RECORD.

The text of S. 2592 follows:

S. 2592

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 "El Salvador Peace, Security, Justice, and Democracy Act of 1990".

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to strengthen democratic institutions and practices, encourage economic growth, and promote a lasting negotiated settlement to the armed conflict in El Salvador;

(2) to support the Declaration of San Isidro and the Central American presidents' call to the Farabundo Marti National Liberation Movement (FMLN) to cease all hostilities, restart the peace dialogue, and to renouce all violence affecting the civilian population;

(3) to promote greater respect for human rights by both sides in the armed conflict and to condition United States assistance on the determination by both sides to investigate thoroughly, and cooperate in the prosecution of those responsible for, the murders of Salvadorans, including those murdered at the University of Central America and San Sebastian and the murders of officials in the Government of El Salvador;

(4) to support the separation of all police functions from the command and control of the Armed Forces of El Salvador and to reconstitute the police force as a civilian force directly responsible to, and under the control of, civilian authority;

(5) to support the call of the Central American Presidents for a regional reduction in the military balance upon completion of successful negotiations to terminate the armed conflict in El Salvador;

(6) to promote reform of the judicial system in El Salvador leading to the establishment of a strong, independent justice system; and

(7) to condition and redirect United States assistance to further these goals, to strengthen the role of civilian authority, and to ensure that all United States assistance is administered effectively and efficiently for the purposes for which it was intended.

SEC. 3. CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR.

(a) IN GENERAL.—Military assistance provided for El Salvador for fiscal year 1991 shall be subject to the limitations and restrictions made by this section.

(b) LIMITATION.—No more than $85,000,000 in United States military assistance may be provided to El Salvador in fiscal year 1991.

(c) RESTRICTIONS.—No military assistance shall be provided to the Government of El Salvador if that Government—

(1) declines to participate in good faith negotiations with the FMLN to terminate the hostilities;

(2) fails to support an active role of the Secretary General of the United Nations in these negotiations;

(3) fails to conduct a thorough and professional investigation into, and prosecution of those responsible for, the murders of Salvadorans, including the eight murders at the University of Central America;

(4) has not taken concrete steps to separate law enforcement forces from the Armed Forces of El Salvador; or

(5) has not taken appropriate measures to protect the constitutionally guaranteed activities of all groups in El Salvador.

(d) OBLIGATION OF FUNDS.—Of the military assistance funds made available for fiscal year 1991, no more than $50,000,000 may be obligated to the Government of El Salvador after October 1, 1990, and before April 1, 1991, and no more than an additional $35,000,000 may be obligated after April 1, 1991.

(e) ESTABLISHMENT OF ESCROW ACCOUNT.—(1) Twenty percent of the funds allocated to the Government of El Salvador on or after October 1, 1990, and before April 1, 1991, and forty percent of those funds allocated to the Government of El Salvador after April 1, 1990, pursuant to subsection (d), shall be withheld from obligation or expenditure and shall be covered into a separate escrow account to be established in the Treasury of the United States and to be used only in accordance with paragraph (2).

(2) Whenever the President determines that negotiations to terminate the armed conflict in El Salvador and to reintegrate FMLN forces into Salvadoran society have been successfully completed, the President is authorized to use the funds described in paragraph (1) for the purpose of assisting the process of reconciliation, cease-fire monitoring, and the repatriation, retraining, and reemployment of former members of the Armed Forces of El Salvador and the FMLN.

(f) WAIVER OF LIMITATIONS AND RESTRICTIONS.—Military assistance may be provided to El Salvador without regard to any limitation contained in subsection (b), (c), or (d), and any funds covered into the escrow account established by subsection (e) shall be available for military assistance to El Salvador without regard to subsection (e), if the FMLN—

(1) declines to participate in good faith negotiations with the Government of El Salvador to end the armed conflict in El Salvador;

(2) fails to support an active role for the Secretary General of the United Nations in these negotiations;

(3) conducts a sustained military offensive which increases the risk to noncombatants in El Salvador;

(4) fails to cooperate in investigating and prosecuting those members of the FMLN responsible for human rights abuses, including politically-motivated murders of Salvadorans; or

(5) is continuing to acquire or receive significant quantities of lethal military equipment from outside El Salvador, as determined from evidence obtained by the United States Government, and this evidence is shared with the Congress.

(g) SUPPORT FOR THE CIVILIAN GOVERNMENT OF EL SALVADOR.—No United States military assistance funds provided in fiscal year 1991 (including available appropriations from a previous fiscal year) shall be obligated or expended by the Armed Forces of El Salvador without the prior approval of the democratically-elected President of El Salvador or his civilian designee.

SEC. 4. PRESIDENTIAL REPORTS.

(a) CONTENT OF REPORTS.—Not later than November 1, 1990, and not later than May 1, 1991, the President shall submit a detailed report to the Congress describing the extent to which the Government of El Salvador and the FMLN are each contributing to United States policy goals set forth in section 2 and meeting the conditions described in section 3. These reports shall also describe actions of the government of El Salvador, including the Armed Forces of El Salvador, and of the FMLN that are having significantly positive or negative impact on the basic human rights of the Salvadoran people.

(b) CONSULTATION WITH PRIVATE ORGANIZATIONS.—To the extent practicable, the President should consult with informed, private organizations in the United States and Central America in preparing reports under this section.

SEC. 5. SUPPORT FOR DEMOCRACY PROGRAM.

(a) IN GENERAL.—The Secretary of State, through an agreement with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political and legal institutions in El Salvador. The program shall be designed—

(1) to assist and involve all prodemocratic sectors of El Salvador in efforts to strengthen civilian control over the armed forces;

(2) to establish an effective independent judicial system;

(3) to facilitate the free, fair, and open exchange of political views;

(4) to provide for monitoring of elections; and

(5) to increase respect for basic civil and human rights.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1991 to carry out this section consistent with the authorities of chapter 4 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 6. DEFINITION.

For purposes of this Act, the term "military assistance" means—

(1) assistance under chapter 2 (relating to military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(2) sales, credits, or guarantees under the Arms Export Control Act.●

PEACE AND DEMOCRACY IN EL SALVADOR ACT

● Mr. HARKIN. Mr. President, on February 21, Czechoslovakia's President Vaclav Havel, in a historic address before Congress, described to us these "historic times * * * which leave us no time to be astonished."

The wave of freedom that has swept over Eastern Europe the past year is now rushing toward the shores of El Salvador.

The most significant development of the past several years in El Salvador occurred on April 4 when the Salvadoran Government and Farabundi Marti Liberation Front [FMLN] announced they had agreed to negotiations mediated by the United Nations. At those negotiations, the warring parties will discuss an end to the 10-year civil war and the creation of conditions under which the rebels will lay down their arms and participate in national elections scheduled for next March.

Equally important—in terms of our domestic politics—United States Secretary of State James Baker has begun discussions with congressional leaders to reach a bipartisan approach to El Salvador. However, in their zeal to achieve consensus on United States policy, key negotiators, from both Congress and the State Department, must not lose sight of the harsh realities of El Salvador.

Specifically, negotiations between President Cristiani and the rebels should not be used as a ploy to continue current United States policy of writing blank checks to the Salvadoran military.

We must not forget that the Salvadoran security forces, which 10 years of United States assistance has helped transform into the most powerful political and economic force in El Salvador, poses one of the most significant threats to peace, stability and democracy in that country. Ironically, the Salvadoran military, which we funded in order to save El Salvador from communism, has become one of the biggest obstacles to the creation of democracy in that country.

The State Department and Congress may not face the consequences of their amnesia. But the Salvadoran people—who have endured the deaths of 70,000 of their brothers and sisters, most at the hands of the Salvadoran Army—will suffer because of their ignorance.

Just 5 months ago, while Nicolae Ceausescu and his hated security forces were being hounded from power in Romania, members of the Salvadoran Army assassinated six Jesuit priests, their housekeeper and her daughter.

Several weeks following the November 16 murders, President Cristiani, in an act which surprised but pleased many of his critics in Congress, arrested and indicted three officers, five enlisted men, and a colonel for their role in the crime.

But Cristiani's power to buck the Salvador military appears shortlived. Colonel Benavides, who allegedly ordered the massacre, has not been stripped of his rank, still draws full pay, is held at a comfortable apartment at National Police Headquarters, and has even been seen sunning himself at the beach.

To make matters worse, Cristiani has publicly expressed his doubts that Colonel Benavides will be convicted.

The New York Times of May 7 reports that the Salvadoran military has created more obstacles to the investigation of the Jesuits' murder by transferring abroad four soldiers who may have evidence linking Colonel Benavides and other high officers to the murders. Also missing are Benavides' diaries.

Should we be surprised? Are we shocked that the Salvadoran military would flaunt its power, embarrass President Cristiani, and, despite international attention and outrage, press for the release of the highest ranking officer in the Jesuits' case?

We should not be. For 10 years, the United States Government has tolerated equally horrific behavior by the Salvadoran security forces, as well as the Salvadoran Government.

After 10 years, 70,000 deaths, United States aid still flows, totaling more than $4.5 billion. Simply, when it comes to United States administrations' concerns over human rights, the Salvadoran military has learned not to read United States officials' lips but to count their checks.

Despite United States officials' public statements, the Salvadoran military knows it can count on United States dollars, which continue to pour into its pockets, Salvadoran banks, as well as its Miami bank accounts.

Mr. President, how is that $1 billion in aid to the Salvadoran military being used? On this point, the Interim Report of the [House] Speaker's task force on El Salvador, also known as the Moakley task force, found that seven of the nine soldiers charged in the Jesuits case were trained just 3 days before the murders by a United States Special Forces Detachment.

The seven, all of whom were members of a special commando unit of the Atlacatl Battalion, received instruction from November 11 to 13 in "techniques of fire and maneuver, rapid fire techniques, M16 zero fire, and preparation of arms and equipment for a patrol."

U.S. training may have succeeded in making these men better killers, but we should not be in the business of training death squads.

After 10 years and $4.5 billion, the United States has helped transform a 14,000 strong security force, which served to protect the Salvadoran oligarchy, into a 52,000 army which is now an economic rival to the business sector.

It is an armed force that equals Ceausescu's hated police forces in terms of brutality.

And an army which rivals Noriega's defense forces in terms of corruption.

Yet, the Reagan and now the Bush administration has protected these security forces from scrutiny and from conditions.

Serious questions can be raised concerning the administration's efforts to uncover those who ordered, not just carried out, the Jesuits' murder.

We know that the Salvadoran high command, including Army Chief of Staff Ponce, former Air Force Commander General Bustillo, as well as Colonel Benavides, held a meeting on the evening of November 15, several hours before the Jesuits were murdered in the early morning hours of the 16th.

At that meeting, several issues were discussed, and several conclusions were reached concerning the military's response to the rebel offensive that had begun several days earlier. The army command, according to several sources, decided to make greater use of air power to thwart rebel advances in San Salvador, and, according to sources, issued a blanket order to wipe out those who sympathized and gave succor to the FMLN.

On February 8, I questioned Assistant Secretary of State for Inter-American Affairs Bernard Aronson about what we know of the November 15 meeting, and asked for the list of

those officers who attended that meeting, and whether any of those have taken a lie detector test. To this date, I have not received a response. But to my knowledge, none of the members of the high command who attended that meeting has received such a test.

Yet Lucia Cerna, the first witness to the massacre, has not only been given several lie detector tests but has been forced to endure 4 days of severe questioning by United States officials and a Salvadoran officer, without benefit of counsel.

Furthermore, Maj. Eric Buckland, who was told in December by a Salvadoran colonel that Colonel Benavides was responsible for the Jesuits' slaying, has been given lie detector tests.

United States officials, pointing to the results of Mrs. Cerna's tests, spread the word in El Salvador that her testimony was worthless. They have also tried to discredit Buckland by painting him as emotionally unstable.

Yet, the United States has not compelled the Salvadoran high command to similar tests, and the highest ranking officer in the Jesuits case suns himself on the beach.

Is it no wonder that the Salvadoran military thinks that Benavides can walk without suffering the consequences?

United States unwillingness to tame Salvadoran security forces and compel them to accept the rule of law is not new.

Remember the kidnap-for-profit ring?

Early in 1986, the Salvadoran Government broke a multimillion dollar kidnap ring, arrested several members of the Salvadoran security forces, and detained then Lt. Col. Roberto Mauricio Staben.

As the State Department is well aware, Staben, an associate of retired Maj. Roberto D'Aubuisson, was an active participant in right wing death squad operations carried out during the early years of this decade. In April 1986, he was described in a sworn statement by fellow conspirator Rodolfo Lopez Sibrian, as the intellectual chief of the kidnap-for-profit ring.

Despite this allegation, and despite his past crimes, no disciplinary or legal action of any kind has ever been taken against Colonel Staben. Recently, Staben has been reassigned to the Salvadoran Embassy in Honduras.

Staben never took a lie detector test.

Staben is still a full colonel in the Salvadoran Army.

Another case which Secretary Baker should not forget is that of Col. Elmer Gonzalez Araujo.

According to the Justice Department prosecutor in the Nordac case, involving the purchase by the Salvadoran Army of defective ammunition from the Nordac Manufacturing Co., in Virginia, Colonel Araujo received bribes in connection with the ammunition sale as a result of his position as chief of the Salvadoran buying commission.

Previously, Araujo had served as military commander of Sonsonate Department where, in February 1983, he ordered officers under his command to murder dozens of unarmed compesinos involved in a land dispute—the Los Hojas massacre.

Despite his involvement in the Los Hojas and Nordac cases, no legal or disciplinary action against Araujo has been taken.

Araujo and Staben are not the only participants in this network of corruption and murder infesting the Salvadoran military. Tragically, the U.S. aid program has contributed to the problem.

Instead of fostering reform, the American money has been absorbed into a network of corruption and patronage that has grown up over half a century, and has made the Salvadoran military an empire unto itself.

This is one of the conclusions of Joe Melman in his December 1989 New York Times Magazine piece.

Melman presents a picture of the Salvadoran military as a powerful institution grown untouchable on the spoils of a lucrative war.

It is a military that has grown so wealthy that it owns its own bank, with $100 million in reserves. It owns an oceanside resort, and is developing a 500-lot housing development.

It even has investments in the funeral business.

With United States aid, the Salvadoran military has transformed itself into the most powerful economic and political force in El Salvador. But it has fallen far short of U.S. planners' expectations when it comes to performance on the battlefield.

United States policymakers contribute to a conspiracy of silence about the real situation in El Salvador. They spout bright shining lies about democracy and about a military under civilian control.

But these lies carry little weight in El Salvador, where people must endure the tragic truths stemming from the bankruptcy of United States policy.

I consider it more critical now, as talks among Salvadorans are underway, for some in Congress to expose the deception underlying United States policy and not once again be seduced into silence by the prospect of bipartisan policy toward El Salvador.

For this reason, I have decided today to become a cosponsor of Senator KERRY's Peace and Democracy Act, S. 2083. This bill would cut off all United States military aid and most economic aid to El Salvador unless and until that country undertakes long overdue reforms and takes seriously negotiations to end the civil war.

This legislation is directed not at President Cristiani but at the Salvadoran military which holds the ultimate veto over Cristiani and his efforts to bring peace to El Salvador. The Kerry bill signals the Salvadoran military that it's time that it adopt the rule of the civilized world and accept the establishment of a civil society in El Salvador.

Vaclav Havel spoke of democracy and how democratic ideals stirred the imagination and the actions of his fellow Czechs and Slovaks to abandon communism and return to their humanistic traditions.

In El Salvador, the United States has betrayed those democratic values. And our policymakers have undermined their professed concern for democracy, human rights and the rule of law by consistently tolerating the violation of those principles by the Salvadoran military.

The reason for this inconsistency is simple.

For 10 years, the United States has sacrificed our democratic ideals to our fear of communism. Now, the cold war is over. And the winds of freedom sweeping Communists from power in Eastern Europe are destroying the last defense of the Salvadoran military and its excesses.

For the sake of peace, for the safety of the real democrats in El Salvador, that cord linking the Salvadoran military to the United States must soon be cut.

This legislation sends a signal that the Salvadoran military must enter the civilized world and accept the creation of a civil and democratic society in El Salvador.

I ask that certain articles be printed in the RECORD.

The articles follow:

[From the Des Moines Register, Apr. 21, 1990]

CUT OFF THE COLONELS

President Bush is asking Congress to provide another $66 million in military assistance to El Salvador, along with $229 million in economic aid. How much should Congress approve? Perhaps a substantial chunk of the economic assistance, but not a penny of military aid until the San Salvador government can demonstrate that it is committed to negotiating an end to the country's civil war, and to bringing to justice the persons who are responsible for killing six Jesuit priests last November.

The collapse of the Sandinista government in Nicaragua has opened new opportunities for peace throughout Central America, including El Salvador. But so far there's been too little indication that El Salvador's civilian government is fully in control of its military and its justice system.

Rebel leaders and government officials have agreed to enter United Nations-sponsored talks early next month. But demands made by the rebels—the prosecution of officers accused of civil-rights violations, and a separation of the military from the country's internal security forces—in return for peace concessions haven't been accepted by the military. Perhaps when the officers realize that such short-sightedness will cost

them U.S. assistance, they'll be a little more willing to come to terms.

Similarly, even El Salvador's president, Alfredo Cristiani, says it is unlikely that the colonel accused of masterminding the slaughter of the Jesuits will be convicted. Again, the military is so powerful that it may prevent the justice system from considering the case against the colonel.

Congress, which soon will take up the El Salvadoran question, has before it proposals to reduce if not eliminate the Bush military-aid proposal. Supporters of military aid say it is necessary to keep the rebels from prevailing. But that's what they've been saying for years. Now, 70,000 deaths and $4.5 billion U.S. dollars later, the two sides have battled to a draw. The government still has been unable to reduce sufficient reforms to gain the support it needs from the Salvadoran people.

Clearly, pouring money into a corrupt military structure has served only to prolong the agony. Ending U.S. military support will send a strong message to Cristiani's government and the country's military leaders that Washington is serious about the cause of justice and human rights throughout Central America.

[From the Washington Post, Feb. 22, 1990]

COLONEL CHARGED IN JESUIT KILLING LIVES IN LUXURY

(By Douglas Farah)

SAN SALVADOR.—Col. Guillermo Alfredo Benavides, accused of ordering the killing last November of six Jesuit priests, is being held in a luxury apartment in the National Police headquarters, rather than a prison cell, and receives regular visits from fellow officers helping to plan his defense, according to U.S. and Salvadoran officials.

Senior military officials also say Benavides has been seen in recent days in a luxury hotel owned by the military on the Pacific Coast, indicating that he is not confined to the National Police headquarters as officially reported.

The special treatment accorded Benavides has angered not only the U.S. Embassy and government officials, the sources said, but younger officers, because the three lieutenants also charged in the case are not receiving the same treatment, although they have not been jailed, either.

Benavides is a member of the large and influential military academy class, or tanda, of 1966, known as the Tandona. His classmates hold most of the top command positions in the military.

"I understand Benavides is not suffering in captivity, that he has all the comforts," said a senior U.S. Embassy official here. "He is visited regularly by his Tandona mates, who give him comfort. I find that kind of shocking. The Tandona certainly must recognize how it appears to be gathering around and protecting at all costs a member who may have committed such a heinous crime. It is not to the Tandona's credit that they are doing that."

Six Jesuit priests, their housekeeper and her daughter were killed Nov. 16, and nine members of the army, including Benavides and the three lieutenants, have been charged in the case.

"If Colonel Benavides gave that order, he should be punished," said U.S. Ambassador William Walker. "If his fraternity of officers does not understand that, they should all go on to second careers."

The United States gives El Salvador $438 million a year in direct economic aid, credits and military aid to support the government against a Marxist-led insurgency.

Benavides "has a private apartment. He receives private visits and special food," a senior government official said, "He is very comfortable."

He said the lieutenants were being held in much smaller quarters and accorded far fewer privileges, following the letter of military law. He said this has angered their classmates, who fear that Benavides will be freed because of Tandona pressure and that the junior officers will be punished for murders they say they were ordered to carry out.

The official said President Alfredo Cristiani is not happy with the comfort afforded Benavides but that Cristiani feels the situation is tolerable as long as Benavides remains confined.

This latest clash comes as the high command, mostly members of the Tandona, is under great institutional pressure. There is a growing feeling among senior officers that the U.S. Embassy and younger officers are conspiring to get rid of them.

The internal conflict is not just a result of the handling of Benavides and the investigation into the Jesuit killing but goes to the heart of the traditional military system, which is based on the tanda structure.

"I am more and more convinced the great impediment to the greater professionalization of the armed forces is the tanda system, where the tanda is the first loyalty, not the institution or the country," the senior U.S. official said. "That is what the Tandona support for Benavides shows." Younger officers, who have been clamoring for a greater say in running the war, were stunned at the end of January with the announcement of long-awaited military changes that were supposed to open the way for them.

Instead of moving out Tandona members who are viewed as corrupt or incompetent, members of the Tandona were reshuffled among different commands, and no commands were given up.

"Those changes were a direct slap in the face to the rest of the army," said one top military officer.

The officer under the most pressure is Col. Rene Emilio Ponce, military chief of staff and Tandona leader, who has promised to move up younger officers but is having difficulty doing so because of his loyalty to his classmates. Ponce is well-liked by the United States and respected by other officers, but he has antagonized many of his classmates in the latest infighting, military sources said.

The tension inside the military could turn into a major political problem for Cristiani.

Senior government officials said Ponce, who was to become minister of defense in January, has been told by Cristiani that the colonel will not be promoted until he moves out his Tandona mates who have not performed well or have heen involved in human rights abuses or corruption.

The officials said that, for the moment, younger officers were giving Cristiani the benefit of the doubt on his ability to restructure the military, and that Cristiani believes Ponce could pull it off.

"But they could lose confidence in the president," said one source close to Cristiani. "That could provoke an institutional coup d'etat, and that would be crisis."

The crisis already has almost reached the boiling point, according to senior military officials. In early February, older officers, angry at being pushed aside by the Tandona, tried to ally with younger officers to throw out members of the Tandona, but the move was blocked. At the same time, the air force, considered essential to the war against Marxist-led insurgents, is publicly feuding and split into two factions, each pushing its leader as the next commander.

[From the New York Times magazine, Dec. 10, 1989]

EL SALVADOR'S ARMY: A FORCE UNTO ITSELF

(By Joel Millman)

It was a scene Salvadorans had hoped they would never see again. On Nov. 16, while a full-scale battle raged between the Salvadoran Army and leftist rebels in the streets of the capital, the bodies of six Jesuit priests murdered in the night lay strewn across a university campus. A witness said the killers had been soldiers in uniform.

Overnight, El Salvador had been pulled back to its awful past. For a decade, American military advisers, diplomats and reporters had been proclaiming that the Army had improved, that it was growing better able by the day to fight a difficult war. The Salvadoran armed forces, which during the early 1980's had been blamed for the murders of four American churchwomen and scores of Salvadoran civilians, were now described as mature, democratic and reformed.

After 10 days of fierce fighting in the capital, the Army managed to turn back the guerrilla offensive—but at a tremendous cost in resources and its own prestige. Once again, it had misjudged the strength of the rebel Farabundo Marti National Liberation Front and ignored its own intelligence reports suggesting the guerrillas were moving their forces into the city. Despite the $1 billion in military aid the United States had given during the last decade, Washington could no longer claim that the Salvadoran military would be able to end the war soon.

But though the Army's reputation as a "mature" military force had been shattered, its political power remained undiminished. Throughout the offensive, the civilian President, Alfredo Cristiani, promised his people repeatedly that the soldiers would respect the lives of noncombatants—promises that were belied by the Army's tactics.

The Army bombed and strafed the neighborhoods of the capital, killing and wounding hundreds of civilians. These casualties, together with Cristiani's reluctance to even acknowledge the possibility of Army involvement in the Jesuits' murders—he suggested, against all evidence, that the rebels were responsible—convinced many Salvadorans of what they had suspected all along: Despite claims of "reform" and "progress," in El Salvador no civilian government controls the military.

"I love that word, 'progress,'" said Col. Robert M. Herrick, until 1987 the head of an American Army think tank monitoring the war. "We've had 'progress' every year since the war began. The war should have been over a long time ago."

One billion dollars in American military aid seems to have bought an army big enough to survive its own mistakes, and powerful enough to resist any effort to reform it—to end pervasive corruption or weed out corrupt officers. Instead of fostering reform, the American money has been absorbed into a network of corruption and patronage that has grown up over half a century, and has made the Salvadoran military an empire unto itself.

Officially, the Salvadoran military denies charges of systemic corruption. After more than a year spent studying the empire, however, including interviews with many senior Salvadoran officers—most of whom would speak only on condition that they not be named—a picture emerges of an already powerful institution grown virtually untouchable on the spoils of a lucrative war.

At first glance, El Salvador's military academy, the Escuela Militar Capitán General Gerado Barrios, could be the athletic complex of a large Midwestern university. Instead of trophies, there are polished brass shells and the seals of Army units. Along one wall, the framed face of each academy comandante stares implacably from behind his pane of glass: Prussian and Chilean officers dominated during the early years, then came Americans, and finally Salvadorans.

A plaque recalls the 50th anniversary of the school's 1936 class—the men who fought with Maximilliano Hernández Martinez to suppress a peasant revolt, leaving 20,000 campesinos dead and General Hernández in power for more than a decade. In 1944, rival officers overthrew him, and so began the 35-year coup-begets-coup cycle that until this decade defined Salvadoran politics, and gave Escuela Militar its nickname: "School of the Presidents."

It is a tough school. Many more cadets are accepted than can ever rise to positions of power, so attrition begins the first day. There are forced marches, beatings, all-night calesthenics—ordeals designed to reduce each class to a hardened core of officers. The soft boys from the good families go first, followed by the scholars—those most equipped for success outside the military. The survivors are cloistered in the academy, isolated from a civilian world they are taught to view as decadent, amoral and corrupt.

Absolute obedience to authority and loyalty to one's own tanda—or academy class—are the foundations of the cadet's training. By graduation, the entering class has been reduced to perhaps one-fourth its size, and unbreakable alliances have formed among the survivors.

In a country of great scarcity, a military career is a poor boy's only sure path to the middle class. "Their goals are largely materialistic," Armando Interiano, a retired officer, says of the recruits. "It comes from growing up poor." Immediately after graduation, the cadet receives his first payoff: the right to import a car duty-free, a privilege he oftens sells to civilians. To insure their futures, cadets try to attach themselves to prosperous mentors, military or civilian.

Throughout the 1970's, military officers not only controlled the Presidency, but exercised, through the military's own political party—the Party of National Conciliation—a virtual monopoly on the country's political discourse. Officers fighting for promotions saw command positions as the equivalents of elected office.

An officer taking command of one of the three regional brigades had at his disposal a vast system of patronage and graft, with countless opportunities for enrichment. Colonels leased troops as guards or laborers to local businessmen, or even, in some cases, as hired killers to insure labor peace. And there was always money to be siphoned off from the base's payroll and food budgets.

The top commanders distributed the take among their allies. A captain or major waited patiently for his share. With coups almost always determining succession, every tanda pushed its most capable officers toward brigade commands, where they generated wealth to spread among the allied tandas, and guaranteed each clique enough firepower to survive changes at the top. "When I left in 1977," says one senior American diplomat now serving a second tour in El Salvador, "corruption was so prevalent, it was just about inconceivable that an officer would rise to a senior level wihout being corrupt."

During the early 1980's, as El Salvador's rebel insurgency grew and the American aid program expanded, American advisers arrived, bent on reform. The Americans encouraged rapid expansion of the officer corps, hoping to dilute institutional corruption by weakening the power of individual cliques. During the 1970's, 600 Salvadoran officers had ruled 15,000 troops. To these were now added more than 1,000 new officers drawn from the ranks of enlisted men and trained by Americans in the United States or Panama. Graduates of these "quickie officer candidate schools," it was hoped, would flood the Salvadoran Army with new leaders and begin eliminating the corrupt standards of the past.

It didn't work out that way. As the officer corps grew, so did the number of commands and the pool of enlisted men. The Army is now 57,000 strong. Instead of three brigades for the tandas to jockey for, there are now seven, and seven provincial commands, called detachments, with some 2,000 men in each. Each of the brigade and detachment commanders of El Salvador's 14 regional departments—the "Fourteen Warlords"—now commands as many men as the top three brigade commanders did during the 1970's.

"You're seeing second lieutenants with BMWs," says Capt. Joaquin Ventura, now retired from the Army. "Once you had to be a colonel to get rich, now even the lower ranks steal." The patronage system remains intact; indeed, the Tammany Hall-style rituals have become even more refined.

A visit with a partrol in the eastern garrison of San Miguel reveals the system at work. Of 12 soldiers interviewed, 11 were local compesinos who had been picked up by Army controls and forced into uniform. Only one was a veteran, a man who had reenlisted voluntarily. Though many soldiers might choose to re-enlist—jobs are scarce in Salvador—and the salary of a re-enlistee is nearly double that of a conscript—few commanders seem to care about retaining experienced soldiers.

In fact, many commanders do fill these reenlistment slots—with plazas ficticias, or "ghost soldiers." These are nonexistent soldiers, names added to the brigade's roster that draw salaries divertable into the brigade slush fund. Since the Salvadoran Army has no central roster, every year the 14 commanders divide 20,000 pay slots among them, to be assigned at the commander's discretion.

"Just about every brigade lists at least one 50-man company that isn't there," says one major. "Each of those 50 pay slots brings 500 colones"—equivalent to about $100—each month. Times 12 months that's $60,000."

It's more cost-effective to create imaginary re-enlistees than poorly paid recruits. Thus, the Army does little to encourage reenlistment, and some commanders actively discourage it; battlefield experience is sacrificed for graft. Meanwhile, every time a soldier deserts, or dies in action, the commander can add to his list of ghost soldiers, earning himself yet another salary.

The rapid growth of the officer corps, far from eliminating such abuses, has actually worsened them. With more and more eager young officers pushing for promotions, commands are changed more frequently. Senior brigade officers seldom command for more than 12 months, a fact that encourages them to enrich themselves quickly. The large cash flow from the ghost soldiers allows top commanders to amass a "retirement fund" quickly.

After being forced to enlist, a recruit is often further abused by descuentos obligatorios—mandatory deductions—that are siphoned from his salary. A soldier in San Miguel, for example, pays $20 a month for food, and another $5 for boot polish, toothpaste and oil to clean his rifle. Several times a year, he has to buy uniform accessories—a $10 black beret, for example.

In other commands, soldiers are made to pay for sneakers, soccer uniforms, blue jeans—even the barracks television, which remains the property of the brigade. "These are like a commission for the lower officers," explains one officer. "Like on Independence Day, a captain or major will decide everyone must wear a brigade T-shirt in the parade. You can say, 'Sir, I only want one T-shirt,' but they sell you three. And that's an order. In a brigade of 3,000 men, someone is making real money."

Commander Miguel Antonio Méndez's deduction of $1 from each of his troops to build a wall around his Third Brigade base is one of the legends of the 1980's. "Seeing that, the way the men had to pay for their own defense," says one American colonel based in El Salvador, "It made our stomachs churn."

Colonels still rent our soldiers—so-called *supernumerarios*—to guard coffee plantations, factories and bus lines, charging from $200 to $300 per man per month. Eventually, the various schemes merge into a seamless web, as a Salvadoran lieutenant colonel now serving abroad explained "You go to headquarters and say you need a money order for food for a two-week operation. The supply officer signs for the order, but you only put your men out for one week. Or maybe only half the men guard a coffee farm, where the owner is already paying, and providing food for the troops. What they don't eat you sell to the men on base."

The money flows into the brigade slush fund; cash raised for legitimate expenses like food commingles with funds pocketed, or passed on to other officers to forge a reform-proof unit. Some commanders even tap the fund to "buy" officers from other brigades, building their personal following while furthering their clique's rise to a more lucrative command.

The Americans' goal was to eliminate all this, of course, but the effort has been undermined by the command structure, and the fierce loyalty within the *tandas*. "Peer pressure is too great," says one American Army officer, who was based in the eastern war zone during the mid-1980's. "When they try to execute good leadership principles they get slam-dunked unmercifully." Powerful *tandas* shove the American-trained upstarts aside, and reform, meant to rise from below, is suppresed.

In August, two teams of junior Salvadoran officers began researching the problem of mismanagement. They produced a report, "Considering the Conduct of the War," that detailed many of these abuses. When asked about the report, Army Chief of Staff Col. René Emilio Ponce, appearing more interested in who had leaked it than in its con-

tents, said that the researchers overemphasized "isolated" abuses, particularly the padded rosters. Colonel Ponce's powerful *tanda*, called the *Tandona* (or "Big Class"), is considered among the most corrupt of the military cliques.

American officials in El Salvador and Washington acknowledge the endemic corruption, but argue that improving battlefield performance has necessarily been a higher priority. Some American diplomats and military advisers even speak hopefully of following the "Argentine Model"; first defeat the insurgency, then concentrate on building democracy.

But in Argentina—or Panama, a better comparison—the armed forces have also resisted change, responding to each crisis with a grab for even greater power. In El Salvador, the military's power is abetted by civilian politicians who match the corruption of the old military regimes. Even before the guerrillas' recent offensive, the failure of civilian leadership and the rebels' propensity to attack civilian as well as military targets had produced a climate of insecurity for the Army to exploit, making businessmen eager to hire the Army's troops.

"As soon as I got a brigade command," says retired Col. Sigfredo Ochoa, now a top man in the ruling ARENA party, "businessmen would approach me, offering to put me on their board of directors, or sell me shares in their company. I would say, 'But I have no money.' They would say, 'Don't worry about that.'"

Ochoa—who many say was not immune to corruption while in uniform—points to El Salvador's fishing industry as an example of the officer-businessman alliance. Shrimpers on the Pacific coast always enjoyed friendly relations with the armed forces; they routinely gave Navy officers a "tax," a few hundred pounds from each catch. Occasionally, fleet owners would pay an additional fee to the port captain for guarding the coastline.

That was when shrimping was a $100-million-a-year industry. Now, battered by capital flight and labor strife, and hurt by the fact that two of the country's important ports—El Triunfo and La Unión—lie in the eastern war zone, the fishing industry has dwindled to a fraction of its former size. And the Navy has become the industry's silent partner.

According to dock workers, fishermen and local politicians, active and retired officers hold controlling shares in many of the big export firms. In El Triunfo, where a three-year strike has idled 40 boats of one large consortium, a rival company, Atarraya, is thriving, reportedly under military protection.

Up the coast, the port of Acajutla has been purged of unions, and revitalized by the influx of new, military-controlled fleets. Navy chief Col. Humberto Villalta berths four of his own shrimpers in Acajutla, under the banner of the Promarisal fishing company. According to port officials, the military fishing companies—"the pirates," the locals call them—don't pay municipal taxes, or Social Security taxes for their sailors. In both Acajutla and El Triunfo, according to local fishermen, Colonel Villalta's control of navigation licenses gives him final say over who can fish.

Colonel Villalta refuses to discuss his fishing business; when I asked him about it, he hung up the telephone. But the company itself is not so shy. "The military man is the true Salvadoran," Mauro Granados, Promarisal's business manager, told me, "Why should I invest with a doctor or an engineer, someone who is going to leave El Salvador? The military man cares about the development of the country."

Other businessmen are not so sanguine. Many have complained for years about competition from the Cooperative de la Fuerza Armada in San Salvador, the Salvadoran Army's post exchange. In 10 years, it has grown from a small shop to a shopping mall, complete with a supermarket and a three-story department store, and, according to veteran officers, it acts as a conduit for contraband goods brought into the country duty free.

All this is small change when set against the Army's main cash reserve, a Social Security fund called the Social Provision Institute of the Armed Forces (IPSFA). With the war business booming in El Salvador, the fund has become one of Latin America's financial success stories. It deducts a percentage from every subscriber's salary; every soldier who finishes his two-year hitch pays $150 into an IPSFA account, but only the disabled, or families of the dead, receive any payments.

Enriched by the 20,000 new recruits that pass into the brigades each year, the fund has become a money tree, growing from less than $2 million in reserves in 1980, to more than $100 million by the end of 1988.

"They're the biggest source of liquid capital in the country," says one Salvadoran businessman. "They've got so much money they don't know where to put it."

So the military has been buying property; estates once belonging to the Duefias and de Sola families, pillars of the old oligarchy; prime real estate in San Salvador's suburbs. Here, the question of corruption is practically irrelevant. With credit tight and long-range financial planning almost impossible, only the Army has the cash to develop such properties, or convert the oligarchy's land wealth into liquid assets.

This year, the military paid $2 million for an oceanside resort, the Pacific Paradise, and is developing a 500-lot housing development in the suburbs. A second parcel will become its new corporate headquarters, and, at one famous old estate, it is building a combination veterans community and rehabilitation center.

Projects like this let the Army build new alliances with construction firms, suppliers and builders' unions. It is already invading the financial markets; IPSFA makes mortgage and car loans to members and their families and now co-signs small-business loans issued by two civilian banks. There is also a military funeral home, and military farms that market produce at low prices for members.

For the past two years, IPSFA has been negotiating with the government for permission to allow it to invest in joint ventures with multinational corporations. There are plans for an IPSFA insurance company and land bank. IPSFA has even purchased—for $5 million—a 13-story office tower for the new Bank of the Armed Forces, which it expects to open next year.

If the armed forces do open their new bank, the profits from fishing and duty-free television sets will be pocket change, and the balance of power between soldiers and civilians will be permanently altered. "The day an officer can go to his own bank for a loan," says Luigi Einaudi, United States Ambassador to the Organization of American States, "he escapes the landowner. Instead of being a tool of one class, he becomes his own master. And, potentially, the master of the state."

In El Salvador, the "Fourteen Warlords" have replaced the "Fourteen Families." The country's president may no longer be an officer, but more power than ever rests with the military. One of Alfredo Cristiani's first acts after becoming President was to order that all institutional funds, including IPSFA's, be deposited in the country's central bank. When the military balked, he backed down.

Despite his appeal to rightwingers and his ARENA party's recruitment of many former officers, Cristiani is discovering that he is a fringe player when it comes to Army affairs. "He's like our George Bush," says one officer. "Army officers like to be ordered. He consults."

Cristiani may well find that the pattern set in the early years of the war—civilian control of the government together with American-sponsored autonomy for the military—marginalizes his efforts, especially now that the war is heating up again.

Under José Napoleón Duarte, President until June of this year, "the military and the government were like a married couple," says another former President, Alvaro Magaña. "They didn't love each other, and they rarely talked. Sometimes they would sit and watch the same television show, but they mainly went separate ways. I'm afraid the Army has learned it likes that relationship, and doesn't want to change."

Indeed, Cristiani's difficulties with the military began even before he took office, almost provoking a coup in May. Air Force officers, hoping their commander would be chosen as Defense Minister, grounded aircraft at Ilopango Air Force Base for two days, threatening to boycott the war. A few days later, during Soldier's Day celebrations, Air Force jets buzzed the reviewing stand of the outgoing Defense Minister, Gen. Vides Casanova, drowning out his speech and embarrassing officers and diplomats alike.

President Cristiani vacillated publicly over the nomination of a successor, settling finally on a compromise choice—Gen. Rafael Larios—who, because of his lack of support within the institution, was virtually a lame duck the moment he assumed office.

Determined not to permit November's "Battle of San Salvador" to become this war's Tet Offensive, the United States will no doubt move swiftly to shore up the military. In the showdown over the Defense Minister appointment, the United States encouraged Cristiani to bow to Army pressure, avoiding a challenge to powerful officers and thus reaffirming the military's role as an untouchable institution.

But a militarized El Salvador will not yield easily to civilian initiatives.

"It's the same mistake we made in Vietnam," says Colonel Herrick. "Military aid is easy; all you have to do is give the bucks, and all they have to do is take them. But we got ourselves into a position where we have no leverage, so we have been acquiescing for years in corruption and methods of operations we don't believe in, all because of the Realpolitik of winning the war."

"The U.S. equated a professional armed forces with democracy," says opposition political leader Rubén Zamora. "They're not synonymous. What the U.S. has done is teach the Army it's better to be owner of the country than a landlord of a building. Instead of their own party, they control the whole political system."

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
New York, NY, April 12, 1990.

Re Status of the investigation of the Jesuit Murders in El Salvador.

To: U.S. Jesuit Conference, Association of Jesuit Colleges and Universities, Jesuit Secondary Education Association.

From: Martha Doggett, Scott Greathead.

This memorandum is based on research conducted by Martha Doggett in El Salvador from November 2-22, 1989 and most recently from February 9 to March 28, 1990, and by Scott Greathead, who visited El Salvador from February 12-15, 1990 and again from March 16-24, 1990. It is also based on the fact-finding of Margaret Popkin, Assistant Director of the Human Rights Institute of the Central American University (IDHUCA), who serves as a consultant to the Lawyers Committee.

This memo updates the status of the case and poses questions which, in our judgment, warrant further examination. The memo is divided into three parts. Part I contains a narrative summary of the crime based on the investigative record and other sources. Part II describes the status of the official investigation. Part III discusses several unresolved issues, including the weakness of the case against Col. Benavides and the failure to investigate higher authorities.

I. SUMMARY OF THE CRIME

At 8 p.m. on Saturday, November 11, 1989 forces of the Farabundo Marti Front for National Liberation (FMLN) launched their strongest urban offensive of the 10-year-old civil war. While military intelligence ultimately detected the rebels' planned attack, the Armed Forces were clearly unprepared for the strength of FMLN forces and the guerrillas' ability to hold large sections of the capital for days. A number of military and diplomatic analysts contend that the Salvadoran Armed Forces performed poorly and were in essence caught off guard. Salvadoran military sources as well as civilians with knowledge of the inner workings of the military describe it as an institution in disarray during the first days of the FMLN offensive. Col. Ponce, the head of the High Command, and other ranking officers were reported to have said that the military seriously considered the possibility that they could lose power, or that San Salvador could become a divided capital, much like Beirut.

Over the next few weeks, a pattern of harassment emerged against Salvadoran humanitarian and church workers attempting to attend to the needs of civilian victims of the fighting. This campaign began with attacks on church clinics and shelters providing refuge to civilians fleeing the fighting; it entered a second phase with the arrests and deportations of foreign church workers; next targeted were Salvadoran Christians and church employees, some of whom remain jailed. Some parishes and church clinics were machinegunned or hit by grenades. Then early on Thursday morning of the first week of the offensive, November 16, the attack on the church culminated with the killings of the Jesuits and two women at the Central American University (UCA).

Earlier that week, several threats against the Jesuits were broadcast over the nationwide radio network. Father Ignacio Ellacuria, the UCA rector, was threatened in particular, and it was suggested that the Jesuits be thrown out of the country. These threats were in keeping with a history of attacks, abuse, and violence directed against the members of the Society of Jesus in El Salvador since the late 1970s. On March 12, 1977 Father Rutilio Grande, S.J. was murdered along with two laymen in Aguilares. In 1977, the entire community was threatened with death if they failed to leave the country within a month. Flyers distributed throughout the country read "Be a patriot. Kill a priest." Jesuit residences and the campus of the Central American University (UCA), where the November assassination took place, have been bombed fourteen times since 1977. The UCA printing press was bombed twice during 1989; one attack caused $70,000 in material damages. On July 3, 1989, a rightist organization linked to ARENA issued an open letter to President Cristiani calling for arrest and "summary justice" for Segundo Montes and Ignacio Ellacuria, two of those Jesuits murdered on November 16.

On Monday November 13, Father Ellacuria returned from Spain where he had been given a human rights award. He entered the campus by the main gate and, before proceeding up the hill, was questioned by soldiers. Since the FMLN offensive began, the campus had been encircled by troops; UCA staff arriving on Tuesday morning for an emergency meeting were denied access to the campus.

Shortly after curfew on November 13, 35 members of the Atlacatl Battalion entered the campus and searched the priests' residence. The men were led—as they would be on the night of the killings—by Lt. Ricardo Espinoza Guerra and Sub. Lt. Gonzalo Guevara Cerritos. When Father Ellacuria challenged the soldiers' right to conduct the search, a lieutenant answered that state of emergency provisions allowed them to do anything they wanted. According to the testimony of military personnel, "informers" had told the Armed Forces that "an undetermined number of D/T [1] had penetrated the installations of the UCA and had been seen firing on a unit of the Armed forces of El Salvador which passed by the UCA. . . ."

The troops scaled the walls surrounding the university and banged on the doors of the Pastoral Center, where the men had been living for the last few months. Father Juan Ramón Moreno, whom these soldiers would kill some 48 hours later, offered to open the doors for them. Witnesses described the search as "correct," observing that unlike earlier searches of Jesuit quarters the military was not interested in books and papers, only in the building and the people. Atlacatl commander Col. Oscar Alberto Leon Linares reported that "no D/Ts whom the source said had fired on the Army patrol were found in said place, and our personnel headed back to the Gerardo Barrios Military Academy." Father Ellacuria is known to have felt more secure following the search because the Army, according to his analysis, had seen for themselves that they were hiding nothing "subversive." [2]

On Wednesday, November 15, the military continued to patrol the area surrounding the UCA. That morning an officer told one of the Jesuits that in the afternoon or evening there would be "a lot of movement."

According to court records in San Salvador, the Jesuits were killed by members of a special commando unit of the Atlacatl Battalion, itself an elite rapid reaction battalion. This commando unit spent most of the first 24 hours of the guerrilla offensive at their barracks in La Libertad because they were receiving a Special training course. According to a member of the Atlacatl commando unit who has not been detained in connection with the case but whose testimony as a witness was taken by the SIU, the Atlacatl commandos were being trained by "some Americans." They arrived in San Salvador at about 4 p.m. on Monday November 13. The enlisted men went to the Military Academy while the lieutenants reported directly to the High Command headquarters, where they were given the order to search the Jesuit residence. Later that morning after the killings, the men rejoined their unit, which was fighting in Zacamil.

Accounts in the U.S. press have focussed on two gatherings of top military officers held on November 15 and 16, 1989. The first, on the evening of Wednesday November 15, convened some 20 members of the High Command, the heads of each branch of the Armed Forces, plus "Zone Commanders," officers given special authority for a certain area of the city during the rebel offensive.

Col. Ponce told a group of visting U.S. Jesuits in February that their analysis of the situation lead them to conclude that stronger measures had to be taken to beat back the FMLN offensive. Col. Ponce and Major Chávez Caceres, who sat in on the meeting, told the visiting Jesuits that at the end of the meeting the officers joined hands and prayed. Major Chávez Caceres said: "If I believed that the decision to kill the Jesuits had been taken at that meeting, I wouldn't be here today. We are not so cynical that we would pray to God and then go out and kill priests."

One decision taken at that meeting was to step up the air war and President Cristiani, who often slept at the High Command during those days, was awakened at 10:30 p.m. to sign a bombing order. Over the next few days use was made of bombs, as well as rockets and strafing from machine guns which had been in use from November 11.

The second key gathering was the daily meeting of the National Intelligence Directorate (DNI), an intelligence body, which was reportedly interrupted early on the morning of November 16 by a junior officer who announced that Father Ellacuria had been killed resisting arrest. According to accounts in the U.S. press, the men cheered and clapped.[3] Captain Luis A. Parada, assistant defense attaché at the Salvadoran Embassy in Washington, told a congressional group in late March that he attended the meeting in which the killings were announced but that there was no reaction from the officers in attendance. Accounts of the meeting suggest that officers knew the Armed Forces were responsible within hours of the priests' deaths. U.S. Embassy officials in San Salvador confirm that the Central Intelligence Agency has office space at DNI headquarters and that CIA agents generally attend these meetings. When asked if the CIA was represented at the November 16 meeting, Amb. Walker told a group of U.S. Jesuits: "I have asked the question and they tell me no."

II. THE INVESTIGATION

Members of the Special Investigative Unit (SIU), a U.S.-funded and trained investigative body, arrived on the murder scene be-

[1] The military refers to members of the FMLN as "D/T," which stands for "delinquent terrorists."

[2] See *ECA, Estudios Centroamericanos,* Ano XLIV, #493-494, Noviembre-Diciembre 1989, p. 1140.

[3] The Boston Sunday Globe, February 4, 1990.

tween 9:30 and 10:00 a.m. on November 16, some three hours after the bodies were found. The State Department reported that the SIU sealed the crime scene as soon as the agents arrived that morning.[4] In fact, the crime scene was not sealed off until some time during a memorial service on Saturday morning.

All SIU agents are drawn from the Security Forces (National Police, Treasury Police, National Guard), which in El Salvador form part of the Armed Forces. The unit was designed to investigate sensitive human rights crimes in which the military and Security Forces are implicated. Created in 1984, the unit's track record in investigating acts of political violence by the Armed Forces is poor.

It has in fact concentrated on common crime and corruption. The SIU has an inherent conflict of interest in investigating human rights crimes in that members of the armed Forces are assigned to investigate their fellow soldiers.

In the Jesuit case, the SIU's major contribution to the investigation was successful completion of ballistics tests and fingerprint analysis. The SIU also took initial declarations in which the suspects confused aspects of what happened on the night of the November 13 search of the Jesuit quarters with what happened on the night of the killings. For example, there was electricity in the neighborhood on the night of November 13, but it was blacked-out on November 15-16. Some suspects said there was no light on the night of the search, leading investigators to conclude that those who conducted the search had also been involved in the killings.

On Janury 7, the UIS turned over its findings to a Military Honor Commission made up of ranking officers and some civilians, whose identities have not been made public. At that point SIU questioning had focussed on 47 of the Atlacatl troops billeted at the Military Academy. The Military Honor Commission interviewed the 47 men in the Atlacatl Battalion identified by the SIU and narrowed the suspects to the nine men now facing prosecution. Others participated in the attack on the Pastoral Center and the killings who have not been named.

Judge Ricardo A. Zamora, on San Salvador's Fourth Penal bench, was assigned the case virtually from the beginning. According to the State Department,[5] Dr. Zamora and the prosecutors began to review the evidence on January 3. On January 19, he found that the evidence was sufficient to order the provisional detention of the nine defendants.

One defendant, Jorge Alberto Sierra Ascencio, reportedly fled his unit in late December and will be tried *in absentia*. Rumors have circulated in El Salvador as well as the United States that Sierra overheard one of the lieutenants communicating by walkie talkie with Col. Juan Orlando Zepeda, the Deputy Minister of Defense. According to these unconfirmed accounts, the lieutenant is alleged to have reported to Col. Zepeda that two women had also been found and asked what they should do. The answer came back to kill them. While it would have been a breach of security to use names in such radio communication, it is credible that the men would have been surprised to find the cook and her daughter. The women did not normally sleep in the Jesuit residence and were not there on the night of the Monday search.

Those arrested include six members of the Atlacatl, a lieutenant assigned to the Military Academy and Col. Benavides. The eight remain on active duty and presumably continue to receive a military paycheck. The suspects are reportedly in police custody and the military is not obligated to cashier them until the case reaches the trial stage.

Based on information circulating in San Salvador, we believe that members of the *tandona*, the large 1966 graduating class from the Military Academy which today dominates the military, are still taking an active interest in protecting their classmate, Col. Benavides. He is said to be receiving regular visits and calls from fellow officers, who according to *The Washington Post* are "helping to plan is defense. . . ."[6] *The Washington Post* also reported in late February that Col. Benavides had been spending time at a luxury beach resort on the Pacific Coast owned by the military. Unlike his codefendants, Col. Benavides has consistently denied his participation in the killings.

The Instruction Phase

The case is now in the period known as the instruction or investigation phase, which is scheduled to end in mid to late May 1990.[7] According to Article 123 of the Criminal Procedure Code, this phase should last 90 days but may be extended when necessary to 120 days. The judge, having already established sufficient evidence to order the preliminary detention of the defendants, presides over the evidence-gathering process and can request technical assistance of the Special Investigative Unit (SIU). It is during this period that the judge would typically attempt to build a solid case against the eight[8] detainees. It is particularly important during this period for the judge to gather further evidence against Col. Benavides. It is also within his authority during this stage to add defendants or additional charges to the case.

The judge's work consists largely of interviews of witnesses called to give their "declarations." Also present at these sessions are attorneys for the defense and prosecutors representing the Attorney General's (Fiscal General) office.

Challenges from the Defense

The investigation phase in the Jesuit case has already been extended beyond the 90-120 days in response to appeals, known as recursos, filed by the defense attorneys. Under the Salvadoran system, the defense has the prerogative of making interim appeals which put the investigation period on hold while the appeal is under consideration. Criminal investigations in El Salvador regularly exceed the 120-day deadline. While the Salvadoran Criminal Procedure Code, the statute regulating how criminal cases are handled, provides for a nominal fine if the judge exceeds the established timetable, these fines are rarely if ever levied.[9]

A case as complicated and sensitive as the Jesuit murders can be expected to go well beyond the established timeline, subject to political constraints. It is not unusual for an investigation to last as long as a year or more. To cite a few other examples: the case of the killing of four U.S. churchwomen in December 1980 entered the investigation phase in February 1982 and reached the plenary or trial stage in May 1984. The San Francisco murder case in which 10 peasants were killed by the Army in September 1988, has to date not entered the trial stage. Other cases, such as the killing of Archbishop Romero in 1980, never reached the trial stage.

The first set of recursos filed by the defense on January 22 challenged the judge's ability to order the provisional detention of the defendants arguing that he had violated the 72-hour deadline for completing this initial stage of the process. The defense also challenged the order to detain Col. Benavides on the grounds that the only evidence against him was in fact inadmissible. These challenges were dismissed by Judge Zamora on January 26.

Defense attorneys have also filed to transfer the case to Santa Tecla, arguing that the murders, committed in Antiguo Cuscatlan where the campus lies, should be tried in the First Instance Court in Santa Tecla. Observers believe that the defense attorneys are "judge shopping," presumably feeling that they will get a more sympathetic hearing from a presiding judge in Santa Tecla.

On April 6, the Attorney General's office ruled that while crimes committed around the UCA do fall within the jurisdiction of Santa Tecla, the judge himself should rule on the defense attorneys' petition to transfer the case.[10] The Attorney General's ruling came in response to a request from Judge Ricardo A. Zamora, who is expected to rule shortly on the jurisdiction question.

III. UNRESOLVED ISSUES

1. Weakness of the case against Col. Benavides

In El Salvador the possibility that the colonel—the highest ranking officer ever detained in connection with a human rights crime—will ever even be tried is considered remote. In mid-February, both the nation's Attorney General (*Fiscal General de la Nación*), Mauricio Eduardo Colorado, and the legal advisor (Dr. Hugo Banos Sanchez) to the Special Investigative Unit, which investigated the killings, told a delegation of the Association of Jesuit Colleges and Universities that based on current evidence, Col. Benavides is unlikely to be convicted. The only evidence on the public record against Col. Benavides is contained in the extrajudicial confessions made by the lieutenants held in connection with the case. Yet under Salvadoran law, the testimony of a participant in a crime is not admissible as evidence against another participant.

One option to overcome the inadmissibility of this evidence is to drop charges against one of the accused lieutenants so that his testimony could be used against Col. Benavides. Although this option has been discussed widely by U.S. legislators and

[4] See K. Larry Storrs, "El Salvador—Legal System, Judicial Reform, and Major Human Rights Cases Involving the Military: A Compilation from State Department Reports and Other Sources," March 23, 1990, p. 13.

[5] Storrs, see p. 16-17.

[6] *Washington Post*, February 22, 2990; *Miami Herald*, February 23, 1990.

[7] The Storrs document prepared for a congressional seminar offers two different dates for the termination of the instruction phase, May 12 and May 19. See P. 20 and 21. An Embassy official in San Salvador told the Lawyers Committee the phase should end on May 22, 1990. In any case, the phase is sure to extend well beyond any of those dates.

[8] As noted above, charges were brought against seven members of the Atlacatl Battalion, one lieutenant assigned to the Military Academy, and Col. Benavides. One suspect, Jorge Alberto Sierra Ascencio, fled his unit in late December and his whereabouts are unknown.

[9] Article 124.

[10] *El Mundo*, April 6, 1990.

officials, it is not considered a strong option by Salvadoran lawyers or observers of the legal system. We have not been able to identify any clear precedent for this type of action in any previous cases in El Salvador.

It should also be noted that countries which adhere to the Civil Law system, such as El Salvador, often do not allow plea bargaining or similar agreements where charges are reduced or dropped in exchange for testimony. Further, any such arrangement may be inconsistent with the principles underlying El Salvador's Criminal Procedure Code which regards co-defendant testimony as unworthy of belief.

There are, however, two provisions in the Criminal Code which allow for a defendant to mitigate his criminal responsibility by confessing and cooperating with the authorities.[11] These provisions could be considered by investigators as a means to encourage the lieutenants to amplify their existing testimony which could lead to evidence which may be admissible against Col. Benavides or other more senior officials.

2. The Buckland-Avilés Story

One possible thread of evidence which might help convict Col. Benavides as well as shed light on the investigation conducted by the military-dominated Special Investigative Unit and the role of the U.S. Embassy concerns the testimony of a U.S. Army major attached to the U.S. Embassy. Major Eric Buckland, a member of the U.S. military group at the Embassy, has stated that he was told by Salvadoran Colonel Carlos Armando Avilés in late December that Col. Benavides was responsible for the Jesuit assassinations. As has been reported in the U.S. press,[12] Buckland subsequently told his superior, who then confronted Salvadoran military officials with the information.

According to Aviles, Col. Benavides first confessed his role in the crime to Col. Rivas, the head of the U.S.-funded Special Investigative Unit, and asked him for assistance. His words to Rivas reportedly were, "I did it. What can you do to help me?" Col. Rivas appears to have failed to act on this key piece of information. If these reports are accurate, Col. Rivas' testimony of Col. Benavides' confession would be admissible as evidence against Benavides under Salvadoran law since Col. Rivas did not participate in the crime.

Equally important are the implications of Col. Rivas' reported failure to act on Benavides' confession. If Col. Rivas in fact is withholding this information, he is involved in a cover-up which seriously calls into question the integrity of the investigation.

In response to questions about whether this allegation is being investigated, the State Department has noted that:[13]

"The U.S. MilGroup major learned from Col. Aviles that Col. Benavides had approached Rivas; Aviles heard the story from Col. Lopez y Lopez. At best, we had uncorroborated third-hand information. The U.S. officer and Col. Aviles both failed polygraphs trying to establish this point."

3. Failure to pursue information suggesting the involvement of higher ranking officers, and the existence of a cover-up.

At present it appears information neither Salvadoran nor U.S. officials are pursuing an investigation designed to explore the question of a broader conspiracy, namely, whether Col. Benavides was acting on higher orders. Col. Rivas told the Lawyers Committee in late March that the SIU is no longer actively working on the case, except in response to specific requests from the judge. U.S. Embassy officials insist that Col. Benavides was acting on his own, perhaps having misunderstood orders, and that the military as an institution is in no way implicated. In late March, one U.S. church group was told by U.S. officials—in stark contrast to the testimony of hundreds of eyewitnesses—that the UCA campus was actually not surrounded by troops the night the eight were killed, and that Col. Benavides' men could actually have slipped through military lines. One explanation suggested by U.S. as well as Salvadoran officials is that Benavides, known as a measured, thoughtful man, simply lost control, perhaps in response to the guerrilla offensive and because of the illness of his son.

There appears to be no serious effort to pursue a number of troubling issues, including the following:

1. According to the State Department, Col. Benavides would have reported to Col. Zepeda, Vice Minister of Defense, or to Chief of Operations Col. Joaquin Arnoldo Cerna Flores on the night of November 15-16. In April 1989 Col. Zepeda charged in the Salvadoran press that the UCA "is a refuge for terrorist leaders, where strategies are mapped out for attacks against Salvadorans."[14] Despite this statement, and his link to Col. Benavides in the command structure, Col. Zepeda has apparently not been questioned in connection with this case. When we have asked U.S. and Salvadoran officials why Col. Zepeda has never been questioned, we are told simply that there is no reason to regard him as a suspect.

Why has Zepeda not been questioned? Are steps now being taken to question him about what he knows and what he was doing during the period of the crime? Are efforts being made to question Col. Cerna Flores, who, to our knowledge, has never been questioned.

2. No one at the First Brigade was ever questioned about its sound truck which passed the Archdiocese on the afternoon the priests were killed, November 16, announcing: "Ellacuria and Martin-Baró have fallen. We are going to continue killing Communists."

3. Col. Benavides is said to have given the order to kill the Jesuits directly to three lieutenants. What about other officers (lieutenant colonels, majors, captains) who are in the normal chain of command? Who would have been in the chain of command on November 15-16? Where were each of them that night? Have any of these people now been questioned?

4. Col. Benavides made an entry in his November 16 book of operations concerning a 12:30 a.m. attack by the FMLN on the Pastoral Center where the Jesuits were killed. No such attack ever occurred. There is no indication that the military responded, and the question remains how Col. Benavides even knew of the alleged attack. This entry appears to be an early attempt at a cover-up. The Jesuit killings happened two hours later. What has the military done to investigate this fraudulent report? Did Benavides act alone in filing a false report?

5. Under whose authority were the Atlacatl troops operating in the days surrounding the murders? The lieutenants who commanded the Monday search and the assassination were given orders to conduct the search directly from the High Command. In the soldier's testimony mention is made of a captain attached to the Military Academy who is said to have been in charge that night at the Academy. Col. Ponce and others have repeatedly stated that Col. Benavides was responsible for these members of the Atlacatl from Monday November 13. What role did Atlacatl commander Col. Oscar Alberto León Linares play?

6. The court record indicates that on November 17 the SIU interviewed members of the Monserrat Battalion of the National Police who were stationed at the Democracy Tower, at the edge of the UCA campus, on the night of November 15-16. These soldiers testified that at about midnight they saw tanks and personnel of the Atlacatl Battalion pass by on the highway known as Autopista Sur, which forms one parameter of the campus. Why did the SIU not follow up immediately on this important lead?●

[11] Article 41 (8a) covers circumstances which modify criminal responsibility and mentions a judicial confession made before the case reaches the plenary stage. Article 70 Section 4 addresses possible modification of penalties for those who confess and cooperate with the judge.

[12] See Los Angeles Times, January 12, 1990; Washington Post, February 6, 1990.

[13] See Storrs, p. 19.

[14] Diario de Hoy, April 20, 1989.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have a number of matters which require unanimous consent, and I am authorized to state that each of these has been cleared by the distinguished Republican leader, who of necessity had to leave the floor for another matter.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Select Committee on Ethics in a proceeding in the U.S. District Court for the District of Arizona. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution, (S. Res. 281) to direct the Senate legal counsel to appear as amicus curiae in the name of the Select Committee on Ethics, in In Re *American Continental Corporation* v. *Lincoln Savings and Loan Securities Litigation.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, under its rules of procedure, the Select Committee on Ethics may undertake a preliminary inquiry into unsworn allegations of misconduct on the part of Members of the Senate. A preliminary inquiry may consist of interviews, depositions, and other investigatory steps which the chairman and vice chairman of the committee believe are necessary to determine whether further proceedings are warranted. Al-

though the committee may determine at any stage of its investigative process to hold public hearings, preliminary inquiries have been conducted on a confidential basis.

On December 22, 1989, the committee announced that it would undertake a preliminary inquiry into allegations relating to Senators CRANSTON, DECONCINI, GLENN, MCCAIN, and RIEGLE. The committee has retained a special outside counsel, Robert S. Bennett, to assist in the inquiry.

The collapse of various enterprises related to Charles H. Keating, Jr., has resulted in a considerable amount of civil litigation which has been consolidated for pretrial proceedings in the District of Arizona. One of these lawsuits is a class action brought by purchasers of unsecured securities of the American Corp. which the purchasers allege were sold by techniques that made them appear to be insured certificates of deposit.

The question has arisen in that litigation whether one of the defendants may use civil discovery to compel government officials, who have provided statements to investigators for the Select Committee on Ethics, to describe over the objections of those officials the questions that have been asked of them by committee investigators. The witnesses are free, of course, to answer relevant questions about their personal knowledge of the facts at issue in the litigation. The purpose of this resolution is only to safeguard the committee's separate investigation. It would authorize the Senate Legal Counsel to appear as amicus curiae in the name of the committee to protect the Senate's interest in maintaining the confidentiality of this preliminary phase of the committee's inquiry.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution and its presumable are as follows:

S. RES. 281

Whereas, in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, MDL-823, pending in the United States District Court for the District of Arizona, the ability of the Select Committee on Ethics to preserve the confidentiality of a preliminary inquiry into unsworn allegations of misconduct of Members of the Senate has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288*l*(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Select Committee on Ethics in In re American Continental Corporation/Lincoln Savings and Loan Securities Litigation, in support of the interest of the Senate in preserving the confidentiality of preliminary inquiries of the Select Committee on Ethics.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Orders No. 534, 535 en bloc; that the committee amendments, where appropriate, be agreed to; that the bills, as amended, where amended, be deemed read a third time and passed; that the motion to reconsider the passage of these bills be laid upon the table; and that the title amendment, where appropriate, be agreed to.

I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD, and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT SMITH VANCE UNITED STATES COURTHOUSE

The Senate proceeded to consider the bill (S. 2068) to designate the U.S. courthouse located at 1800 Fifth Avenue North in Birmingham, AL, as the "Robert Smith Vance United States Courthouse," which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse located at 1800 Fifth Avenue North in Birmingham, Alabama, shall hereafter be designated as the "Robert Smith Vance *Federal Office Building and* United States Courthouse". Any reference in a law, regulation, map, document, *paper or other* record**[**, or other paper**]** of the United States to that building shall be deemed to be a reference to the Robert Smith Vance *Federal Office Building and* United States Courthouse.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 1800 Fifth Avenue North in Birmingham, Alabama, as the 'Robert Smith Vance Federal Office Building and United States Courthouse' ".

M.P. DANIEL AND THOMAS F. CALHOON, SENIOR POST OFFICE BUILDING

The bill (H.R. 922) to designate the building located at 1515 Sam Houston Street in Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MELVIN PRICE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 2890) to designate the Federal Building and United States Courthouse located at 750 Missouri Avenue in East St. Louis, at the "Melvin Price Federal Building and United States Courthouse," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL CORRECTIONAL OFFICERS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 286 designating the week of May 6, 1990, as "National Correctional Officers Week," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 286) to designate the week of May 6, 1990, as "National Correctional Officers Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 286) and its preamble are as follows:

S.J. RES. 286

Whereas American correctional officers who work in our jails and prisons are currently responsible for containment and control of over 600,000 prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance requires correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals in order to have their actions appreciated and accepted by the public at large;

Whereas correctional officers had been similarly honored by many States and localities;

Whereas correctional officers had been similarly honored by a joint resolution in the State and House of Representatives of the United States in Congress assembled in 1984, 1985, 1987, and 1989; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 6, 1990, is hereby designated "National Correctional Officers Week", and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed and move to table that motion.

The motion to lay on the table was agreed to.

NATIONAL DIGESTIVE DISEASE AWARENESS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 453 designating May 1990 as "National Digestive Disease Awareness Month" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 453) designating May 1990 as "National Digestive Disease Awareness Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 453) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass?

The joint resolution (H.J. Res. 453) was passed.

The preamble was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the joint resolution was passed and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 254, the Senate companion, and that the joint resolution then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, I would like now, for the information of Senators, to review the situation we are in and the schedule for the next several days and the reasons for proceeding as we will under this agreement.

First, as Senators now should be aware, a cloture vote on S. 135, previously scheduled for tomorrow, Thursday, 1 hour after the Senate convenes, has been vitiated. Instead, there will be a vote on final passage of the bill not later than 4 p.m. tomorrow.

In the agreement which has just been agreed to, there are 10 amendments remaining for consideration in connection with the bill. It is my expectation and the expectation of the managers and the distinguished Republican leader, that those amendments will be debated and voted on during the day tomorrow prior to 4 p.m. If, however, we get to 4 p.m. and not all of the amendments have yet been offered and disposed of, the Senator offering the amendment will have the opportunity, if he so chooses, to offer the amendment at that time subject to a 10-minute time limitation on debate and, if a second-degree amendment is offered, also a 10-minute time limitation on debate.

So it is conceivable that we could go beyond 4 p.m. if there are some of these amendments that have not yet been disposed of, although I do not anticipate that will occur. I believe it is the expectation of the managers and the hope of myself and the distinguished Republican leader that we will complete action on this bill by 4, if at all possible, and possibly earlier.

Mr. President, it is then my intention, using the authority granted me under this agreement, to call up the campaign finance bill on Friday. That will be for debate only. There will be no amendments offered, no votes. It is understood, in discussion between the parties, that this being an important matter, each party now having prepared and presented a bill, that it would be appropriate for the benefit of the Senate and the public that there be a full exposition of both bills and debate on them. That will occur throughout the day on Friday.

Then before the close of business on Friday, I will move to proceed to the emergency AIDS legislation. It had been my hope that we could proceed directly to consideration of that bill, but I regret that objection to that has been made by a Republican Senator, which makes it impossible for us to proceed to that bill at that time. As a consequence, I will then file a cloture motion to terminate debate on the motion to proceed. That will be debated on Monday, and the cloture motion will be voted on Tuesday morning at 10 a.m. Senators should understand that will merely get us to the AIDS bill. We will then have to proceed with discussion of the AIDS bill. I hope it will not be necessary to have a cloture vote on the AIDS bill itself, particularly as it is my hope that there will be a strong and even overwhelming vote in favor of proceeding to the bill.

During the time that the Senate is considering the AIDS bill, it is my hope and expectation that there will be discussions among our colleagues, both Democrats and Republicans, on the campaign finance matter with a view toward reaching what I hope will be a bipartisan agreement on that important subject.

This enables us to get that bill up; in the meantime, while we are discussing that, to proceed to take action on the very important emergency AIDS bill, and then hopefully be in a position to get back to and dispose of the campaign finance reform bill next week, hopefully, with a bipartisan agreement, which we will seek to obtain during that time that the AIDS bill is being considered.

So I hope my colleagues now have a clear picture of the schedule for the days ahead. These are important measures, and we have organized them in a manner that is the most advantageous to the schedule of various Senators. Accordingly, there will be no votes on Friday or Monday, but we will still be in a position to proceed with respect to two very important matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it

stand in recess until 9:30 a.m., tomorrow, Thursday, May 10; that, following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. On tomorrow, the Senate will resume consideration of the Hatch Act reform bill at 10 a.m. The unanimous-consent agreement just ordered provides that action will be completed on this measure no later than 4 p.m. on tomorrow with rollcall votes anticipated throughout tomorrow's session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m. tomorrow, Thursday, May 10.

There being no objection, the Senate, at 7:08 p.m., recessed until Thursday, May 10, 1990, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 9, 1990*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 9, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Reverend Dr. James W. Hackney, First Baptist Church, Gulf Breeze, FL, offered the following prayer:

Eternal God, our Father, we thank You for the privilege of service in this great period of history. We thank You, Father, at this time and place, we may serve our God, our country, and our fellow man.

Give us wisdom to discern the future; give us spiritual courage to do what is right; and give us compassion to see beyond our own selfish interests.

In the beauty and vitality of this day, help us to accept the reality of a fallen universe, yet to grasp the hope of a better tomorrow. Help us to dedicate ourselves to the finding of the best possible solutions through our governmental process. We pray to keep always the individual person, God's creation, in the heart of our interest and concerns.

In the name of Christ our Lord. Amen.

THE JOURNAL

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

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

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

The question was taken; and the Speaker pro tempore 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 pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 108, not voting 27, as follows:

[Roll No. 100]

YEAS—298

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

NAYS—108

Armey
Baker
Barton
Bereuter
Bilirakis
Billey
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Douglas
Dreier
Duncan
Fields
Frenzel
Gallegly
Gekas
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hawkins
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McGrath
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Oxley
Parris
Pashayan
Paxon
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)

NOT VOTING—27

Alexander
Bates
Bentley
Collins
Coyne
Craig
Crockett
Dickinson
Edwards (OK)
Emerson
Flippo
Hunter
Kennedy
Laughlin
Lowery (CA)
Mavroules
McEwen
McHugh
Morrison (CT)
Nelson
Rangel
Robinson
Savage
Tauzin
Udall
Williams
Young (FL)

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

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

□ 1422

Mr. COSTELLO and Ms. KAPTUR changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MURTHA). The Chair will ask the gentleman from Washington [Mr. CHANDLER] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CHANDLER 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 a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 267. Joint Resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month."

WELCOME TO REV. DR. JAMES W. HACKNEY

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

Mr. HUTTO. Mr. Speaker, it is with great pleasure that I take this opportunity to welcome Dr. James Hackney who delivered the opening prayer for today's session of the House of Representatives. Dr. Hackney is pastor of the First Baptist Church in Gulf Breeze, FL, which is in my congressional district. He has served in that position for 12 years. Before coming to Gulf Breeze, he pastored several churches in Missouri which is his home State. Dr. Hackney attended the New Orleans Baptist Theological Seminary, Southwest Baptist University in Bolliver, MO, and Union University in Jackson, TN. His distinguished career includes service on the Southern Baptist Convention's foreign mission board and has conducted preaching missions in Africa and Australia. Dr. Hackney also served as the director of evangelism for the Missouri Baptist Convention. He and his wife, Marjorie, are the parents of three children, and they have four grandchildren. Mr. Speaker, it is truly a pleasure having them here in Washington today.

INTRODUCTION OF LEGISLATION TO EXPAND TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS

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

Mr. CHANDLER. Mr. Speaker, today, the gentleman from North Dakota [Mr. DORGAN], and I are introducing legislation to expand to all taxpayers the Federal tax deduction for charitable contributions. Under current law, only those taxpayers who itemize are given incentives to make donations to charities. This is out of line with Congress' efforts to establish a fair and equitable Tax Code.

Seven out of ten taxpayers do not itemize their deductions. These 72 million people are generally in low- and middle-income families earning under $40,000. Yet, these individuals donate a higher percentage of their income to charities. I think it is wrong that the Tax Code treats these people unfairly on the mere basis that they do not itemize their tax returns.

Congress recognized in 1981 that taxpayers who did not itemize were not receiving a full tax benefit for their contributions to charity. It was also noted that allowing nonitemizers to deduct their contributions would stimulate broader based charitable giving to nonprofit organizations, many of which provide human services that otherwise might have to be provided by the Federal Government. After enactment of this change, nonprofit gifts surged.

In 1986, however, this policy was abruptly repealed. Nonitemizers experienced a sharp increase in the cost of giving. I do not believe this was fair to the taxpayers who are essentially penalized for making charitable contributions unless they are able to itemize.

The changes made in 1986 were also unfair to nonprofit organizations which had come to depend on the increased gifts resulting from the changes made to the Tax Code in 1981. These organizations are now experiencing a sharp decline in the rate of increase in giving at the same time the Federal Government has reduced spending on human services. However, the real victims in this case are the people served by the organizations to which taxpayers contribute.

I strongly encourage my colleagues to join Mr. DORGAN and I in our effort to reinstate fairness in the Tax Code.

WHAT HAS CHANGED?

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

Mr. SCHUMER. Mr. President, read our lips: Democrats will not initiate any new taxes. And, Mr. President, we have a question for you: What has changed?

In the State of the Union, a mere few months ago, you said everything was on track, the economy was moving, there was prosperity, everything was good. Your Budget director, Mr. Darman, has come before us time and time again and said that things are on the right track; we should just proceed ahead. And all of a sudden, Mr. President, you summon our leadership to the White House and you ask——

Mr. WALKER. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman should address the Chair and not address the President in the second person.

Mr. SCHUMER. All of a sudden, the President summons our leadership to the White House and says that things are changed and all of a sudden major leaders of the Republican Party start talking about value-added taxes and sales taxes and beer taxes and wine taxes and lotteries.

What has changed?

□ 1430

LET US BE KINDER AND GENTLER ON SMALL BUSINESSES

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

Mr. COMBEST. Mr. Speaker, today I rise to discuss another well-intentioned but severely misguided Federal mandate on the small business owner.

The parental and medical leave legislation has sputtered and backfired its way back onto the floor for another try. This bill reminds me of an old used car that nobody will buy, so the owner repaints it, throws on new tires and hopes to find a sucker to buy it.

The fact is even with the new paint job this bill is still a real lemon.

Proponents of parental leave will proudly state that this new model has broad bipartisan support. The facts are that 12 out of 13 Republicans on the Education and Labor Committee voted against the medical and parental leave bill. The administration is strongly opposed to mandating parental leave but most importantly, 84 percent of small business owners are opposed to Federal mandates for parental leave.

I am opposed to it too. I urge my colleagues to vote no on mandated parental and medical leave legislation.

WHERE DID ALL THE MONEY GO?

(Mr. GLICKMAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, where did all the money go? The savings and loan debacle is becoming our worst nightmare—a financial black hole of galactic proportion. There is no more pressing need for swift, resolute justice in our country than prosecuting the fraud that may cost each of us thousands of dollars and rob us of the opportunity to meet the challenges of the 21st century.

This enormous bailout is driving the President to seek a budget summit and to seek spending cuts and new taxes to, probably focused on working Americans, to get us out of the fix we are in. Reports say the ultimate cost of the S&L bailout may be upward of $500 billion—half a trillion dollars—and that the Federal deficit may exceed $200 billion largely as a result of the S&L bailout.

It could be a half a trillion dollars, Mr. Speaker. Where did all the money go? It is one of the single most expensive undertakings ever of this Government, and the cost seems to be growing geometrically each day. $2,500 from each and every U.S. citizen chasing sour loans, shoring up shaky deals, paying for self-dealing and fraud instead of being invested in our children's education, improving our health care system, meeting the needs of rural America, and keeping U.S. industry the most competitive in the world.

The S&L calamity, not prudent fiscal policy, is forcing the White House to seek a budget summit to slash spending and raise taxes. The S&L tiger we are riding has got to be brought under control; those responsible must be brought to justice.

"FREEDOM TO WORK" RALLY

(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, on Wednesday, May 16, at 10 a.m., I will be hosting a "Freedom To Work" rally on the grounds of the Capitol.

The purpose of this rally will be to demonstrate support for repealing the Social Security earnings test. As many of you know, the earnings test is a limit placed on the amount of income seniors who collect Social Security benefits can earn. For 1990, that limit is $9,360.

Currently, seniors are penalized $1 in benefits for every $3 over the limit they earn. When combined with other taxes seniors must pay, the earnings test puts seniors at an effective marginal tax rate of 56 percent, twice what we tax our Nation's millionaires.

The earnings limit penalty is one of the most insidious and counterproductive taxes the Government places on seniors. It's ridiculous to have a tax policy determining whether people will be productive.

I encourage all my colleagues to attend the rally on May 16. I know many of our Nation's seniors will be.

CUT NATO AND FOREIGN AID, NOT RAISE TAXES

(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, first we had a bailout. Now we have a sellout: $17 billion of seized savings and loan assets are going to go on the block. That is right, we will have clearance sales, garage sales, bake sales, flea markets. But do you honestly believe that is going to do anything? Taxpayers will spend $500 billion before it is over, and we all know it.

But here is what is bothering me today. Democrats are actually considering taking the President off the hook with this "read my lips" tax fiasco. I say Democrats should stand for no new taxes, no more taxes, no hidden taxes, and let the President come through with a program.

Ladies and gentlemen, this is not a nation of bankers, for bankers, and by bankers. We are not a discount house. We are Congress. Let us cut NATO and foreign aid, let us not raise taxes.

THE OLDER AMERICANS' FREEDOM TO WORK ACT

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

Mr. RHODES. Mr. Speaker, the White House and congressional leaders now finally appear willing to work together to tackle the widening Federal budget deficit. A simple beginning is to repeal the Social Security earnings test. Eliminating the penalty on seniors' earnings would actually generate Federal revenue by encouraging older Americans to continue working and paying more income taxes.

My Arizona constituents are asking me why Congress does not understand the implications of this antiquated law. The following excerpts from retirees' letters demonstrate that seniors know what is best for themselves, as well as the national economy.

From Mr. George Ashle of Mesa, AZ:

> Removal of the limit on earnings for retirees would be a boon to the nation's economy since Social Security tax income would be increased as a result and a greater windfall to the government through increased income taxes.

From Mr. R. Kelly Hocker of Tempe, AZ:

> Workers should not be penalized for drawing their Social Security * * * there are many retirees who really must supplement their Social Security in order to have a decent standard of living. The benefit to the country * * * is a wealth of knowledge and expertise in older workers that we may need in order to compete with foreign countries.

Let's make this a priority. Please join the 214 of us who have already cosponsored this legislation, and join us for the "Freedom To Work" rally here on May 16.

IF CONGRESS IS WALKING, THE PRESIDENT MUST START TALKING

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

Mr. WISE. Mr. Speaker, what happened? The President has called a budget summit. But while talking starts with the Congress, how about some answers for the public? Particularly when taxpayers will pay the tab for this meeting.

For the first question, what happened, Mr. President? For months the Budget Committee relied upon the President's economic estimates. No White House alarms ever rang. Now we hear the economic tidal wave that is coming.

Second question, what happened, Mr. President? Is it the savings and loan crisis that is getting worse? Every American taxpayer already pays $1,000 for this foulup. Is the President now hinting that the taxpayers should pay more?

The third question, what happened, Mr. President? He gave Congress a budget in January, said nothing for 4 months, offered no changes, and finally offered no budget. Either he knew and did not tell, or did not know that he did not know.

If to the White House summit Congress is walking, then to the American people the President should be talking.

MAKE BUDGET SUMMIT A SUMMIT ABOUT ECONOMIC GROWTH

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

Mr. KYL. Mr. Speaker, a couple of Members have just asked what changed? Why is the President now seemingly for taxes?

The President has not said he is for taxes. This is the hope of liberal Democrats. It is not President George Bush.

As a matter of fact, I think the President feels about taxes a lot like he feels about broccoli. You can put it on the table in front of him, but he is not going to eat it.

Mr. Speaker, this budget summit should be a summit about economic growth. How can we get economic growth? Not by raising taxes. As a

matter of fact, if we are heading for a recession, the worst thing we can do is increase taxes.

It is like the old medical practice of leeching, leeching the blood, sucking the blood from the victim. Sucking more taxpayer dollars from our businesses and our people is not the way to strong economic growth in this country.

Mr. Speaker, I believe President Bush when he says that he is not going to support new taxes. He understands economic growth. If somebody is going to propose new taxes, it is going to have to be somebody other than President George Bush.

SUPPORT THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. WOLPE. Mr. Speaker, I rise in strong support of the Family and Medical Leave Act.

The issue we will be asked to decide later today is very simple: Are we going to recognize the reality that American families today are under increasing strain—with parents finding it more and more difficult to meet both their work and their family responsibilities?

Why should working parents be forced to choose between caring for the loved ones—be it their children or their aging parents—and keeping their jobs? That is all this legislation is about: Guaranteeing a very minimum amount of leave—unpaid leave—for compelling family need.

Mr. Speaker, it is incomprehensible that, in this day and age, this legislation should be considered controversial; 95 percent of all employers will not even be touched by this bill.

Mr. Speaker, the United States is one of only two industrialized countries in the world that do not provide for a national family leave standard. It is my hope that today the Congress will approve this long-overdue legislation, and that the President will take back his ill-considered veto threat and reaffirm his commitment to the American family.

THE PRESIDENT WILL STAND FIRM IN COMMITMENT NOT TO RAISE TAXES

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

Mr. DELAY. Mr. Speaker, you ought to see the excitement on the floor this morning. It is absolutely amazing. The big spenders on the Democrats' side of the aisle are all just slobbering and drooling all over themselves thinking they have got George Bush right where they want him, that he is going to raise taxes so they can continue to spend. But they did not read the President's lips. He has not said anything about raising taxes.

I remember in my hometown, Houston, TX, on October 12, 1987, Mr. Bush said:

> There are those who say we must balance the budget on the backs of the workers and raise taxes again. But they are wrong. I am not going to raise your taxes, period.

□ 1440

Do not forget what he said at the Republican convention in August 1988:

> I'm the one who won't raise taxes. My opponent now says he'll raise them as a last resort, or a third resort. When a politician talks like that, you know that's one resort he'll be checking into. My opponent won't rule out raising taxes. But I will. The Congress will push me to raise taxes, and I'll say no, and they'll push, and I'll say no, and they'll push again, and I'll say to them, "Read my lips: no new taxes."

I believed the President. The American people believed the President. Do not get out your checkbooks and credit cards too soon. My President is not going to raise new taxes.

PRESIDENT BUSH SHOULD SIGN THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. BRENNAN. Mr. Speaker, workers have a responsibility to their families as well as to their employers. When a child is sick, when an elderly parent is ill, when a baby comes home from the hospital, they need care and attention. But when someone—and it is usually a woman—cares for them; we tell her boss—it is OK if you fire her. That is not right. It is long past time this Nation pass a Family and Medical Leave Act to protect working people who need to care for their families. My State of Maine has such a law—and it works.

The reality today is that both parents need to work—and neither men nor women should be forced to choose between their jobs and families. If we truly care about the family in this country, If we truly care about children—and it is not just a lot of sentimental rhetoric—we will pass the Family and Medical Leave Act and President Bush will sign it.

LIMITATION OF POLITICAL ACTION COMMITTEES

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

Mr. WALSH. Mr. Speaker, in 1988, political action committees accounted for 28 percent of an incumbent's contributions, with just 14 percent for challengers. Individual contributions have declined from 73 percent to 46 percent. In 1974, PAC money as the principal source of campaign funding stood at 17 percent; by 1988 it rose to 40 percent.

PAC money is up 300 percent since 1980. The problem with congressional elections is that too many special interest groups have flooded our elections with money.

It would seem that PAC's have become the personification of an old adage, "He who has the gold, makes the rules," and we have received a lot of gold from a lot of PAC's. It is no wonder that Americans look at Congress through jaundiced eyes.

The Republican prescription to the present ills of the campaign finance system are straightforward: first, reduce PAC contributions; second, prohibit the practice of bundling; third, prohibit PAC fund transfers; fourth, the elimination of leadership PAC's.

We must choose, the special interests or the American people.

THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. DEFAZIO. Mr. Speaker, one of the most significant changes in our society over the past 30 years has been the increasing participation of women in the work force. Despite this revolution, the United States remains, along with Iran and South Africa, without a national family leave policy. As a result, many workers are forced to make a decision between financial security and caring for family members. That's a choice families should not have to make in the United States of America in the 20th century.

The State of Oregon, which has more small businesses per capita than any other State in the Union, has already implemented parental leave legislation. Oregon law requires businesses with 25 or more employees to provide 12 weeks of parental leave in the first year following the birth or adoption of a child.

Given the State's dependence on small businesses, there was considerable debate and concern regarding the potential impact on small businesses, prior to passage of the law. A strong bill was passed in Oregon which covers almost 70 percent of the private work force in the State. This is a much higher percentage than H.R. 770 will cover.

The Oregon law has been in effect for more than 2 years. The Oregon Department of Labor and the Ford Foundation have found, through data collected from employers, that businesses are not having trouble complying with

the law. And they aren't going out of business or leaving the State as a result of the law.

The medical leave coverage under H.R. 770 will complement the Oregon parental leave law and other laws that are already on the books in other States. The bill will also guarantee the ability of family members to care for one another during illness in States that don't have any parental leave or medical leave laws in effect. I urge my colleagues to support American families by supporting the bipartisan compromise bill.

RADIO AND TV ADVERTISING OF CASINO GAMBLING

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

Mr. WOLF. Mr. Speaker, legislation has been introduced in the other body that would permit casinos—like the Trump Taj Majal or Bally's or the Tropicana—to advertise gambling in any State in the country, even if gambling is illegal in that State.

When this issue last came before Congress in 1988, an agreement was reached with those interested in lifting restrictions on gambling advertising that longstanding Federal restrictions on interstate gambling advertisements by private for-profit groups, such as casinos, would remain in place.

Advertising by radio or television of casino gambling was to be prohibited.

The legislation pending in the other body is inconsistent with that agreement and its intent is bad public policy.

Under the proposed legislation, for the first time in this century, casinos—Merv Griffin's Resorts International, Trumps Marina, the Golden Nugget, Ceasars Palace, Harrah's—will be able to hire slick Madison Avenue advertising agencies to develop gambling ad campaigns to attract business from around the country—even from areas where gambling is illegal.

This is simply bad public policy. The attorney general of the State of Louisiana in a letter to me—dated July 2, 1984—stated:

> I cannot support legislation which recruits gambling customers from within States where gambling is illegal.

Similar views were stated by attorneys general from many other States.

I will close, Mr. Speaker, with comments from the attorney general of the State of Arizona when this issue first came before Congress in 1984. He said:

> If Nevada and New Jersey wish to allow casino gambling in their States, that is their right to do so, but for these two States to be allowed to advertise * * * their type of gambling into states that have laws prohibiting such type of gambling would be wrong.

Mr. Speaker, the new Senate legislation should be rejected.

SUBCOMMITTEE ON OVERSIGHT'S INVESTIGATION OF TAX UNDERPAYMENTS BY U.S. SUBSIDIARIES OF FOREIGN COMPANIES

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

Mr. PICKLE. Mr. Speaker, on February 22, 1990, I announced that the Ways and Means Committee's Subcommittee on Oversight, which I chair, was examining noncompliance with Federal tax laws by U.S. subsidiaries of foreign-owned companies and other related compliance issues. Given the great interest in this matter, I would like to take a minute to share with my colleagues the subcommittee's progress to date and our plans for the future.

It is my plan that the Oversight Subcommittee hold a hearing in June 1990, to disclose the findings of its investigation of noncompliance with section 482 of the Internal Revenue Code generally, as well as specific allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries. In addition, the subcommittee has been investigating related issues involving the U.S. Customs Service and the Department of Commerce.

At that hearing, the subcommittee will receive testimony from representatives of the Department of the Treasury, the Internal Revenue Service, the U.S. Customs Service, the Department of Commerce, the U.S. General Accounting Office, tax and economic experts in the field, and other invited witnesses.

During the last 9 months, the subcommittee has been investigating the extent to which foreign-owned U.S. subsidiaries are underpaying corporate income taxes in the United States, how it is being done, and the exent to which other Federal laws under the committee's jurisdiction are being violated. This investigation has included an extensive review and analyses of IRS records, and other information filed by foreign-owned subsidiaries in the United States.

At the hearing, I plan to lay out the facts and let them speak for themselves. While the tax issues involved can be very complex, I believe that the fundamentals at issue are relatively simple: Certain foreign-owned companies operating in the United States are gaming our system. The Congress and the American public should know how it is being done. While testimony at the hearing will need to be quite extensive and detailed, I think the facts about what has been going on should be comprehensively revealed.

THE IMPACT OF PROPOSED LEGISLATION ON SMALL BUSINESS

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

Mr. HOLLOWAY. Mr. Speaker, I rise today to take note of the irony which Congress has created during this, Small Business Week. As Congress pays formal recognition to the small businesses which are the backbone of America's economy, we have also chosen to consider the Family Medical Leave Act, a measure which could add immeasurably to the burdens of individual businesses struggling to survive.

Mr. Speaker, the Congress is preparing to mandate that our businesses provide certain employee benefits—despite a recommendation by the recent White House Conference on Small Business that such mandated benefits be avoided.

Mr. Speaker, it is past time that we in Washington let American businesses do business, with a minimum of Government mandates, regulations, and interference. Government mandates are not a solution. They are already part of the problem.

Mr. Speaker, I rise here to state without reservation that Congress should not mandate, it should not require, it should not direct American businesses. Congress should mind its own business and let businesses do business.

THE FAMILY AND MEDICAL LEAVE ACT OF 1989

(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, I am delighted to follow the last speaker into the well, because I think it is very important to point out that what the small business community asked us we dealt with, and in this new compromise proposal no one is covered unless they have over 50 employees. Small businesses have been removed.

We also put in key business proposals and all sorts of things.

So I think that Members should read the compromise before they attack it.

Let me also please ask the President to listen to groups who want family medical leave. So far he has only heard one group, the special interest business group.

As Members know, it was all the business lobbyists that were called to the White House. I have in my office a stack of letters at least this deep from every State in the Union of young couples who have had all sorts of problems with their employers when they

had a child or adopted a child or had some chronic illness in the family.

I would hope that the President of the United States would also listen to these people. We are taking about balancing these interests, and he should listen to both sides.

□ 1450

THE EVILS OF PUBLIC FINANCING

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

Mr. KOLBE. Mr. Speaker, public financing of Federal campaigns would be a big step, but it would be a step in the wrong direction. While nations all over the globe move toward less encumbered and freer elections, some within the Beltway want to impose more taxes, more regulations, more government control, and more costs for our Federal elections.

Of course, creating a new tax to pay for our campaigns appeals to some in Congress. Public financing is Congress' standard top-down, nonsolution to a grassroots issue. Taxpayers already finance the franking privilege, travel expenses, and professional staff which inevitably assist an incumbent's campaign. Public financing of campaigns is just another nail in the coffin of any challenger candidate.

Indeed, it is estimated that the cost of a campaign public financing program encompassing the House, the Senate, and the existing Presidential Campaign Fund would cost the taxpayers over a billion dollars for each 4-year cycle.

It is no accident that we have seen a dramatic decline in taxpayer participation in the Presidential Campaign Fund. We'll only be fooling ourselves or deliberately deceiving the public to follow this pied piper toward more Government spending, and more bureaucratic laws which will discourage grassroots participation in our representative process.

ANOTHER MULTIBILLION-DOLLAR MESS

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

Mr. APPLEGATE. Mr. Speaker, Congress is being sucked into another situation which it will regret later. Then it will be called upon to bail out another multibillion-dollar mess.

The Department of Commerce estimates that Americans now pay $32 billion a year for the 1970's Clean Air Act. Hundreds of thousands of jobs lost. Add $50 billion more if the bill before us passes.

It will increase inflation by 2 percent.

America's trading partners today are laughing at us because we are so stupid, because we are doing ourselves out of many, many jobs. We are pricing ourselves out of the international market.

But they keep rooting for us and they keep lobbying for us. The Carnegie-Mellon University said that this bill would put 2 million jobs at risk and we will lose over 350,000 jobs if this bill passes.

The Senate's bill will double it by losing 750,000 jobs and 4 million jobs at risk.

Mr. Speaker, we cannot afford extremism; common sense must prevail.

H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. SLAUGHTER of Virginia. Mr. Speaker, today, we will be considering legislation which will order Government intervention into the internal affairs between employers and employees in this Nation's businesses. Instead of assisting businesses to expand current types of benefit programs to meet the different and constantly changing needs of employees, Congress has decided that one, and only one, uniform employee leave policy should exist nationwide and has assumed that all employees will benefit equally from the same benefit. We all know what happens when one assumes.

The Family and Medical Leave Act which will appear today for a vote will not only discriminate against employees in deciding what employer benefits best suit their needs, it will result in the discontinuation of benefits to other employees in order to provide for the specific mandates in this bill. I urge my colleagues to vote against this legislation.

ARE TAXES REALLY ON THE TABLE?

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

Mr. LEVIN of Michigan. Mr. Speaker, this is really confusing. The President calls for a summit saying that all is on the table. Then some of my Republican colleagues come here on the floor and say it is not so; taxes really are not on the table.

It is time to end the doubletalk. On January 31, President Bush said in his State of the Union message that his budget proposal meets the Gramm-Rudman target, brings that deficit down further and balances the budget by 1993 with no new taxes.

In a few short months he has gone from an atmosphere of complacency to an air of crisis. The American people will respond to a crisis if they believe it is real and understand its nature.

The President owes it to the people to say what has happened. A summit cannot be a screen behind which the President hides from the press or the people. It is incumbent upon the President, whether in a joint session or at least a national press conference, to tell the American people what is the problem and what is his proposed answer.

TAX REVENUE HAS INCREASED 92 PERCENT IN THE LAST DECADE

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

Mr. BROWN of Colorado. Mr. Speaker, here we go again. Those advocates of higher and higher tax burdens on working Americans now are suggesting at a summit conference that we ought to have higher taxes and that ought to be the way to balance the budget.

Let us look at the facts, Mr. Speaker. The reality is in the last decade we have increased tax revenues 92 percent. The reason we have a deficit does not have anything to do with our failure to raise revenues. It is up an incredible 92 percent.

But, Mr. Speaker, spending is up 94 percent. We should not increase taxes to simply fund more and more Federal waste.

Mr. Speaker, before we even talk about taxes, let us eliminate some of the scandalous waste this House authorizes and appropriates every year.

DOES MR. FITZWATER THINK THAT 90 MILLION NONUNION WORKERS SHOULD FIND OTHER JOBS OR JOIN LABOR UNIONS?

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

Mr. CLAY. Mr. Speaker, I would like to cite an article that appeared in today's Washington Post. It says:

White House spokesperson Marlin Fitzwater, defending the Bush Administration's threat to veto parental leave legislation, was asked yesterday what workers should do if their employer refuses to provide leave or they are not protected by a union. Fitzwater: They should look for another job if they cannot negotiate an appropriate relationship with their company.

Question: I just want to make sure I understand, Mr. Fitzwater. Are you telling American women who are pregnant and find that they have no job when they want to come back, to go look for other jobs? Fitzwater: No, I am telling women they should have parental leave. We urge all companies

to provide it for them, and they should urge their unions to negotiate it for them.

Mr. Speaker, unions only represent 15 percent of the work force and most of their members are already covered by adequate family and medical leave.

Mr. Speaker, does Mr. Fitzwater think that 90 million nonunion workers not covered by this kind of leave should find other jobs or join labor unions?

RULES COMMITTEE PLANS REGARDING H.R. 2273, AMERICANS WITH DISABILITIES ACT OF 1989

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

Mr. MOAKLEY. Mr. Speaker, this is to notify members of the Rules Committee's plans regarding H.R. 2273, the Americans with Disabilities Act of 1989. The committee is planning to meet on Tuesday, May 15, 1990, at 10:30 a.m. to take testimony on the bill. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 2273 should submit, to the Rules Committee in H 312 in the Capitol, 35 copies of the amendment and a brief explanation of the amendment no later than 6:00 p.m. on Monday, May 14, 1990.

A base text substantially incorporating all prior committee considerations is being prepared. Members should instruct legislative counsel to draft their amendments to conform to the base text.

The committee appreciates the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 2273.

TAXES: THE ECONOMIC EQUIVALENT OF THROWING GASOLINE ON A FIRE

(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, any time that this city starts talking about taxes, it is the economic equivalent of throwing gasoline on a fire. The last thing we need is to talk about taxes.

What we have got to do is start talking about balancing the budget. Two hundred and forty-five Members of this House have cosponsored the balanced budget amendment, but the taxers and the spenders, those who run this place, are they going to let us vote on it? No. They want to go to a summit and talk about what kind of new taxes they can extract from the American people.

If we are going to have a summit, there had better be on the table the line item veto and the balanced budget amendment to the Constitution or the taxpayers are going to get burned once again.

REPUBLICAN MEMBERS PREDICTING THE PRESIDENT WILL NEVER RAISE TAXES

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

Mr. TORRICELLI. Mr. Speaker, you heard it here today: Republican Member after Republican Member taking the floor, predicting that the President will never raise taxes.

I am here to predict that he will raise taxes. And, Mr. Speaker, we are both right because no doubt, for the President's friends, for those of privilege in America, he will never raise taxes.

□ 1500

But for you and for me and for the overwhelming majority of Americans, he is—he says that he is going to, and he is about doing it. It isn't, Mr. Speaker, that the President is intellectually dishonest * * *. It is about the fact that he has a $500 billion——

Mr. WALKER. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the words objected to by the gentleman from Pennsylvania.

□ 1510

The Clerk read as follows:

It isn't, Mr. Speaker, that the President is intellectually dishonest * * *. It is about the fact that he has a $500 billion * * *.

The SPEAKER pro tempore. The Chair is of the opinion that to imply dishonesty on the part of the President is not in order.

While the Chair is not certain or clear that "intellectual dishonesty" necessarily suggests a charge of bad motives, the Chair believes that the statement of the gentleman from New Jersey [Mr. TORICELLI] transgresses proper debate. The precedents relating to references in debate to the President permit criticisms of official policy actions and opinions, but do not permit personal abuse, innuendo, or ridicule and require that proper rules of decorum must be followed during any debate relating to the President.

In referring to the President during debate a Member shall abstain from "terms of approbrium," such as calling the President a "liar"—V, 5094, VIII, 2498.

Without objection the gentleman from New Jersey [Mr. TORRICELLI] may proceed in order.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Does any Member move that the gentleman from New Jersey [Mr. TORRICELLI] may proceed in order?

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, if the gentleman from New Jersey [Mr. TORRICELLI] at this point is not recognized, would it be in order for me to ask unanimous consent to address the House for 1 minute?

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] wish to move that he proceed in order?

Mr. YATES. Mr. Speaker, I make that motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. YATES].

The question was taken; and on a division—demanded by Mr. WALKER—there were—ayes 18, noes 13.

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

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

The Sergeant at Arms will notify absent members.

The SPEAKER pro tempore. This is not a quorum call. The Clerk is trying to change the computer so we can go to a vote. The quorum call is off the board.

The vote was taken by electronic device, and there were—yeas 246, nays 167, answered "present" 1, not voting 19, as follows:

[Roll No. 101]

YEAS—246

Ackerman	Carr	Fascell
Akaka	Chapman	Fazio
Anderson	Clarke	Feighan
Andrews	Clay	Flake
Annunzio	Clement	Foglietta
Anthony	Coleman (TX)	Ford (MI)
Applegate	Conyers	Ford (TN)
Aspin	Cooper	Frank
Atkins	Costello	Frost
AuCoin	Coyne	Gaydos
Barnard	Darden	Gejdenson
Bates	de la Garza	Gephardt
Bellenson	DeFazio	Geren
Bennett	Dellums	Gibbons
Berman	Derrick	Glickman
Bevill	Dicks	Gonzalez
Bilbray	Dingell	Gordon
Boggs	Dixon	Gray
Bonior	Donnelly	Guarini
Borski	Dorgan (ND)	Hall (TX)
Bosco	Downey	Hamilton
Boucher	Durbin	Harris
Boxer	Dwyer	Hatcher
Brennan	Dymally	Hawkins
Brooks	Dyson	Hayes (IL)
Browder	Early	Hayes (LA)
Brown (CA)	Eckart	Hefner
Bruce	Edwards (CA)	Hertel
Bryant	Engel	Hoagland
Bustamante	English	Hochbrueckner
Campbell (CO)	Erdreich	Hoyer
Cardin	Espy	Hubbard
Carper	Evans	Huckaby

Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—167

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Crane
Dannemeyer
Davis
DeLay
DeWine
Dornan (CA)
Douglas
Dreier
Duncan
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)

ANSWERED "PRESENT"—1

Byron

NOT VOTING—19

Alexander
Bentley
Collins
Condit
Craig
Crockett
Dickinson
Edwards (OK)
Emerson
Flippo
Hall (OH)
Machtley
McEwen
Nelson
Robinson
Udall
Washington
Williams
Young (FL)

□ 1537

Messrs. BARTLETT, FAWELL, IRELAND, and RAVENEL, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

CLARIFICATION OF RULING BY THE CHAIR

The SPEAKER pro tempore (Mr. MURTHA). If the Chair could have order, let the Chair clarify his ruling.

The Chair would like to clarify his earlier ruling on the words of the gentleman from New Jersey.

The Chair does not believe that an allegation of intellectual inconsistency is necessarily unparliamentary.

However, to whatever extent the phrase "intellectual dishonesty" may connote an intent to deceive, the Chair believes that it does tend to be personally offensive and therefore unparliamentary.

The House has voted to allow the gentleman to proceed in order. The gentleman has 16 seconds remaining.

Mr. TORRICELLI. Mr. Speaker, let me be clear. I believe that the President has committed intellectually inconsistent acts. Before an election, he promised to never raise taxes. After an election, he clearly intends to raise taxes. It is not fair to the American voters.

I understand why the Republicans in this House do not like to hear the words. I would not want to hear them about my party either. But what I am saying is what every American is thinking.

□ 1540

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WALKER. If I understand correctly what just happened in the course of events, it was that the Chair did rule that the gentleman's words were inappropriate, is that correct?

The SPEAKER pro tempore. The Chair did so rule.

Mr. WALKER. And the penalty for such a ruling would normally be that the gentleman would not be allowed to speak for the rest of the day in the House Chamber, is that not correct?

The SPEAKER pro tempore. The House permitted him to proceed in order.

Mr. WALKER. Under the rules, Mr. Speaker, the rules state that someone having had the Chair so rule is not permitted to speak in the House for the rest of the day, is that not correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. So by taking the action which the party did a few minutes ago, the majority party did, what they did was basically overrule the rules with regard to the penalty for having words taken down.

The SPEAKER pro tempore. The motion to allow the gentleman to proceed is a proper parliamentary motion under the same rule.

Mr. WALKER. Yes. I understand. But the effect of the action, the effect of the motion, was to override the rules of the House.

The SPEAKER pro tempore. Under the rules of the House the Chair cannot say that one part of the rule has precedence over the practice of the House paramount to that rule.

Mr. WALKER. Well, I have a further parliamentary inquiry.

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

Mr. WALKER. If the motion had not been made, the gentleman would not have been permitted to speak for the rest of the day, is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. So the effect of the motion was to allow the gentleman to do something which the rules would otherwise not permit him.

The SPEAKER pro tempore. The House has followed the normal practice. There are two aspects to the rule. The House proceeded under the rules, and both procedures are proper. The House voted and the gentleman was allowed to proceed for 16 seconds.

Mr. WALKER. I have a further parliamentary inquiry. So in other words what the Chair is saying is that the will of the majority can prevail, even though it is over and above the rules that are adopted by the——

Mr. YATES. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] is absolutely correct. That is not a parliamentary inquiry.

BUDGET SUMMIT ESSENTIAL

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

Mr. CONTE. Mr. Speaker, first of all I want to thank you all for coming over here to hear me.

Mr. Speaker, there are a lot of Members around here saying we should not go to a summit. They are saying we ought to play partisan games.

That is the worst of all possible worlds. If we do not go to a summit, you know what happens. Come October 1, we walk right into sequester, a sequester of gigantic proportions, $56 billion, cutting every program an estimated 25 percent across the board.

Do you want to know what will happen? I will tell you.

All of the education programs: Pell grants; chapter 1; handicapped education; impact aid; cut 25 percent.

The war on drugs: Coast Guard interdiction; Customs; FBI; DEA; grants to State and local law enforcement; cut 25 percent.

Air traffic controllers, none of you will want to fly home; food safety inspectors; mine safety; job safety; cut 25 percent.

Research on AIDS, cut 25 percent.

Space programs, cut 25 percent.

Agricultural payments, cut 25 percent.

Food donations to the poor, cut 25 percent.

Hot meals for the elderly.

Homeless programs.

Literacy programs.

Tax collections by the IRS.

Veterans' medical care.

Securities investigations.

Housing for the poor.

EPA.

Federal employment.

Job training.

The entire Defense Department, cut 25 percent.

Take these programs and many, many more and imagine what happens to them when they are cut 25 percent across the board. If you thought 1981 was tough, you ain't seen nothing yet.

That is why we need a summit. That is why we need leadership. And that is why we need to stop this partisan bickering and games on both sides of the aisle. Let us get together. Let us talk it over under the guidance of our joint leadership.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] be given an additional 16 seconds.

The SPEAKER pro tempore. The gentleman from Massachusetts may complete his statement.

Mr. CONTE. Mr. Speaker, I will end by saying, "Read my lips." Let us all get together here for the good of the country and for those programs that I talked about. Let us get to the summit and let us quit our bickering.

MESSAGE FROM THE PRESIDENT

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

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3736 AND H.R. 3737

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Virginia [Mr. OLIN] as a cosponsor of H.R. 3736 and H.R. 3737.

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

There was no objection.

FAMILY AND MEDICAL LEAVE ACT NOT GOOD FOR AMERICAN BUSINESS AND INDUSTRY

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

Mr. VALENTINE. Mr. Speaker, my remarks will not have anything to do with the recent controversy. I hate to have to be here to follow that splendid act, but that is the way it happens.

Mr. Speaker, over the years the Federal Government has insinuated itself more and more into the everyday lives of the American people and American business. Contrary to what some say, Mr. Speaker, this is not a completely bad circumstance. Among the positive results are a Federal minimum wage, a requirement that overtime wages must be paid for overtime work, a safer workplace, and some protection from discrimination.

Up until now, Mr. Speaker, American business has not been required to pay people for work they did not perform. Up until now American business has not been required to pay people for idleness.

If the House passes H.R. 770, this will change, Mr. Speaker, and for the very first time Congress will have said to the American business and industry, "You must pay some of your people for work they do not perform."

It will be a historic occasion.

□ 1550

"EVERYTHING" ON THE BUDGET TABLE MEANS EVERYTHING

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

Mr. GINGRICH. Mr. Speaker, we are about to enter a budget summit that could be very, very important for this country. One of our colleagues on the Democratic side was talking about intellectual consistency. Let me just suggest to every Member of the House that if everything is on the table, then everything is on the table, every appropriation, every piece of pork, all the micromanagement, all of the various built-in, mandated waste that over the last 35 years have accrued in the way the Congress deals with the Government.

It seems to me we ought to start first by trying to clear out everything that is unnecessary waste and unnecessary expenditure and unnecessary redtape and unnecessary mandate, and then if we get around to the need for revenues, there may be a time to get to it. But we have a long number of sessions in that summit looking at everything before we start defining the word "everything" to mean only taxes.

So intellectual consistency is going to require that everybody on both sides mean by the word "everything" everything.

APPOINTMENT OF CONFEREES ON H.R. 3, EARLY CHILDHOOD EDUCATION AND DEVELOPMENT ACT OF 1990

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. ARCHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3 be instructed to reject the new "Act for Better Child Care" grant program proposed in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER]

will be recognized for 30 minutes, and the gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes.

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

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

Mr. Speaker, House debate on day care has now continued for more than 2 years. We have argued about day care quality and regulations, about new bureaucracy, about supply shortages, about committee jurisdiction, and about money.

Even though the House passed a bill, significant differences of opinion exist within this body regarding most of those issues.

But I think the House did settle one issue emphatically. It does not support the ABC provisions of the Senate bill.

My motion simply instructs the House conferees on that particular issue to support the existing clear House position by rejecting those Senate provisions. It underscores the existing clear House position. No more. No less.

It's very troubling to hear now that the conferees being named today may not, in fact, constitute a working majority in support of the House position on this cornerstone issue. That's why this motion to instruct is so important.

The House rejected the ABC approach for good reason. The Federal Government already has 28 day care programs.

We do not need a 29th, in the form of a redundant new preschool program which has the potential to create an elaborate new bureaucracy at the Federal and State levels.

We already have a preschool grant mechanism that has been in existence for nearly 30 years. The title XX grant program—which is part of the Social Security Act—provides the States with $2.8 billion to spend on social programs of their choice. In practice, every State but one spends title XX money on day care.

Here's what title XX supports: A Federal mechanism to send the money to the States; a State mechanism to receive the Federal money and allocate it to day care providers or local governments; mechanisms at the local level to allocate the money to providers; an elaborate set of rules and procedures at the State and local levels governing who has the right to apply for the money, what they must do to apply, how it is decided who gets the money and how much, and what the money can be used for; and a mechanism to assure that day care financed by title XX dollars is in accord with State and local quality standards.

The point is, the House chose not to create a redundant, costly new preschool day care grant program when we already have one with the inherent flexibility of the title XX program.

I would have strongly preferred that the Speaker appoint conferees who will support the House position on the ABC Program.

Absent that commitment, it's vital that we remind our conferees through these instructions that we, as the Members of the House they're representing in conference, in fact, expect them to fulfill their responsibility to us.

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

Mr. HAWKINS. Mr. Speaker, the chairman of the Committee on Education and Labor has no requests for time, and I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of the motion to instruct conferees on a child care bill. As many of my colleagues know, I rarely support such motions. However, today is one of those extraordinary occasions where it is important—if not essential—that we support the motion to instruct. Prior to going to conference, the conferees need to know the position of the House on the ABC provisions contained in the Senate amendment.

Mr. Speaker, I have only one goal in the upcoming child care conference, and that is to produce a bill that will be enacted into law so that millions of children and their parents will receive much-needed child care assistance. To do this, the conferees must produce a bill that the President will sign. No one will benefit—not one child, not one family—if all we produce from conference is a political issue for the fall elections.

The President has repeatedly made clear his intention to veto a child care bill that contains the ABC provisions of the Senate amendment. I want to avoid a circumstance in which the House rejects, or the President vetoes, a child care conference report because of its inclusion of the Senate's ABC provisions. I have absolutely no interest in playing chicken with the President or jeopardizing approval of the conference report on the House floor. Better for the House to express its will clearly and emphatically on this motion to instruct, rather than reject the conference report later.

Mr. Speaker, the House bill was supported by 265 Members, and provides child care assistance through a significant expansion of the existing Title XX Program. It creates no new or duplicative bureaucracy as does the Senate amendment through its new ABC Program. The motion to instruct merely reaffirms the position of the House and directs its conferees to faithfully represent that position in opposition to the Senate's ABC provisions.

My colleagues, if you share my commitment to provide much-needed child care assistance to millions of children and their parents—if you share my commitment to action, rather than rhetoric—if you share my desire to enact a good child care bill, rather than merely create a campaign issue of empty promises—you'll vote in favor of this motion to instruct.

Mr. Speaker, I urge the House to support this motion to instruct and send a strong bipartisan message to our conferees that we all want a bill the President can sign—a bill that will deliver on all our promises and all our rhetoric; most importantly, a bill that will deliver essential child care assistance to millions of American families.

Vote aye on the motion to instruct.

Mr. MILLER of Washington. Mr. Speaker, I rise today to urge my colleagues to vote in favor of the motion to instruct conferees on H.R. 3, the Early Childhood Education and Development Act. This motion would instruct conferees to reject the provisions in the Senate-passed bill which create a new Federal child care bureaucracy. The Senate-passed bill discriminates against poor families who deserve the right to choose church-based child care.

We must support the provisions in H.R. 3 which protect the rights of families and stay-at-home mothers. Families don't want a federally driven child care bureaucracy. It's important that we allow the use of vouchers for church-based child care, permit church members to work as child care employees, and expand tax credits for parents. The House bill is clearly superior to the Senate's. If the conference adopts major parts of the Senate bill or if responsible fiscal provisions are not contained in the final bill, I will oppose this bill when it comes back to the House for final passage. We need more and better day care in this country, but it must be based on sound principles. The issue here is choice. Choice will strengthen our families.

Mr. SHAW. Mr. Speaker, as the House agrees to go to conference with the Senate, it is painfully clear that we're back to the exact place we reached a year ago. Ironically, the conflict is not over whether we should give States some money to expand and improve day care, but over how we should give them the money. The fundamental conflict within the House for 2 years now has been the desire of the Education and Labor Committee to use the ABC grant mechanism—as opposed to the desire of the Ways and Means Committee to use the title XX grant mechanism. If we had resolved this conflict last year, parents, States, and localities could be well on their way to implementing this bill by now.

Finally, the House decided to use the title XX mechanism when it passed H.R. 3 a month ago. Now the matter is about to become even more complicated, because the Senate appears to want the ABC bill. Moreover, the Democratic leadership in the House has arranged the conference so that it appears nearly inevitable that the conference will

approve the ABC bill. As a result, the conference report would include both the ABC bill and title XX.

This is a ridiculous result. The point of the bipartisan motion to instruct conferees is simply to remind our conference managers that the House has already spoke on this matter. By passing H.R. 3 with an excellent new title XX program and without ABC, the House made a clear choice. Now we are simply instructing our conferees to stick by our choice.

We have already allowed this conflict to deprive the Nation of good social legislation for more than a year. The President has said repeatedly he will veto any day care bill that includes ABC. Let's send our conferees and the Senate conferees an overwhelming message by this vote today. We want to stick with the decision we already made to support title XX. We want a bill that will be signed into law. Vote "yes" on the motion to instruct.

Mr. ARCHER. Mr. Speaker, does the gentleman from California [Mr. HAWKINS] intend to speak? We have the right to close debate, I believe.

The SPEAKER pro tempore. The gentleman is correct.

Mr. HAWKINS. Mr. Speaker, I think there is much ado about nothing. The gentleman on this side intends to support the motion.

I have no requests for time, and in order to conserve time, I simply yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

□ 1600

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Texas [Mr. ARCHER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 411, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 102]

YEAS—411

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bellenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
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)
Hefley
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
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
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)
Nielson
Nowak
Oakar
Oberstar
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
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—0

ANSWERED "PRESENT"—1

Roukema

NOT VOTING—21

Alexander
Bentley
Brooks
Bustamante
Collins
Craig
Dickinson
Emerson
Flippo
Leath (TX)
Lewis (CA)
Machtley
McEwen
Neal (MA)
Nelson
Obey
Pickle
Robinson
Slaughter (NY)
Udall
Young (FL)

□ 1618

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise their remarks and include therein extraneous material on the motion to instruct conferees on H.R. 3.

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

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. THOMAS of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman from California will state the parliamentary inquiry.

Mr. THOMAS of California. Mr. Speaker, in light of the unanimous vote of the House in instructing the conferees on rejecting the provision known as the ABC portion, would it not be intellectually inconsistent for the Speaker to appoint conferees that are not in agreement with that position? My assumption is, since all Members are in agreement by virtue of the vote that no one would vote that way, and it certainly would be intellectually consistent to appoint conferees who would so vote.

The SPEAKER. The Chair will advise the gentleman that the motion to instruct will not bind Senate confer-

ees. Second, that the position of the House, the Chair assumes, will be upheld in the course of the initial position of the House in the conference. Furthermore, the gentleman states that every Member of the House has voted, except for one voting "present," for the instruction; therefore, it would deem that no one would be disqualified by disagreement with the instruction.

□ 1620

Mr. THOMAS of California. I am inquiring further, Mr. Speaker, if, in fact, someone did, would they be intellectually consistent?

The SPEAKER. In the opinion of the Chair, the gentleman from California [Mr. THOMAS] is not now starting a parliamentary inquiry.

The SPEAKER. The Chair appoints the following conferees on H.R. 3, the Early Childhood Education and Development Act of 1989:

From the Committee on Education and Labor, for consideration of the House bill—except titles III and VI—and the Senate amendment—except for titles II and III—and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, CLAY, MILLER of California, KILDEE, WILLIAMS, MARTINEZ, OWENS of New York, HAYES of Illinois, PERKINS, SAWYER, and PAYNE of New Jersey, Mrs. LOWEY of New York, Mrs. UNSOELD, and Messrs. WASHINGTON, JONTZ, GOODLING, PETRI, GUNDERSON, BARTLETT, TAUKE, HENRY, GRANDY, BALLENGER, and FAWELL.

From the Committee on Ways and Means, for consideration of titles III and VI of the House bill, and title II of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, DOWNEY, FORD of Tennessee, PEASE, and MATSUI, Mrs. KENNELLY, and Messrs. ANDREWS, ARCHER, VANDER JAGT, CRANE, and SHAW.

From the Committee on Ways and Means, for consideration of title I—except section 125—of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, DOWNEY, and ARCHER.

From the Committee on Ways and Means, for consideration of title III of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, JACOBS, and BROWN of Colorado.

From the Committee on Energy and Commerce, for consideration of section 124 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, WALGREN, and LENT.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 100, No. 101, and No. 102.

APPOINTMENT OF CONFEREES ON H.R. 7, APPLIED TECHNOLOGY EDUCATION AMENDMENTS OF 1989

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7) to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such act and to extend the authorities contained in such act through the fiscal year 1995, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, MILLER, of California, KILDEE, WILLIAMS, MARTINEZ, PERKINS, HAYES, of Illinois, SAWYER, OWENS of New York, and PAYNE of New Jersey, Mrs. LOWEY of New York, Mr. POSHARD, Mrs. UNSOELD, and Messrs. RAHALL, GOODLING, FAWELL, GRANDY, SMITH of Vermont, BARTLETT, GUNDERSON, and PETRI, Mrs. ROUKEMA, and Mr. COLEMAN of Missouri.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

AUTHORIZING ADDITIONAL COSPONSOR OF H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent that I may be granted authority to add a cosponsor to H.R. 2273, the Americans with Disabilities Act.

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

There was no objection.

EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF HUNGARY

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the Peoples' Republic of Hungary for 3 years, with Senate amendments thereto, concur in the Senate amendment to the test with an amendment, and concur in the Senate amendment to the title.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendments, as follows:

House amendment to Senate amendment:

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TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER CUSTOMS PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

Sec. 101. United States International Trade Commission.
Sec. 102. United States Customs service.
Sec. 103. Office of the United States Trade Representative.

Subtitle B—Customs User Fees

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Sec. 112. Enforcement authority.
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Sec. 380. 4,4-Thiodiphenyl cyanate.
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Sec. 382. Dimethoate.
Sec. 383. Diphenyldichlorosilane and phenyltrichlorosilane.
Sec. 384. Bendiocarb.
Sec. 385. Rhodamine 2C base.
Sec. 386. 2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl)benzenesulfonic acid.
Sec. 387. Nimodipine.
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Sec. 389. 2,2,6,6-Tetramethyl-4-piperidinon and amino hydroxy- and imido derivatives.
Sec. 390. Norfloxacin.
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Sec. 392. 6-Methyluracil.
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Sec. 395. Trimethyl base.
Sec. 396. Ala pro.
Sec. 397. Thiothiamine hydrochloride.
Sec. 398. Ethyl 2-(2-Aminothiazol-4-yl)-2-Hydroxyiminoacetate(ATHAET).
Sec. 399. Ethyl 2-(2-Aminothiazol-4-yl)-2-Methoxyiminoacetate(ATMAET).
Sec. 400. 7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid.
Sec. 401. Ceftazidime tertiary butyl ester.
Sec. 402. Chemical intermediate.
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Sec. 405. Herbicide intermediate.
Sec. 406. N-[4-[[(2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)methyl]amino]benzoyl]-1-glutamic acid.
Sec. 407. Theobromine.
Sec. 408. (6R-(6a,7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid (CEFIXIME).
Sec. 409. Teicoplanin.
Sec. 410. Carfentanil citrate.
Sec. 411. Calcium acetylsalicylate.
Sec. 412. Resolin red F3BS.
Sec. 413. Certain acid black powder and presscake.
Sec. 414. Pigment red 178.
Sec. 415. Pigment red 149 dry and presscake.
Sec. 416. Solvent yellow 43.
Sec. 417. Solvent yellow 44.
Sec. 418. Modeling pastes.
Sec. 419. Mono- and dibenzyl toluenes.
Sec. 420. Chemical light activator blends.
Sec. 421. Polymin p and polymin p hydrochloride, and polymin SNA 60.
Sec. 422. Specialty thermoset resin.
Sec. 423. Hydrocarbon novolac cyanate ester.
Sec. 424. Chlorinated synthetic rubber.
Sec. 425. Wicker products.
Sec. 426. Certain plastic web sheeting.
Sec. 427. Protective sports apparel.
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Sec. 431. Self-folding collapsible umbrellas.
Sec. 432. Glass bulbs.
Sec. 433. Drinking glasses with special effects in the glass.
Sec. 434. Certain glass fibers.
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Sec. 444. Certain infant nursery monitors and intercoms.
Sec. 445. Certain machined electronic connector contact parts.
Sec. 446. Certain piston engines.
Sec. 447. Timing apparatus with opto-electronic display only.
Sec. 448. Furniture and seats of unspun fibrous vegetable materials.
Sec. 449. Christmas ornaments.
Sec. 450. 3-dimensional cameras.
Sec. 451. Operatic scenery, properties, including sets.

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

Sec. 461. Extension of certain existing suspensions of duty.
Sec. 462. Extension of, and other modifications to, certain existing suspensions of duty.
Sec. 463. Termination of existing suspension of duty on c-amines.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

Sec. 471. Certain edible molasses.
Sec. 472. Certain woven fabrics and gauze.
Sec. 473. Classification of certain articles in whole or part of fabrics coated, covered, or laminated with opaque rubber or plastics.
Sec. 474. Gloves, mittens, and mitts.
Sec. 475. Chipper knife steel.

Sec. 476. Elimination of inverted tariff on cantilever brakes and brake parts for bicycles.
Sec. 477. Bicycles having 26-inch wheels.
Sec. 478. Processing of certain blended syrups.

PART 2—MISCELLANEOUS PROVISIONS

Sec. 481. Renewal of existing customs exemption applicable to bicycle parts in foreign trade zones.
Sec. 482. Rail cars for the State of Florida.
Sec. 483. Reliquidation of certain entries.
Sec. 484. Protest relating to certain entries.
Sec. 485. Effective dates.

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs and Trade Act of 1990".

TITLE I—TRADE AGENCY AUTHORIZATIONS, CUSTOMS USER FEES, AND OTHER CUSTOMS PROVISIONS

Subtitle A—Trade Agency Authorizations for Fiscal Years 1991 and 1992

SEC. 101. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $41,170,000 for fiscal year 1991.

"(ii) $44,052,000 for fiscal year 1992.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

SEC. 102. UNITED STATES CUSTOMS SERVICE.

Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $510,551,000 for fiscal year 1991.

"(B) $536,079,000 for fiscal year 1992.

"(2) FOR COMMERCIAL OPERATIONS.—There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(A) $672,397,000 for fiscal year 1991.

"(B) $706,017,000 for fiscal year 1992.

"(3) FOR AIR INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

"(A) $143,047,000 for fiscal year 1991.

"(B) $150,199,000 for fiscal year 1992.".

SEC. 103. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 217(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $23,250,000 for fiscal year 1991.

"(ii) $21,077,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $1,000,000 shall remain available until expended.".

Subtitle B—Customs User Fees

SEC. 111. CUSTOMS USER FEES FOR FORMAL ENTRIES MADE DURING FISCAL YEAR 1990.

(a) IN GENERAL.—Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended—

(1) by inserting "(except fiscal year 1990)" after "1987" in paragraph (10); and

(2) by adding at the end thereof the following new paragraph:

"(11) For the processing of any merchandise (other than an article described in subparagraph (A), (B), or (C) of paragraph (9)) that is formally entered, or withdrawn from warehouse for consumption, during fiscal year 1990, a fee (not exceeding $575) in an amount equal to—

"(A) 0.17 percent ad valorem, or

"(B) an ad valorem rate which the Secretary of the Treasury estimates will provide a total amount of revenue during fiscal year 1990, equal to—

"(i) the total amount authorized to be appropriated for such fiscal year to the United States Customs Service for salaries and expenses incurred in conducting commercial operations during such fiscal year, reduced by

"(ii) the excess, if any, of—

"(I) the total amount authorized to be appropriated for such salaries and expenses for such fiscal year, over

"(II) the total amount actually appropriated for such salaries and expenses for such fiscal year,

except that if appropriations are not authorized for fiscal year 1990, the fee imposed under this paragraph with respect to that year shall be in an amount equal to 0.17 percent ad valorem or $575, whichever is less.".

(b) CONFORMING AMENDMENTS.—Section 13031 of such Act of 1985 is further amended as follows:

(1) Subsection (b) is amended—

(A) by striking out "(a) (9) or (10)" in paragraph (8)(A) and inserting "(a) (9), (10), or (11)";

(B) by amending paragraph (10) to read as follows:

"(10) The fee charged under subsection (a) (10) or (11) of this section with respect to goods of Canadian origin (as determined under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988) shall be in accordance with article 403 of the United States-Canada Free-Trade Agreement."; and

(C) by inserting at the end thereof the following:

"(11) No fee may be charged under subsection (a) (10) or (11) with respect to products of Israel if an exemption with respect to the fee is implemented under section 113 of the Customs and Trade Act of 1990.

"(12) For purposes of applying subsection (a)(11)(B), expenses incurred in conducting commercial operations do not include costs incurred in—

"(A) air passenger processing;

"(B) export control; and

"(C) international affairs.".

(2) Subsection (f)(2) is amended—

(A) by inserting "(A)" after "(2)",

(B) by striking out "(other than costs for which direct reimbursement under paragraph (3) is required)" and inserting "(other than costs described in subparagraph (B))", and

(C) by adding at the end thereof the following:

"(B) The following costs may not be funded with money contained in the Customs User Fee Account:

"(i) Costs for which direct reimbursement under paragraph (3) is required.

"(ii) Costs for any of the following services (other than a service for which direct reimbursement is made under paragraph (3)):

"(I) Any service for which a fee exemption is provided by reason of subsection (b)(10).

"(II) Any service for which a fee exemption is provided by reason of the determination referred to in section 113 of the Customs and Trade Act of 1990.

"(III) Any service provided in processing during fiscal year 1990 air passengers and articles described in subparagraph (A), (B), or (C) of subsection (a)(9).".

SEC. 112. ENFORCEMENT AUTHORITY.

Section 13031(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(g)) is amended—

(1) by amending the side heading to read as follows: "REGULATIONS AND ENFORCEMENT.—"; and

(2) by adding at the end the following new paragraph:

"(3) Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs laws and regulations, other than those laws and regulations relating to drawback, shall apply with respect to any fee prescribed under subsection (a) of this section, and with respect to persons liable therefor, as if such fee is a customs duty. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the amount of the fee assessed. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any fee prescribed under subsection (a) of this section shall be treated as if such fee is a customs duty.".

SEC. 113. EXEMPTION OF ISRAELI PRODUCTS FROM USER FEES.

If the United States Trade Representative determines that the Government of Israel has provided reciprocal concessions in exchange for the exemption of the products of Israel from the fees imposed under section 13031(a) (10) and (11) of the Consolidated Omnibus Budget Reconciliation Act of 1985, such fees may not be charged with respect to any product of Israel that is entered, or withdrawn from warehouse for consumption, on or after the 15th day (but not before October 1, 1989) after the date on which the determination is published in the Federal Register.

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SEC. 114. GAO REPORT.

The Comptroller General of the United States, within 180 days after the effective date of this section, shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the costs incurred by the Customs Service in conducting commercial operations and on appropriate fees to be charged to the beneficiaries of such services.

SEC. 115. EXTENSION OF CUSTOMS USER FEE PROGRAM.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "September 30, 1990" and inserting "September 30, 1991".

SEC. 116. EFFECTIVE DATES.

This subtitle (except section 113) takes effect October 1, 1989. Section 113 takes effect on the date of the enactment of this Act.

Subtitle C—Miscellaneous Customs Provisions

SEC. 121. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries under the authority of section 616(c) of this Act or section 981 of title 18, United States Code.".

(2) Subsection (a)(2) is amended—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end thereof the following:

"(B) Any payment made under subparagraph (F) of paragraph (1) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.".

(3) Subsection (c) is amended by inserting "forfeited currency and" before "proceeds".

(4) Subsection (e)(1) is amended—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by amending subparagraph (B)—

(i) by striking out clause (ii),

(ii) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively,

(iii) by striking out "and" after the semicolon in clause (iv) (as so redesignated); and

(iv) by striking out the period at the end thereof and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a report containing, for the previous fiscal year—

"(i) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Comptroller General, and

"(ii) an analysis of income and expenses for cases closed showing the revenue received or lost—

"(I) by property category (general property, vehicles, vessels, aircraft, cash, and real property) and

"(II) by type of disposition (sales, remissions, cancellations, placed into official use, sharing with State and local agencies, and destructions).".

(5) Subsection (f) is amended to read as follows:

"(f)(1) Subject to paragraph (2), there are authorized to be appropriated from the Fund not to exceed $20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(2) Of the amount authorized to be appropriated under paragraph (1), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(A) $14,855,000 for fiscal year 1991.

"(B) $15,598,000 for fiscal year 1992.".

SEC. 122. INCREASE IN VALUE SUBJECT TO ADMINISTRATIVE FORFEITURE; PROCESSING OF MONEY SEIZED UNDER THE CUSTOMS LAWS.

Section 607 of the Traiff Act of 1930 (19 U.S.C. 1607) is amended—

(1) by striking out "$100,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking out "or" at the end of subsection (a)(2);

(3) by inserting "or" after the semicolon at the end of subsection (a)(3);

(4) by inserting after paragraph (3) of subsection (a) the following new paragraph:

"(4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code;";

(5) by adding at the end thereof the following new subsection:

"(c) The Commissioner of Customs shall submit to the Congress, by no later than February 1 of each fiscal year, a report on the total dollar value of uncontested seizures of monetary instruments having a value of over $100,000 which, or the proceeds of which, have not been deposited into the Customs Forfeiture Fund under section 613A within 120 days of seizure, as of the end of the previous fiscal year."; and

(6) by striking out "$100,000" in the section heading and inserting "$500,000".

SEC. 123. ANNUAL NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES AND ENFORCEMENT STRATEGY.

(a) VIOLATION ESTIMATES.—Note later than 30 days before the beginning of each fiscal year fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) Shall, within 60 days after the date of the enactment of this Act, prepare list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) ENFORCEMENT STRATEGY.—Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

(d) CONFIDENTIALTY.—The contents of any report submitted to the Committees under subsection (a) of (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

SEC. 124. REPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS.

(A) CUSTOMS PRECLEARANCE.—The Secretary of the Treasury, in consulation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") no later than February 1, 1991.

(b) RECOVERY FOR CUSTOMS DAMAGE.—

(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse against, the United States Customs Service regarding the damage.

(2) No later than February 1, 1991, the Secretary of the Treasury shall submit to the Committees a report on the evaluation required under paragraph (1), together with any legislative recommendation that the Secretary considers appropriate.

(c) MERCHANDISE DAMAGE STATISTICS.—The Commissioner of Customs shall keep accurate statistics on the incidence, nature, and extent of damage to merchandise resulting from customs examinations and shall provide an annual summary of these statistics to the Committees.

SEC. 125. ELIGIBILITY OF CZECHOSLOVAKIA AND EAST GERMANY UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Czechoslovakia" and "Germany (East)".

SEC. 126. EXTENSION OF TIME FOR PREPARATION OF REPORT ON SUPPLEMENTAL WAGE ALLOWANCE DEMONSTRATION PROJECTS UNDER THE WORKER ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(d) of the Trade Act of 1974 (19 U.S.C. 2318(d)) is amended by striking out "3 years" and inserting "6 years".

SEC. 127. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)) is amended to real as follows:

"(d) If the President determines that the further extension of the waiver authority

granted under subsection (c) will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendation shall—

"(1) be made not later than 30 days before the expiration of such authority;

"(2) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

"(3) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension a joint resolution described in section 153(a) is enacted into law disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority with respect to such country.".

(2) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on with respect to .', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(3) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(4) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The term 'implementing revenue bill or resolution' means an implementing bill or approval resolution which contains one or more revenue measures by reason of which it must originate in the House of Representatives.",

(B) by striking out "concurrent" in subsection (b)(3) and inserting "joint",

(C) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting "revenue bill or resolution", and

(D) by striking out "such bill" each place it appears in subsection (e)(2) and inserting "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(B) by striking out "the adoption" and inserting "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve transmitted to the Congress on .', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended by striking out ", 407(c)(2), and 407(c)(3)" and inserting "and 407(c)(2)".

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Subtitle A—Short Title and Findings

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act 1989".

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

Subtitle B—Amendments to the Caribbean Basin Economic Recovery Act and Related Provisions

PART 1—AMENDMENTS TO CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 211. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 212. DUTY REDUCTION FOR CERTAIN LEATHER-RELATED PRODUCTS.

(a) IN GENERAL.—Section 213 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703) is amended by adding at the end thereof the following new subsection:

"(h)(1) The rate of duty on any handbag, luggage, flat good, work glove, or leather wearing apparel that—

"(A) is a product of a beneficiary country; and

"(B) was not designated on August 5, 1983, as an eligible article for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

is a rate equal to 50 percent of the general column 1 rate of duty under the HTS that would apply to such article but for this paragraph.

"(2) The President shall proclaim the rates of duty imposed under paragraph (1).

"(3) The duty applied under paragraph (1) to an article is in lieu of the duty provided

for that article under general column 1 of the HTS.".

(b) CONFORMING AMENDMENT.—Section 213(b) of such Act is amended—

(1) by striking out ", handbags, luggage, flat goods, work gloves, and leather wearing apparel" in paragraph (2);

(2) by striking "or" at the end of paragraph (4);

(3) by striking out the period at the end of paragraph (5) and inserting "; or"; and

(4) by adding at the end thereof the following new paragraph:

"(6) articles to which reduced rates of duty apply under subsection (h).".

SEC. 213. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out "and" after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting "; and";

(3) by adding at the end of subsection (b) the following new paragraph:

"(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).";

(4) by amending the last sentence in subsection (b) by striking out "and (5)" and inserting "(5), and (7)";

(5) by amending subsection (c)(8) to read as follows:

"(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights."; and

(6) by adding the following new subparagraph at the end of subsection (e):

"(3) Not later than January 4, 1991 and biennially thereafter, the President shall conduct a general review of eligible countries based on the considerations described in subsections (b) and (c).".

SEC. 214. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

"(f) On or before October 1, 1992, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title.".

SEC. 215. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

PART 2—AMENDMENTS TO THE HARMONIZED TARIFF SCHEDULE AND OTHER PROVISIONS AFFECTING CBI BENEFICIARY COUNTRIES

SEC. 221. SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

(a) ALLOCATIONS TO BENEFICIARY COUNTRIES.—Paragraph (c) of additional U.S. note 3 of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting after note 2 of subparagraph (i) the following:

"NOTE 3: The Secretary shall determine whether any country is not utilizing fully the base quota amount allocated to it for a quota year and any amount determined to be unused during such year shall be reallocated on a pro rata basis among the countries listed in general note 3(c)(v) (hereinafter in this paragraph referred to as the 'CBI countries') receiving base quota allocations for such year. The unused quota amount reallocated to any CBI country under this note for any quota year is in addition to any reallocation made under subparagraph (iv) to that country for such year. No portion of any reallocation made to a CBI country for a quota year under this note or subparagraph (iv) that is unused at the close of such year is available for use in any other quota year";

(2) by amending subparagraph (iii) to read as follows:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this note, in allocating any limitation imposed under any paragraph of this note on the quantity of sugars, syrups, and molasses described in the subheadings cited under paragraph (a) of this note which may be entered—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced,

"(B) no allocation may be made to the Republic of South Africa, and

"(C) the aggregate of the amounts of the base quota allocations to the CBI countries for any quota year beginning after December 31, 1988, may not be less than 371,449 metric tons, raw value."; and

(3) by adding at the end thereof the following new subparagraphs:

"(iv) If under law authorizing such an action for purposes of dealing with a threat to the national security or foreign policy of the United States, the allocation under subparagraph (i) for any quota year is suspended or terminated with respect to any country, the amount of the suspended or terminated allocation shall be reallocated on a pro-rata basis among the CBI countries receiving allocations for that year. Any quota amount reallocated to any CBI country under this subparagraph for any quota year is in addition to any reallocation made under note 3 of subparagraph (i) to that country for such year.

"(v) The President may enter into trade agreements with foreign governments for purposes of granting appropriate compensation, and may proclaim such compensation, if any action taken by the United States under the authority of note 3 of subparagraph (i), subparagraph (iii)(C), or subparagraph (iv) is found to be inconsistent with the international obligations of the United States (including the General Agreement on Tariffs and Trade). Before offering compensation under this subparagraph, the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the reasons for taking the action concerned and the compensation proposed to be offered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to the quota year in effect on the date of the enactment of this Act and to quota years thereafter.

SEC. 222. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) DUTY-FREE ALLOWANCE FOR RETURNING RESIDENTS.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter.

"4. As used in subheadings 9804.00.70 and 9804.00.72, the term 'beneficiary country' means a country listed in general note 3(c)(v)(A).";

(2) by striking out "subheading 9804.00.65 or 9804.00.70" and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting "subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.";

(3) by striking out "$800" in subheading 9804.00.70 and inserting "$1,200";

(4) by inserting "or up to $600 of which have been acquired in one or more beneficiary countries" before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

"9804.00.72	Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including—. (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and. (b) not more than 200 cigarettes, and not more than 100 cigars. If such person arrives directly from a beneficiary country, not more than $400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)	Free	Free."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day of the enactment of this Act.

SEC. 223. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED IN BENEFICIARY COUNTRIES FROM COMPONENTS PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "2. Any" and inserting "2. (a) Except as provided in paragraph (b), any"; and

(2) by adding at the end thereof the following new paragraph:

"(b) No article (except a textile or apparel article) may be treated for purposes of this Act as a foreign article, or as subject to duty, if—

"(i) the article is—

"(A) assembled in whole of fabricated components that are a product of the United States, or

"(B) processed in whole of ingredients (other than water) that are a product of the United States, in a beneficiary country; and

"(ii) neither the fabricated components or ingredients, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country. As used in this paragraph, the term 'beneficiary country'

means a country listed in general note 3(c)(V)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) applies with respect to goods assembled or processed abroad that are entered on or after the 15th day after the date of the enactment of this Act.

SEC. 224. RULES OF ORIGIN FOR BENEFICIARY COUNTRY PRODUCTS.

(a) IN GENERAL.—For purposes of administering the Caribbean Basin Economic Recovery Act and subject to subsection (b), the President may proclaim new rules, to take effect on January 1, 1991, for determining whether articles originate in beneficiary countries.

(b) CONSULTATION AND LAY-OVER REQUIREMENTS.—Rules of origin may not be proclaimed under subsection (a) unless—

(1) the President has obtained advice regarding the proposed rules pursuant to consultation with—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974,

(B) the governments of the beneficiary countries,

(C) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and

(D) other interested parties;

(2) the President has submitted a report to such Committees that sets forth the rules proposed to be proclaimed and the reasons thereof;

(3) a period of at least 90 calendar days that begins on the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action has expired; and

(4) the President has further consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 225. CUMULATION INVOLVING BENEFICIARY COUNTRY PRODUCTS UNDER THE COUNTERVAILING AND ANTIDUMPING DUTY LAWS.

(a) MATERIAL INJURY.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(c)(iv)) is amended to read as follows:

"(iv) CUMULATION.—

"(I) IN GENERAL.—For purposes of clauses (i) and (ii) and subject to subclause (II), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products subject to investigation if such imports compete with each other and with like products of the domestic industry in the United States market.

"(II) CBI EXCEPTION.—When the imports subject to investigation are products of a country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), the volume and effect of imports from such country may only be cumulatively assessed with imports of like products from one or more other countries designated as beneficiary countries.".

(b) THREAT OF MATERIAL INJURY.—Section 771(7)(F)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)(iv)) is amended by striking out "(C)(v)," and inserting "(C)(iv)(II)and (v),".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) apply with respect to investigations initiated under section 720 or 732 of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 226. ETHYL ALCOHOL AND MIXTURES THEREOF FOR FUEL USE.

(a) DETERMINATION OF INDIGENOUS PRODUCTS.—Section 423(c) of the Tax Reform Act of 1986 (19 U.S.C. 2703 note) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by striking out paragraph (2) and inserting the following:

"(2) Ethyl alcohol or a mixture thereof that is produced by a process of full fermentation in an insular possession or beneficiary country shall be treated as being an indigenous product of that possession or country.

"(3)(A) Ethyl alcohol and mixtures thereof that are only dehydrated within an insular possession or beneficiary country (hereinafter in this paragraph referred to as 'dehydrated alcohol and mixtures') shall be treated as being indigenous products of that possession or country only if the alcohol or mixture, when entered, meets the applicable local feedstock requirement.

"(B) The local feedstock requirement with respect to any calendar year is—

"(i) 0 percent with respect to the base quantity of dehydrated alcohol and mixtures that is entered;

"(ii) 30 percent with respect to the 35,000,000 gallons of dehydrated alcohol and mixtures next entered after the base quantity; and

"(iii) 50 percent with respect to all dehydrated alcohol and mixtures entered after the amount specified in clause (ii) is entered.

"(C) For purposes of this paragraph:

"(i) The term 'base quantity' means, with respect to dehydrated alcohol and mixtures entered during any calender year, the greater of—

"(I) 60,000,000 gallons; or

"(II) an amount (expressed in gallons) equal to 7 percent of the United States domestic market for ethyl alcohol, as determined by the United States International Trade Commission, during the 12-month period ending on the preceding September 30;

that is first entered during the calendar year.

"(ii) The term 'local feedstock' means hydrous ethyl alcohol which is wholly produced or manufactured in any insular possession or beneficiary country.

"(iii) The term 'local feedstock requirement' means the minimum percent, by volume, of local feedstock that must be included in dehydrated alcohol and mixtures."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to calendar years after 1989.

SEC. 227. CONFORMING AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

"(b)(1) The duty free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(B) the sum of (i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus (ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

"(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

Subtitle C—Scholarship Assistance and Tourism Promotion

SEC. 231. CARIBBEAN-CENTRAL AMERICAN SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from eligible countries in the Caribbean and Central America to study in the United States.

(b) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students' respective countries.

(c) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(d) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(e) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(f) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to his or her country of domicile for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(g) PRIVATE SECTOR PARTICIPATION.—To the maximum extent paracticable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other

opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(h) FUNDING.—Any funds used in carrying out this section shall be derived from funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(i) DEFINITIONS.—As used in this section—

(1) The term "eligible country" means any country—

(A) which is receiving assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund); and

(B) which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 232. PROMOTION OF TOURISM.

(a) CONGRESSIONAL FINDING.—The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.

(b) FEDERAL AGENCY PRIORITY.—It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.

(c) STUDY.—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agro-business.

SEC. 233. PILOT PRECLEARANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1990 and 1991, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) RESTRICTIONS REGARDING PROGRAM.—

(1) The Commissioner of Customs may not consider a country within the Caribbean Basin to be appropriate for the testing referred to in subsection (a)—

(A) if preclearance operations are currently carried out by the United States Customs Service in that country; or

(B) unless immigration preinspection operations are currently carried out in that country with respect to individuals traveling to the United States.

(2) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(c) REPORT.—As soon as practicable after September 30, 1991, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;

(2) an evaluation of the extent to which the preclearance operations contributed to—

(A) the stimulation of the tourism industry of the country concerned, and

(B) expedited customs processing at United States ports of entry;

(3) the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and

(4) such other matters that the Commissioner of Customs considers relevant.

TITLE III—TARIFF PROVISIONS

SEC. 301. REFERENCE.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Suspensions and Reductions in Duties

PART 1—NEW DUTY SUSPENSIONS AND TEMPORARY REDUCTIONS

SEC. 311. CASTOR OIL AND ITS FRACTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"990215.15	Castor oil and its fractions (provided for in subheading 1515.30.00)	Free	No change	No change	On or before 12/31/92".

SEC. 312. CERTAIN JAMS, PASTES AND PUREES, AND FRUIT JELLIES.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"10. (a) The general column 1 rate of duty for goods provided for under heading 9902.20.07 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.

"(b) If the President determines that appropriate trade concessions, including the correction of errors and oversights in foreign tariff schedules, have been obtained, the President may proclaim such modifications to the column 1 rates of duty on jams, pastes, and purees, and fruit jellies of peaches, apricots, or cherries, classified in subheading 2007.99 as are necessary and practicable to restore with respect to such goods the tariff treatment that applied under the Tariff Schedules of the United States (19 U.S.C. 1202) on the day before the effective date of this schedule.";

(2) by inserting in numerical sequence the following new heading:

"990220.07	Jams, pastes, and purees, and fruit jellies, the foregoing of peaches, apricots, or cherries (provided for in subheading 2007.99)	The rates of duty prescribed in U.S. note 10(a) to this subchapter	No change	No change	On or before the earlier of—(1) 12/31/92 or (2) the effective date of the rates proclaimed under U.S. note 10(b) to this subchapter".

SEC. 313. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.28.25	Mercuric oxide (provided for in subheading 2825.90.60) ...	Free	No change	No change	On or before 12/31/92".

SEC. 314. HEXYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.07	1-Chlorohexane (hexyl chloride) (CAS No. 544-10-5) (provided for in subheading 2903.19.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 315. TERTIARY-BUTYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.08	2-Chloro-2-methylpropane (tertiary-Butyl chloride) (CAS No. 507-20-0) (provided for in subheading 2903.19.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 316. HEXACHLOROBUTADIENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.09	Hexachlorobutadiene (provided for in subheading 2903.29.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 317. DMBS AND HPBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.10	4,4-Isopropylidenedicyclohexanol (CAS No. 80-04-6) (provided for in subheading 2903.19.00) ...	Free	No change	No change	On or before 12/31/92;" and
"9902.30.83	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (CAS Nos. 54686-974 and 58956-31-3) (dimethylbenzylidene sorbitol) (provided for in subheading 2932.90.41) ...	Free	No change	No change	On or before 12/31/92".

SEC. 318. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.11	2-(1,1-Dimethylethyl)-4-ethylphenol (CAS No. 96-70-8) (provided for in subheading 2907.19.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 319. 6-T-BUTYL-2,4-XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.12	6-t-Butyl-2,4-xylenol (provided for in subheading 2907.19.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 320. 4,4'-METHYLENEBIS-(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.13	4,4'-Methylenebis-(2,6-dimethylphenylcyanate) (CAS No. 101657-77-6) (provided for in subheading 2907.29.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 321. NEVILLE AND WINTER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.14	1-Naphthol-4-sulfonic acid and the monosodium salt (CAS Nos. 84-87-7 and 6099-57-6) (provided for in subheading 2908.20.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 322. 7-HYDROXY-1,3-NAPHTHALENEDISULFONIC ACID, DIPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.15	7-Hydroxy-1,3-naphthalenedisulfonic acid, dipotassium salt (CAS No. 842-18-2) (provided for in subheading 2908.20.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 323. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRONAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.16	7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (CAS No. 1506-02-1) (provided for in subheading 2914.30.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 324. ANTHRAQUINONE (AQ).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.17	Anthraquinone (CAS No. 84-65-1) (provided for in subheading 2914.61.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 325. 1,4-Dihydroxyanthraquinone.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.18	1,4-Dihydroxyanthraquinone (CAS No. 81-64-1) (provided for in subheading 2914.69.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 326. 2-ETHYLANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.19	2-Ethylanthraquinone (CAS No. 84-51-5) (provided for in subheading 2914-69.50) ..	Free	No change	No change	On or before 12/31/92".

SEC. 327. CHLORHEXANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.20	1-Chloro-5-hexanone (CAS No. 10226-30-9) (provided for in subheading 2914.70.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 328. P.TOLUIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.21	p-Toluic acid (provided for in subheading 2916.39.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 329. NAPHTHALIC ACID ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.22	Naphthalic acid anhydride (CAS No. 81-84-5) (provided for in subheading 2917.38.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 330. DIFLUNISAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.23	2',4'-Difluoro-4-hydroxy-3-biphenyl-carboxylic acid (provided for in subheading 2918.29.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 331. DIPHENOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.24	4,4-Bis(4-hydroxy-phenyl)-pentanoic acid (CAS No. 126-00-1) (provided for in subheading 2918.29.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 332. 6-HYDROXY-2-NAPHTHOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.25	6-Hydroxy-2-naphthoic acid (CAS No. 16712-64-4) (provided for in subheading 2918.29.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 333. METHYL AND ETHYL PARATHION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.26	0,0-Diethyl-O-(4-nitrophenyl) phosphorothioate and 0,0-Dimethyl-O-(4-nitrophenyl) phosphorothioate (provided for in subheading 2920.10.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 334. N-METHYLANILINE AND M-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.42.20	N-Methylaniline (provided for in subheading 2921.32.20) ...	Free	No change	No change	On or before 12/31/92".
"9902.30.28	m-Chloroaniline (provided for in subheading 2918.42.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 335. 4,4'-METHYLENE-BIS-(3-CHLORO-2,6-DIETHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.29	4,4'-Methylene-bis-(3-chloro-2,6-diethylaniline) (CAS No. 106246-33-7) (provided for in subheading 2921.42.30) ...	Free	No change	No change	On or before 12/31/92".

SEC. 336. 4.4'-METHYLENE-BIS-(2,6-DIISOPROPHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.30	4,4'-Methylene-bis-(2,6-diisoprophyl-aniline) (provided for in subheading 2921.42.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 337. 2-CHLORO-4-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.31	2-Chloro-4-nitroaniline (CAS No. 121-87-9) (provided for in subheading 2921.42.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 338. 4-CHLORO-α-α-α-TRIFLUORO-O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.32	4-Chloro-α-α-α-trifluoro-o-toluidine (CAS No. 445-30-4) (provided for in subheading 2921.43.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 339. TRIFLUOROMETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.33	Trifluoromethyl-aniline (CAS No. 98-16-8) (provided for in subheading 2921.43.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 340. 5-AMINO-2-NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.34	5-Amino-2-naphthalene-sulfonic acid (CAS No. 119-79-9) (provided for in subheading 2921.45.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 341. 7-AMINO-1,3-NAPHTHALENEDISULFONIC ACID MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.35	7-Amino-1,3-naphthalene-disulfonic acid, monopotassium salt (CAS No. 842-15-9) (provided for in subheading 2921.45.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 342. 4 AMINO-1-NAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.36	4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130-13-2) (provided for in subheading 2921.45.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 343. 8-AMINO-2 NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.37	8-Amino-2 naphthenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 344. MIXTURES OF 5- AND 8-AMINO-2 NAPHTHALENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.38	Mixtures of 5- and 8-amino-2 naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.30) ...	Free	No change	No change	On or before 12/31/92".

SEC. 345. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.39	1-Naphthylamine (CAS No. 134-32-7) (provided for in subheading 2921.45.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 346. 6-AMINO-2-NAPHTHENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.40	6-Amino-2-naphthenesulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 347. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.41	2-Naphthylamine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 348. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.42	2-Naphthylamine-1,5-disulfonic acid and its monosodium salt (CAS Nos. 117-62-4 and 19532-03-07) (provided for in subheading 2921.45.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 349. 2,4-DIAMINOBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.43	2,4-Diaminobenzenesulfonic acid (CAS No. 88-63-1) (provided for in subheading 2921.51.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 350. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.44	1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (provided for in subheading 2921.59.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 351. TAMOXIFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.45	Tamoxifen citrate (provided for in subheading 2922.19.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 352. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.46	1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salt (CAS No. 85292-32-2 (provided for in subheading 2922.21.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 353. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.47	1-Amino-2-methoxybenzene (o-Anisidine) (CAS No. 90-04-0) (provided for in subheading 2922.22.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 354. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.48	2-Amino-4-chlorophenol (CAS No. 95-85-2) (provided for in subheading 2922.29.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 355. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.49	L-Ornithine, ethyl ester (L-2,5-Diaminopentanoic acid, ethyl ester) (CAS No. 84772-29-2) (provided for in subheading 2922.49.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 356. DEMAP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.50 m-Diethylaminophenol (CAS No. 91-68-9) (provided for in subheading 2922.29.15) ...	Free	No change	No change	On or before 12/31/92".

SEC. 357. 7-ANILINO-4-HYDROXY-2 NAPHTHALENE-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.51 7-Anilino-4-hydroxy-2-naphthalene-sulfonic acid (CAS No. 119-40-4) (provided for in subheading 2922.29.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 358. 1,4-DIAMINO-2,3 DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.52 1,4-Diamino-2,3 dihydroanthraquinone (CAS No. 81-63-0) (provided for in subheading 2922.30.30) ...	Free	No change	No change	On or before 12/31/92".

SEC. 359. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.53 Trifluoroacetyl-L-lysine-L-proline in free base and tosyl salt forms (provided for in subheadings 2922.49.50 and 2922.49.30, respectively) ...	Free	No change	No change	On or before 12/31/92".

SEC. 360. LEVODOPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.54 3-Hydroxy-L-tyrosine (provided for in subheading 2922.50.25) ...	Free	No change	No change	On or before 12/31/92".

SEC. 361. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.55 1-Amino-2-bromo-4-hydroxyanthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 362. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.56 3-Amino-2-(1-hydroxethyl) pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 363. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.57 L-Carnitine (CAS No. 541-15-1) (provided for in subheading 2923.90.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 364. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.58 2-[4-[(6-Chloro-2-quinoxalinyl) oxy)-phenoxy]propionuc acid, ethly ester (Quizalofop-ethyl) (provide for in subheading 2924.21.15) ...	Free	No change	No change	On or before 12/13/92".

SEC. 365. ACETOACET-PARA-TOLUIDE (AAPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.59 Acetoacet-para-toluidide (AAPT) (CAS No. 2415-85-2) (provided for in subheading 2924.29.09) ...	Free	No change	No change	On or before 12/31/92".

SEC. 366. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.60 3-Hydroxy-2-naphthanilide (CAS No. 92-77-3); 3-hydroxy-2-naphtho-o-toluidide (CAS No. 135-61-5); 3-hydroxy-2-naphtho-o-anigidide (CAS No. 135-62-6); 3-hydroxy-2-naphtho-o-phenetidide (CAS No. 92-74-0); 3-hydroxy-2-naphtho-4-chloro 2.5-dimethoxyanilide (CAS No. 4273-92-1); and N,N'-bis(acetoscetyl-o-toluidine) (CAS No. 91-96-3) (provided for in subheading 2924.29.14) ...	Free	No change	No change	On or before 12/31/92".

SEC. 367. N-[[(4/CHLOROPHENYL)-AMINO]CARBONYL]-2,6-DIFLUOROBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.30.61 N-[[(4-chloro-phenyl)-amino]carbonyl]-2,6-difluorobenzamide, 90% or more (provided for insubhead 2924.20.19	Free	No change	No change	On or before 12/31/92". and
"9902.38.13 mixtures of N-[[(4-chloro-phenyl)-amino]carbonyl]-2,6-difluorobenzamide and inert substances (provided for in subheading 3808.10.20	Free	No change	No change	On or before 12/31/92".

SEC. 368. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.62 3-Amino-methoxybenzanilide (CAS No. 120-35-4) (provided for in subheading 2924.29.25) ...	Free	No change	No change	On or before 13/31/92".

SEC. 369. ACETOACETSULFANILIC ACID, POTASSIUM SALT.

SUBCHAPTER II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.63	Acetoacetsulfanilic acid, potassium salt (CAS No. 70321-85-6) (provided for in subheading 2924.29.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 370. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.64	N,N'-Bis(2,3-dihydroxpropyl)-5-[N-(2,3-dihydroxpropyl)-acetamido]-2,4,6-truodoisophthalamide (iohexol) (provided for in subheading 2924.29.,40) ..	Fee	No change	No change	On or before 9/30/90".

SEC. 371. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading;

"9902.30.65	1.3-Benzenedicarboxa-mide (provided for in subheading 2924.29.40) ...	Free	No change	No change	On or before 9/30/90".

SEC. 372. IOXAGLATE.

Subchapter II of chapter ii is amended by inserting in numerical sequence the following new item:

"9902.30.66	N-(2-Hydroxyethyl)-2,4,6-truodo-5-[2(2,4,6-truodo-3(N-methylacetamido)-5-(methylkcarbamoyl)-abenzamidoaceta-mido]-isophthalamic acid (provided for in subheading 2924.29.40) ...	Free	No change	No change	On or before 9/30/90".

Sec. 373.4-AMINOACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.67	4-Aminoacetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.45) ...	Free	No change	No change	On or before 12/31/92".

SEC. 374. D-CARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.68	2,2-Dimethylcyclopropylcarboxamide (CAS No. 75885-58-4) (provided for in subheading 2924.29.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 375. 2,6-DICHLOROBENZONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.69	Mixtures of 2,6-dichlorobenzonitrile and inert substances (provided for in subheading 2926.90.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 376. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.70	Octadecyl isocyanate (provided for in subheading 2929.10.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 377. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.71	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 378. 1,1-ETHYLIDENEBIS-(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.72	1,1-Ethylidenebis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 379. 2,2',BIS(4-CYANATOPHENYL)-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.73	2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (CAS No. 32728-27-1) (provided for in subheading 2929.90.10) ...	Free	No change	No change	On or before 12/31/92".

SEC. 380. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.74	4,4'-Thiodiphenyl cyanate (CAS No. 101657-79-8) (provided for in subheading 2930.90.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 381. 2[(4-AMINOPHENYL) SULFONYL]ETHANOL, HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.75	2-[(4-Aminophenyl) sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494-89-5) (provided for in subheading 2930.90.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 382. DIMETHOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.76	0,0-Dimethyl-S-methylcarbamoyl-methyl phosphorodithioate (provided for in subheading 2930.90.40.....	Free	No change	No change	On or before 12/31/92".

SEC. 383. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.77	Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)	Free	No change	No change	On or before 12/31/92".

SEC. 384. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.78	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)	Free	No change	No change	On or before 12/31/92".

SEC. 385. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.79	Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)	Free	No change	No change	On or before 12/31/92".

SEC. 386. 2,5-DICHLORO-4-(3-METHYL-5-OXO-2-PYRAZOLIN-1-YL) BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.80	2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl) benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.42)	Free	No change	No change	On or before 12/31/92".

SEC. 387. NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.81	Nimodipine (provided for in subheading 2933.39.35)	Free	No change	No change	On or before 12/31/92".

SEC. 388. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.82	Hexamethylenebistriacetonediamine (provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92".

SEC. 389. 2,2,6,6-TETRAMETHYL-4-PIPERIDINON AND AMINO HYDROXY- AND IMIDO DERIVATIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.83	2,2,6,6-Tetramethyl-4-piperidinone (CAS No. 61260-55-7); 2,2,6,6-Tetramethyl-4-piperidylamine (CAS No. 36768-62-4); 2,2,6,6-Tetramethyl-4-piperidinol (CAS No. 2403-88-5); 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 79720-19-7); 3-Dodecyl-1-(1,2,2,6,6-pentamethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-30-0); and 3-Dodecyl-1-[1-acetyl-(2,2,6,6-tetramethyl-4-piperidyl)-pyrrolidin-2,5-dione (CAS No. 106917-31-1) (the foregoing provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92".

SEC. 390. NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.84	(1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl) (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92".

SEC. 391. CIPROFLOXACIN AND CIPROFLOXACIN HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.85	Ciprofloxacin and ciprofloxacin hydrochloride (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92".

SEC. 392. 6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.86	6-Methyluracil (CAS No. 626-48-2) (provided for in subheading 2933.59.50)	Free	No change	No change	On or before 12/31/92".

SEC. 393. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.87	2,4-Diamino-6-phenyl-1,3,5-triazine (CAS No. 91-76-9) (provided for in subheading 2933.69.00)	Free	No change	No change	On or before 12/31/92".

SEC. 394. AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.88	N-amidino 3,5-diamino-6-chloropyrazinecarboxamide monohydrochloride dihydrate (provided for in subheading 2933.90.36)	Free	No change	No change	On or before 12/31/92".

SEC. 395. TRIMETHYL BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.89	(1,3,3-Trimethylindolin-2-ylidene)-acetylaldehyde (CAS No. 118-12-7) (provided for in subheading 2933.90.39)	Free	No change	No change	On or before 12/31/92".

SEC. 396. ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.90 L-Alanyl-L-proline (CAS No. 13485-59-1) (provided for in subheading 2933.90.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 397. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.91 Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 398. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-HYDROXYIMINOCETATE (ATHAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.92 Ethyl 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate (ATHAET) (CAS No. 64485-82-1) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 399. ETHYL 2-(2-AMINOTHIAZOL-4-YL)-2-METHOXYIMINOACETATE (ATMAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.93 Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyiminoacetate (ATMAET) (CAS No. 64485-88-7) (provided for in subheading 2934.10.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 400. 7-NITRONAPHTH[1,2]-OXADIAZOLE-5-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.94 7-Nitronaphth[1,2]-oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06) ...	Free	No change	No change	On or before 12/31/92".

SEC. 401. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.95 (6R,7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-[(2-tert.-butoxycarbonyl) prop-2-oxyiminol acetamido]-3-(1-pyridinium-methyl)ceph-3-em-4-carboxylate (provided for in subheading 2934.90.25) ...	Free	No change	No change	On or before 12/31/92".

SEC. 402. CHEMICAL INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.96 (6R, 7R)-7-amino-3-chloro-8-oxa-5-thal-1-azabicyclo(4-2-0)oct-2-ene-2-carboxylic acid, (4-nitrophenyl) methyl ester (provided for in subheading 2934.90.40) ...	Free	No change	No change	On or before 12/31/92".

SEC. 403. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.97 Sulfachloropyridazine (provided for in subheading 2935.00.39) ...	Free	No change	No change	On or before 12/31/92".

SEC. 404. MIXED ORTHO/PARA TOLUENE SULFONOMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.30.98 Mixed ortho/para toluenesulfonamide (provided for in subheading 2935.00.47) ...	Free	No change	No change	On or before 12/31/92".

SEC. 405. HERBICIDE INTERMEDIATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new item:

"9902.30.99 N-(2,6-Dichloro-3-methylphenyl)-5-amino-1,3,4-triazole-2-sulfonamide (provided for in subheading 2935.00.47) ...	Free	No change	No change	On or before 12/31/92".

SEC. 406. N-[4-[[(2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL)METHYL]AMINO]BENZOYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.00 N-[4-]](2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)-methyl]amino]benzoyl]-L-glutamic acid (provided for in subheading 2936.29.20) ...	Free	No change	No change	On or before 12/31/92".

SEC. 407. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.01 Theobromine (provided for in subheading 2939.90.10 or 2939.90.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 408. (6R-(6a,7B(Z)))-7-(((2-AMINO-4-THIAZOLYL)((CARBOXYMETHOXY)IMINO)ACETYL)AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0) OCT-2-ENE-2-CARBOXYLIC ACID (CEFIXIME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.02	(6R-(6a,7B(Z)))-7-(((2-amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)oct-2-ene-2-carboxylic acid (cefixime) (provided for in subheading 2941.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 409. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.03	Teicoplanin (provided for in subheading 3004.20.00)	Free	No change	No change	On or before 12/31/92."

SEC. 410. CARFENTANIL CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.04	Carfentanil citrate (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92."

SEC. 411. CALCIUM ACETYLSALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.31.05	Calcium acetylsalicylate, put up in measured doses or in forms or packings for retail sale (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92."

SEC. 412. RESOLIN RED F3BS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.05	N-[2-[2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo[-5-(di-1-propylamino)-phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/92."

SEC. 413. CERTAIN ACID BLACK POWDER AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.06	Acid black 210 powder and acid black 210 presscake (CAS No. 112484-44-3) (provided for in subheading 3204.12.40)	Free	No change	No change	On or before 12/31/92".

SEC. 414. PIGMENT RED 178.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.07	Pigment red 178 (CAS No. 3049-71-6) (provided for in subheading 3204.17.10	Free	No change	No change	On or before 12/31/90".

SEC. 415. PIGMENT RED 149 DRY AND PRESSCAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.08	Pigment red 149 dry and pigment red 149 presscake (CAS No. 4948-15-6) (provided for in subheading 3204.17.50	Free	No change	No change	On or before 12/31/90".

SEC. 416. SOLVENT YELLOW 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.09	Solvent yellow 43 (CAS No. 19125-99-6) (provided for in subheading 3204.19.15	Free	No change	No change	On or before 12/31/92".

SEC. 417. SOLVENT YELLOW 44.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.32.10	Solvent yellow 44 (CAS No. 2478-20-8) (provided for in subheading 3204.19.19	Free	No change	No change	On or before 12/31/92".

SEC. 418. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.34.07	Modeling pastes (provided for in heading 3407.00.00)	Free	No change	No change	On or before 12/31/92".

SEC. 419. MONO- AND DIBENZYL TOLUENES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.24	Mono- and dibenzyl toluenes (provided for in subheading 3823.90.29	Free	No change	No change	On or before 12/31/92".

SEC. 420. CHEMICAL LIGHT ACTIVATOR BLENDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.38.25	Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29	Free	No change	No change	On or before 12/31/92".

SEC. 421. POLYMIN P AND POLYMIN P HYDROCHLORIDE, AND POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.39.08	Polymin SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3908.90.00)	Free	No change	No change	On or before 12/31/92". and
"9902.39.10	Polymin P and polymin P hydrochloride (CAS Nos. 9002-98-6 and 26338-45-4) (provided for in subheading 3911.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 422. SPECIALTY THERMOSET RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.11	Hydrocarbon cyanate ester (provided for in 3911.90.30)	Free	No change	No change	On or before 12/31/92".

SEC. 423. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.12	Hydrocarbon Novolac Cyanate ester (provided for in subheading 3911.90.30)	Free	No change	No change	On or before 12/31/92".

SEC. 424. CHLORINATED SYNTHETIC RUBBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.39.13	Chlorinated synthetic rubber (provided for in subheading 3913.90.50)	Free	No change	No change	On or before 12/31/92".

SEC. 425. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.46.02	Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)	Free	No change	No change	On or before 12/31/92".

SEC. 426. CERTAIN PLASTIC WEB SHEETING.

(1) by adding at the end of the U.S. notes thereto the following new note:

"11. For purposes of heading 9902.56.01, the term 'nonwoven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;

"(b) a basis weight of 2.5 oz. per sq. yd.;

"(c) a machine tensile strength of 30 lb. per sq. in. or greater,

"(d) low cross-direction tensile (approximately ⅓ of MD tensile strength); and

"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"9902.56.01	Nonwoven fiber sheet (provided for in subheading 5603.00.90)	Free	No change	No change	On or before 12/31/92".

SEC. 427. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"12. The general column 1 rate of duty for goods provided for under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such goods under the Tariff Schedules of the United States on the day before the effective date of this schedule."; and

(2) by inserting in numerical sequence the following new heading:

"9902.61.10	Goods provided for under subheading 6201.93 or 6203.43 which because of their design, fabric, construction and special features provide protection to athlete participants against the hazards of a sport such as injury from blows, falls, flying objects, road burns, or fire	The rates of duty prescribed in U.S. note 12 to the subchapter.	No change	No change	On or before 12/31/92".

SEC. 428. GARMENTS SPECIALLY DESIGNED FOR HANDICAPPED PERSONS WHO ARE NOT AMBULATORY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

	"Garments, however provided for under heading 6203. 6204, or 6205, of cotton or of man-made fibers, specially designed for use by handcapped persons who are not ambulatory:-				
"9902.62.10	Dresses that open at the back, have hook and loop closings, and are cut so there is no fabric beneath the seated wearer	Free	No change	No change	On or before 12/31/92.
9902.62.15	Pants designed with a 60 angle at the hip area to provide for comfortable seating and— (i) are too low in front, too high in back, and too full in seat to be worn by the ambulatory, or (ii) have no seat and are designed to be put on a seated individual without lifting	Free	No change	No change	On or before 12/31/92.
9902.62.20	Blouses or shirts that open at the back, have hook and loop closings, and have large side gussets for comfortable sitting	Free	No change	No change	On or before 12/31/92".

SEC. 429. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.58.06	Fastener fabric tapes of man made fibers (provided for in subheading 5806.10.20)	7%	No change	No change	On or before 12/31/92".

SEC. 430. IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.64.02	Skating boots actually used in the manufacture of inline roller skates (provided for in subheading 6402.19.10)	Free	No change	No change	On or before 12/31/92".

SEC. 431. SELF-FOLDING COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.66.01	Self-folding telescopic shaft collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 432. GLASS BULBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.11	Monochrome glass envelopes with both (1) gray, tinted skirted faceplates, and (2) either a video display diagonal of 14 inches and under or a transmission level of 37% or less (provided for in subheading 7011.20.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 433. DRINKING GLASSES WITH SPECIAL EFFECTS IN THE GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.14	Drinking glasses decorated with metal flecking, glass pictorial scenes, or glass thread-like or ribbon-like effects, any of the foregoing embedded or introduced into the body of the glassware prior to its solidification; millefiori glassware (provided for in subheading 7013.29.10 or 7013.29.20) ...	6.6%	No change	No change	On or before 12/31/92".
9902.70.15	Drinking glasses colored prior to solidification, and characterized by random distribution of numerous bubbles, seeds, or stones, throughout the mass of the glass (provided for in subheading 7013.29.10 or 7013.29.20) ...	20%	No change	No change	On or before 12/31/92".

SEC. 434. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.70.19	Cord, yarn or woven fabric, all the foregoing of electrically nonconductive continuous glass fiber filaments measuring 9 or 10 microns in diameter, impregnated, coated or covered with resorcinol formaldehyde latex (provided for in subheadings 7019.10.10, 7019.10.20, 7019.10.60, 7019.20.10, 7019.20.20, or 7019.20.50) ...	Free	No change	No change	On or before 12/31/92".

SEC. 435. ARTICLES OF SEMIPRECIOUS STONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.71.16	Graded semiprecious stones (except rock crystal) strung temporarily for convenience of transport (provided for in subheading 7116.20.20) ...	21%	No change	No change	On or before 12/31/92".

SEC. 436. LUGGAGE FRAMES OF ALUMINUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.76.16	Luggage frames of aluminum (provided for in subheading 7616.90.00) ...	Free	No change	No change	On or before 12/31/92".

SEC. 437. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.19	Molten-salt-cooled acrylic acid reactors and their associated parts, accessories, and equipment (provided for in subheadings 8419.89.50, 8419.90.30 or 8419.90.90), when imported as an entirety	Free	No change	No change	On or before 12/31/92".

SEC. 438. ZINC PRINTING TYPE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.30	Zinc printing type (provided for in subheading 8442.50.90) ...	3.7%	No change	No change	On or before 12/31/92".

SEC. 439. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.65	Impact line printers using band drive mechanisms and which are capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65) ...	No change	No change	3.75%	On or before 12/31/92".

SECTION 440. MACHINES USED IN THE MANUFACTURE OF BICYCLE PARTS; CERTAIN BICYCLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.79	Wheelbuilding, wheeltruing, rim punching, tire fitting and similar machines suitable for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90) ...	Free	No change	No change	On or before 12/31/92"; and

"9902.87.15	Bicycle handlebar stems wholly of aluminum alloy (including their hardware of any material), valued over $2.15 each (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".
"990287.16	Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90)	Free	No change	No change	On or before 12/31/92".

SEC. 441. MOTOR VEHICLE PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.83	Motor vehicle parts, however provided for in heading 8483 and subheading 7014.00.20	Free	No change	No change	On or before the effective date of a Presidential proclamation extending duty free treatment under general column 1 to such motor vehicle parts".

SEC. 442. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.03	Parts of generators suitable for use on aircraft (provided for in subheading 8503.00.60)	Free	No change	No change	On or before 12/31/92".

SEC. 443. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.24	Video tape recordings of a width exceeding 6.5mm but not exceeding 16mm, in cassettes of United States origin as certified by the importers, and valued at not over $7.00 per pre-recorded cassette unit (provided for in subheading 8524.23.10)	Free	No change	No change	On or before 12/31/92".

SEC. 444. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"9902.85.25	Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, or 8527.39.00)	Free	No change	No change	On or before 12/31/92".
"9902.85.26	Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in subheading 8504.40.00)	Free	No change	No change	On or before 12/31/92".

SEC. 445. CERTAIN MACHINED ELECTRONIC CONNECTOR CONTACT PARTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.85.35	Machined electronic connector contact parts, ½ inch or less in diameter suitable for use in aerospace or military equipment applications (provided for in subheading 8538.90.00)	Free	No change	No change	On or before 12/31/92".

SEC. 446. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.84.07	Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in heading 8407.32.20 or 8407.33.20), to be installed in vehicles specially designed for traveling on snow, golf carts, non-amphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00 or 8704.31.00)	Free	No change	No change	On or before 12/31/92".

SEC. 447. TIMING APPARATUS WITH OPTO-ELECTRONIC DISPLAY ONLY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.91.06	Apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80)	3.9% on the apparatus + 5.3% on the battery.	No change	No change	On or before 12/31/92".

SEC. 448. FURNITURE AND SEATS OF UNSPUN FIBROUS VEGETABLE MATERIALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.94.01	Furniture seats and parts thereof, of cane, other, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25.....	Free	No change	No change	On or before 12/31/92".

SEC. 449. CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.95.05	Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)...	Free	No change	No change	On or before 12/31/92".

SEC. 450. 3-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.90.06	Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9006.53.00)...	Free	No change	No change	On or before 12/31/92".

SEC. 451. OPERATIC SCENERY, PROPERTIES, INCLUDING SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"9902.44.21	Operatic scenery and properties, including operatic sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65.....	Free	No change	No change	On or before 12/31/92".

PART 2—EXISTING TEMPORARY DUTY SUSPENSIONS

SEC. 461. EXTENSION OF CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) EXTENSIONS UNTIL JANUARY 1, 1993.—Each of the following subheadings or headings is amended by striking out the date in the effective date column and inserting "12/31/92":

(1) Subheadings 9902.06.10 and 9902.05.11 (relating to crude feathers and down).

(2) Heading 9902.08.07 (relating to fresh cantaloupes).

(3) Heading 9902.09.04 (relating to mixtures of hot red peppers and salt).

(4) Heading 9902.29.04 (relating to p-Toluene-sul-foynl chloride).

(5) Heading 9902.29.05 (relating to certain menthol feedstocks).

(6) Heading 9902.29.06 (relating to Dicofol).

(7) Heading 9902.29.11 (relating to triethylene glycol dichloride).

(8) Heading 9902.29.13 (relating to 2,6-Dichlor-obenzaldehyde).

(9) Heading 9902.29.14 (relating to Dinocap).

(10) Heading 9902.29.21 (relating to m-Hydroxy-benzoic acid).

(11) Heading 9902.29.22 (relating to d-6-Meth-oxy-a-methyl-2 napthaleneacetic acid and its sodium salt).

(12) Heading 9902.29.24 (relating to 3-amino-3-methyl-l-butyne).

(13) Heading 9902.29.30 (relating to 8-Amino-1-naphthalenesulfonic aid and its salts).

(14) Heading 9902.29.31 (relating to 5-Amino-2 (p-aminoarrilino) benzenesulfonic acid).

(15) Heading 9902.29.33 (relating to 1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-Amino-5-hydroxy-2.7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt).

(16) Heading 9902.29.43 (relating to 1-Amino-2,4-dibromoanthraquinone).

(17) Heading 9902.29.44 (relating to Broma-mine acid).

(18) Heading 9902.29.51 (relating to N-(7-Hydroxy-1-naphthyl)acetamide).

(19) Heading 9902.29.57 (relating to N,N-Bis(2-cyanothyl)aniline).

(20) Heading 9902.29.60 (relating to triallate).

(21) Heading 9902.29.64 (relating to 6-(3-Methyl-5-oxo-1-pyrazolyl-1,3-naphthalenedisulfonic acid (Amino-J-pyrazolone) CAS No. 7277-87-4); and 3-Methyl-1-phenyl-5-pyrazolone (Methylphenyl-pyrazolone)).

(22) Heading 9902.29.66 (relating to m-Sulfa-minopyrazolone (m-Sulfamidophenylmethylpyrazo-lone)).

(23) Heading 9902.29.76 (relating to suspension of the day on 2-n-octyl-4-isothiazolin-3-one, and mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants).

(24) Heading 9902.29.79 (relating to 2-Amino-N-ethylbenzenesulfonanilide).

(25) Heading 9902.32.04 (relating to methylene blue).

(26) Heading 9902.38.06 (relating to mixtures of dinocap with application adjuvants).

(27) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).

(28) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).

(29) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one,2-methyl-4-isothiazoline-3-one, magnesium chloride and stabilizers, whether or not containing application adjuvants).

(30) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvant).

(31) Heading 9902.39.14 (relating to Cholestyramine resin USP).

(32) Heading 9902.40.11, 9902.73.12, 9902.73.15, 9902.85.12, and 9902.87.14 (relating to certain bicycle parts).

(33) Heading 9902.51.11 (relating to certain wools).

(34) Heading 9902.62.10 (relating to disposable surgical gowns and drapes).

(35) Heading 9902.84.42 (relating to certain narrow weaving machines).

(36) Heading 9902.84.45 (relating to certain wool carding and spinning machinery).

(37) Heading 9902.84.48 (relating to certain knitting machines designed for sweater strip or garment length knitting).

(38) Heading 9902.84.50 (relating to certain lace braiding machines).

(39) Heading 9902.95.01 (relating to stuffed dolls and doll skins).

(b) EXTENSION UNTIL DATE OTHER THAN JANUARY 1, 1993.—Heading 9902.61.00 (relating to certain knitwear fabricated in Guam) is amended by striking out "10/31/92" and inserting "10/31/96".

SEC. 462. EXTENSION OF, AND OTHER MODIFICATIONS TO, CERTAIN EXISTING SUSPENSIONS OF DUTY.

(a) CORNED BEEF IN AIRTIGHT CONTAINERS.—Heading 9902.16.02 is amended—

(1) by striking out "3%" and inserting "Free"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(b) CERTAIN JEWELRY.—Heading 9902.71.13 is amended—

(1) by amending the article description to read as follows: "Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit"; and

(2) by striking out "12/31/90" and inserting "12/31/92".

(c) ELECTROSTATIC COPYING MACHINES.—Heading 9902.90.90 is amended—

(1) by inserting "and accessories," after "Parts,"; and

(2) by striking out "12/31/89" and inserting "12/31/92".

(d) TOY FIGURES.—

(1) Heading 9902.95.02 is amended—

(A) by striking out "toy figures of animate objects (except dolls)" and inserting "toys representing animals or nonhuman creatures,"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

(2) Heading 9902.95.03 is repealed.

(3) Heading 9902.95.04 is amended—

(A) by striking out "toy figures of animate or inanimate objects" and inserting "toys representing animals or nonhuman creatures"; and

(B) by striking out "12/31/90" and inserting "12/31/92".

SEC. 463. TERMINATION OF EXISTING SUSPENSION OF DUTY ON C-AMINES.

Heading 9902.29.29 is repealed.

Subtitle B—Other Tariff and Miscellaneous Provisions

PART 1—TARIFF CLASSIFICATION AND OTHER TECHNICAL AMENDMENTS

SEC. 471. CERTAIN EDIBLE MOLASSES.

Additional U.S. notes 2, 3, and 4 of chapter 17 are each amended by striking out "170.90.40," each place it appears therein.

SEC. 472. CERTAIN WOVEN FABRICS AND GAUZE.

(a) WOVEN FABRICS OF CARDED WOOL OR CARDED FINE ANIMAL HAIR.—Heading 5111 of chapter 51 is amended—

(1) by inserting after subheading 5111.11.10 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.11.10:

"5111.11.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(2) by inserting after subheading 5111.20.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.20.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(3) by inserting after subheading 5111.30.05 the following new subheading with the article description having the same degree of indentation as the article description in subheading 5111.30.05:

"5111.20.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%" and

(4) by inserting after subheading 5111.90.30 the following new subheadings with the article descriptions having the same degree of indentation as the article description in subheading 5111.90.30:

"5111.90.40	Tapestry fabrics and upholstery fabrics of a weight not exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
"5111.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%"

(b) WOVEN FABRICS OF COMBED WOOL OR OF COMBED FINE ANIMAL HAIR.—Heading 5112 of chapter 51 is amended by striking out subheadings 5112.11.00 through 5112.90.60, inclusive, and inserting the following with the article descriptions for subheadings 5112.11 and 5112.19 having the same degree of indentation as the article description in subheading 5111.90.60 and with the article descriptions for subheadings 5112.20, 5112.30, and 5112.90 having the same degree of indentation as the article description in subheading 5111.90:

"5112.11	Of a weight not exceeding 200g/m²:			
5112.11.10	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.11.20	Other	36.1%	13.2%(IL) 32.4%(CA)	68.5%
5112.19	Other:			
5112.19.10	Tapestry fabrics and upholstery fabrics	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.19.60	Other	36.1%	13.2 (IL) 32.4% (CA)	68.5%
5112.20	Other, mixed mainly or solely with man-made filaments:.			
5112.20.10	Tapestry fabrics and upholstery fabrics of weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.20.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% 6.3% (CA)	68.5%
5112.20.30	Other	48.4¢/kg-%38%	19.2¢/kg-%15.2% (IL) 43.6¢/kg-%34.2% (CA)	48.5¢/kg-%68.5%
5112.30	Other mixed mainly or solely with man-made staple fibers:.			
5112.30.10	Tapestry fabrics and upholstery fabrics of a weight exceeding 300g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.30.20	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.30.30	Other	48.5¢/kg-%38%	19.2¢/kg-%15.2 (IL) 43.6¢/kg-%34.2% (CA)	48.5¢/kg-%68.5%
5112.90	Other:			
5112.90.30	Containing 30 percent or more by weight of silk or silk waste, valued over $33/kg	7.8%	3.1% (IL) 7% (CA)	80%
5112.90.40	Tapestry fabrics and upholstery fabrics of a weight exceeding 300 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.90.50	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5112.90.60	Other	33%	3.4% (IL) 29.7% (CA)	68.5%

(c) GAUZE.—Chapter 58 is amended by striking out subheading 5803.90.10 and inserting the following with the superior heading to subheadings 5803.90.20:

.....	Of wool or fine animal hair:.			
"5808.90.11	Tapestry fabrics and upholstery fabrics of a weight not exceeding 140 g/m²	7%	2.8% (IL) 6.3% (CA)	68.5%
5803.90.12	Other	33%	13.2% (IL) 24.7% (CA)	68.5%

SEC. 473. CLASSIFICATION OF CERTAIN ARTICLES IN WHOLE OR PART OF FABRICS COATED, COVERED, OR LAMINATED WITH OPAQUE RUBBER OR PLASTICS.

Chapter 42 is amended—

(1) by striking out "Additional U.S. Note" and inserting "Additional U.S. Notes"; and

(2) by inserting after additional U.S. note 1 the following:

"2. For purposes of classifying articles under subheadings 4202.12, 4202.22, 4202.32, and 4202.92, articles of textile fabric impregnated, coated, covered or laminated with plastics (whether compact or cellular) shall be regarded as having an outer surface of textile material or of plastic sheeting, depending upon whether and to the extent the textile constituent or the plastic constituent comprises the exterior surface of the article.".

SEC. 474. GLOVES, MITTENS AND MITTS.

The article description in subheading 6116.10.10 6116.92.10, 6116.93.10, 6116.99.30, 6216.00.10, 6216.00.34 or 6216.00.44 is amended to read as follows: "Gloves principally designed for sports use, including ski and snowmobile gloves, mittens and mitts".

SEC. 475. CHIPPER KNIFE STEEL.

Subchapter XV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 and inserting the following with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"7226.91.05	Of chipper knife steel	Free		34%
	Other:			
"7226.91.15	Of a width of 300mm or more	9.6%	Free (E, IL) 8.6%(CA)	29%
"7226.91.25	Of a width of less than 300mm	11.6%	Free (E,IL) 10.4% (CA)	34% ".

SEC. 476. ELIMINATION OF INSERTED TARIFF ON CANTILEVER BRAKES AND BRAKE PARTS FOR BICYCLES.

The following provisions are amended as follows:

(1) Subheading 8714.94.20 is amended by striking out "Caliper brakes" and inserting "Caliper and cantilever brakes and parts thereof".

(2) Heading 9902.73.12 is amended by inserting "and Cantilever" immediately after "caliper".

(3) Heading 9902.87.14 is amended by inserting "cantilever brakes," immediately after "caliper brakes,".

SEC. 477. BICYCLES HAVING 26-INCH WHEELS.

Chapter 87 is amended—

(1) by striking out "65 cm" in subheadings 8712.00.10 and 8712.00.20 and inserting "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting "4.13 cm".

SEC. 478. PROCESSING OF CERTAIN BLENDED SYRUPS.

U.S. note 2 to subchapter IV of chapter 99 is amended by adding the following at the end thereof:

"(e) Blended syrups of heading 9904.50.20, if entered by a foreign trade zone user, to the extent that the annual quantity entered into the customs territory does not contain an amount of sugar of nondomestic origin greater than that authorized by the Foreign Trade Zones Board for processing by such user during calendar year 1985.".

PART 2—Miscellaneous Provisions

SEC. 481. RENEWAL OF EXISTING CUSTOMS EXEMPTION APPLICABLE TO BICYCLE PARTS IN FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c(b)), is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1992".

SEC. 482. RAIL CARS FOR THE STATE OF FLORIDA.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treas-

ury shall admit free of duty each bi-level rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States (19 U.S.C. 1202); and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and the appropriate refund of duty made.

SEC. 483. RELIQUIDATION OF CERTAIN ENTRIES.

(a) CERTAIN ANTIDUMPING DUTIES.—(1) Notwithstanding section 514 of the tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entries listed in paragraph (3) shall be reliquidated, without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C 1617), refund thereof shall be made within 90 days after reliquidation.

(2) reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the appropriate customs officer within 180 days after the date of the enactment of this Act that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) The entries referred to in paragraph (1) are as follows:

Entry number	Date of entry
74-222089	May 7, 1974.
74-225275	June 17, 1974.
76-237223	July 9, 1976.
76-247178	October 1, 1976.
79-251251	September 11, 1979.
80-223851	October 9, 1979.
80-224447	November 27, 1979.
80-224448	November 27, 1979.
80-225842	April 29, 1980.
80-225843	April 29, 1980.
80-225844	April 29, 1980.
80-225845	April 29, 1980.
80-226742	August 13, 1980.
80-226748	August 13, 1980.

(b) DIGITAL PROCESSING UNITS.—(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(A) was classified under item 676.15, 676.54, 945.83, or 945.84 of the Tariff Schedules of the United States (19 U.S.C. 1202);

(B) occurred after January 16, 1986, and before July 2, 1987; and

(C) was unliquidated as of December 31, 1987; shall be liquidated as free of duty.

(2) For purposes of this subsection, the term "processing unit" means a digital processing unit for an automated data processing machine, unhoused, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

(c) CERTAIN OTHER ENTRIES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act—

(1) any entry of 1-(3-Sulfopropyl pyridinium hydroxide (provided for in item 406.39 of the Tariff Schedules of the United States (19 U.S.C. 1202)) that occurred after September 30, 1988, and before January 1, 1989, shall be reliquidated as free of duty;

(2) any entry of brussels sprouts (provided for in item 903.29 of such Schedules (19 U.S.C. 1202)) that occurred after December 31, 1987, and before November 11, 1988, shall be liquidated at the rate of 12.5 percent ad valorem; and

(3) any entry of 1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50 of the Harmonized Tariff Schedule of the United States) that occurred after December 31, 1988, and before the effective date defined in section 10686(a)(1) shall be liquidated or reliquidated at the rate of 7.9 percent ad valorem.

SEC. 484. PROTEST RELATING TO CERTAIN ENTRIES.

For purposes of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), and notwithstanding any other provision of law, Protest Numbered 1801-000027 shall be deemed to have been filed with the appropriate customs officer within 90 days of the liquidation of entries 81-103533-2 and 81-103789-3.

SEC. 485. EFFECTIVE DATES.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "effective date" means the 15th day after the later of—

(A) October 1, 1989; or

(B) the date of the enactment of this Act.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "entry" includes any withdrawal from warehouse.

(b) IN GENERAL.—

(1) Except as otherwise provided in this section, the amendments made by this Act apply with respect to goods entered on or after the effective date.

(2) The amendments made by sections 461(a) and 462(a)(2), (b)(2), and (c)(2) apply with respect to goods entered after December 31, 1990.

(3) The amendment made by section 461(b) applies with respect to goods entered after October 31, 1992.

(4) The amendment made by section 478 applies with respect to goods entered after December 31, 19988.

(c) RETROACTIVE APPLICATION OF CERTAIN AMENDMENTS—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officers on or before the 90th day after the effective date of entry of any good described in paragraph (2) shall be treated as provided in such paragraph.

(2)(A) In the case of the application of any amendment made by section 311, 312, 401, 427, 429, 433, 435, 437, 438, 439, 441, 442, 443, 446, 447, 462(c)(1), 472, 474, 475, or 477 to any entry—

(i) which was made after the applicable date and before the effective date; and

(ii) with respect to which there would have been no duty or a lesser duty if the amendment made by such section applies to such entry;

such entry shall be liquidated or reliquidated as though such entry had been made on the effective date.

(B) For purposes of subparagraph (A), the term "applicable date" means—

(i) in the case of sections 401 and 443, January 1, 1988,

(ii) in the case of section 439, October 1, 1988;

(iii) in the case of sections 311, 312, 427, 429, 433, 435, 438, 441, 442, 446, 447, 462(c)(1), 472, 474, 475, and 477, January 1, 1989; and

(iv) in the case of section 437, July 1, 1989.

(d) STAGED RATE REDUCTIONS FOR CERTAIN GOODS.—

(1) Any stated rate reduction of a rate of duty set forth in subheading 5111.19.10 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date and takes effect after the effective date also applies to the corresponding rates of duty set forth in subheadings 5111.11.20, 5111.20,10 5111.30.10, 5111.90.40, 5111.90.50, 5112.11.10, 5112.20,10, 5112.20,20, 5112.30,10, 5112.30.20, 5112.90.40, 5223.90.50, and 5803.90.11 (relating to certain woven fabrics and gauze) of such Schedule (as added by section 472).

Any staged rate reduction proclaimed by the President before the effective date that would—

(A) take effect after the effective date; and

(B) apply, but for any amendment made by section 472 (relating to certain woven fabrics) or 475 (relating to chipper knife steel), to a rate of duty set forth in any subheading of the Harmonized Tariff Schedule of the United States that is listed in column A;

applies to the corresponding rate of duty set forth in the subheading of such Schedule that is listed in column B opposite such column A subheading:

Column A	Column B
5112.11.00	5112.11.20.
5112.20.00	5112.20.30.
5112.31.00	5112.30.30.
5112.91.10	5112.90.12.
7226.91.10	7226.91.15
7226.91.30	7226.91.25

(3) The amendments made by section 472 shall not affect any staged rate reduction of a rage of duty set forth in subheadings 5112.19.10, 5112.19.60, 5112.90.30, 5112.90.60 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the effective date.

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I shall not object, I do so in order to ask the gen-

tleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means, if he would explain the House amendment to ensure that we have an understanding of this.

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

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the Senate has passed and sent to the House an amendment to H.R. 1594 that contains various trade provisions as a substitute for the original revenue bill passed by the House last year. The Senate amendment, however, omits certain House-passed provisions, and includes provisions for which there is no House counterpart.

The amendment that I have sent to the desk consists exclusively of provisions that have previously passed the House by overwhelming margins. First, the amendment consists of the trade provisions that passed the House by a vote of 333 to 91, as part of last year's budget reconciliation bill, as well as the provisions of H.R. 4328, the trade agencies authorization bill, which passed the House last month under suspension of the rules by a unanimous vote of 424 to 0. The only changes that have been made to these provisions previously passed by the House are technical and conforming changes. The provisions in the 1989 budget reconciliation bill that subsequently became public law in two trade bills enacted in December have been deleted. Two provisions in H.R. 4328 have been substituted for earlier versions in the reconciliation bill. Finally, I have included certain technical and conforming changes required to consolidate the two prior bills.

The amendment at the desk includes authorizations of appropriations for the major trade agencies—the U.S. Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission. The amendment also includes an expansion of the Caribbean basin initiative and a revision of customs user fees. The amendment also incorporates a large number of miscellaneous tariff and customs provisions sponsored by many Members on both sides of the aisle. Finally, the amendment fixes the constitutional problem associated with the present Jackson-Vanik procedures.

I urge adoption of this amendment to preserve the House position for the upcoming conference with the Senate.

Mr. ARCHER. Mr. Speaker, further reserving the right to object, I appreciate the explanation of the gentleman from Illinois. It is in keeping with our understanding.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4308

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to delete the name of the gentleman from Virginia [Mr. SLAUGHTER] as a cosponsor of H.R. 4308. His name was mistakenly included.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1594, EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF HUNGARY

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years with a House amendment to the Senate amendments thereto, insist on the House amendment to the Senate amendments, and request a conference with the Senate thereon.

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

From the Committee on Ways and Means, for consideration of the House amendment to the Senate amendment, and the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, DOWNEY, PEASE, RUSSO, GUARINI, ARCHER, VANDER JAGT, CRANE, and FRENZEL.

As additional conferees, solely for consideration of title II of the House amendment to the Senate amendment, and for title II of the Senate amendment, and modifications committed to conference: Mr. PICKLE and Mr. SCHULZE.

From the Committee on Agriculture, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, VOLKMER, BROWN of California, OLIN, STALLINGS, MORRISON of Washington, ROBERT F. (BOB) SMITH, and HERGER.

From the Committee on Interior and Insular Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. UDALL, VENTO, WILLIAMS, DEFAZIO, MCDERMOTT, YOUNG of Alaska, CRAIG, and DENNY SMITH.

From the Committee on Foreign Affairs, for consideration of titles VI and VII of the Senate amendment, and modifications committed to conference: Messrs. FASCELL, WOLPE, GEJDENSON, KOSTMAYER, FEIGHAN, BROOMFIELD, ROTH, and MILLER of Washington.

□ 1630

The SPEAKER. The Chair reserves the right to appoint additional conferees.

There was no objection.

CONFERENCE REPORT ON H.R. 2364, AMTRAK REAUTHORIZATION AND IMPROVEMENT ACT OF 1990

Mr. THOMAS A. LUKEN. Mr. Speaker, I call up the conference report on the bill (H.R. 2364) to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WEISS). Pursuant to the rule the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 2, 1990.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 30 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, is one of the two gentlemen opposed to the legislation?

The SPEAKER pro tempore. Is the gentleman from Kansas opposed to the legislation?

Mr. WHITTAKER. No, I am not, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Ohio opposed to the legislation?

Mr. THOMAS A. LUKEN. I am not opposed to it, Mr. Speaker.

Mr. WALKER. Mr. Speaker, then under the rules, I demand a division of the time for opposition.

The SPEAKER pro tempore. The time will be divided three ways, and the gentleman from Pennsylvania [Mr. WALKER] will have 15 minutes of the time.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

It was nearly 1 year ago when I introduced H.R. 2364. Last fall, the full House voted by an overwhelming majority—296 to 93—in favor of the bill. When our colleagues from the other body passed the bill later in the year, they made only minor revisions to it. I am pleased to report that conferees from both Houses have now reached a consensus on this important measure.

Amtrak was created in 1970 when Congress passed the Rail Passenger

Service Act. By piecing together operations from private companies—which no longer found passenger service profitable—Amtrak gradually put together the framework for a national rail passenger system. Today, Amtrak operates about 220 intercity trains each day over 24,000 miles of track in nearly every State of the Union. It provides service to over 480 communities across the United States. It is the only intercity rail passenger carrier in the United States.

It should come as no surprise to any of us that the administration is threatening to veto this bill. President Bush doesn't want Congress to give Amtrak any financial support. It's the same old song and dance we have heard for many years now. Year in and year out, Presidents Reagan and Bush have shown us what their idea of a national transportation policy for Amtrak is by telling Congress we should abandon Amtrak.

And what would happen if we agreed with the President? Amtrak would go under, pure and simple. This country would lose its national rail passenger service.

Let us take a look at some of the facts about Amtrak. Over the last decade, Amtrak has taken great strides in providing a cost-effective operation. In 1981, its revenue-to-cost ratio was only 48 percent. In each year since, Amtrak has improved its ability to generate revenues and hold the line on its cost. Last year—the second year in a row that Amtrak earned more than $1 billion in revenues—its revenue-to-cost ratio had increased to 72 percent.

At the same time, Federal support for Amtrak has decreased dramatically. In 1981, Amtrak's appropriation was almost $900 million. For the current fiscal year, Amtrak's appropriation is about $600 million. In other words, Federal funding for Amtrak has declined about 35 percent in nominal terms, and more than 50 percent in real terms, since the bgeinning of this decade.

But the fact of the matter is that we have been allowing Amtrak to bleed, slowly but surely. If this slow but inevitable trend continues, Amtrak will eventually fail. While Amtrak continues to set records—last year, ridership and passenger miles reached all-time highs—the system is straining to keep up with its increased demands.

At our subcommittee's hearing last year, Amtrak's President, Graham Claytor, told us that Amtrak needs to replace and augment its current fleet of passenger cars in order to meet the growing demands on Amtrak's passenger operations. About one-third of Amtrak's existing fleet of passenger cars consist of cars acquired from freight railroads which were constructed before 1971. These old cars are expensive to maintain and operate. To upgrade and replace a portion of its aging fleet of cars, Amtrak estimates it will need to acquire about 450 cars during the next 5 years.

Without these and other improvements, Amtrak's ability to generate revenues through increased ridership will be jeopardized. Amtrak's systemwide on-time performance has faltered during this decade. A major reason for this is the company's necessary strategy of conserving funds by deferring maintenance on its locomotives, which in turn results in more enroute breakdowns.

If left unchecked, this shortage of capital funds ultimately threatens safety on the railroad. As one advertisement says, "You can pay me now or pay me later." We can stop the downward spiral caused by deferred maintenance, outmoded equipment, and inadequate capital. By making modest short-term investments now, we can help make Amtrak more self-sufficient over the long haul.

We need to invest in the future of our Nation's transportation needs by making prudent decisions now. When you look at the billions and billions of dollars we regularly pour into our Nation's highways and airports, one must wonder at the relatively modest investment we are making in Amtrak. With increasing highway and airport congestion, concerns for our environment, and the need for safe and efficient transportation, Amtrak's role in our national transportation system is more important than ever. H.R. 2364 provides enough assistance to Amtrak to keep the trains rolling while we face the fiscal constraints.

The simple fact of the matter is that some level of Government assistance is required to sustain a national rail passenger operation. Other countries, such as Germany, Great Britain, France, and Japan, have made a much greater financial commitment to rail passenger service than we have in the United States. For example, the 12 members of the European Community have embarked upon a $50 billion capital improvement program to improve rail passenger service over the next 6 years. Our financial commitment to Amtrak pales by comparison.

A few weeks ago, President Bush and Secretary Skinner unveiled the much-touted national transportation policy. The policy recognizes that our country faces a deteriorating transportation infrastructure with increasing demand and burgeoning congestion, particularly on our Nation's highways and airports. Given these stark realities, it seems logical that modest investments in Amtrak will help to relieve congestion, improve utilization of our transportation resources, and save all of us money in the long run. The President's policy recognizes the tremendous strides Amtrak has made in becoming more efficient and self-reliant.

And the President's policy specifically recognizes Amtrak's need to replace locomotives and cars. But what is the President's national transportation plan for Amtrak, based on these findings? He recommends no Federal funding for Amtrak. Today, we need to demonstrate our commitment to a plan that makes sense, instead of gutting the resources which can make a difference in our national transportation system.

I want to comment very briefly on one other provision in this bill that allows the Interstate Commerce Commission to review acquisitions of major railroads. This provision was developed on a bipartisan basis. It merely closes a loophole in existing law. Do not be persuaded by the red herring arguments the administration has raised in opposition to this legislative clarification.

The conferees on this bill received a letter from Secretary Skinner last week that says that this provision constitutes unnecessary regulation. With all due respect, Mr. Secretary, you have got to be kidding.

Without this provision, we will be faced with the ludicrous result that the ICC will have the authority to review and approve a 1-mile sale of railroad line, but not a takover of a Fortune 500 railroad system. The ICC will be able to review and approve any railroad merger, consolidation, lease or line sale between carriers, but not the sale of one of the 14 largest railroads in the country. The ICC will be able to review and approve the proposed purchase of two or more carriers, but not the takeover of one of our class I railroads.

We should not allow any investor to ignore the public interest and use major railroad companies as cash cows that can be milked at the public's expense. Our bill recognizes this fact and merely provides an expedited and limited administrative fitness review of proposals by nonrailroads to buy major railroad companies.

Let us not overlook the difference between railroads and other modes of transportation that use public rights-of-way. If an airline or trucking company goes belly up, some other company can come in and provide service. The air routes and highways are not torn up.

But if railroad tracks are abandoned, the shippers and communities they serve are out of luck. The tracks will not be built again.

This bill simply recognizes the overriding public interest we have in our major railroad companies that employ over 200,000 workers and which serve thousands of cities and shippers. Again, do not be persuaded by the administration's rhetoric that this provision somehow changes the face of railroad regulation. It does not. It merely

provides a mechanism, consistent with current law, for recognizing the public interest in continuing rail service.

This report represents the combined bipartisan efforts of many Members of the House. I commend the chairman and ranking member of the full committee, Mr. DINGELL and Mr. LENT, for their leadership in crafting this measure, as well as Mr. WHITTAKER, the ranking member of our subcommittee, Mr. BOUCHER, Mr. BLILEY, Mr. SWIFT, Mr. MADIGAN, Mr. TAUKE, Mr. SLATTERY, Mr. ECKART, and others who have played an active role in producing the bill which comes before the House today.

I also wish to express my appreciation to Chairman BROOKS, Mr. MOORHEAD, and other members of the Judiciary Committee who have worked diligently with us in reaching a final resolution on certain aspects of this bill.

Next year, Amtrak will celebrate its 20th anniversary. Let's give Amtrak, and the country which it serves, a nice birthday present by voting for a bill which will ensure that Amtrak trains will continue to carry passengers for years to come.

Mr. Speaker, I urge my colleagues to support the conference report and I reserve the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume. I will reserve the balance of my time at the conclusion of my speech for other speakers.

Mr. Speaker, as an original cosponsor of this transportation legislation, I am proud to reaffirm the Nation's commitment to Amtrak as part of our national transportation system. As we begin to survey the condition of the Nation's transportation infrastructure, and to consider the economic and environmental costs of various forms of transportation, Amtrak's role as a passenger carrier of high energy efficiency and low environmental impact becomes even more important than before. I know that in my own part of the country, with the severe shrinkage of the intercity bus system, Amtrak has become even more important as a vital transportation link for our small- and medium-sized communities, many of which do not have air transport service. In fact, there are literally scores of such communities around the country, where Amtrak is one of the few remaining transportation links connecting these towns with the rest of the Nation. More than one out of every five communities served by Amtrak has no air service; another one in five has no bus service. For these towns, Amtrak is truly a vital connection to the economic and social fabric of the Nation.

I also want to stress that Amtrak is almost unique among Federal programs, in that it has managed to increase its level of service to the public, while cutting its Federal funding roughly in half in constant dollars over the last decade. How many other Federal efforts can we name that have achieved that kind of efficiency and productivity? These results are also a tribute to the outstanding management skills of Graham Claytor, Amtrak's president during most of that time period.

Sadly, I have to acknowledge that despite the bipartisan support for this Amtrak legislation, the administration is on record as opposing it—primarily, and to all appearances, exclusively, because of a provision giving the Interstate Commerce Commission the power to screen takeover bidders who are not already in the railroad business, before they are allowed to proceed with a bid for control of a major rail carrier.

I can only say that I have to conclude that much of this opposition is due to being misinformed. This provision, which closely tracks a bipartisan bill drafted in the Energy and Commerce Committee, only closes a nonsensical gap in the current law. A company or an individual who wants to go into the railroad business on a small scale by buying even a few miles of track from a major railroad must seek ICC approval. But if the same person or company wants to enter the railroad business by taking control of a major railroad in a single stroke, the ICC has no effective means of scrutinizing the bidder and protecting the transportation system from a possible railroad bankruptcy or similar disaster.

The takeover provision in the Amtrak bill addresses this situation in a moderate, carefully targeted way. First, the ICC is not put in charge of determining the outcome of control contests: It is merely authorized to screen multiple bidders for fitness; the takeover contest will be determined by the shareholders and the marketplace. Second, the ICC is given a limited 90-day window in which to conduct this screening—not the 2½ years that are available in mergers or acquisitions within the railroad industry. Finally, although the ICC should consider the effect of a given proposal on employees, there is no statutory requirement for so-called labor protection payments to displaced employees. In contrast to this moderate provision, current law gives employees displaced by a multicarrier merger or acquisition up to 6 years of full pay, as a matter of Federal law. I think these facts speak for themselves: This is a very moderate piece of legislation that leaves the critical aspects of takeover contests in the free market, while protecting the public from the possible loss of critical links in our national transportation system.

One final note, Mr. Speaker. We are likely to hear a good deal from certain quarters about this takeover provision rolling back the Staggers Act or reregulating the railroad industry. That is flatly untrue. As one of the staunchest defenders of the Staggers Act against efforts to roll back the genuine improvements in market-oriented ratemaking, I know reregulation when I see it. And in this case, the takeover matter, we are dealing with provisions of the Interstate Commerce Act whose coverage was not affected one iota by the Staggers Act. Instead, we are correcting an anomaly in the statute that was there long before 1980, but which became all too apparent within the last year or so as major railroads became the targets of noncarrier takeover bids. So I ask that our Members reaffirm their support for this measure, as they did last September by a vote of 296 to 93, and continue to evaluate this bill on its merits, not on the basis of slogans and rhetoric.

Mr. Speaker, I urge support for the conference report.

□ 1640

Mr. WALKER. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the conference report we have before us is a bill that the committee has worked hard on, and I certainly do not in any way want to indicate that I am at all opposed to the hard work and the efforts that they put into this bill, but I do believe that we need to focus on what we are about to do here.

I think it needs to be understood why some opposition to this bill is very much in order. Let me state at the outset, as I have tried to say on many occasions on the floor, and I have found the debate deteriorated, I am not opposed to railroads. I do not think anybody should responsibly be opposed to railroads in this country. Railroads contribute a great deal to the economy of the country both in terms of freight service and in terms of passenger service, so I am not opposed to passenger rail service.

What I have begun to question very seriously is whether or not Government-subsidized passenger service serves the best interests of this country. There are some who have come to the floor today with a bill which they say Government subsidies are the only way that we can run passenger rail in the country. I do not believe that to be true.

I think it is important that we look at other options as a way of dealing with passenger rail for our future. I also think it needs to be pointed out that the administration is opposed to this bill. The President would like to veto this bill, and I think he has a number of reasons that the membership ought to be aware of before coming to the floor and voting on a

bill that supposedly preserves the passenger rail for the country.

First of all, we are talking about absolutely massive subsidies. We are not talking about a little bit of money. We are talking about a figure of $605 million to cover Amtrak's continuing annual losses in fiscal 1990, which is a $28 subsidy to each of Amtrak's passengers. One may say that that is a good idea; we ought to subsidize all of those poor people who are riding the rails. The fact is that every study we look at indicates it is not the poor we are subsidizing. It is very well-to-do people for the most part are the people we are subsidizing for $28 every time they ride the rails. They are people who make $40,000 a year or more. This is one of the massive subsidies we are giving to the very well-to-do in this country. It is costing us $605 million in 1990.

Yet, despite the massive deficit that the country faces, despite the nature of the deficit in this bill, we are going to raise that figure in this particular bill to $684 million in 1991, and then to $712 million in 1992. That is an 18-percent increase in just 2 years under the provisions of the bill that we have before us.

I have heard a lot of discussion in the course of our deliberations today already about deficits and all the problems we have, and some people came to the floor suggesting that we are going to have to have a big tax increase. People will say: "Why?" Here is the reason: If anyone wants to know why it is we end up spending a lot more money than we have, it is because of these kinds of programs. This is a program that the administration, in its budget, said should be completely eliminated.

Congress proposes to spend $600 million this year, $684 million next year, $712 million the next year. That is where deficits come from. That is part of the problem.

Also, if Amtrak is going to become self-sufficient as everybody seems to say it should be, it is going to have to have some reforms, and the fact is that this bill before us gives us none of the reforms that are necessary. For example, the American taxpayer should not be asked to continue to subsidize Amtrak's continual losses without requiring Amtrak's management or employees to adopt cost-of-living reforms necessary for Amtrak to achieve true self-sufficiency.

Somewhere along the line we ought to ask the railroad to begin to operate like it was a real business rather than like it was operating only for Government subsidies, and yet this bill does not carry us in that direction. This bill simply states that we are going to pour ever more Government subsidies into a losing proposition.

Then the thing that disturbs me, I think, most about this bill is that it is a two-fer. The administration not only wants to eliminate Amtrak as a budget item for the American taxpayer, it wants to eliminate the ICC. It thinks that both are outmoded in terms of taxpayer expense.

One of the things that it is moving toward is the elimination of ICC. What does this bill do?

□ 1650

This bill says not only do you keep Amtrak, not only do you subsidize it for more than it has been subsidized in the past, but now we also want to tighten the ICC's regulatory grip at the same time that the administration is proposing to terminate that agency.

In other words, what this bill proposes to do is not only keep Amtrak, but keep another wasteful bureaucracy in the Government, the ICC. Well, in this bill you are getting a two-fer. You are not only going to preserve one bureaucracy, you are going to have two of them saved in one bill.

Finally, despite what the gentleman from Kansas said, I have to say that in examining what they have done here, one has to come to the conclusion that this is a step back into more burdensome Government regulation. This legislation is a step back to the days of oppressive Government regulation that drove substantial segments of the railroad industry into bankruptcy. Railroads like the Rock Island Line, the Penn Central, and others, were driven out of business by Government regulation. This bill is designed to take us right back to those bad old days when railroading could not survive because of Government regulations.

Now, if one thinks it is a good thing to come here and support a bill that is for more regulation, that preserves two massive bureaucracies and does so at increasing expense to the taxpayer at a time of deficits, you will love this bill. I would suggest to you that many of us should not love this bill. We ought to support what the President wants to do, oppose the bill, and save the taxpayer $600 to $700 million.

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

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 5 minutes to the gentlemen from Michigan [Mr. DINGELL], the chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the gentleman from Ohio [Mr. THOMAS A. LUKEN] for yielding me this time. I rise in strong support of the conference report on H.R. 2364, the Amtrak reauthorization bill. A number of the members of this committee deserve particular thanks and commendation for what they have done: the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN]; the ranking Republican members of the committee and subcommittee, the gentleman from New York [Mr. LENT] and the gentleman from Kansas [Mr. WHITTAKER]; the gentlemen from Virginia [Mr. BLILEY] and [Mr. BOUCHER]; the authors of the amendment on ICC jurisdiction adopted in the committee and carried through in the conference report, the gentleman from Ohio [Mr. ECKART] and the gentleman from Iowa [Mr. TAUKE]; the gentleman from Washington [Mr. SWIFT] and the gentleman from Illinois [Mr. MADIGAN], who made important contributions to the legislation before us; and I want to commend also my good friend, the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], for the way he worked with us in regard to the commuter rail provision of this legislation.

I listened with some interest to the remarks of my good friend, the gentleman from Pennsylvania [Mr. WALKER]. It is indeed regrettable that the gentleman did not talk to the committee, because had he done so, it would sound more like he were discussing the legislation now before us.

The harsh fact of the matter is that the comments of the gentleman from Pennsylvania [Mr. WALKER], who just immediately preceded me, and for whom I have the utmost respect, do not relate to the legislation before this body at all. The interesting thing is that the Amtrak subsidy over the last 8 years has declined on a continuous basis. Today the subsidy is $450 million less than it was in 1981. Today the revenues are double what they were in 1981, $1.2 billion as opposed to $600 million.

The hard fact of the matter is, Amtrack has come a long way. Today it has a better ratio of revenues to costs than any other passenger railroad in the whole of the world, not just the United States. It has improved steadily since 1981.

What is needed here is capital funds. Amtrak is today turning aside passengers who want the service, and they cannot carry those additional passengers unless they get the capital investment that is needed for them to bring their service into relationship with the demand which exists.

This bill is going to increase rail safety by providing for the purchase of new and better and safer equipment. It will enable improved efficiency, lead to modernization, attract more passengers, increase revenues. This is an investment bill, and it is a prudent bill.

Mr. Speaker, what we should do here is provide the means for Amtrak to continue the advancement to which I have been referring in my comments, rather than seek to cut back. The cost of additional service is substantial. This is going to cost money in the short run, but it is going to continue to reduce the deficit in the long run.

Graham Claytor, the President of Amtrak, has pointed out that by the year 2000, if he gets the cooperation of Congress, he will reduce the Federal operating subsidy to zero.

There is here a special provision which will enable Amtrak to provide additional service in the northern Virginia commuter corridor, sponsored by the distinguished members of the Virginia delegation, led by the gentlemen from Virginia who sit on the committee, Mr. BOUCHER and Mr. BLILEY.

I would observe that there is one provision which the gentleman from Pennsylvania [Mr. WALKER] refers to as a return to the dark ages of regulation. If the gentleman would take the trouble to read that particular provision, he would know what it does.

Under current law, selling off or closing down 1 mile of rail track is subject to ICC approval, selling off one railroad to another railroad is subject to ICC approval, but selling off an entire railroad company to a nonrailroad is not. This is most curious. The adverse impact upon communities, upon States, upon customers of rail service, and upon persons absolutely dependent, such as grain users, haulers or purchasers of heavy commodities like coal or iron ore or lumber or something of that kind, is absolutely appalling. In fact, the farmers of the Midwest are desperate to have an opportunity to have sell-offs of entire railroads reviewed because of the potential for the loss of service to them.

Mr. Speaker, this is a good bill. It is one which assures that Amtrak will continue to grow, to provide service, and to assure that the cost of that service is going to continually decline through the acquisition of newer and better equipment and providing service to people now being turned away.

Mr. Speaker, this is not a partisan bill. The bill came out of committee by an overwhelming vote. It is supported by the leadership on both sides of the committee and by Members on both sides of the aisle. And something else must be observed. The major provisions which were complained of by the gentleman from Pennsylvania [Mr. WALKER] were sponsored by Members on both sides of the aisle. In summary, Mr. Speaker, this is an excellent conference report that is bipartisan and noncontroversial. It was signed by every House conferee. It deserves the support of every Member of this House, and I hope it will receive that support. Mr. Speaker, I ask that a table showing Amtrak's progress since 1981 be inserted in the RECORD at this point.

NATIONAL RAILROAD PASSENGER CORPORATION

[Comparison of financial and performance data]

	1981	1989	Change (percent)
Total revenues in current dollars (millions)	$612.2	$1,269.1	+107
Total revenues (1981 dollars, millions)	$612.2	$921.5	+51
Revenue to cost ratio	0.48	0.72	+50
Total Federal grant (1981 dollars, millions)	$896	$442.1	−53
Federal operating grant in current dollars (millions)	$675.8	$553.8	−18
Federal operating grant (1981 dollars, millions)	$675.8	$402	−40
Federal capital grant in current dollars (millions)	$221	$30	−84
Revenue to short-term avoidable cost ratio	0.73	1.20	+73
Revenue to long-term avoidable cost ratio	0.60	0.91	+52
Passenger miles (millions)	4,762	5,859	+23
Passenger miles per train mile	155	188	+22
Total Federal support as a percentage of U.S. budget	0.1	0.05	−50
Managerial staff as proportion of work force	0.15	0.12	−20

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act. This bipartisan legislation is an important part of our effort to strengthen a key component of our Nation's transportation system; namely, passenger rail service.

Today, Amtrak spans the country with a 24,000-mile system that operates through 43 States and serves over 500 stations and 22 million passengers annually. Importantly, Amtrak is providing this service in a more self-reliant matter. In fiscal year 1981, Amtrak relied on the Federal Government to provide more than half of its expenses. In fiscal year 1988 their share had dropped to 30 percent.

This positive trend will continue as environmental pressures cause our communities to rely more heavily on passenger rail transportation. This legislation correctly addresses the need to make rail transportation a more viable option by resolving an important liability question that has stalled the startup of commuter rail service in northern Virginia. I want to recognize the efforts of my colleague from Virginia, Mr. BOUCHER, for raising this issue at the subcommittee level, as well as the efforts of two of my other colleagues from Virginia, Mr. PARRIS and Mr. SLAUGHTER, who have labored long and hard to make Virginia commuter rail a reality. And of course, a special word of appreciation to the chairman of the full committee, Mr. DINGELL, and the chairman of the subcommittee, Mr. LUKEN, and ranking members, Mr. LENT and Mr. WHITTAKER for their support. Finally, I would like to thank Mr. BROOKS, the chairman of the Judiciary Committee for his advice and assistance.

Mr. Speaker, I would like to address one of the issues that has been raised as an objection to this legislation—the ICC provision. Contrary to many statements, this is not an antitakeover provision. This gentleman believes that shareholders own publicly traded companies. I have not supported antitakeover legislation in the past and in voting for this legislation I am not doing anything to change that record. This provision is in my mind more closely related to a technical amendment—a loophole closer. This provision simply eliminates the anomaly in current law that requires ICC review if a nonrailroad wishes to acquire a few miles of track from a railroad, but requires no such review if the nonrailroad buys the entire company on the stock exchange. It is a good provision, it levels the field and ensures that the same rules apply regardless who is buying and how they are buying—what some of us call fairness.

Mr. Speaker, I urge my colleagues to support this conference report. By a more than 3-to-1 margin this House approved almost identical legislation in September. Let's send this bill to the President and I for one believe that despite threats to the contrary, the President will sign this bill.

□ 1700

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the Nation's Capitol is awash today in talk of tax increase, so it is appropriate that we are talking railroads, today, because the American taxpayer seems to be destined to be railroaded one way or another.

This conference report is a prime example of why we are hearing the unfortunate talk of a tax increase. America is being nickeled and dimed to death, and unfortunately we are not talking about nickels and dimes, we are talking about hundreds of millions of dollars.

The administration has asked that Congress begin to phase out the subsidy for Amtrak. Congress is about to do the opposite.

This conference report authorizes $630 million for fiscal year 1989, $656 million for 1990, $684 million for 1991, and $712 million in 1992. The Congress is going in the wrong direction. The President has asked us to phase out this program, not to pad its budget with increases, and no one seems to care that we are on the verge of a financial crisis.

I care, and I am going to vote against this type of spending wherever and whenever it rears its ugly head. In fact, Members should join me in opposing such programs that are not absolutely necessary for the health and safety of our people.

That is how we can balance the budget. That is the formula that will bring down this high level of deficit spending.

There are ways out of this budget mess, and they all encompass doing

more to bring down spending. The gentleman from Ohio [Mr. KASICH] offered us a viable and sensible alternative to raising taxes and spending again and again. He called for an overall freeze in discretionary spending including domestic programs and defense spending without reducing COLA's or entitlements.

Without real constraints or spending reductions, Congress will continue to spend money like a drunken sailor and American will be pushed down that slippery slope of tax increases into the pit of recession. I want no part of it.

With the amount of spending contained in the budget the House passed last week, it is no wonder that the only talk that is going around today is the talk about balancing the budget by only increasing taxes, not bringing down spending. I do not know one reputable economist who advocates that we increase taxes at a time when recession threatens our country. Increasing taxes as a means of balancing the budget is like bleeding a patient to cure an illness. Higher taxes siphon the strength from the economy. Higher taxes give the Government more and more money to create more and more programs to hire more and more Government employees who are likely to use that money to bleed the patient again.

But those who continue to vote for measures to increase spending, even though our President wants them phased out, should not be shedding crocodile tears and talking about the problem and the threat of the high level of deficit spending.

My point is simple. The only cure for deficit spending is to cut that spending. I know it is a difficult task. I cannot even get the National Endowment for the Arts to stop spending money for sexually graphic art.

We must stop spending the taxpayers' dollars for projects that are not absolutely necessary, and this program, the subsidization for Amtrak, the subsidization for high-income passengers is not absolutely necessary for the health and safety of the United States of America, and we can no longer afford such spending.

There are proposals throughout the United States to spend money on rail transportation in the private sector, financed totally in the private sector. This continued subsidization of Amtrak deters this type of private sector spending.

I know in my own area there is a proposal for a magnetic levitation train between Anaheim and Las Vegas that is being financed totally with private sector money. This is the type of innovation, this is the type of spending for transportation we need, not more Government mandates and more Government spending and higher taxes for our people and a higher deficit for our country, and recession for the country.

Mr. Speaker, the American people are being taken for a ride. The destination is economic oblivion. They want to get off the train, and so do I.

Vote no on the conference report.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BOUCHER], a member of the subcommittee and the full committee.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Ohio for yielding this time, and commend him and the chairman of the full committee, Mr. DINGELL, as well as the chairman of the Committee on the Judiciary, Mr. BROOKS, for their outstanding assistance in crafting that part of this measure that will remove the barriers to the commencement of commuter rail service in northern Virginia. For northern Virginia commuters, this has been a very long-awaited moment.

The conference report contains a provision that limits the liability of Conrail for accidents occurring on the tracks involving trains that will be operated by the Virginia Railway Express, which is the new northern Virginia commuter authority, to the amount of insurance coverage in force at the time that an accident occurs. It also requires that insurance in the amount of at least $200 million be in force at all times, and that will be a fund sufficient to cover any injuries that are likely to occur in accidents on that rail line.

The enactment of this provision will result in Conrail making available to the commuter services access on its tracks across the Potomac River, and then on to Union Station, removing the last significant barrier to the commencement of this long-awaited and much needed commuter service in northern Virginia.

We now anticipate that the service could begin as early as 1991 with 18 trains daily beginning at Manassas and at Fredericksburg, making stops along the way, and then terminating at Union Station. It will accommodate some 4,000 riders on a daily basis, fully 75 percent of whom will have destinations on Capitol Hill or in southwest Washington.

For all of those who today are enduring the daily rush hours on Interstates 95 or 66, this is particularly good news. Commuter rail service will have the effect of adding one full lane of travel on both of those interstates and dramatically reducing the traffic congestion that now exists.

Mr. Speaker, I want to extend my sincere thanks to the gentlemen from Virginia, Mr. BLILEY, Mr. PARRIS, Mr. SLAUGHTER, and Mr. WOLF for their outstanding help and support as we crafted this measure, and once again to the subcommittee chairman, the gentleman from Ohio [Mr. THOMAS A. LUKEN], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Texas [Mr. BROOKS], chairman of the full Judiciary Committee for their outstanding help in obtaining approval.

I also want to commend the local governments in northern Virginia and the officials of the Virginia Railway Express, of Conrail and of Amtrak for their outstanding help in this effort.

Again, I thank the gentleman for yielding time to me.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, there has been some controversy about a provision of the legislation that is before us relating to railroad takeovers. I believe that those of the Office of Management and Budget who singled out this provision as a reason for Presidential veto of the legislation are frankly a little off the beam.

This is not a step toward reregulation of railroads. It is not anything at all onerous. It is an attempt to make a little sense out of existing law. When Japonica was talking about taking over the Chicago Northwestern, we discovered something very curious in the law, and it was essentially that if you had a railroad buying another railroad, it was subject to ICC review to ensure that the public interest would be served. If you had a railroad buying a line of another railroad, it was subject to ICC review.

□ 1710

If you had a nonrailroad buying a line of another railroad, it was subject to ICC review, all to insure that the public interest could be served. But if you had a nonrailroad buying an entire railroad, in other words if they had enough money so they could buy the whole thing, no ICC review, no need to insure that the public interest was being served.

Now, what possible justification can there be for saying that when you have 16 class I railroads and a railroad would want to buy 1 of the 16, that that should be subject to review, but if somebody has never run a railroad before, comes in and wants to buy it, then we do not have to worry about the public interest being served?

Everybody who is in this Congress undoubtedly has communities where there are industries that are dependent on the running of the railroads, and if somebody comes along and screws up the running of the railroads, that puts a lot of people out of business.

Now, the fact of life is that this is a very minimal requirement, but it does insure that some public interest will be served.

Mr. WALKER. Mr. Speaker, I yield myself 4 minutes for the purpose of a

colloquy with the gentleman from California [Mr. Cox].

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

Mr. WALKER. I am glad to yield to the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, following up on the comments of our colleague from Iowa, I would like to ask whether it is the understanding of the gentleman from Pennsylvania that as a result of legislation that would be passed through the approval of this conference report, the ICC would be given the authority that it does not presently have to restrict purchases and sales of railroad securities?

Mr. WALKER. Well, it is certainly my understanding in the bill that we are granting to the ICC additional authority over and above that which it now has with regard to railroads. And it extends not only to Amtrak but to the broad base of railroads across the country.

So my reading of the committee's report certainly does suggest that the ICC is being given additional powers despite the fact that the administration wants to abolish the ICC completely.

This bill would increase the powers of an agency that the administration wants to abolish.

Mr. COX. So instead of moving toward deregulation, we are moving toward more regulation? Right now the ICC does not have this authority although it does already possess extensive regulatory authority to review line sales, abandonments, the issuance of securities by a carrier when acquired by a noncarrier. We are giving them even more, broader powers that can only be used for anticompetitive purposes.

Mr. WALKER. That would certainly be my interpretation. This is certainly, in my view, a move to try to further regulate any kind of free enterprise approach to railroads. The problem is that what we have done is that we have clamped down and totally eliminated the free enterprise in passenger rail with Amtrak and we have a wholly subsidized rail service there.

It appears to me that in order to protect that kind of philosophy we are now moving toward more regulation of the privately run railroads with this kind of opportunity.

It is surprising that as Eastern Europe moves away from command economies, we in this body seem to be taking the different route of trying to move the Government back into trying to run aspects of our economy, despite the fact that those parts of the economy may be perfectly healthy.

Mr. COX. In fact, there are a lot of failing railroads, and if we have healthy companies outside the railroad industry that might be in the transportation industry or elsewhere, this is now an additional regulatory burden that those purchases, potential purchases, must overcome if they are going to inject their capital into the railroad industry, is that not right?

Mr. WALKER. Precisely. It is my understanding if they wanted to purchase a failing railroad and keep it running, they would now have to get ICC approval in order to be able to do that.

So that you could have a situation where the whole railroad system goes under, where people are denied the ability to have rail service, where whole businesses have to shut down because there is no rail service, because the ICC is still reviewing to find out whether or not this is a proper buyer for a rail system.

Mr. COX. So the Federal Government might say "yes" in the end, but in the meantime you have got to go through all the Federal rigmarole in order to accomplish that.

Mr. WALKER. The gentleman is absolutely right. The problem then becomes that the Federal Government has a long history of doing exactly that.

When you look back at the history of the Rock Island Line, the Penn Central and others, it was precisely that kind of regulation which drove those companies out of business.

So what we are doing is returning to that kind of process in railroading, and we well may find that at some point in the future we will have driven out railroads rather than preserve railroads under the language we are adopting here today.

Mr. COX. I think we might say, in conclusion, that nothing in this provision preserves existing rail service or adds any new capital to existing rail service. But what this provision does do is create an additional regulatory barrier to anyone who wants to come in and buy an existing railroad.

Mr. WALKER. This is more regulation, pure and simple.

Mr. COX. I appreciate the clarification.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise in support of the bill and of the distinguished chairman.

I rise in support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. I particularly wish to address my comments to section 3 of the conference report. Members of the House Judiciary Committee were appointed as conferees on a provision of H.R. 2364 dealing with limitation on liability for commuter rail service from Virginia to the District of Columbia. The House provision, which was drafted in conjunction with the Judiciary Committee and was graciously accepted by the Energy and Commerce Committee, limited the liability of railroads for commuter operations on their tracks to the amount of insurance coverage carried by the Commuter Rail Authority. The bill also requires the authority to carry 200 million dollars' worth of coverage.

The Senate adopted our language and added a provision stating that it would go into effect only if an operating agreement was concluded between the Commuter Rail Authority and the railroads whose tracks the authority would use. It is my understanding that such an agreement has, indeed, been concluded.

Section 3 of the conference report embodies the House-passed language and incorporates the additional Senate provision. It is carefully and narrowly drawn to strike a reasonable balance between accommodating the concerns of railroads over the additional liability that might result from commuter rail service on their tracks, and protecting the rights of passengers and other parties. Enacting this provision will permit this worthwhile commuter rail operation from Virginia into the District of Columbia to go forward, and I urge approval of the conference report.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

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

Mr. SWIFT. I yield to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I just wanted to quickly say that I strongly support this legislation. Rail service is extremely important to this country, and will be more important in the future for economic reasons, for environmental reasons, and for energy reasons. And the agency, Amtrak, has been put on a much stronger financial basis and is continuing in that direction. We would be very foolish to cast aside the progress that has been made, and it has been made at the expense of employees and others interested in this service going forward for the American people.

I thank the gentleman for yielding.

Mr. Speaker, the Amtrak authorization conference report before us today is a sound bill which is necessary for maintaining a balanced, efficient national transportation system. It is the product of a great deal of bipartisan work and deserves our overwhelming approval.

Few agencies have experienced the intense public scrutiny over the last 10 years as Amtrak has faced. And few have achieved a better record of fiscal management. Amtrak's revenues now cover 75 percent of its operating costs—a remarkable improvement over the 48-percent level in 1981 when the level of the Federal contribution began to decrease. In real dollars, Federal operating support has declined more than 50 percent during that period. Its non-Federal revenue has doubled in 9 years and Amtrak management wants to eliminate the need for any Federal support by the end of this decade.

That goal is a worthy one. It has, however, had a price. Amtrak's employees have made major sacrifices to help management turn the

corner. Wages and salaries have not kept up with rail industry levels.

I represent southern Indianapolis and the city of Beech Grove which has a maintenance facility employing 1,325 of the company's nearly 2,000 employees in Indiana. This facility performs maintenance work on Amtrak equipment as well as on privately owned cars and equipment. Amtrak has deferred a substantial amount of maintenance on its rolling stock that should not be postponed any longer. Capital investment is needed for Amtrak to keep reliable rail service and to meet the growing public demand. Any prudent business would make such an investment when it sees potential customers turned away due to lack of capacity. Additional revenues from capital improvements could also be invested in its work force which is a key factor in Amtrak's outstanding performance. I urge Amtrak management to seriously consider these points in its allocation of admittedly limited resources.

Mr. SWIFT. I thank the gentleman from Indiana.

Mr. Speaker, this is the thesis of my remarks: I think there are some people who can understand business principles but cannot apply them when Government is involved.

For example, I think everybody knows that businesses have to make investments if they are going to survive. Those very same people sometimes think that if Government makes an investment, they see it only as an expenditure.

Now here is the point: Last year Amtrak turned away one customer for every customer it served. If you ran a shoe store and you were turning away as many customers as you were able to sell shoes to, you would say, "I had better invest in some expansion."

The fact is that Amtrak has unmet demand equal to the demand it can meet.

What it calls for, really, is investment in the rolling stock to be able to meet that demand. I have talked with the head of Amtrak who tells me that with a nationwide system able to meet the demand, the subsidy to Amtrak could disappear by the end of the decade.

Now that is thinking like a business.

This bill does not provide that, but the fact is, what astonishes me, is that there are those who would either kill this or would even reduce the investment which I suggest is not only not good business thinking, it is not good thinking at all.

Mr. SLATTERY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I will not take the time of the House to elaborate, allude further to the arguments made on behalf of this measure by other previous speakers in regard to a parochial but fundamentally important and critical aspect of this legislation, which is the commencement of commuter rail in northern Virginia.

This was a complicated process. We had to negotiate access, rights-of-way agreements with five separate railroads, we drafted a regional compact agreed to by seven impacted independent political jurisdictions, negotiated the use of privately owned property for rail stations and commuter parking lots, secured a section 3 capital demonstration grant, and the balance.

But finally the passage of this legislation will allow the northern Virginia commuter rail service to become a reality.

I take this time, Mr. Speaker, simply to express, as have others, my appreciation to the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], the ranking Republican member, the gentleman from New York, the gentleman from Michigan [Mr. DAVIS], the gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary, and particularly my two Virginia colleagues [Mr. BOUCHER] and [Mr. BLILEY] for their stalwart assistance in the solution of a critically important measure that will be of benefit to all of those who attempt to commute into the Nation's Capital every day.

Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. The principal reasons for my support are twofold.

There can be no question that Amtrak, America's railroad, represents a vital component of our Nation's transportation infrastructure. Nor can there by any question that Amtrak's management has vastly improved the efficiency of its operation in recent years; thereby significantly reducing the amount of funds required from the American taxpayers. As a matter of fact, it is the efficiency with which Amtrak has been operated that has led to the near miraculous resurgence of passenger rail travel as a viable alternative to the automobile.

There is serious doubt that that viability can be sustained without the critically important infusion of capital for the replacement of Amtrak's aging rolling stock which would be authorized by passage of this bill.

My other reason for supporting this conference report, while admittedly somewhat more parochial, is no less important. One provision, included during subcommittee consideration, would effectively deal with the punitive liability problem which has been the one remaining hurdle preventing the initiation of a commuter rail service in northern Virginia.

Mr. Speaker, I first advocated the establishment of such a service more than 20 years ago, as a member of the Fairfax County Board of Supervisors. Then, in 1973, as a first-term Member of Congress, I ran a demonstration train up the RF&P tracks from Fredericksburg to Washington to show the viability of such a service. Then in May 1985, I organized another focused effort and we have been planning ever since.

In December 1985, I established the Congressional Task Force on Commuter Rail which was made up of State transportation officials and the locally elected officials from all seven political jurisdictions to be impacted by commuter rail. I asked the committees of my task force to concentrate on finding solutions to specific problems which we had to overcome before our goal could be realized.

Specifically, we had to negotiate access and right of way agreements with five different railroads; draft a regional compact to be agreed upon by the seven impacted independent political jurisdictions on funding of the service's operating deficit; negotiate for use of privately owned property for rail stations and commuter parking lots; and secure a section 3 capital demonstration grant from the Federal Urban Mass Transportation Administration. All of these tasks were accomplished within a relatively short period of time.

The one problem whose solution has eluded us for nearly 4 years, however, is that of insurance. The problem has been the procurement of an insurance portfolio which satisfies the indemnification requirements of the various railroads granting the service access to its track, but which is also affordable. The local quasi-governmental authority coordinating the planning for this service has put together a $200-million per occurrence insurance portfolio.

The legislation before us would place a $200 million cap on punitive damages against Amtrak and other commuter authorities—effectively solving our insurance crisis. Passage of this legislation will finally allow the northern Virginia commuter rail service to become a reality. The reality of a successful commuter rail is that it would carry as many commuters into the Nation's Capital as would the construction of an additional lane on I-95/I-395 between Fredericksburg and Washington.

In closing, I would thank the chairman of the committee, Mr. DINGELL, for all of his critical support and assistance in this matter. I would also thank and commend the efforts of my two colleagues from Virginia, Mr. BOUCHER, a member of the subcommittee, and particularly Mr. BLILEY, who brought this matter to the attention of the chairman.

□ 1720

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise in support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act, and commend the conferees for completing work on this legislation in a timely manner. The conference report on H.R. 2364 includes a provision critical to the operation of the Virginia Railway Express commuter rail system by limiting liability for punitive damages should an accident occur on certain tracks and bridge spans between northern Virginia and Washington, DC.

The promise of a viable commuter rail operation in Virginia will bring a measure of relief to many of our citi-

zens who travel daily in bumper-to-bumper traffic from Manassas and Fredericksburg into northern Virginia or the District of Columbia. It is expected that 4,000 round trip commuters will ride the Virginia Railway Express daily. I commend the leadership of the House Energy and Commerce Committee and the efforts of the Virginia congressional delegation to ensure the full operation of the Virginia Railway Express, and urge my colleagues to join me in supporting the conference report on H.R. 2364.

Mr. WALKER. Mr. Speaker, with trepidation with regard to the position I am advocating, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. CAMPBELL]

Mr. CAMPBELL of Colorado. Mr. Speaker, rail service is a vital link to urban areas for my constituents and I am appreciative of the service Amtrak provides to western Colorado. I do not believe, however, that this service should come at the expense of public health.

Over the past few years I have become increasingly concerned about Amtrak's refusal to adequately deal with the issue of the dumping of untreated human waste in our communities. I have contacted Amtrak numerous times asking them to end this primitive practice or, at the very least, to provide adequate alternatives to their actions. I have yet to receive a satisfactory answer.

Amtrak's practice of dumping untreated human waste, often in highly populated areas and while stopped at stations, is protected by an exemption Amtrak has been granted from the Rail Passenger Service Act. The act requires all other U.S. rail carriers to have self-contained waste disposal systems.

Amtrak's arrogance and foot dragging on this issue have reached the level of the absurd. Their tactic of threatening termination of service when State health agencies voice opposition to raw sewage being dumped in their communities only serves to discourage cooperation.

Although Amtrak assures me they are conducting research on this issue, I am concerned at the length of time this research is taking. When I have discussed this issue with Amtrak, first in 1987, and most recently at the beginning of this year, I have received the same response: "We're conducting research; you and your constituents will just have to wait." The communities of my district are eager to work with Amtrak to come to a workable and mutually agreeable solution. When we agree to this legislation today, we need to also send a message to Amtrak that our constituents are disgusted at Amtrak's refusal to listen to their voices and to put a stop to this primitive practice of taking taxpayers' money and then dumping on our towns, is not my idea of a good neighbor policy.

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

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I have a prepared statement which I will insert at the end of my remarks, but I would like to say in the 2 minutes that my friend from the minority side has so graciously given me, just that I have personal experience with Amtrak. I recently, with my wife, had occasion to take a 2,800-mile trip from Cleveland to San Antonio, TX, to New Orleans, and back to Cleveland again. I must say we enjoyed that trip very much. I came away impressed, very impressed with the courteous service provided by the Amtrak personnel, by their friendliness, which is evident among not only the staff but also the passengers of Amtrak trains, by the great scenery we were able to see along the way, and yes, by the efficiency of the management of Amtrak.

I believe that Graham Claytor and his entire management team are doing a magnificient job of running Amtrak, given the financial constraints under which they are working. But as my colleague from Ohio [Mr. THOMAS A. LUKEN] has pointed out before, there comes a point when we need to get new equipment to maintain service and to extend service. Amtrak is at that point. It is long past that point. It desperately needs to be able to invest some money in new equipment so it can provide more service, get more customers, and reduce even further the subsidy which is now provided by the Federal Government.

This conference report addresses that need. I very much urge all my colleagues to give their support to this conference report, and take the occasion, when they can, to ride Amtrak themselves. I think they will find it an exemplary means of transportation.

Mr. Speaker, I'd like to say a few words about an energy efficient, environmentally safe form of transportation: Amtrak. Two weeks ago on Earth Day 300,000 people showed up here at the Capitol to demonstrate their support for practices and policies that nurture, not harm, the environment. Hundreds of thousands more demonstrated at other locations across the country. My colleagues JOE KENNEDY, JIM MCDERMOTT, BART GORDON, and I road bicycles from here to Freedom Plaza on Bike to Work Day.

Environmentalism has reached all corners of our great Nation. Everywhere, people are learning how changing their individual behavior can make a real difference in the quality of the environment. As elected officials, we need to support policies that provide citizens with environmentally friendly options.

One way that we can do that is to provide adequate funding for Amtrak. The conference report on Amtrak reauthorization, which we will vote on today, would authorize around $700 million per year for Amtrak operations. These amounts are miniscule when compared to what we spend on highways. Last year, we spent over $13 billion on our highway system, and even that amount was not adequate to keep up with the growing demand for these roads.

The Washington to New York corridor is a prime example of how convenient train travel can be. Because of heavy usage, trains run frequently and a number of express lines are available. For anyone who has made the same trip by car, where traffic is often bumper to bumper, it is no wonder why people would prefer to go by train. I would speculate that, if the rail system were improved between Boston and New York, many travelers would choose rail over cars and also over air travel, given the heavy congestion at Logan Airport.

Mr. Speaker, by supporting Amtrak we're investing in our Nation's future. I urge support for the conference report before us today. Thank you.

Mr. WHITTAKER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I rise in enthusiastic support for reauthorization of Amtrak. In 8 years, Amtrak has increased ridership by 40 percent and has doubled revenues with current revenues covering 72 percent of its operating costs, Amtrak has set a goal of self-sufficiency by the end of the decade. This goal is feasible with growing public support for a viable national train network.

This support is nowhere better evidenced than Evansville and southwestern Indiana. People there are placing high hopes on an Amtrak feasibility study for a Chicago to Florida rail line. One route would include Evansville as a connector city.

Evansville area residents must drive 2 hours to travel by train. Despite this AAA of southern Indiana booked $150,000 in Amtrak tickets in 1989. More than 800 residents recently attended "Amtrak Night" sponsored by AAA. A newspaper poll found 82 percent of respondents would use the rail service if brought to Evansville.

The future of a successful nationwide transportation system lies with advantages train travel can provide.

Reauthorization of Amtrak will help ensure their future in Indiana and throughout the Nation.

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

The SPEAKER pro tempore (Mr. WEISS). The gentleman from Pennsylvania has 3¾ minutes remaining.

Mr. WALKER. Mr. Speaker, when the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] got up a while ago, he said that my speech before did not reference the report.

Well, I think this is the report. When I go through that report, I find a number of things in it that are exactly what I talked about previously. I talked about the fact that this is not a report and a piece of legislation that reduces the subsidies further, this is a report that takes what we are spending in 1990, $605 million, raises it to $684 million in 1991, and raises it to $712 million in 1992. I am not creating those figures. I am reading them out of the report. This is their report.

It tells Members we are not reducing the subsidies, we are increasing the subsidies. That is the problem. Now, I also appreciate the words of the gentleman from Colorado. The fact is, that this rail system is an environmental disaster. As those trains rush across the country with the passengers aboard them, every time someone goes into the head and flushes, it is coming right out onto the tracks. Is there anything in this report about that environmental disaster? Not a word.

We also had a lot of talk here recently about safety in Amtrak. Amtrak has been involved in a number of accidents within the last few weeks. Is there anything in this report with regard to safer operating of Amtrak? I cannot find a word. I have read the report, and I have to say that we are spending $712 million by 1992, and I cannot find that we are going to do anything about flushing onto the tracks, and I cannot find we are going to do anything about improving the safety.

□ 1730

Mr. Speaker, I have got to say to the Members that if in fact what we are talking about is capital investment—and this is what I hear so much about here on the floor—we ought to be thinking a little bit about how the rest of businesses would go about capital investment. Would they come to the taxpayers and suggest that the taxpayers have to ante up? No, they would go to the banks. They would say, "Look, we have the potential for a lot more in the way of passengers in the future." The banks lend money on that kind of a basis, and then they would figure that into their rates.

What does Amtrak do? It does the same kind of thing that would be done in a state-run rail system in Europe or the Soviet Union or other places. It comes to the taxpayers. The taxpayers are supposed to ante up for this purpose.

I would suggest that this is the wrong bill at the wrong time. When we are faced with massive deficits, the taxpayers do not need additional subsidies imposed upon them.

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

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

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to mention that on the train trip I recently took, I was told that on the Amtrak system, once toilets are used, it is set up for it to be held in tanks and for it to be aerated and not discharged unless the train is going at least 30 miles an hour.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that understanding. The fact is that that may be the case on that train, but the policy across the country is that we have a lot of trains that are not doing that and they are flushing onto the tracks, including in urban areas, as the gentleman from Colorado pointed out a minute ago.

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

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

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, as we all know, today there has been lot of talk about intellectual consistency in this Chamber, and I would just like to top this off by saying that I believe it is intellectually inconsistent for politicians in this town to tell the American people that there is no alternative to raising their taxes in order to bring down this high level of deficit spending when we continue to spend money on a multitude of projects like that, which could be better done by the private sector.

Mr. WALKER. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I would simply sum up by saying that this particular bill is a very extensive subsidy that ought to be voted down.

The SPEAKER pro tempore (Mr. WEISS). The Chair will state that the gentleman from Ohio [Mr. THOMAS A. LUKEN) has 1¾ minutes remaining.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill represents the overriding public interest we have in our major railroads. We are talking about major railroads of over $88 million in size which could be gobbled by by nonrailroad interests. We are talking about the ICC protecting that, not the colloquy that we heard before, which was an adventure in fantasy. We are talking about buying new equipment. Mr. Riley, the former FRA administrator, warned that if we cannot acquire enough capital over time to maintain this fleet with a normal schedule, we will be turning away from safety. We want to follow the FRA injunction here and invest sufficiently.

Mr. Speaker, I want to thank the gentleman from Kansas [Mr. WHITTAKER] for his efforts in making this a bipartisan bill. That is what we have here, despite some of the conversation. It is a bipartisan bill. In this year of the environment, it is a bipartisan bill. In this year, when we recognize now that the airlanes are limited and that the highways are limited, it is not symbolic, and people are becoming aware that Amtrak is there. It is serving an environmental purpose. People are becoming aware of it, and it is becoming more popular. It is being used in its proper function, and passenger rail traffic is coming back.

Mr. ECKART. Mr. Speaker, I rise today to pledge my full support for the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. As a House conferee, I believe that this is a true consensus and bipartisan bill and one that has the full support from both the House and the Senate. I urge my colleagues to join me in passing this report.

When Congress created the National Rail Passenger Corporation in 1970, most commonly referred to as Amtrak, it provided a way of preserving the bare bones, the core rail passenger system for the nation. Since that time, Amtrak has grown in leaps and bounds, covering over 24,000 miles of track in almost every State in the Union, and providing an essential means of transportation for millions of commuters and travelers. In addition, Amtrak is currently relying less on Government subsidies and paying more of its own way. It is believed that if Amtrak continues on this track, it soon will carry its own weight monetarily.

This bill contains may important provisions in addition to the authorized funding levels. One of the elements included in this piece of legislation would expand the acquisition review authority of the Interstate Commerce Commission [ICC] to include oversight responsibility over the acquisitions of class I carriers by noncarriers. This provision was inserted into the bill to close the loophole found in the current statute. The health of a railroad affects many sectors of our country including businesses, passenger, employees and communities—therefore, any dramatic changes in our Nation's railroad structure should be examined with an eye toward public interest. We need an expert agency to review the impact of a railroad restructuring upon these recipients to ferret out what potential risks might exist in the future if railroad service is abandoned or adversely affected.

In conclusion, I would also like to encourage Amtrak to investigate the possibility of extending and improving its service into three important regional corridors: (1) Chicago-St. Louis, (2) Chicago-Detroit-Cleveland-Pittsburgh, and (3) Chicago-Indianapolis. These vital links could open up the avenue between Pennsylvania, Ohio, Michigan, and Illinois with very little expense or effort. The Northeast corridor has been an enormous success for Amtrak over the years, and this success could be duplicated in the Midwest by opening up abandoned lines.

Again, I urge my colleagues to support this necessary piece of legislation.

Ms. LONG. Mr. Speaker, while I rise in support of the conference report on the Amtrak authorization bill (H.R. 2364), I must also express my deep concern about the way in

which Amtrak has made a recent decision regarding the rerouting of its trains.

I believe that America as a whole benefits from a strong passenger rail system. In an era of growing concern about pollution and highway congestion, as we realize the importance of protecting the air we breathe and of reducing the effects of pollution on our Earth, trains provide a sensible answer. I believe that we need to encourage the use of trains and other forms of mass transportation. The authorization provided in H.R. 2364 will help to maintain our passenger rail system and I support this.

However, I am deeply concerned about Amtrak's recent decision to reroute the Capitol Limited and Broadway Limited lines, which run from Chicago to the east coast. This rerouting will end service through Fort Wayne, the second largest city in Indiana, as well as service to other parts of Indiana and Ohio. The Chairman of Amtrak made this decision without proper notification of the Members of Congress whose districts or States will be affected by the move. Given the level of assistance that Amtrak has received and continues to receive from the Federal Government, I believe that proper consultation with Congress should be expected before Amtrak makes a major rerouting decision of this nature.

In fact, representatives of various railroads, State, local, and Federal officials are still discussing the possibility of continuing service through Fort Wayne, IN. However, the time allotted to formulate a solution to keep the trains running through Fort Wayne was limited. Amtrak could have done more in this regard.

While I will continue to work with all parties involved to keep Amtrak in Fort Wayne, I have also generated several proposals which I believe would go a long way toward helping to avoid future situations like the one which currently frustrates many of us in Indiana.

I have taken the liberty of putting these ideas into a legislative proposal, and while I do not intend to introduce this measure at this time, I would ask that the members of the Public Works and Transportation Committee and other interested Members of the Congress examine the provisions contained in this proposal at a later date.

The proposal which I have termed the TRAIN Act [the Termination and Rerouting of Amtrak, Information and Notice Act] would require Amtrak, as long as they continue to receive Federal Government funds, to give 6 months notice of any discontinuance of service. My proposal would require that the notice consist of a detailed report, including a cost-benefit analysis, and formal written communication to the Congress, the Members of Congress through whose congressional districts the passenger service runs, and the U.S. Senators and Governors through whose States the current passenger rail service runs.

What this advance notice requirement would provide is time for State and local units of government to devise proposals which could keep the trains running through their communities. Such proposals take time and should not be hastily put together. However, these very same proposals could be ones which would provide the needed assistance to Amtrak to make continuation of the service economically profitable.

The requirement that Amtrak provide a cost-benefit analysis would further assist States and local governments in crafting proposals appealing to Amtrak. Without this information, any first proposal would be essentially a shot-in-the-dark at coming up with a viable alternative for Amtrak. Likewise, if the cost-benefit analysis clearly indicated that nothing could be done to make the line attractive to Amtrak, much time and effort could be avoided in coming up with proposals which would be dismissed out of hand. This requirement seems to be only reasonable.

In addition, the TRAIN Act proposal would require that Amtrak make rerouting and termination decisions based upon their ability to become self-sufficient. While I believe that Amtrak is already making such business decisions to become self-sufficient, I would feel much more comfortable seeing the raw data when Amtrak makes a decision to pull out of a major city in my congressional district.

Mr. Speaker, while I will not introduce the TRAIN Act proposal today, I do ask unanimous consent that the text of that proposal be inserted in the RECORD following my remarks.

Mr. Speaker, as long as Amtrak continues to receive Federal funds, we should ensure that all of the Corporation's business decisions are based upon sound policy. This is an oversight responsibility which we should take seriously, and one which I believe would be improved with the adoption of some of the ideas I have put forth in the TRAIN Act proposal.

The text of the proposal follows:

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

SECTION 1. AMENDMENTS.

Section 404(c)(4)(F) of the Rail Passenger Service Act (45 U.S.C. 564(c)(4)(F)) is amended—

(1) in clause (i), by striking "14" and inserting in lieu thereof "45";

(2) in clause (ii), by striking "90 days" and inserting in lieu thereof "6 months";

(3) by redesignating clause (iii) as clause (iv);

(4) by inserting after clause (ii) the following new clause:

"(iii) Notice of any discontinuance of service pursuant to this paragraph or section 403(b) of this Act shall be given, in the form of a written, detailed report including a cost-benefit analysis, to the Congress, including each Member of the House of Representatives through whose district the service to be discontinued runs and each Senator through whose State the service runs, and to the Governor of each State through which the service runs. Such notice shall be given at least 6 months before such discontinuance.";

(5) in clause (iv), as so redesignated by paragraph (3) of this section, by inserting "the persons described in clause (iii) and to" after "by the Corporation to"; and

(6) by inserting after clause (iv), as so redesignated by paragraph (3) of this section, the following new clause:

"(iv) As used in this paragraph, the term 'discontinuance' includes a discontinuance of service through termination, rerouting, or otherwise.".

Mr. EVANS. Mr. Speaker, I am proud to join with fellow colleagues in supporting the Amtrak Reauthorization and Improvement Act.

Amtrak provides an essential and cost-effective means of transportation for millions of travelers. For communities across the country, including ones in my district, Amtrak boosts our economy and keeps progress on track.

Over the years, ridership has increased by leaps and bounds. Last year, it reached an all-time high. Looking at ways to expand service can increase the financial health of the system and extend the benefits to more communities and citizens.

Therefore, I would like to encourage Amtrak to investigate the possibility of extending service in Illinois to Peoria and the Quad Cities. Local groups promoting the extension of service to both cities believe the ridership is there. Amtrak has been a success story for western Illinois and the region has benefited Amtrak. By opening up service to these cities, we duplicate this success and deliver economic health and progress.

Mr. SLATTERY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2364, the Amtrak Reauthorization and Improvement Act of 1990. As a member of the conference committee which developed the final version of the measure before us today, I am pleased that we were able to reach consensus on this proposal and bring it before this body quickly. I want to take this opportunity to commend Energy and Commerce Committee Chairman JOHN DINGELL and Transportation and Hazardous Materials Subcommittee Chairman TOM LUKEN for their consistent and thoughtful leadership throughout this process.

This conference agreement is very similar to the version of this bill passed by the House and includes virtually all of the provisions contained in the House passed bill. H.R. 2364 will authorize $630 million for Amtrak in fiscal year 1989, $656 million in 1990, $684 million in 1991, and $712 million in 1992.

Federal law will be amended to provide that no rail employee shall be subject to income tax laws of any State other than that of the Employee's residence, ending multi-State taxation of railroad employees who work in more than one State commuter rail service in Virginia will be encouraged by a requirement that the public authority operating the commuter rail maintain at least $200 million in liability coverage. Other railroads involved in the proposes commuter rail may not be indemnified until they enter into an agreement with the Commuter Rail Authority to participate in the operation or permit the operation to use the tracks.

Amtrak will be treated as a publicly funded rail carrier under the Railroad Unemployment Insurance Act in 1989 and 1990, which will save Amtrak approximately $16 million by matching the contributions with the actual amount of unemployment and short-term sickness benefits paid by the fund to Amtrak employees. Finally, this measure will give the Interstate Commerce Commission the authority to approve or prevent acquisition of major [class I] railroads by companies not involved in the rail business. The ICC already has the authority to oversee mergers between railroads, as well as to review the acquisition of any individual segment of a rail line by a non-carrier.

Mr. Speaker, Amtrak is now recovering 75 percent of its costs with its own revenues—better than any passenger railroad system in the world and a substantial improvement over 1981's 48 percent. Revenues in fiscal year 1989 were $1.27 billion, double that of 9 years ago. Amtrak's Federal operating support has been reduced by 40 percent in constant dollars since 1981. Amtrak's management is committed to eliminating all Federal operating support by the year 2000.

This legislation authorizes badly needed funding for plant modernization and purchase of new equipment. Amtrak's assets are depreciating at a rate of more than $165 million per year, while the annual appropriation for capital over the last 5 years has averaged only $37 million.

Mr. Speaker, I understand that Transportation Secretary Skinner will recommend to the President that he veto this legislation because of the new ICC authority granted by this measure and because of what he described as "unjustified new authorization levels." Failing to reauthorize Amtrak at this time would simply discard the investment that this country has made in Amtrak over the past two decades and ignore the contributions Amtrak has made to abating the clean air problems with which we currently are wrestling in this body. In addition, terminating Amtrak would result in labor protection costs estimated at $2.5 billion.

Amtrak has 220 trains operating daily over a 24,000 mile route system. In fiscal year 1988, Amtrak transported more than 21.5 million passengers; more than 10 million of these passengers rode trains in Amtrak's Northeast corridor between Washington, DC, and Boston. Amtrak carries more than twice as many passengers between and among the Northeast corridor stations of New York City, Newark, Philadelphia, Wilmington, Baltimore, and Washington, than all airlines combined. In Kansas, Amtrak serves 7 cities, and nearly 40,000 passengers annually. Amtrak also spent more than $4 million for goods and services in Kansas last year.

Mr. Speaker, I urge my colleagues to support this conference report, and to vote to override the President's veto of this measure, if that unwarranted event later takes place.

Mr. LENT. Mr. Speaker, I want to express my appreciation for the constructive, bipartisan effort that went into this legislation throughout the committee process in the Energy and Commerce Committee and in the conference as well. Specifically, I want to commend Chairman DINGELL and our Transportation Subcommittee chairman, Mr. LUKEN, and the ranking member of the subcommittee, BOB WHITTAKER, for their efforts to fashion a very sensible, carefully targeted piece of legislation. The efforts of the two gentlemen from Virginia, Mr. BLILEY and Mr. BOUCHER, and our colleagues on the Judiciary Committee were also instrumental in reaching final agreement on the provision that will make possible the long-waited northern Virginia rail commuter service.

Reauthorizing Amtrak with adequate resources to do its job is one of the most basic parts of a balanced national transportation policy. Amtrak carries literally millions of Americans each year, some as cross-country passengers, and many on the heavily traveled Northeast corridor. That is where my constituents most frequently encounter Amtrak.

How many of us are aware that Amtrak carries more long-haul passengers along that corridor than all the airlines combined? Or that just considering New York-to-Washington travel—without all the cities in between—Amtrak recently passed up both the Trump Shuttle and Pan Am as the carrier with the largest market share? This is definitely food for thought in an era of congested airports and air travel delays. Supporting Amtrak is truly vital to the transportation network of this most densely populated part of the country. This legislation carries Amtrak funding forward for the two coming fiscal years to give Amtrak the resources needed to maintain safe, high-quality service.

It is often claimed that Amtrak is essentially a Federal benefit only to the Northeast. Far from it. As Amtrak reported only last year, half of Amtrak's ridership, three-quarters of its passenger-miles, and two-thirds of its revenues come from noncorridor operations. Amtrak is also a vital transportation service for elderly Americans and those with lower incomes. Almost half of all Amtrak passengers outside the corridor are over 55, and more than a quarter are over 65. At the same time, their median income is about one-sixth below the national figure.

Against this background, it simply makes no sense to ignore Amtrak as part of a balanced transportation system. Amtrak represents a major investment in irreplaceable transportation infrastructure, especially in the Northeast. And as for return on the taxpayer's dollar, how many of us can name another item in the Federal budget where the service has actually expanded and improved while the appropriations were cut roughly in half? And yet, that is exactly what Amtrak has achieved in the 1980's under GRAHAM CLAYTOR'S leadership.

Most of this legislation concerns needed financial support for Amtrak. But there are also important technical changes. For example, because Amtrak is able to maintain a stable work force level and has not had massive layoffs as the freight railroads have in recent years, Amtrak has ended up overcontributing to the railroad unemployment accounts. The same thing used to happen to the commuter railroads, such as the Long Island Railroad and New Jersey Transit, until Congress corrected the situation in 1987 by putting commuter railroads on an experience-rated premium system. The bill approved by the conference extends this corrective measure to Amtrak as well, avoiding an unjustified subsidy to freight railroads, and helping to get even more value for the taxpayer's dollar by reducing Amtrak's overhead.

Finally, this legislation contains a provision that was approved as part of the original House bill last fall, to close a gaping loophole in the jurisdiction of the Interstate Commerce Commission. The current law, which Members of both parties have found to be utterly indefensible, requires that someone who wants to enter the railroad business by buying a few miles of track must obtain ICC approval. This is how the very successful Short-Line and regional railroads are typically created. But if the company or individual enters the railroad business by taking control of an entire major railroad in a single stock acquisition, the ICC has no clear authority to scrutinize that party before the takeover has been finalized.

To address this problem, while still preserving the maximum possible scope for market forces, our committee members drafted the basic provision endorsed by the conference, to give the ICC a limited, 90-day power to evaluate the fitness of noncarrier companies or individuals seeking control of a major railroad. But the agency will not have the power to determine who actually gains control; that will still be in the hands of the shareholders of the target railroad. The ICC is merely given an opportunity to avoid incipient bankruptcy of the railroad or prejudice to the Government's position as an existing creditor. And transactions such as restructuring of holding company networks related to existing railroads, as well as acquisitions of smaller railroads by noncarriers, will continue to be free of ICC regulation. This is as it should be, for the stakes there for the national transportation system are far lower.

Mr. Speaker, this very tightly circumscribed ICC provision is carefully crafted, thoroughly considered, bipartisan legislation at its best. Unfortunately, there are those who would tar this provision with the epithet of "re-regulation" or "Rolling Back the Staggers Act." I think many of my colleagues know that the Republicans on the Energy and Commerce Committee were in the forefront of the battle to preserve the market-oriented successes of the Staggers Act against efforts to impose new regulatory restrictions on rates and prices in the railroad industry. And as one of those Republicans, I can assure you that the ICC provision in this Amtrak bill does not repeal any part of the Staggers Act. In fact, the loophole closed by this bill existed long before the Staggers Act, and was not even addressed by that 1980 legislation. On the contrary, only the successful revival of railroads under the Staggers Act led to new interest in takeover efforts targeted at major railroads. This in turn focused public attention on the lack of any effective ICC power to scrutinize those who would take control of one of the Nation's few major railroads in one fell swoop.

I strongly urge my colleagues to approve the adoption of the conference report.

Mr. POSHARD. Mr. Speaker, I express in the strongest way possible my support for the Amtrak rail system which serves this country so well.

Amtrak service is absolutely vital to my district. It serves as a connection between my rural constituents and the larger metropolitan areas which they use to do business in these cities, or simply visit.

It is also an important way for students and others associated with Southern Illinois University at Carbondale, which is in my district, to travel to and from the community and campus.

Rail service in this country serves us well in a number of competitive ways. Small businesses in rural areas depend on it for access and flexibility of transportation for both products and personnel. It also keeps the avenues of transportation open, and an area without passenger rail service is perceived as less viable for business location or expansion. It is

an essential part of any economic development equation.

It also serves as an important alternative for lower income residents who need to travel and cannot afford other means. That reality cannot be ignored.

Amtrak employs nearly 3,000 Illinois residents who make an important contribution to their communities and the State. The operation of the line is widely praised in my district and State.

I encourage my colleagues to stand beside Amtrak and support consistent funding for operation and investment in new equipment. Doing that helps link our centers of commerce and trade at a crucial time of international competition.

Amtrak helps us achieve our Nation's goals in a cost-efficient way that benefits a great number of Americans. I'm pleased to support its funding requests here in Congress.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report on H.R. 2364, the Amtrak reauthorization. It is a strong reaffirmation of or commitment to passenger rail in this country, and I commend the conferees in both bodies for their excellent work.

Amtrak has gone through a remarkable transformation in the past decade. Absolutely remarkable. Despite severe cutbacks in the Federal subsidy level, Amtrak has not only improved, Amtrak has thrived. We had to cut their Federal subsidy by 50 percent in the past decade—and you know what? In the face that adversity, in the face of big, fat goose-eggs for budget requests from the administration, year after year, Amtrak has improved service, improved revenues, and impressed virtually everyone who's had the opportunity to climb aboard. And more and more people are climbing aboard—passenger miles are approaching 6 billion, whereas 8 years ago they were less than 4.5 billion.

Furthermore, Amtrak is recovering 72 percent of its operating costs in this fiscal year, and expects to recover 75 percent of operating costs in fiscal 1991. They just get better and better, and I have full faith that by the year 2000, Amtrak will be able to recover 100 percent of operating costs. That's their goal, and that is my goal.

I think there are two reasons for Amtrak's remarkable success. First, we in Congress have always given Amtrak our support. The members of the Energy and Commerce Committee, the members of the Appropriations Committee, and the vast majority of Members of the House have repeatedly voted to support Amtrak. The other body has done the same. Amtrak is America's railroad, and we prove it time and time again.

And then there is Graham Claytor, Amtrak's President. His guiding hand has steered Amtrak to its current success. If there were an award for Railroader of the Decade, Graham Claytor would win it hands down. He's done a great job.

I approve of the job the conferees have done on the reauthorization. The authorization levels for fiscal 1991 and 1992 give us more than enough room to adequately take care of Amtrak's capital needs. I am especially pleased that the conferees support the effort to establish high speed rail along the Northeast corridor between New York and Boston. With that support, I think we can establish high speed Amtrak service within the next few years.

I also approve of granting the ICC jurisdiction to review acquisitions of class I rail carriers by nonrail carriers. I believe such review and approval is in the public interest, and is for the benefit of the Nation's rail system.

Mr. Speaker, the Amtrak reauthorization conference report deserves our support, and I urge Members to once again give Amtrak the solid endorsement has earned. I hope the President will give it his support as well.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. THOMAS A. LUKEN] has expired.

The gentleman from Kansas [Mr. WHITTAKER] has 1¼ minute remaining.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 93, not voting 18, as follows:

[Roll No. 103]

YEAS—322

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Bellenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Serrano
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (OR)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—93

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bilirakis
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Campbell (CO)
Coble
Combest
Cox
Crane
Dannemeyer
DeLay
Dornan (CA)
Douglas
Dreier
Duncan
Early
Edwards (OK)
English
Fawell
Fields
Frenzel
Gillmor
Gingrich
Goss
Gradison
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Huckaby
Hyde
Inhofe
Ireland
James
Kasich
Kolbe
Kyl
Lewis (FL)
Livingston
Lowery (CA)
Lukens, Donald
Martin (IL)
McCandless
McCollum
McCrery
McCurdy
Michel
Miller (OH)
Molinari
Moorhead
Neal (NC)
Nielson
Packard
Porter
Quillen

Rhodes	Shumway	Sundquist
Rogers	Smith, Denny (OR)	Thomas (WY)
Rohrabacher	Smith, Robert (NH)	Upton
Ros-Lehtinen	Snowe	Vucanovich
Roth	Stearns	Walker
Schaefer	Stenholm	Watkins
Schuette	Stump	Weber
Sensenbrenner		Young (AK)
Shaw		

NOT VOTING—18

Bentley	Frank	Lewis (CA)
Collins	Frost	McEwen
Craig	Hawkins	Nelson
Dickinson	Hunter	Robinson
Emerson	Leath (TX)	Udall
Flippo	Levine (CA)	Young (FL)

□ 1753

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

Mr. Frank for, with Mr. Dickinson against.

Mrs. Collins of Illinois for, with Mr. Craig against.

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

Mr. HAMMERSCHMIDT and Mr. RAY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. 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 the conference report on H.R. 2364, just agreed to.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 770, FAMILY AND MEDICAL LEAVE ACT OF 1989

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed two and one half hours, with two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in part one of the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against the amendments printed in the report are hereby waived. No amendment to said substitute shall be in order except those printed in part two of the report of the Committee on Rules. Said amendments shall be considered in the form and manner specified in the report, shall be considered as having been read, shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. The amendments offered by Representative Clay of Missouri to the amendments offered by Representative Stenholm of Texas shall be considered as pending simultaneously to both of the amendments offered by Representative Stenholm, and the Clay amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the Clay amendments en bloc as one question. Where the report of the Committee on Rules indicates that amendments shall be pending simultaneously to the amendment offered by Representative Gordon of Tennessee and to the amendment made in order as original text by this resolution, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the amendments en bloc as one question. If more than one amendment in the nature of a substitute printed in part two is adopted, only the latter amendment shall be considered as having been finally adopted and reported to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with instructions, if offered by Representative Michel of Illinois, or his designee, or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

□ 1800

Ms. SLAUGHTER of New York. Mr. Speaker, I yield for purposes of debate only, the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 388 is the rule providing for the consideration of H.R. 770, the Family and Medical Leave Act of 1989.

The rule provides for 2½ hours of general debate, with 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 30 minutes to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Post Office and Civil Service. At Mr. GOODLING's request, the committee increased the Education and Labor Committee's allocation of time for general debate. Following the usual convention, the committee has imposed no limitations on Mr. GOODLING's ability to fairly accommodate requests from his party for time from both those supporting and those opposing the bill.

The rule makes in order the amendment in the nature of a substitute consisting of the text printed in part 1 of the report of the Committee on Rules as an original bill for the purposes of amendment. Each section of the substitute shall be considered as read and all points of order against the amendments printed in the report are waived.

No amendments to the substitute are to be in order except those printed in part 2 of the report of the Committee on Rules. The amendments are to be considered only in the order and the manner specified in the report and are considered as read when offered.

The debate time specified for each amendment is to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. The amendments are not subject to amendment except as specified in the report. If more than one amendment in the nature of a substitute printed in part 2 of the report is adopted, only the last substitute shall be considered as having been finally adopted and reported to the House.

The rule makes in order a substitute to be offered by Mr. PENNY or his designee, followed by consideration of a substitute to be offered by Mr. GORDON or his designee. While the Gordon substitute is pending, the rule makes in order five sets of amendments en bloc to be offered in the following order:

First, by Mr. STENHOLM or his designee; second, by Mr. CLAY to the amendments en bloc by Mr. STENHOLM; third, by Mr. GRANDY or his designee; and fourth, two sets of amendments by Mr. BARTLETT or his designee.

The vote on each amendment en bloc is deemed to apply to both the substitute made in order as original text and the Gordon substitute. The vote on the Clay amendments en bloc is deemed to apply to both the Stenholm amendments en bloc. The Stenholm, Grandy, and Bartlett amendments are not subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule provides for one motion to recommit with instructions, if offered by Mr. MICHEL or his designee, or without instructions.

Mr. Speaker, over the past 20 years, we've seen a revolution in the American work force and the American family. The work force is dominated by employees with significant family responsibilities. Women make up nearly half of our labor force and are expected to comprise two-thirds of all new workers in the year 2000. Currently, only 3.7 percent of our Nation's families reflect the traditional notion of the nuclear family in which the father works outside of the home to support the mother and two children. Today, in most cases, two incomes are essential to make ends meet. And, nearly one out of five families is supported by single women.

These families depend on their working members, both to care for them and to provide for them. Workers need to be with their families during critical events. And they need to be able to return to their jobs so that they can make ends meet.

H.R. 770, the bill for which the committee has recommended this rule, addresses the critical need for a national job protected leave policy. The Family and Medical Leave Act and the bipartisan compromise that will be offered by Mr. GORDON and Mr. WELDON would protect employees from possible job loss as a result of the birth or adoption of a child, the illness of a family member, or the employee's own serious illness. Family-responsive legislation of this kind provides a minimum standard of protection for all American workers so that they would never be forced to decide between their jobs and their families.

In addition, parental leave policies benefit worker and employee alike by ensuring that experienced and dedicated workers will return to their jobs, secure in the knowledge that their families are cared for. West German and Japanese workers receive 14 weeks of paid leave for newborn or adopted children; our competitors understand that these policies increase productivity and competitiveness. As the only industrialized country besides South Africa that fails to provide its workers with any type of job-guaranteed leave, it is time for the United States Congress to provide leadership and support for American families.

Mr. Speaker, this rule will allow substantial debate and a diversity of amendments embodying a variety of approaches to family and medical leave. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this legislation.

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

Mr. Speaker, I rise in strong opposition to this rule and the bill it makes in order.

First, this rule is wrong because it restricts amendments unfairly and unnecessarily. Last Friday afternoon, after most Members had already left town to go back to their districts, the chairman of the Rules Committee put out a "Dear Colleague" letter stating that any amendments Members wanted to offer to this bill had to be submitted to the Rules Committee no later than 6 p.m. Monday. Since no votes were scheduled on the House floor until Tuesday of this week, it meant that the deadline expired before most Members even got back into town.

This is not a fair procedure. A deadline was imposed here and the deadline expired here all during the few days Members were in their districts over the weekend. I am certain that a number of my colleagues were suprised to find, upon their return Tuesday, that they had already been shut out of an opportunity to participate in amending this bill.

Moreover, there is no reason this bill requires a restrictive rule. In the Rules Committee I offered an open rule as a substitute for this rule and it was turned down by the majority. The majority shut out two Democratic Members, the gentleman from Michigan [Mr. CARR] and the gentleman from Mississippi [Mr. PARKER]. They even shut out an amendment by one of the most experienced businessmen in the House, the gentleman from New York [Mr. HOUGHTON], who was an executive officer with Corning Glass Works for 35 years before becoming a Member of Congress. And if the deadline for amendments had not expired before Members got back into town there would probably have been a few others. The Rules Committee should have reported an open rule, so that the House could have considered a full range of alternative approaches.

But believe it or not, the problems with this bill are even worse than the problems with the rule. I have been a businessman for many years, Mr. Speaker, and I understand the need to treat employees fairly in cases where a new baby is born or sickness is visited upon a family. I have found that by being fair with employees, they will respond with appreciation and loyalty which in the long run builds a better business.

But this bill is structured in such a way that it will weaken many businesses, without providing offsetting benefits. Employees will suffer from this lack of flexibility as well as the businesses. For example, in recent years there has been a trend away from providing a single benefit program to which all employees must subscribe. There has been a move toward cafeteria-style benefits. Since a business can allocate only a certain dollar amount per employee for benefits, a cafeteria plan offers a range of choices from which each employee can select those benefits which best meet his or her needs.

But this bill will legislate against flexible benefits. Why should a childless employee be forced to accept a benefit that will never be needed while at the same time giving up another benefit which may be needed?

The bottom line is that mandated benefits help, if anyone, only the few employees who fall within the designated criteria while benefits available to other employees diminish.

This bill will create numerous problems for businesses. First it will add to the cost of doing business. Even though the leave is unpaid, the employer will have to continue to provide health benefits, for example. During the time the worker is gone, the employer may have to recruit and train a temporary replacement, all the while suffering a loss in productivity because it will take time for the new worker to learn the job as well as the worker who is off. If existing workers have to pick up the load, extra work may have to be paid for at overtime rates. The bill provides not just maternity leave for a new mother, but paternity leave for a father. The employer not only has no way to know when a worker will be gone, the worker is not required to notify the employer in advance when or if the worker plans to return. When the regular worker returns, the temporary worker then may be eligible for unemployment benefits. According to the minority views accompanying the report of the Committee on Education and Labor, a replacement worker earning the U.S. average hourly wage could qualify for unemployment benefits in 37 States and the District of Columbia.

In addition, there is no requirement that family leave actually be needed, before it is taken. For example, the serious health condition of a parent alone triggers eligibility for the leave. The worker could take weeks off in order to care for a parent even if the aid of the worker was not actually necessary, such as when another relative or a professional attendant was actual-

ly caring for the ill person. The employer would be left to pay the price.

Ultimately the potential abuses we are opening up here can serve to weaken the business, which hurts all the employees, including those who do not abuse the system.

This bill also provides that in case an employer is found to be in violation, he shall be liable for damages for lost wages and benefits plus consequential damages—including pain and suffering—capped at three times lost wages and benefits. This means that an employer is potentially liable for a total amount which is four times lost wages and benefits. This is a bad precedent.

It is clear to me that this bill will do serious damage to many small- and medium-size businesses in this Nation. Business provides the jobs and pays the taxes that make this Nation function. Just because a bill has a popular sounding title, we should not blindly accept legislation which can do serious damage in the long run.

I oppose this rule and the bill it makes in order, and I urge Members to vote down the rule, vote down the rule, vote down the rule.

□ 1810

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I want to state emphatically at the outset that I support family and medical leave. I do not, however, support this rule, and would ask my colleagues to oppose the rule.

I do so, Mr. Speaker, because the leadership of the Congress told us that we would have an opportunity to vote on a variety of approaches. Perhaps I was a little foolish in believing that that would actually be done, but I find in this particular rule we are precluded from looking at and debating some alternative approaches.

Mr. Speaker, we are straitjacketed in this rule to supporting either some form of mandated benefits, where the Congress of the United States is going to substitute its judgment in literally hundreds and millions of workplaces across this country, or we are told we can leave it and not do anything at all.

Well, there are some Members, Mr. Speaker, who do not want to have a choice of just some form of a mandate or nothing at all.

We believe in parental leave. In my own congressional office we practice parental leave. We give people the leave time they need to take care of loved ones who are ill, or in the case just recently, a lady in my office became pregnant and gave birth, thankfully a healthy baby, and we are giving her that time off. We believe in that.

We do not believe that the Congress of the United States has the requisite wisdom to impose its judgment in substitution for the wisdom of the workplace.

Mr. Speaker, I had an amendment, a substitute, which I asked the Committee on Rules to make in order, and they declined, shutting me out and not allowing Members of Congress to consider my alternative. It may well not have been accepted, but the Committee on Rules in its infinite wisdom decided that we were not even to be allowed to debate the issue or raise a new idea.

Simply stated, Mr. Speaker, I believe that Congress should lead the way. Congress should tell businesses across the country they ought to have a parental leave policy, but they should decide what that parental leave policy ought to be.

To make sure that they are doing what we are asking them to do, we would ask them to file a disclosure statement simply stating what their policy is. Filing that disclosure statement would also give us, Mr. Speaker, a data base from which to move forward future years if we find that businesses and workplaces are not taking care of this essential need.

Mr. Speaker, I understand that the current bill before us stems from studies done in two American cities, one in South Carolina and one in my own home State of Michigan. That is hardly a representative sample of what is really going on in America on parental leave.

The fundamental fact is that the Committee on Rules and the leadership apparently felt somewhat threatened by the idea of having other alternatives before the House as they had promised us, and they recanted on that promise, and now we are left with a take it or leave it approach.

So many of us, Mr. Speaker, are going to vote against this rule in protest to the unfair and heavy-handed way that the Committee on Rules came to its conclusion, and will probably vote against the bill as well. I urge a vote against the bill.

Ms. SLAUGHTER of New York. Mr. Speaker, for purpose of debate only, I yield 4 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, in 1988, the Republican Party adopted the following plank in its national platform:

> The family's most important function is to raise the next generation of Americans, handing on to them the Judeo-Christian values of Western civilization and our ideals of liberty. More than anything else, the ability of America's families to accomplish those goals will determine the course our country takes in the century ahead.

In reflecting that belief and the importance of the family in the future of our Nation, George Bush, in Illinois, speaking to a group of Republican women in September 1988, said,

> We need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. That is what I mean when I talk about a gentler nation.

Let me note that he used the word assure. Unlike some of his advisers, he did not say we should urge employers to do it, he did not say we should hope employers do it. Obviously urging employers will not assure that women or male care providers in the family will get their jobs back. The only way we can do that is by legislation, and the only way we can do that by legislation is to adopt this rule and the bill that is before us today. The President's advisers should read his lips and understand that we need this bill to assure that care providers are protected.

□ 1820

There are some here who suggest that we are creating some extraordinary new precedent by this legislation. I submit that that is not the case at all, that in fact we have provided reemployment mandates in past situations.

For example, the Jury Systems Improvement Act of 1978 provides job protection for employees who report for Federal jury service. Many States have adopted similar legislation to protect those who are called for jury service in the State courts. Under the Federal veterans' reemployment rights statute, draftees, reservists, and members of the National Guard are provided certain employment protections while they are away on duty. Persons inducted into or enlisting in the Armed Forces must be considered as having been on furlough or leave of absence during their military training and service. The law also prohibits termination because of any obligation as a member of the Reserves.

In other words, Mr. Speaker, the idea of the right to return to one's job after leave has ample precedent in our Federal statutes. Let us build on that precedent and extend that right to our Nation's families, who are entrusted with no less an important responsibility that nurturing the future generations of this country.

If we are going to do that, then we must pass this rule today and we must pass this bill tomorrow.

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

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], a member of the Rules Committee.

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

Mr. Speaker, regardless of which side of the aisle one is on, regardless of which side of the bill one is on, this rule ought to be defeated on two counts, first as a protest against the process that produced it, and then second, as a rejection on substantive grounds of the rule itself.

Mr. Speaker, let us look at the process first, and let me say right up front I am convinced my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Rules Committee, was not party to this abomination. I am convinced further that none of the majority members of the Rules Committee were a part of this abomination.

Mr. Speaker, this was your call, this was a leadership call, inspired no doubt by the desire of members of the Democratic caucus to play hard ball with this issue and gag Members on both sides of the aisle.

I am holding a "Dear Colleague" letter in my hand that was faxed to my office at 3:37 p.m., and I am a member of the Rules Committee, 3:37 p.m. Friday afternoon, after I had gone home, and so had 95 percent of the other Members of this body.

Mr. Speaker, I was advised by Members that they had until 6 p.m. Monday to file amendments to this bill. Mr. MOAKLEY did not have anything to do with this, Mr. Speaker, it was you and the Democrat caucus.

The Republican whip organization I think did a yeoman's job late Friday afternoon to try to alert these matters to Members.

The SPEAKER pro tempore (Mr. NAGLE). Will the gentleman suspend?

The gentleman is implying that it is this individual sitting in the Chair who was involved in the process, and I wonder if the gentleman would mind, as a courtesy, to make clear that he is referring to the Speaker and not the individual.

Mr. SOLOMON. Mr. Speaker, I did not realize you were not the Speaker, you are the acting Speaker, and naturally I am referring to the Speaker, and I hope you do not take this out of my time, and I thank the acting Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. SOLOMON. Mr. Speaker, the letter was not actually seen in most offices until the weekend mail was opened sometime I presume, like in my office, sometime after noontime Monday.

Mr. Speaker, I know Chairman MOAKLEY well enough to know that a "Dear Colleague" letter mailed on the weekend is not his idea of a timely, adequate, routine notification procedure concerning a restrictive rule. JOE would not do that. Therefore, I am compelled to believe that his hands were being tied and that his letter represents a sincere attempt by JOE MOAKLEY to at least warn Members at the 11th hour the rule would be irregular. Thank you, JOE.

I can assure Members that this rule was not written in the Rules Committee. I can assure Members that it was delivered to us yesterday afternoon from an undisclosed location. Probably it originated in the inner sanctum of the Democrat caucus. No doubt that is where it came from.

Mr. Speaker, now let us turn to the substance of this bill. I would note right at the outset that not a single suggestion has been heard as to why a restrictive rule is necessary. Why is it, gentlemen on that side of the aisle?

There certainly cannot be a problem with lack of time. We hung around here last Thursday for the sole purpose of designating conferees on the supplemental appropriation bill. Remember that? Otherwise we would have spent only 2 days in session last week, only 2 days would we have worked.

Take a look at this week's schedule, Mr. Speaker. It is hardly what one would call backbreaking, and it has been this way all year. We have averaged one substantial bill a month, so lack of work certainly was no reason.

So the question is simply this, Mr. Speaker, why, why is this restrictive rule necessary? Given the last-minute deadline for filing amendments, only nine Members were able to do so on this important issue, nine Members.

Why could they not have been accommodated, Mr. Speaker? I can think of a couple of Democrats who testified yesterday, the gentleman from Michigan [Mr. CARR] and the gentleman from Mississippi [Mr. PARKER]. They both proposed amendments that were similar in focus; namely, to step back and evaluate what we are doing first before we rush headlong into imposing requirements on the private sector of this Nation. Considering recent fiascos, my colleagues, in which Congress leaped before it looked on such things as section 89, remember, we had to rush back here and repeal it, and the catastrophic illness program, the Carr and Parker amendments made good sense, Mr. Speaker.

Mr. Speaker, to wind up, the Carr and Parker amendments made very good sense on both sides of the aisle, but they were dismissed out of hand.

I would like to say to the gentleman from Michigan and the gentleman from Mississippi that we Republicans tried to get your amendments made in order. I offered the motion myself, but we were shot down on a party line vote. The gentleman from New York [Mr. HOUGHTON] had an amendment that I tried to get in order, shot down by a party line vote. The gentleman from Tennessee [Mr. QUILLEN] offered a motion on behalf of every Member of this body to have an open rule. He was shot down on a party line vote.

Mr. Speaker, I do not understand why with such an important issue, with so little to do around here, why, seriously, we could not debate this issue so that Members on both sides of the aisle could do what they were duly elected to do, and that is to shape legislation that affects every one of our constituencies back home.

It is a shame, Mr. Speaker, and Mr. BILL GRAY, the whip, and Mr. GEPHARDT, the majority leader. I do not know where these people are. They ought to be here defending this lousy rule, because they are the ones who wrote it, and it is a shame because you are being gagged, fellows, and it is a shame.

Vote "no" on this rule.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me respond to some of the comments said about this rule, because I think this is an excellent rule.

As the author of the original bill that came out 5 years ago, I want Members to know this bill has been around for 5 years. I know that in the Committee on Post Office and Civil Service on the Federal employee part we have had days and days and days of hearings in each session of Congress and reported this bill out, and it has been ready to come to the floor over and over again in different sessions and never quite made it because there was not a window of opportunity.

I know that the Committee on Education and Labor has had hearings and hearings and hearings on this bill because I have sat through them, and I have testified. In fact, they modified my bill, and that is the bill that is coming up, and now there is another modification.

But Members who are professing surprise, I think really this bill has been around for 5 years and we have debated it. The committees where most of this work is supposed to have been done have held hearings, they have been open hearings, anyone could go and anyone could talk, and I think that Members felt that we did not need a study because we had had this activity going on for 5 years, and therefore that is why one amendment was turned down. I think they decided we either act on it or we do not act on it because we had not been able to find a time to even bring it to the floor in 5 years.

I am very pleased that it is now coming to the floor, and I think that when we hear things about the substance, it is very important to point out what a delicate balance this bill is. I have trouble supporting this compromise because it has been watered down so much. I do support it, but I want to tell Members, for anyone who says this is a terrific benefit, tell me someone in America who at the end of the month has a lot of money left over.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield? I respect her very much.

Mrs. SCHROEDER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentlewoman is making my point. The gentlewoman says the bill is watered down so much she has trouble supporting it.

Why do we not have a rule that would allow us to debate this issue, and let the gentlewoman, for whom I have great respect in this House, offer the amendments to strengthen this bill?

□ 1830

Mrs. SCHROEDER. If I may reclaim my time and say if I thought that the gentleman from New York was going to join me in strengthening this bill, hallelujah, I would be with him, I would vote against this rule. The gentleman cannot even say it with a straight face.

I have listened to the minority leader say he feels so bad because it is not paid leave. Now if your side really wants to offer paid leave, we would be more than happy to fix the rule up. But let us be perfectly honest about this, this is a compromise because we know nothing else will pass. And I really do not think you should stand up over there and say that you really would like to have an opportunity to make this a better, stronger family medical leave bill.

No, he says he wouldn't. He is taking his seat.

But let me get back to my point.

My point is when you call this a benefit, I do not think the average American sees this as a benefit at all. This is unpaid leave.

Not only that, part of this is for a happy time, when someone has a baby or adopts a baby.

But all the rest of the unpaid leave comes for a situation in which no thoughtful American would ever want to exchange positions with a person. It comes from someone in the family having acute cancer or having a heart attack or having a stroke.

I do not think anybody wants to walk in those moccasins.

Now what this does is it allows an American employee the right to penalize himself by going off the payroll but to try and take care of a family member, which is what their conscience tells them they should be doing.

So it is a very difficult balance.

I must say as one who would have liked it a whole lot more, I am very troubled when people call this a benefit. All I see is this is a safety net for America's families. But it is a safety net that is going to relieve an incredible amount of stress.

I have a stack of letters this high in my office, they are from every State in the Union. If you want them from your State, I would be happy to share them with you. They are incredible stories.

Unfortunately, when you are the author of a bill, people only write to you; they should send them to their Members, too. The things that have happened to people, how they have lost their jobs when their child had leukemia or lost their jobs when they had a baby and were ordered to come back to work in 1 week, and so forth and so on.

I do not think that is the kind of country we are. We cannot take the floor every day and talk family values and then vote out special interests. And I think that is what we are talking about today.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I object to the rule primarily because of the timing. This bill has been around a long time. It is important to understand this bill passed out of our committee April 1989, not April 1990.

So I do not understand why a Friday, Saturday, and Sunday proposal was brought forth at the last minute which is called a compromise. I did not see the compromise until 7 p.m. Monday evening.

As I understood it, we had to have any amendments in to the compromise by 6 p.m. Monday evening. That was 1 hour after.

The letter did not go out until all of us, most of us, had left the district and were back in our home districts.

So we have a problem in that there was no reason, no reason for a compromise coming over the weekend prior to our debate. It passed in April 1989 out of our committee.

So if there was any compromise that was going to be brought forth, it surely should have been brought forth a long time ago so that we had an opportunity to look at it, study it, evaluate it, and to offer amendments.

So I think the timing certainly was not in the best interests for a piece of legislation of this magnitude.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, this rule that we are being asked to vote on today is one more example of the way in which the leadership in the House uses restrictive procedures to choke off full and fair debate on the House floor.

Now it is one thing for the Rules Committee to limit floor amendments to those that are submitted to the committee by a certain date, a certain time. But it is quite another thing to announce such a decision in a letter late on a Friday after many Members have already left to return to their districts, imposing a deadline of 6 p.m. the next Monday before many Members were scheduled to return to Washington.

And to do so when Members do not even have available to them a copy of one of the principal amendments to the bill.

In addition to the process leading to this rule, the rule itself contains a number of procedures that work against free and open debate.

The rule contains a king of the hill procedure, an amendment to an amendment to an amendment, a series of amendments that amend two pieces of legislation at once. And you sit here and you deal with a piece of legislation this important, and you wonder why all these tricks to try to predetermine the outcome of the vote?

Why not allow the Members of the House of Representatives to have a free, open debate and decide for themselves without twisting the rules around, to try to determine the outcome?

I am pleased that several good amendments are made in order by this rule.

I have certainly seen rules come out here where nothing was permitted. But why not make all amendments in order by issuing an open rule so the House can work its will in a democratic fashion?

Mr. Speaker, let us have open procedures through which all Members and their constituents can participate in the work of making laws.

I urge my colleagues to vote against this rule.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to add one thing. I thought that I remembered being on the House floor when there was an oral announcement made of the procedure, and indeed I have found it in the RECORD.

Congressman FROST came to the floor and at the very beginning, during 1-minute's, when most people watched, he did make an oral announcement that this was going to be happening too. So I think that is important too.

Mr. EDWARDS of Oklahoma. What day was that?

Mrs. SCHROEDER. It was Monday, May 7, when the House was in session, reminding people that this was going on.

I think that is important to point out.

Mr. EDWARDS of Oklahoma. It may be an important comment. But I think the gentlewoman misses the point.

The point is we should not have legislation of this significance on the floor under trick rules. We should have open rules where we can offer amendments, where people on your side and my side can offer amendments and debate them in front of the American people and have votes on them. Not a king of the hill, amendment to amendment to amendment to amendment. Then you amend two things at once. That is silly, that is game playing.

Why not have an open debate where we can have the will of the House set forth?

Mr. GRANDY. Mr. Speaker, will the gentleman yield momentarily?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, unless I am mistaken, if the gentlewoman is referring to Monday, May 7, this Monday, May 7, we were in session for roughly 12 minutes that day. Were we not?

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I am not sure how long we were in session. But it is right there on the very first page, and it was oral. I was here and I heard it.

Mr. GRANDY. I just take this time to confess that I did not read the full text of Monday's RECORD to know that that was there.

I would stress that when the House is in session for 12 minutes, there is a tendency not to pay close attention when the prayer and the 1-minute's and maybe a statement such as Mr. FROST made constitute the entire session.

□ 1940

Mr. EDWARDS of Oklahoma. Actually, the gentlewoman from Colorado and I both read every word of the CONGRESSIONAL RECORD that day, but I fear that most of our colleagues did not.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, it did not take long to read. It was extraordinary.

Mr. EDWARDS of Oklahoma. That was our point.

The SPEAKER pro tempore (Mr. NAGLE). The gentlewoman from New York [Ms. SLAUGHTER] has 16 minutes remaining, and the gentleman from Tennessee [Mr. QUILLEN] has 8 minutes remaining.

Ms. SLAUGHTER of New York. Mr. Speaker, for the purpose of debate only, I yield 4½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, the gentlewoman from New York [Ms. SLAUGHTER] has done such a good job on this rule. I could tell Members many reasons and in many ways why it is really important to adopt this rule, and what family leave is all about, and what this bill is all about, but I think that sometimes a picture will help make the point. Here it is.

It is about kids. It is about children. That is what this rule is about. We can argue whether a Member got a particular amendment. I think the Committee on Rules is there for a purpose. They synthesize various requests down to size. They granted a lot of options, many options. Many Members do not like some of the options, and we are working hard to see that the committee bill prevails.

However, I think if we look at these children and we look at their faces, we understand why this bill is so important, because really it is the families of these children that make them healthy. It is the families of these children that make them secure. I have the privilege of chairing the Budget Committee Task Force on Human Resources. Before our committee came a doctor named Terry Brazelton. Dr. Brazelton taught members a lot about what bonding means, bonding between mother and child, bonding between father and child. He expressed it very clearly that this bonding is key to the security of that child, that hearing those voices of the parents, their loving voices, feeling those arms of those parents is what it is all about, it is what parenting is about. It is what makes these children secure, it is what makes their future bright. Because without that, it costs everyone a lot in the end to try to substitute for that bonding and that love.

What does this bill say? It is so simple. It says that either parent can take just a few weeks off to bond with these children. The mother could take some time off, the father could take some time. What is the obligation of the employer? Nothing, other than to hold the job open for that parent so the parent does not have to choose between economic security and that child. It is unbelieveable to me that people have a problem. Niney-five percent of the employers are not even affected. We are taking care of small business. We understand the needs of small business. This is so simple. Bonding between parents and children. It is critical in the first few months, and this bill will make that possible for the two-thirds of families where both parents work.

These are changing times. This bill is responding to the new family. Most families, where both parents have to work, and if one of these children is sick, very ill, cancer, a serious long-term illness, everyone knows that child needs its parents. Is that parent going to choose between a sick child and job security? That is not what we should be about.

I listened carefully to my colleagues who say this should be voluntary. Should child labor laws have been voluntary? Should Social Security have been voluntary? I do not think so. What about minimum wage? Should that have been voluntary? I do not think so. Safety in the workplace. should that be voluntary? We all saw what happened in the newsreels. We saw the fire that took place in New York, The Triangle fire, where people were killed. Deregulation, is that the answer? If we believe in family, if we believe in children, if we believe in the image that George Bush put forth with his grandchildren during the campaign, then we should pass this rule. We should be proud to pass this rule. We should be proud to pass this bill.

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

Mr. HOUGHTON. Mr. Speaker, I would like to object to this rule. I would hope my colleagues would support me in this. The Committee on Rules has a tough job, and somebody must be the gatekeeper. I understand that.

This may sound self-serving, and I do not really mean it to be this way, but I had proposed an amendment which I thought made a real contribution to the debate. I have been in business. I have set up these parental leave programs. I have been involved in this thing for 35 years. I really felt that what I had was the contribution to debate, and it was turned down.

Now the gentlewoman from California said that the rule is about kids and about bonding. I accept the fact that kids and bonding are important, but that is not what the rule is about. The rule really is about who will have a chance to make an addition, to make a contribution, to this debate. The gentlewoman from Colorado says the bill has been around for 5 years. What I would like to say to the gentlewoman from Colorado is that I have not been around for 5 years. I have been in business. I have been involved in the very thing we are talking about, and the rule has been a gag on me, and I resent it. I am sorry, and I object to it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I join with the gentleman from Tennessee [Mr. QUILLEN] and with the gentleman from Michigan [Mr. CARR] in denouncing the rule that has been forced upon Members, because in its final analysis, it deprives the Members of Congress, the rank-and-file Members of the House, from offering alternatives to the family leave problem.

All Members want to see every employer in the land adopt some kind of policy for parental or family leave, but

what are the proper alternatives? Should that be a situation left only to the whims of the employer, or should it be one that the employer and the employee together work out in a kind of an agreement? Or should the Government of the United States or State governments intercede and force and mandate certain procedures? Those questions will not be fully addressed here on the floor of this House because the rule deprives Members of alternatives.

Who are we? We are the representatives of the American people. Do the American people have different versions and ideas of how this family leave policy should be undertaken?

In the survey that I conducted for 1990, I posed, in 1 of the 10 questions to my constituents, this very issue. It was outlined to them that they had a choice of a, b, c, or d. A, should the present plan that the Congress has before it, be adopted? Only 27 percent responded favorably. Forty-seven percent want the Government to stay out of the employer-employee relationship in this issue.

So whether that is important to Members or not, the letters Members receive, the opinions Members receive, I believe that the American people are being deprived of a full complement of debate through their elected representatives, because this opinion, their opinions, will not be given an opportunity to be reflected in proper amendments as to the number of employees in an affected enterprise, as to the number of months or weeks that should be granted as part of leave. A whole host of questions, and the American people whom we are pledged to represent, are concerned about the issue. Mostly, they want, in my survey of the people of the 17th District of Pennsylvania, they want limited, limited intrusion by the Federal Government in the employer-employee policy to be adopted with respect to family leave.

We are being deprived, we representatives of the people, of a full debate on this issue.

□ 1850

Ms. SLAUGHTER of New York. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, some form of the Family and Medical Leave Act was introduced in the 99th Congress and the 100th Congress. I am pleased that today in the 101st Congress, H.R. 770 is being brought to the floor for consideration. I speak in support of the modified open rule, which makes in order two amendments in the nature of substitutes and five amendments. These amendments are substantive and allow for expression of a number of points of view.

The support for this legislation is evident. A recent Gallup survey by the Employee Benefit Research Institute showed that 81 percent of the people surveyed believed that family and medical leave should be provided by an employer. In addition, 77 percent of those surveyed believed that health benefits should continue to be paid during the time of unpaid leave.

The need for this legislation is clear. Those people most in need of this legislation include lower income workers, especially unmarried mothers, part-time employees, and younger workers. In the recent study, Unnecessary Losses, initiated by the Institute for Women's Policy Research, the lost earnings from childbirth to American women workers is estimated to be $31 billion annually. Total earnings losses per employee experiencing illness are estimated at almost $5,000 over a 3-year period.

The Family and Medical Leave Act would assist those employees, often women, who are a part of the "sandwich generation." These employees are both raising children and caring for elderly parents. A 1987 report by the Select Committee on Aging, of which I am a member, concluded that the average woman today can expect to spend 17 years taking care of children and 18 years taking care of parents. And we know that America is aging. The fastest growing segment of the American population is Americans 85 and older. By the year 2000, the estimate is that there will be 5 million Americans 85 and older, a significant increase from 2.9 million now. Nearly 64 percent of women aged 45 to 54 years old—those most likely to have parents needing care—were working outside the home in 1984. We should not force people to have to choose between their work and their family.

Mr. Speaker, I urge my colleagues to vote yes on this rule so that this important legislation may be considered.

Mr. QUILLEN. Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. GRANDY].

The SPEAKER pro tempore (Mr. NAGLE). The gentleman from Iowa [Mr. GRANDY] is recognized for 4 minutes.

Mr. GRANDY. Mr. Speaker, let me thank the distinguished minority member of the Rules Committee for allowing me to make an amendment in order and fighting for that amendment. I suppose because of that, I should fight for this rule. But I oppose this rule. Although I was one of the Members that was allowed to tinker at the margins of this legislation, I must align myself with Members who were denied that right, like the gentleman from New York [Mr. HOUGHTON], who knows as an employer and now as a Member of Congress that there are many options that could be provided in the work place in this legislation and will not be provided.

The gentleman from New York [Mr. HOUGHTON] tried to set a threshold of 100 Members. He could not do it. There are three States that have decided to adopt 100 employees as a threshold. There are many other States that have decided on 50 employees, and some at 25. And there are probably over 25 States, every one of them with a different plan, and yet because of this rule we cannot mix and match from those State plans and perhaps create a piece of legislation that all of us could agree to because we do not have that right. And we do not have the right to consider the substitute of the gentleman from Michigan [Mr. CARR] which says perhaps we need more data. Some Members will disagree with that, but I do not. I would have supported the Carr substitute because I would say, rather than this bill which mandates the study simultaneously with the legislation, why not for a change put the horse before the cart?

And we will not, Mr. Speaker, get a chance to consider what I think is the best amendment of all, the Parker amendment, which would have said, "This is a crazy idea, but let us have Congress conduct this study for themselves in Congress before they pass it on to America." But that amendment will not be in order, and we cannot consider that amendment.

So I have to oppose this rule. It is a modified open rule, depending on which side of the aisle we stand on. But it is not enough. This is an issue which goes right into the workplace and attempts to bargain collectively. It cannot do that under this rule. I am in favor of parental leave.

Mr. Speaker, let me just say that if this bill is as good as the proponents claim it is, if it is as strong as the Members who have offered would-be compromises say it is, then it should be able to survive this debate and it should be able to survive an open rule. Why can we not have the opportunity to do what all these States have done, to see if there is a common denominator, not a ceiling?

This mandated leave bill is stronger than any State law on the books. It is not a floor, it is a ceiling, and yet we do not have a chance in this debate to take it apart and see what works and what does not work. That is a shame, because I do not question the motives of anyone in this body who believes in parental leave. I believe in parental leave, but I do question the methods, and that is what this debate is about. And I have to question this rule because our motives are precluded by the method that is contained in this resolution.

So again, Mr. Speaker, I thank the members of the Rules Committee for

making my amendment in order. I appreciate being one of the lucky ones, but I cannot support those colleagues who feel that this is enough. It is too little, and it is too late.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] still has 30 seconds remaining.

Mr. QUILLEN. Mr. Speaker, I urge a no vote on the rule, and I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentlewoman from New York for granting me this time.

I was concerned when I heard some of my colleagues, particularly our friends on the Republican side, say that they were going to vote against this rule because it was unfair and did not give Members an ample opportunity. So I have been visiting with the members of the Rules Committee to determine what that charge is all about, and I think it is important for me to share with my colleagues the fact that when the Rules Committee met, they had 11 requests for amendments. Of the 11 requests, 7 were made in order. The gentleman from Missouri [Mr. CLAY], the chairman of the subcommittee, asked that two amendments be made in order, and only one of those was granted to him. However, on the Republican side, all of the requests they had for amendments, they only failed to achieve one of them, and that is because that one was nearly identical to another one that the gentleman from Texas [Mr. BARTLETT] will be offering.

So it seems to me that those of our friends, particularly on the Republican side, who want to defeat the rule do not want to do so because the rule is unfair or because they have not been given ample opportunity but, rather, because they want to defeat this bill.

Mr. Speaker, let me speak for a minute about the bill. There has been within the past 10 to 15 years an evolution in the American workplace. For example, 72 percent of mothers with children 18 years or younger now work; 72 percent of them now hold jobs outside the home. That is an evolution that never happened before in the lifetime of anyone in this Chamber.

Prior to the turn of the century or, rather, just after the turn of the century, when we had a similar evolution in the workplace, the Congress of the United States moved in to supply workers with adequate protections. Again, in the 1930's we had an evolution in the American workplace and Congress moved in to provide this new work force with adequate statutory protections.

Mr. Speaker, this time has now come again. We have two-worker families in this country. We have single-parent mothers and single-parent fathers that are in the work force because they are required to be in the work force. The time has come again for this Congress and, yes, for this President to stand up and recognize the changes that must be made in the statutes of the United States in order to protect this work force of ours.

□ 1900

Finally, Mr. Speaker, I want to say this: As a father of teenaged children and children who are past their teens now, I have never quite understood what bonding is all about. Like many of the fathers in this country, I practiced something that in these years is now called bonding, and so I recognize the importance of it.

However, Mr. Speaker, let me say that I do not think it is for the purpose of bonding that we will find this bill receiving most of its use from American workers. Rather it will be from that mother or dad who has the desperately sick child in the hospital. He or she has already taken a week or two off from work, and now they must decide, if this bill does not become law, between that child and the need for that child to have their parent sitting by that bed in that hospital or that parent deciding instead for his or her job.

Mr. Speaker, the purpose of this bill will not be just bonding. It will be so America's workers can take time off to be with their elderly and desperately sick parent who needs them in their final days and final hours. It is not fair that America's workers should have to choose between their job or their desperately sick, elderly parent.

Mr. Speaker, this bill will right those circumstances.

Will some people be able to bond better with their children? Absolutely. And that, too, will be good.

Ms. SLAUGHTER of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NAGLE). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 151, not voting 31, as follows:

[Roll No. 104]

YEAS—251

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Bellenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Condit
Cooper
Costello
Coyne
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Watkins
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—151

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)

Carr
Chandler
Clarke
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McMillan (NC)
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Quillen
Ravenel
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Whittaker
Wolf
Wylie
Young (AK)

NOT VOTING—31

Bentley
Collins
Conyers
Craig
Crockett
Dickinson
Dingell
Dwyer
Emerson
Flippo
Frank
Hall (OH)
Hawkins
Huckaby
Leath (TX)
Levine (CA)
Lewis (CA)
Livingston
Lukens, Donald
Manton
McDade
McEwen
Neal (NC)
Nelson
Pursell
Robinson
Savage
Towns
Udall
Waxman
Young (FL)

□ 1922

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Lewis of California against.

Mr. Frank for, with Mr. Dickinson against.

Mr. Manton for, with Mr. Craig against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. GINGRICH. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished gentleman from Pennsylvania [Mr. GRAY] in order to receive from the majority the schedule for tomorrow, and I think Members may want to listen to hear precisely what we will be doing on tomorrow's schedule.

Mr. GRAY. Mr. Speaker, will the distinguished Republican whip yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I would say to the distinguished minority whip, the gentleman from Georgia, that after discussions with his side, we would suggest that there would be an hour and a half of general debate this evening, and after that we would conclude and resume tomorrow at 10 a.m., and that after limitation on 1-minute addresses to the House, perhaps five and five, we would than go back into general debate, conclude the general debate hopefully around 11 or 11:15, and then proceed with the rest of the schedule as outlined in the rule with the various substitutes and amendment process.

It would be our expectation that we would follow that schedule and perhaps adjourn around 5 o'clock tomorrow depending on whether all of the amendments and substitutes are offered and whether all of the time is used.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding.

If we proceed in the order that the rule provides for the time, that means that the gentlewoman from Maryland [Mrs. MORELLA] and I would not be on until tomorrow. Is it fair for us to tell our folks that?

Mr. GINGRICH. No. The understanding we worked out earlier was that we would do an hour of the Education and Labor debate this evening and then do the Post Office and Civil Service debate, and then tomorrow morning would have 1 hour of Education and Labor debate to be divided equally on both sides. That was the agreement, to be able to rise this evening.

Mr. FORD of Michigan. If the gentleman will yield further, could we prevail on you to consider the possibility, since you are dividing it that way, to put us after you finish the debate on this? you see, we are not fighting with each other like the other bill.

Mr. GINGRICH. Candidly, we are caught a little bit in trying to accommodate the majority's legitimate desire to get all of us out of here early enough tomorrow to be able to go home at a decent hour to our districts, and so I am not sure whether people would be willing to come in at 9:30 rather than 10 in order to continue that schedule. I am willing, if the majority is, and we sort of hate to negotiate.

Mr. GRAY. If the gentleman will yield further, I believe the gentleman is allocated under the rule for 30 minutes, and perhaps what we could do, if it is agreed upon by the distinguished minority whip, is that the 1 hour tomorrow, we could nominally allocate one-half of it under the heading of the Post Office debate, and thus each side would allocate whichever way they want to, if that might solve the gentleman's problem. I do not know. The fact would be that he would still have the 1 hour of debate.

Mr. GINGRICH. For our purposes, I think, though, our side wanted very strongly to have the 1 hour of the Education and Labor debate. Let me suggest, if it is not dramatically inconvenient, I think our side would be willing to come in at 9:30, and that way the gentleman could have his entire half hour in the morning, and then we would pick up with the 1 hour of Education and Labor at 10 o'clock.

Mr. GRAY. If the gentleman will yield further, I believe that that might pose some problems on our side to come in at 9:30. Our view would be to come at 10, and it would not, from this side of the aisle, be a problem if the gentleman wanted to take that hour and say one-half of it is Education and Labor, and one-half of it is Post Office.

Mr. GINGRICH. Let me offer one other possibility, and again I apologize for negotiating in public, but this came up, and I think we ought to solve it. What if we were to allow, since they only have 30 minutes, to allow the Post Office and Civil Service folks to go first this evening, then take up the hour of Education and Labor, and we would still get out earlier than Education and Labor would have originally, and come in at 10 o'clock in the morning? Can we do that by unanimous consent?

Mr. FORD of Michigan. If the gentleman will yield further, the gentlewoman says fine.

Mr. GINGRICH. Post Office and Civil Service will go first this evening, Education and Labor will then have an hour this evening, and we will then end legislative business, and in the morning we will come in at 10 and go to general debate, control half on each side with Education and Labor.

Mr. GRAY. If the gentleman will yield further, we would have tomorrow 1 hour general debate Education and Labor, begin the day with a limited number of 1-minutes, five on the minority side, five on the majority side, and then follow the rule subject to whether people want to offer their amendments or not.

Mr. GINGRICH. It is a pleasure to do business with the majority.

Mrs. ROUKEMA. If the gentleman will yield, I must ask, since unfortunately the rule did not provide me the time that had been requested by the distinguished ranking minority member of the committee, there had been a gentlemen's agreement between the majority and myself that I would have at least 30 minutes equally

divided between this evening and tomorrow. Does the agreement just made with the Committee on Post Office and Civil Service protect my 30 minutes?

Mr. CLAY. If the gentleman will yield, the inquiry the gentlewoman made is correct. The agreement still stands. The gentlewoman is protected.

Mrs. ROUKEMA. I thank the gentleman; 15 tonight and 15 tomorrow?

Mr. CLAY. The gentlewoman is correct.

Mrs. ROUKEMA. Do I understand that Post Office and Civil Service will take their complete half-hour this evening?

Mr. CLAY. If the gentleman will yield further, if the gentlewoman stays on the floor, she can use some of her time during that debate.

Mrs. ROUKEMA. I thank the gentleman, and I thank the distinguished whip.

□ 1930

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

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, it was also our understanding that in light of this agreement, we would move immediately into the 1-minutes limited, not have a Journal vote, and debate of 1 hour. Is that also the understanding of the gentleman from Georgia?

Mr. GINGRICH. Mr. Speaker, it is. It is our intention on the Republican side that we would not ask for a Journal vote and it is our intention to not ask for any procedural votes during the day. Obviously individual Members on either side are always free agents, but we would do all we could on this side to expedite the process and go into legislative business and stay on legislative business.

Mr. GRAY. Mr. Speaker, it would be our hope and expectation that we avoid a vote on the Journal and procedural votes so that we could move through the various amendments, substitutes, and allow the House to work its will, so we could reach a conclusion at a reasonable hour, so Members who are seeking to return to their districts could make early planes to do so. So my understanding is the same as that of the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, that is exactly right. Our hope is by this bipartisan agreement to get through as fast as we can and expedite Members getting home.

HOUR OF MEETING ON TOMORROW

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Thursday, May 10, 1990.

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

There was no objection.

FAMILY AND MEDICAL LEAVE ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 770.

□ 1931

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 60 minutes; the gentleman from Iowa [Mr. GRANDY] will be recognized for 60 minutes; the gentleman from Michigan [Mr. FORD] will be recognized for 15 minutes; and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Madam Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Chairman, the bill before us today is about workers and working families. It's about the ability of those workers to spend time with close family members in time of crisis and not sacrifice their employment in the process. It's a question of choice. During very special moments such as the birth of a child or the serious illness of a spouse, or parent, a person should not be forced to choose between their families and their jobs. It's about justice and fairness in the workplace. This bill does three things: Permits employees to take unpaid leave during emergencies; requires the company to continue paying the health coverage during the leave period; and guarantees the person his or her job at the conclusion of the leave.

Recent surveys reveal that 80 percent of the public agrees with the concept of protecting job rights during times of emergencies and they also support this legislation.

Madam Chairman, political rhetoric about the need to reestablish family values is abundant. It's too bad that some of those most vociferous on the subject are also the ones most opposed to improving the welfare of families.

This bill addresses problems caused by a profound change in the composition of the work force and the effect that has had on families. The great infusion of women, married, single, mothers, into the work force will continue to have a profound effect on all levels of our society. At the beginning of the new decade, we must come to terms with the fact that in the vast majority of families today, all adult members work outside the home. The conditions under which they work must be a high priority.

A minimum standard for allowing workers the option of taking family and medical leave is a critical part of any sound family policy. It is a well established principle in more than 100 other countries in the Free world. The argument by opponents of this legislation that it is anticompetitive is a smokescreen, a distortion. If every industrialized nation already have similar workers rights and most of them allow for paid leave, not unpaid, how will imposing this requirement disadvantage us. Our competition is not in Third World countries—our main rivals are West Germany and Japan. In both countries, workers get 14 weeks of paid family leave to care for newborn or adopted children. In Germany they receive 100 percent of their wages and in Japan they receive 60 percent.

Madam Chairman, there is virtually no cost to employers under this bill. The GAO has determined that it will cost $5.30 a year per covered employee. A Federal leave standard helps business retain a loyal, experienced and productive work force. Providing job security at times of great family need and perserving jobs save the Government billions of dollars in social welfare costs.

The principal argument that we hear against this legislation is that "Congress should not mandate benefits." But that is precisely what Congress has done for more than 60 years and employers, employees' and the country have prospered as a result. "Mandating benefits" is a code word that is designed to stir businessmen, even those responsible, compassionate businessmen to oppose all legislation intended to improve the quality of life for the workers of America. Establishing a minimum standard of family and medical leave is no different than other laws which impose standards such as the Fair Standards Act, the

Occupational Safety and Health, Coal Mine Safety Act, Social Security and a host of others. Requiring employers to meet a minimum standard family leave policy which extends the principle of labor standards to meet a new and pressing reality confronting today's workers is neither new nor is it radical. This is precisely how labor standards have come about in the past. To back away from mandating benefits, Congress would have to repeal 60 years of labor law.

Demands for a family leave policy have been growing steadily. In the past 5 years, 17 States have enacted laws establishing minimum standards for parental or medical leave and leave legislation is pending in more than 30 State legislatures. But attempting to resolve a national problem in such a piecemeal fashion is not desirable. State by State labor standards present problems of uniformity and consistency. Labor standards should be national in scope.

Many employers have implemented leave policies that far exceed the requirements of the bill before us today. They have benefited from these policies in the form of improved employee morale, higher productivity, and retention of an experienced work force. Unfortunately the majority of employers have failed to act. Broad coverage will not come about voluntarily.

We have worked on this legislation for more than 5 years. Several committees of both the House and the Senate have held dozens of hearings. Our study of the issue has been thorough and extensive. We have made extensive compromises and changes in the legislation to meet concerns that have been expressed.

The bill before us reflects a broad consensus that has grown significantly since the bill was first introduced in 1985. It is supported by more than 150 organizations representing the interests of women, the religious community, the medical profession, organized labor, senior citizens, the disabled, State and local legislators and many employers. The support is diverse and extensive. The legislation before us is carefully considered, widely supported and most significantly addresses a critical need. I urge the adoption of the bill.

Mrs. MORELLA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am pleased to join today in expressing my strong support for H.R. 770, the Family and Medical Leave Act.

As an original cosponsor of the bill, I want to particularly commend you for scheduling this legislation for action this year. A family and medical leave policy is needed in both the public and private sectors.

As society has changed, we have always adjusted our labor protection standards to meet the changing work force. According to a Bureau of Labor Statistics study, 64.7 percent of all women with children and 51.1 percent of mothers with infants under the age of 1 are employed. The average working, married woman with children contributes 41.3 percent to the total family earnings. In fact, the majority of women with children work because of economic need. However, H.R. 770 is not just a bill for women; men need the same minimum protection in our society. As a matter of fact, this is a family bill.

Clearly, a minimum standard is needed, similar to child labor laws, the minimum wage, and health and safety standards. The United States and South Africa are the only industrialized Western nations that do not offer this minimum protection to their workers. Most of the 75 countries with a leave policy also offer some paid leave as well. In fact, paid maternity leave is an entitlement in 28 European countries.

The American public views family and medical leave as a top priority. A Gallup Poll of registered voters indicated that 81 percent of those surveyed favored unpaid leave for employees who need the time to care for a newborn, recently adopted, or seriously ill child—or illness of a family member.

The Federal Government should serve as a model for the rest of the country's employers. I am pleased that the provisions of the original bill—providing up to 18 weeks of unpaid leave for the birth or adoption of a child or the serious illness of a child, and up to 26 weeks for an employee's serious illness—are retained for Federal employees.

Within the past 6 months two of my employees became parents. I have provided each of them with several months of paid leave. I believe that the family and medical needs of our employees must be met to ensure a productive and loyal work force.

I believe that the provisions of H.R. 770 which affect the Federal work force will also prove to be a real morale booster in the public sector.

The time for debate is over. The time for positive action is now. I urge my colleagues to support this vital legislation and to join in working to ensure that this is the year when the Family and Medical Leave Act is enacted into public law.

Madam Chairman, I am pleased to note that the Committee on Education and Labor approved an amendment which provides House employees the same family and medical leave rights, including restoration of benefits and reinstatement guarantees, as are provided for Federal employees. However, the Gordon-Weldon substitute gives House employees the same leave provisions as the private sector.

Madam Chairman, these provisions are not as comprehensive as those for Federal employees; it is certainly a step in the right direction, although I would like to see our employees be treated on par with other Federal workers. We must not force our people to choose between their economic needs and their family needs.

□ 1940

Mr. GRANDY. Madam Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Iowa.

Mr. GRANDY. Madam Chairman, I thank the gentlewoman for yielding.

Did the gentlewoman suggest when she said that House employees were covered under this legislation that House employees and members of congressional staffs receive 18 and 26 weeks?

Mrs. MORELLA. What I suggested is in the original bill they would be given the same protection and benefits, if we want to call them that, although I think they are rights, as Federal employees would have.

However, there will be a substitute that under the rule will be allowed, and that will not give the congressional employees those benefits that we hope to give to the Federal employees, but rather they would be given the protections that would be given to the private sector. So there is a distinction we are talking about.

Mr. GRANDY. If the gentlewoman will yield further, as this gentleman understands it, there will be an amendment offered to reduce congressional employees' benefits to 10 weeks and 15 weeks?

Mrs. MORELLA. Twelve weeks.

Mr. GRANDY. Twelve weeks per the Gordon-Weldon amendment?

Mrs. MORELLA. Twelve weeks as per the Gordon-Weldon substitute that will be offered.

My point to the gentleman is that I believe that congressional employees should be given the same benefits as are public sector employees. That is not being done as in the course of the chronology of events. However, I believe that they should be given some of the benefits and they will be given the benefits if this House acts accordingly under the substitute to be offered.

Mr. GRANDY. I thank the gentlewoman for answering my question. I am still confused as to why there are two standards, 18 and 26 weeks for one set of employees, all be they Federal employees, and another set for private. But I will not pursue it at this point. I just wanted a clarification.

Mrs. MORELLA. The reason is because we believe it can pass for the private sector, but for the public sector, which should be the model, we believe that the provisions as originally stated

in the bill are appropriate, and frankly are minimal.

Mr. GILMAN. Madam Chairman, will the gentlewoman yield?

Mrs. MORELLA. Yes indeed, I yield to the gentleman from New York.

Mr. GILMAN. Madam Chairman, I rise in strong support of H.R. 770, the Family and Medical Leave Act of 1990. And I commend the distinguished chairman of the Subcommittee on Labor-Management Relations, the gentleman from Missouri [Mr. CLAY] and the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA], and the distinguished chairman of the Subcommittee on Compensation and Employee Benefits, the gentleman from New York [Mr. ACKERMAN]. As ranking minority member of the Committee on Post Office and Civil Service and cosponsor of H.R. 770, I have followed the evolution of this legislation over the past 5 years. Advocates of the legislation have worked diligently to achieve a fair and equitable measure which reflects the needs of families and parents as well as the demands of the public sector and the business community.

The United States has lagged behind other Western countries in creating a work environment responsive to family needs. According to the Bureau of Labor Statistics, more than 96 percent of all fathers and more than 60 percent of all mothers work outside the home. Virtually all major industrial nations have some type of liberal leave policy which is superior to our own current patchwork of State and local regulations. H.R. 770 establishes a minimum national standard for unpaid leave to allow working people to care for a newborn or seriously ill child, a seriously ill parent, or their own illness, without fear of losing their jobs.

H.R. 770 contains several measures affecting both the public and private sectors of our work force. As ranking minority member of the Committee on Post Office and Civil Service, I take a special interest in the benefits accorded our Federal workers and the impact of this legislation on the ability of our Government to function effectively.

The Federal Government has, in the past, instituted benefits for its workers which have later served as the model for private sector employers. In recent years, however, Federal pay and benefits have begun to seriously lag behind those offered in the private sector. Title II of its legislation, while providing unpaid leave, should help restore the competitive edge to the Federal Government recruiting and retention efforts.

In 1986, the Office of Personnel Management undertook a review of leave options available to employees with ill children, childbirth, emergency medical, and other problems. I laud OPM for issuing in its Federal personnel manual provisions for "leave for parents and family responsibilities" and "leave without pay" which urged agencies and managers to be flexible and compassionate in meeting employees' needs for leave.

Guidelines, however, do not have the same force and effect of law. H.R. 770 establishes a minimum standard below which the Federal Government cannot sink in accommodating important family needs of employees. The bill creates reasonable periods of time during which a Federal employee may take leave for reasons of family and medical leave, medical emergency, childbirth, early childcare, or to care for a seriously ill child or parent without the risk of job termination or retaliation.

In brief, Madam Chairman, H.R. 770 effectively balances the needs of employees with family responsibilities against those of the employer with business related interests. If we are to be a nation which encourages the growth and sustenance of the family, we must recognize the special needs which go hand-in-hand with familial responsibilities. H.R. 770 strikes such a delicate balance. Accordingly, I urge my colleagues to support this worthy measure.

Mrs. MORELLA. Madam Chairman, I thank the gentleman from New York [Mr. GILMAN], ranking member of the full Committee on Post Office and Civil Service, for the leadership he has shown in diligently pursuing this bill.

I certainly also want to congratulate the chairman of the Post Office and Civil Service Committee, also the prime sponsor in the Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY] for this bill, and the chairman of our subcommittee, the gentleman from New York [Mr. ACKERMAN].

I want to point out in response to what I anticipated would be asked about cost with regard to the Federal sector that the CBO has stated that leave for Federal employees will result in no significant costs.

We certainly must not force our people to choose between their economic needs and their family needs.

Madam Chairman, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Chairman, I yield myself 1 minute for the purpose of answering the question of the gentleman from Iowa [Mr. GRANDY], as to why there are differences between the treatment of Federal employees and the private sector employees.

The focus of the debate today has been the basic premise of mandated family and medical leave for employers in this country. If we accept the notion that unpaid family and medical leave is a proper employee benefit—even if only at the full discretion of the employer—we must not lose sight of the fact that the Federal Government, too, is an employer in its own right when it comes to 2.1 million active civilian employees and their families. While the Office of Personnel Management notes that existing Federal personnel guidelines encourage managers to accommodate the needs of individual workers in a flexible manner, title II is intended to ensure fairness and equity in the administration of that policy. Title II is not intended in any way to limit any other leave time available to Federal employees under other existing provisions of law.

It is true that title II of the bill, as it relates to Federal civilian employees, differs in some significant respects from the guidance generally applicable in title I of the bill. But title I is just that—guidance. Title I sets forth the bare minimum standards which American employers must meet in order to comply with the letter of the law. As under existing law, any employer is free to implement or negotiate almost any leave plan which exceeds the minimum standards required by law.

Title II represents the best judgment of the Committee on Post Office and Civil Service in devising an appropriate plan for Federal civilian employees based upon the best available information. The plan crafted by the committee would result in no cost to the Federal Government. In its review of title II, the Congressional Budget Office estimated that, "in aggregate, granting employees leave without pay for extended periods does not result in costs greater than if the employees continued to work—in part because the salaries and benefits of temporary replacements will sometimes be less than those of the permanent employees and in part because sometimes replacements will not be hired."

FAMILY LEAVE—18 WEEKS OVER ANY 24-MONTH PERIOD

The family leave provisions of title II—18 weeks of unpaid leave during any 24-month period—are primarily based on the period that child development experts suggest as a minimum for newborns and new parents to adjust to one another. Hearings by the Committee on Post Office and Civil Service over the past 5 years serve as the basis for the specifics of title II.

In our 1986 hearings, Dr. T. Berry Brazelton, a widely respect authority on child development and associate professor of pediatrics at Harvard Medical School, recommended 4 months parental leave, explaining that the early months of adjustment to a newborn infant are a crucial opportunity for family bonding. In addition, given the current problems of availability and affordability of child care,

18 weeks of leave may be required to secure a proper situation.

Since 1982, the General Accounting Office has provided its employees up to 26 weeks of unpaid, job-protected parental leave without serious managerial difficulties.

MEDICAL LEAVE—26 WEEKS OVER ANY 12-MONTH PERIOD

The medical leave provisions of title II—26 weeks within any year—are intended to accommodate all types of illnessess and injuries while providing employees with the maximum opportunity to return to work for a portion of the day or week. The leave, again unpaid, can be taken on either continuing or intermittent basis. While the "serious health conditions" covered by title II are broadly defined, included in the provisions is a strict requirement that the illness or condition must include care or continuing treatment or supervision.

CONCLUSION

The Committee on Post Office and Civil Service believes its product will enhance the productivity and morale of the Federal work force and make the Federal Government a more attractive employer. The standards of title II are not the most generous nor will they be the bare minimum required of other employers under the bill. Where the Federal Government has the potential to grasp a competitive edge at minimal cost—according to the Congressional Budget Office—we would be foolish not to take advantage of that opportunity.

Madam Chairman, I yield 8 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Madam Chairman, I thank the gentleman for yielding the time to me and for his leadership in bringing this to the floor today.

Madam Chairman, I rise in support of H.R. 770. I would like to share with my colleagues a personal experience that is appropriate to the legislation we are considering today.

Lauren is going to be 21 in November. Lauren is my daughter. She happened to be born on election day, way before the time I was a politician. I was a teacher at the time. I taught in the New York City public school system, I taught in the ghetto. I taught for 5 years and I taught social studies and mathematics and journalism. I thought I was a pretty fair teacher.

After Lauren was born and after the summer break I thought it was an extraordinary experience spending a little bit of time watching my first child, my newborn daughter grow, and I decided I would like to spend a little bit more time doing that.

□ 1950

I decided that I did not want to be a burden upon the system, the board of education, the city of New York. And I decided that I wanted to take a leave of absence without pay.

I checked the leave of absences that were available in the city of New York at the time for teachers, and there was none that was called child care. There was one that was called maternity-child care.

Having no recourse but to use that particular application, I filled it out. There was a place on the form for a physician to fill out his report and his evaluation. I needed an obstetrician. I used a gynecologist who my wife used.

He thought it was a terrific idea for fathers to be involved in raising their children and their families.

On the part of the application where it said "Technical designation for this infirmity"—imagine the enlightenment, to have a baby was considered an infirmity—he put down that the technical designation was fatherhood and said, "Will be incapacitated until," and he put down "does not apply."

He filled out the entire physician's part of the application.

I submitted it to the principal of my school, and she denied it. I then went through the appeals process. I appealed to the local community school superintendent, who thought it was some kind of a trick or a prank. I assured them that I was very, very serious about taking my new responsibilities as a father very seriously.

They asked me to come in for an interview. I asked them if that was a normal part of the procedure. I thought they approved child care leaves of absence as a matter of course.

They told me it was unusual, but they wanted to talk to me. So I went in.

They asked me a lot of questions during the interview. They asked me a lot of questions about my wife: Why would I want to take a leave of absence? Is my wife capable? Is she competent? I will tell you she is the most competent individual that I have ever met.

But I refused to answer those questions. I told them I thought the questions were discriminatory and that I would answer only questions that they would be able to tell me they asked of every other applicant and not because they were singling me out because I was a father rather than a mother. They did not understand that.

I explained that I thought that they were singling me out because it was an unusual application up until that time. Why would a man want that kind of a leave, they asked? Why didn't I just quit and stay home for whatever time I wanted and then come back and take the test over and become a schoolteacher and forget about the seniority and the hard work I had put into the system, forget about the right to come back to the same school that I had taught in every day 5 days a week for 5 years, start all over again from scratch?

That was my choice. Give up my career, give up the seniority, give up the tenure, give up everything that I had gone to school for and worked for, or become a father for a while. A difficult choice to make, a choice that I do not exactly think anybody looks forward to.

But I made the choice. They had gone into a huddle. They came out with a decision. They said on the basis of precedent they would have to turn down my application.

I asked them why. They said, well, the precedent is, "We have never approved an application for a man for this kind of a leave of absence before."

So I said, "On the basis of precedent, I think you should approve it." They said, "How so?" I said, "Well, you have never turned down a man before."

They did not see the wisdom of my logic and proceeded to turn me down.

I then appealed to the chancellor of the New York City public school system; biggest system in the country, thousand schools, million kids. I received an answer within a month from the chancellor, and they turned me down. They said, "Application denied."

The official reason, typed in across the bottom of the application, was that this type of leave of absence for child care is not intended for fathers.

That raised a great deal of anger in me. Why would my employer, why would the board of education, why would my city tell me what my responsibilities should be? Why should they take away the choice that my wife and I had made that I take a leave of absence? Why should they deny me the right to choose? Why should that be the city's choice? Why should that be my employer's choice?

Should that not be the choice of myself and my wife as to who should do the childraising at any particular given time? It is grossly unfair to deny families that kind of a choice.

So it was that in 1970, I took the New York City school system and the board of education to court and we established a precedent. It was the first time a man had ever won a suit of that nature before. It was on the front page of the New York Times, and most major newspapers carried it.

Madam Chairman, I have very strong feelings about the bill that is before us. The Family and Medical Leave Act addresses fundamental shifts in the demographics of the American work force.

According to the Bureau of Labor Statistics, 96 percent of fathers and 60 percent of mothers work outside their homes. The participation of women in the work force has risen from 19 per-

cent at the turn of the century to 52 percent today.

Between 1950 and 1980, the labor force participation of mothers has tripled.

The fastest growing segment of this group is comprised of women with children under the age of 3.

Another demographic change profoundly affecting the American family involves the number of elderly in our society. Currently, more than 2.2 million family members provide help to elderly relatives; about 38 percent of those caring for elderly relatives are adults caring for their own parents.

The burdens of child care and elder care create tensions between the family and the workplace. H.R. 770 represents a reasonable approach to balancing the conflicting demands of both work and family by providing adequate amounts of leave and the right to return to an equivalent job.

Madam Chairman, here is our chance to be both profamily and prochoice. I urge my colleagues to remember the American family and to support the Family and Medical Leave Act.

Mrs. MORELLA. Madam Chairman, I want to thank the gentleman for that very eloquent, moving statement and personal testimony.

Madam Chairman, I believe I have 6 minutes remaining on this side.

The CHAIRMAN pro tempore (Mrs. BOGGS). The gentlewoman is correct.

Mrs. MORELLA. If I may, Madam Chairman, I would reserve that time and relinquish it at the proper time to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The CHAIRMAN pro tempore. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized.

There was no objection.

Mr. FORD of Michigan. Madam Chairman, I do not understand what is happening here.

Mrs. MORELLA. Madam Chairman, I am reserving the remainder of the time that I have, which is 6 minutes.

Mr. FORD of Michigan. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong support of H.R. 770 and take particular pride in those portions of the bill reflecting the work of the Committee on Post Office and Civil Service, which I chair. The committee, in crafting title II of the bill in a bipartisan manner, establishes a universal floor for the Federal Government in accommodating important family needs of its employees. The measure gives the Federal employer the tools to respond to the evolution of the American workplace.

The Federal Government is too often an also-ran in the labor marketplace. Few Federal compensation and benefit programs compare with our private sector competitors. Federal salaries lag far behind those of even nonprofit employers. The Federal Employees' Health Benefits Program has been found lacking when measured against private sector health plans.

Title II of the measure before us today will allow the Federal Government, as an employer, to get in on the ground floor of a benefit which meets both its own needs and those of its employees: people who, at a personal sacrifice already, have chosen careers in public service.

The provisions encompassed in title II provide the minimal framework to ensure that all Federal employees are treated equally. The bill recognizes the new responsibilities of two-wage-earner families. While some would argue that the bill limits the discretion of managers enjoyed under current law, the Government stands to benefit through enhanced worker moral, productivity, and retention of quality employees. A new clear Federal policy on family leave means that an employee's opportunity for obtaining adequate time off will no longer be subject to chance.

Many of our employment laws do not apply to the Federal Government. Private employers are far ahead in sustaining employee benefits and compensation. For these reasons, it gives me great pride to join in this effort to strike a partnership between the Federal Government and other employers. In the name of fairness, equity, and family values, I urge my colleagues to vote in favor of the bill before us.

□ 2000

Mrs. MORELLA. Madam Chairman, I yield 4 minutes to the gentlewoman from Ohio [Ms. OAKAR]. However, I do want the gentlewoman from New Jersey [Mrs. ROUKEMA] to know that she is in good hands, and that she is going to ultimately get 15 minutes of time, since she has been so important in this compromise that has been worked out.

Ms. OAKAR. Madam Chairman, I think one of the areas of confusion is that what this bill attempts to do is to cover all employees, and that certain committees have jurisdiction over certain employees. Our Committee on Post Office and Civil Service, I am proud to say, was the first committee that reported out of committee the Family and Medical Leave Act that gives Federal employees, for a change—for a change, Federal employees get what I do not consider a benefit but a right, because we are not giving them any pay while they are on leave, but get the full right of 18 weeks medical leave if necessary.

It is interesting to me that this bill has taken 5 years to pass. This is a profamily, all-American bill that invests in people for a change. Not weaponry. We want to invest in people. We want to invest in children. We want to invest in our older parents. We want to invest in our families. If they are critically ill, a worker has the responsibility of caring for that family. Is it not interesting that it is taking Members 5 years to pass a bill wherein we are the only industrialized nation that does not provide any period of job-protected leave for mother or father with a new child, an employee who is medically unable to work for a period of time?

What we are trying to say is that we just want people to have this leave at a time like the areas that I have just described, and not even get paid during that period, and have the opportunity to go back to that place of employment and get back their job. Now, Members would think that this was a monumental event that we were trying to promote. The fact is, we are the only country in the Western world, industrialized world, that does not do it.

I thought it would be interesting to show my colleagues and the American people what other countries do. Chile, for example, and we sometimes cite Chile as a violator of human rights, Chile offers 18 weeks of parental leave and gives 100 percent of the pay. We ask that people give the opportunity and have the opportunity to have leave without pay. Poland offered, before their quest for democracy, and they will probably do even more now, offered 16 to 26 weeks at 100-percent pay. Ireland offers 14 weeks at 80 percent. Austria offers 20 weeks at 100 percent. Canada, northern neighbor and friend, offers 15 weeks at 60-percent pay. France offers 16 weeks at 90-percent pay. West Germany, 14 to 19 weeks at 100-percent pay. Italy, 22 weeks at 80-percent pay. Japan, 12 weeks at 60-percent pay. Sweden, 38 weeks at 90-percent pay.

What the compromise calls for is a minimum number of weeks. What we are asking for Federal employees is 18 weeks with no pay. Here we have all these groups, these lobbying groups acting as if we are trying to do something that is not in the best interest of our country. We are really at a crossroads in this country because the fact is, we are way behind other countries in the manner in which we treat our own people. We are way behind in the manner in which we treat our families. We are way behind other countries, some less developed countries, in the manner in which we are profamily.

We had a lot of talk about being profamily and investing in children and in our parents, in our loved ones, and yet we have all this lobbying going around this Hill now, scurrying around, saying we think this is somehow an un-American activity.

I say we will never be globally competitive, we will never be globally com-

petitive unless we invest in our own people. We know there are examples of businesses that we can cite. Merck & Co., a pharmaceutical company based in New Jersey, a pioneer in family policy that has child care and flextime, and parental leave, they have an annual turnover rate of 6 percent, compared to the national average of more than 14 percent. We can cite other businesses. We say that it is good for the American people, and it is good for the businesses to be humane and decent to your employees. We say that it is not going to cost a nickle to do it, because it gives the people leave without pay.

Let Members start there. So Madam Chairman, it is about time. It has only taken Members 5 years, and it would be very, very shameful in my judgment if somehow or other we did not pass this bill tomorrow. It would be very shameful. I ask my colleagues to support the bill as it has been written.

The CHAIRMAN pro tempore (Mrs. BOGGS). The Chair recognizes the gentleman from Missouri [Mr. CLAY] for 60 minutes.

Mr. CLAY. Madam Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. GRANDY].

□ 2010

PARLIAMENTARY INQUIRIES

Mr. GRANDY. Madam Chairman, may I make a parliamentary inquiry?

The CHAIRMAN pro tempore (Mrs. BOGGS). Certainly. The gentleman will state his parliamentary inquiry.

Mr. GRANDY. Madam Chairman, I am terribly concerned about the time of the gentlewoman from New Jersey [Mrs. ROUKEMA]. Does she have 4 minutes under the time of the Committee on Post Office and Civil Service or 6 minutes under the time of the Committee on Post Office and Civil Service?

The CHAIRMAN pro tempore. That time has been consumed.

Mr. GRANDY. Then, Madam Chairman, do I understand she has no time?

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland [Mrs. MORELLA] has expired. The 15 minutes that were allotted to the gentlewoman from Maryland has been consumed.

Mr. GRANDY. Then I have a further parliamentary inquiry, Madam Chairman.

Does this mean that the gentlewoman from New Jersey [Mrs. ROUKEMA] is now proceeding under the time of the Committee on Education and Labor, and that agreement begins now?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. GRANDY. I thank the Chair.

I did not want my colleague to get shorted. In spite of all the things she will say during this debate, I want to make sure that she has the right to say them.

The CHAIRMAN pro tempore. The Chair agrees with the gentleman.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Madam Chairman, I rise in support of the passage of H.R. 770, the Family and Medical Leave Act of 1989.

I often wonder how it is that in a so-called developed and civilized society such as ours, how we, as a country, lag so far behind other enlightened countries when it comes to our social responsibilities. We have yet to appropriately address the need for national health care, we are still working on resolving the issue of child care, and for many in poverty, the reforms to the welfare program still represent piecemeal support in times of need.

Sadly, statistics from divorce to child poverty to teen pregnancy tell us that our families need attention.

Finally, after 4 long years of trying we have reached an agreement on family and medical leave for our Nation's workers. The Family and Medical Leave Act will allow America to join more than 135 other nations in providing essential job protection to people with families.

I have always believed in a national policy that recognizes the reality that both men and women have family responsibilities that must be balanced with their work. Too often, when a child is born or suffers a serious illness, parents are forced to choose between job security and family responsibility. I believe that the Family and Medical Leave Act, which provides for job protection for all employees as a result of disability, caregiving, childbirth or adoption, represents sound social and much needed family policy.

My support for family leave is consistent with my active support for childcare legislation, my ongoing struggle to support worker's rights and my role in ensuring women's economic progress. In my opinion, family and medical leave is a minumum labor standard akin to minimum wage and child-labor laws.

The Family and Medical Leave Act requires private firms with 50 or more employees and State and local governments to provide employees with up to 12 weeks of unpaid leave per year. In addition, it allows employees to take leave in order to care for a new child or a seriously ill child, parent or spouse. Finally, the legislation allows medical leave if employees are temporarily unable to perform their job due to a serious health condition. All of this leave is allowed, and the employees' job will be there when he or she returns.

The American work force has changed dramatically over the last 25 years. The workplace must begin to reflect these changes. Establishing a minimum standard which provides working men and women with the assurance that making their families a priority does not mean losing their jobs, is certainly an important message that this Nation must send.

The Family and Medical Leave Act is consistent with American values and the cost of this measure to employers is minimal. I consider this legislation to be a very modest step in a direction that will benefit families, workers, and businesses.

I am hopeful that my colleagues, particularly those that are so profamily, will stop giving lipservice to family values and begin to see the need for a more realistic policy approach to the needs of our Nation's families. Our futures and our families may depend on it.

In closing, I encourage my colleagues support for the compromise legislation before us today. The President is, as usual, threatening a veto of this measure. My position is to vote my conscience in support of this bill and let the President suffer the wrath of the working men and women who so desperately are in need of this legislation.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Madam Chairman, for the purpose of verification, I have 30 minutes beginning now; is that correct?

The CHAIRMAN pro tempore. The Chair would like to advise the gentleman from Iowa [Mr. GRANDY] and the gentleman from Missouri [Mr. CLAY] that under the rule they each have 60 minutes. It is the understanding of the Chair that they will use 30 minutes each this evening and reserve the rest for tomorrow.

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

Madam Chairman, I oppose this rule. I have said this before, and I will say it again. I do not oppose the motives of this legislation, and I would take issue with my colleague, the gentleman from Michigan, who asked, how can Members who oppose this legislation come to the floor with a clean conscience and vote against this when they espouse family values and traditional families and all the things that supposedly the President and this party are about? He asks, how can we possibly vote no?

I can tell the Members, Madam Chairman, that my conscience is clean because I have been a part of this body and many of the Members of this body have been Republicans who have worked hard to craft a child care bill that provides a choice, not mandates. I am part of a team, again as a member of the Education and Labor Commit-

tee in particular, that has worked hard to create an Americans for Disability Act that the entire Congress can pass. Yes, there will be a dispute, but that bill will pass. And I am part of the Human Resources Subcommittee of the Education and Labor Committee that is for full funding of Head Start, and I am one of those members who ultimately supported the Family Support Act because I felt that our low-income families deserved a chance to get off welfare rolls and onto payrolls.

So my conscience is clean. I can say to the American working men and women that this legislation hurts them more than it helps, and in my position of responsibility I do not want to see it pass. But I can also say to their employer that I understand his needs, and I understand that what we do with this legislation will not mean that this is the only piece of legislation that this Congress passes that will affect his livelihood.

I would remind this body that we have passed, with this gentleman's support, a minimum wage bill, and we have passed mandated plant closings, again with this gentleman's support. We will pass the ADA, as I said earlier. We are going to pass a clean air bill at some point and in some form that will impose costs on those employers who will also provide benefits. And at some point we will consider mandated health benefits in the workplace? And we will consider mandated asset reversions in the workplace, which means that employers will not be allowed to retain surplus pension benefits.

So I am not concerned about my motives, but I am concerned about the motives of this Congress, which thinks we can continue to pass on to the employer these responsibilities and costs and think they do not have a cumulative effect.

Ironically, Madam Chairman, it so happens that this week is National Small Business Week, and it so happens that the national winner of that National Small Business person of the year award happens to come from my district. His name is Barney Roberts. He is from Storm Lake, IA, a community of about 10,000 people, and he has won this award because he has combined growth in the workplace with community service and dedication to his employees, and that includes a mandated benefit which he himself has imposed. I called him today and I said, "Barney, what is your leave policy?

He said "Well, normally we make it a practice to give 6 weeks unpaid leave, but we like our employees to the point where we will offer them what they need. If someone is sick, if someone has a sustained problem with a child or a relative, of course we allow them to go home."

Why? Because the work force is changing, even in a State like Iowa. We require more skilled people, we know that the demographics are such that there are more women in the workplace, more child-bearing individuals, and we need to retain those individuals.

Madam Chairman, I believe this Congress ought to listen more to Barney Roberts and figure out what he knows rather than try to tell him what to do. That is my objection to this legislation, because it tells him what he knows better than we.

We have tried to insert some of those kinds of comments through our colleagues like the gentleman from North Carolina [Mr. BALLENGER], who runs a small business, and the gentleman from New York [Mr. HOUGHTON], who runs a large business, and they have been denied.

Madam Chairman, I will at this point reserve the balance of my time and continue later.

□ 2020

The CHAIRMAN pro tempore (Mrs. BOGGS). The gentleman from Iowa [Mr. GRANDY] has consumed 5 minutes of his time.

Mr. CLAY. Madam Chairman, I yield 20 minutes of our debate time to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized.

There was no objection.

Mrs. ROUKEMA. Madam Chairman, each day, hard-working Americans lose their jobs because a family medical emergency requires that they take time off to give temporary care to a seriously ill member of the family. It may be a child dying of cancer who needs a mother's loving care. It may be a beloved parent who is terminally ill and requires home care.

In a day and age when the majority of American families need two paychecks to get by, it is inconceivable that we do not have a minimum guarantee of job security when a medical emergency strikes. The debate over the Family and Medical Leave Act is not about mandates or benefit packages. It is about values and a standard of decency to protect the jobs for workers trying to capture a piece of the American dream.

This week, the House will vote on compromise legislation that would protect the jobs of working Americans who must take short, unpaid leaves because of the birth of a child, the serious illness of a family member or their own serious illness. The Family and Medical Leave Act would require companies of 50 or more employees to allow their permanent workers 12 weeks of unpaid leave per year for birth of a baby, or serious family illness.

I speak as a Republican and also as a woman who at one time chose to leave my profession as a teacher to become a full-time mother. It was a decision I never regretted. My years at home with my children were the happiest and most rewarding years of my life. I was fortunate to have the choice. Unfortunately, most women today are not in a position to make the same choice. They are working because of economic necessity.

LIPSERVICE

Members of both political parties talk a good game and give lipservice to family values but turn their backs when a concrete proposal to give much needed support to working families comes forward.

COMPELLING CASE

An objective look at the facts presents a compelling case for a family leave. Two-thirds of women today have jobs outside the home because of economic necessity. Job security for both wage-earners is more crucial than ever!

But this is only part of the new equation. Those over age 75 are the fastest growing segment of society. Americans are healthier and living longer. But the reality is that an overwhelming majority of these elderly will need the care of a family member when serious illness strikes. If they cannot be cared for at home they will require expensive nursing home treatment which relatively few can afford.

These are not abstract problems. Families are stressed and strained by the competing demand of jobs and caring for family members. Families are thrown into crisis when serious illness strikes. I know. I've been there. When my son was stricken with lieukemia and needed home care, I was free to remain at home and give him the living care he needed. But what of the millons of mothers who work for the thousands of companies that do not have family leave policies?

Are we in Congress going to tell a pregnant women or the mother of a child dying of cancer to go find another job? Why should we take a hard-working, productive, taxpaying worker who happens to have a medical crisis and thrown them off the payroll? You cannot deny that for many of them. It may be just a short drop onto public assistance.

LET'S SEPARATE FACT FROM FICTION

Is this a radical departure from the traditions of American labor law? Not at all. It is completely consistent with established labor standards which gave us such protections as child labor laws, antisweatship codes, and the 40-hour work week. As society has changed, we have always adjusted our labor protection standards to meet the new circumstances. The talk about

being against mandates and for choice is simply a fiction!

BUSINESS LOBBY

The organized business lobby in Washington is out of step with the real world and that includes conscientious, no-nonsense, bottom-line business people at the grassroots. The lobbyists have over reacted in a way that no one can explain to me.

I was the architect of the committee compromise bill which dealt with every legitimate small business concern. The compromise contains the flexibility needed to continue productive, uninterrupted operations: First, key employee exemption; second, medical certification; third, specialized Divisions; and fourth, permanent employees.

Some have argued that granting this job security guarantee will force employers to cancel or curtail other benefits. not one State, not one business, has come forward to say that adopting a similar or more far-reaching leave policy has caused disruptions or declines in productivity.

WHO'S CHOICE?

This debate is not about giving choice to an employer at the expense of an employee. It is about giving working families the right to protect their job when a medical crisis strikes the family!

Finally, Madam Chairman, the business community has legitimate concerns about the potential long list of imposing new mandates that strain their competitiveness. But this is not one of them.

Family leave is an idea whose time has come.

Madam Chairman, now to the specific requirements of the legislation.

As the architect of the compromise embodied in H.R. 770, the bill is a modest minimum Federal labor standard that simply responds to demographic changes in the American work force. At the same time, the Family and Medical Leave Act takes fully into account the legitimate concerns of business for flexibility.

The Family and Medical Leave Act provides unpaid leave with continued health insurance and job security during a family medical crisis. It strikes a careful balance between the need for working families for unpaid leave and job security with the legitimate concerns of business. Let me outline those provisions which are of particular benefit to employers:

The bill only covers businesses with 50 or more employees. Small businesses won't be covered—only 5 percent of all firms in the United States have over 50 employees. Only 39 percent of the American labor force will have family and medical leave. While opponents have painted a false picture of this bill as injurious to small business, the fact is that a minority of firms will be covered, and a minority of working Americans will in fact have Family and Medical Leave.

To accommodate the legitimate needs of business for flexibility. I fought very long and hard for a key employee exemption for all employers covered by this bill. An employer may deny reinstatement to the highest paid 5 employees or top 10 percent, whichever is greater, to avoid serious economic harm from an employee's being out on leave. Let me illustrate how this provision works:

A highly compensated engineer at an architectual firm needs medical leave as a result of having a heart attack. However, at the time the engineer is taken ill, she is working on an important project that means a tremendous fee to the firm and any cessation of work on this project may result in the business losing its contract. The employer in this instance may allow the employee to go out on leave, but will not keep the job open for her return at the end of the leave period. Instead, the employer will hire another engineer to continue the work.

Employees, in order to be eligible to take family and medical leave, must have at least 1 year of service to the employer with 1,000 hours of work. That translates into working at least 20 hours per week for 1 year. An employee must demonstrate a commitment to the employer in the form of longevity, before being eligible for leave. This is the same standard as required for vesting in ERISA. Seasonal employees are thus not covered by the Family and Medical Leave Act.

An employee must give reasonable notice of the intent to take family or medical leave so as not to unduly disrupt the operations of the employer. Moreover, either the employer or the employee may elect to substitute accrued paid leave for part of the unpaid allowance. Paid leave counts toward total leave available under the Family and Medical Leave Act.

An employee must obtain medical certification of serious illness and present such certification to the employer when requesting family or medical leave. This certification must include the nature of the illness and the need for hospital and home care and the expected duration of such medical care. If an employer has reason to doubt the veracity of the first certification, she can require a second opinion. Any conflict between first and second certifications may be resolved by a third, binding opinion.

The growing number of women in the work force—the makeup fully 50 percent of all workers—has dramatically changed the structure of the family. Childbirth or serious illness in a family can mean the loss of a job which can plunge an entire family into financial uncertainty. This is not merely an abstract theory—it happens day after day all over the country. The sad truth is that business has not responded voluntarily by creating family and medical leave policies. It is for this reason that we are here today—to create a minimum Federal labor standard, just like the minimum wage, laws on worker health and safety, and child labor laws—that give job security and unpaid leave for a modest period of time to workers who experience a family medical crisis.

And by family medical crisis I don't mean a child with the sniffles or the flu—but an illness serious enough to require hospitalization or extended home convalescence. I mean a child or employee who has cancer and needs time for chemotherapy treatments. Serious illness means an elderly parent who is terminally ill—is sent home from the hospital and needs home hospice care. Serious illness means the employee who is in a car accident and requires hospitalization beyond the standard 2 weeks of paid sich leave typically given to employees. Serious illness means a newborn child with heart deficiencies that threaten the child's life.

What we are talking about here are severe medical emergencies involving an employee or their parent or child. What we are saying is that under limited circumstances, working Americans shall not lose their jobs and their health insurance. In the name of human decency we have got to muster the courage and the political will necessary to provide this minimum protection for working families.

Opponents of family and medical leave are fond of saying that moderate and lower income workers can't afford to take unpaid leave. This is a red herring issue. In fact, it is lower and moderate income workers who have no family and medical leave policy. It is these workers who, in the event of a family medical crisis, are put in the position of having to choose between their jobs and taking care of a sick child or parent. What these employees cannot afford is to lose their jobs.

Opponents of this bill also state that the Family and Medical Leave Act will result in a decrease of other employee benefits. First of all, what other benefit can be purchased for $5.30 per covered worker per year? In every State with generous family and medical leave laws, States such as Oregon, Connecticut, New Jersey, Wisconsin, and Rhode Island, not one Governor, not one business has come before the House Education and Labor Committee and said "Family and medical leave standards are bankrupting my business, destroying jobs and eroding productivity, causing me to cancel other benefits!" Not one business in a State with family and medical leave laws has come to us and complained. Not one business who voluntarily adopted plans have regrets. Family leave is good business! The arguments against this bill simply are not supported by the facts.

Critics also talk against mandates. Let me remind them that the minimum wage is a mandate. Overtime restrictions are mandated. Child labor laws are mandates. OSHA regulations are mandates. Social Security is a mandate. Indeed, virtually every bill signed into law is a mandate of one form or another. And, some of the same people who will stand before us today and argue against the Family and Medical Leave Act are key supporters of the Americans and Disabilities Act—a bill with universal employer coverage that will impose compliance costs on business that no one even has had the courage to estimate. It's time to get behind something to help working American families in a meaningful, realistic fashion. We can ask them to foot the bill for the S&L bailout; the least we can do is help them keep their jobs, so they can pay the mortgage and the medical bills.

This bill is opposed by the beltway crowd; a cadre of paid special interest lobbyists for the business community who are out of touch with what is going on in the real world. In contrast, the bill is supported by a tremendous coalition of church organizations, medical groups,

women's groups, and educational organizations—the types of people who are closely in touch with the effects of dire illness on family life, and who see firsthand what the loss of a job during a medical crisis means to a struggling family.

The time has come to pass a strong, bipartisan Family and Medical Leave Act. The support for this bill is considerable, and it is bipartisan. Fundamental job security during a family medical crisis. It is the least we can do for families who are working so hard to make ends meet. I urge my colleagues to oppose weakening amendments and vote in favor of the Family and Medical Leave Act.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Madam Chairman, several years ago, as a member of the House Education and Labor Committee, I saw the genesis of mandated leave for the birth or adoption of a child, or for the care of an ill relative. The debate dates back several years and involves several permutations of the proposal before us today. After studying the issue and assessing the need, I first came to the conclusion that mandating family and medical leave would force an employer to reduce other benefits, benefits that may be more valuable to a majority of employees of a firm.

Over the ensuing years as family and medical leave has been debated and amended. I became convinced to support job protections for women in the work force, and I introduced legislation, H.R. 3445, to that effect. Since the introduction of that bill almost 1 year ago, I have had many Members of Congress indicate their support for a limited leave benefit for the birth or adoption of a child. Many sectors of the business community have also indicated support. The administration, while generally unreceptive to any compromise, expressed interest. The Rules Committee has made an amended version of my legislation in order as a substitute to H.R. 770.

Unfortunately for the House and for those Americans who struggle with a choice between a child and a career, the debate over this legislation has become a political screaming match. Both opponents and proponents appear primarily interested in scoring political points for November. During the 1988 campaign, the President said "We also need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during serious illness." Now, the President tells us he strongly opposes a Federal mandate to provide even maternity leave. Evidently, the President's policy on parental leave is: "Just say nothing." The administration has no policy other than to oppose all amendments, all substitute motions, and H.R. 770.

On the other hand, the proponents of the Family and Medical Leave Act will try to persuade us their approach can become law. But most of us know better. If it passes, no assurance has been given for Senate consideration and the President's veto threat will be carried out thereby stopping this legislation. In any case, barely a majority, if that, will vote for this bill—far short of the two-thirds required to override a veto.

I sincerely appreciate the fact that the House leadership and the Rules Committee have granted a rule making my amendment in order. But I will not offer my amendment. The debate we will have today and tomorrow is about key votes by special interest groups and gamesmanship by the political parties; it is not a serious attempt to address the issue; and I will not be party to it. This issue is going nowhere this year. Despite the claims of the supporters of H.R. 770, no mandated leave policy will be signed into law by President Bush. But someday we may approach this question with a bit more sincerity on both sides. If so, I'll be ready with my substitutes.

Madame Chairman, I ask that a copy of my amendment and supporting materials follow these remarks.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Leave Act of 1990".

(b) TABLE OF CONTENTS.—

Sec. 1. Short Title; Table of Contents.

TITLE I—GENERAL REQUIREMENTS FOR MATERNITY LEAVE

Sec. 101. Definitions.
Sec. 102. Family leave requirement.
Sec. 103. Employment and benefits protection.
Sec. 104. Employee's failure to return to work.
Sec. 105. Effect on existing maternity benefits.
Sec. 106. Effect on other laws.
Sec. 107. Special rules concerning employees of local educational agencies.

TITLE II—ENFORCEMENT

Sec. 201. Enforcement provisions.
Sec. 202. Effective date; regulations.

TITLE III—COVERAGE OF CONGRESSIONAL EMPLOYEES

Sec. 301. Family leave for certain congressional employees.

TITLE I—GENERAL REQUIREMENTS FOR MATERNITY LEAVE

SEC. 101. DEFINITIONS.

For purposes of this title, the following terms have the following meanings:

(1) The term "eligible employee" means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) who has been employed by the employer from which leave is sought for at least—

(A) 1,250 hours of service during the previous 12-month period, and

(B) 12 consecutive months.

(2)(A) The term "employer" means any person who employs 50 or more eligible employees and is engaged in commerce or any industry affecting commerce.

(B) For purposes of subparagraph (A), the term "person" includes, among other things—

(i) any person who acts, directly or indirectly, in the interest of an employer to any of the employer's employees,

(ii) any successor in interest of an employer; and

(iii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(C) For purposes of subparagraph (A), a public agency shall be deemed to be a person engaged in commerce or in an activity affecting commerce.

(3) The term "employment benefits" means all benefits provided or made available to employees by an employer, and includes group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(4) The term "Secretary" means the Secretary of Labor.

SEC. 102. MATERNITY LEAVE REQUIREMENT.

(a) IN GENERAL.—(1)(A) An eligible employee shall be entitled, subject to section 103, to 10 workweeks of unpaid leave during any 24-month period because of the placement of a son or daughter with the employee for adoption.

(B) An eligible employee shall be entitled to such workweeks of leave during such period because of the birth of a son or daughter of the employee.

(2) An eligible employee must exhaust all accrued sick leave, vacation leave, or other paid leave before using the leave provided under paragraph (1).

(3) The 10-week period of unpaid leave provided in this section shall be reduced by the amount of paid leave substituted pursuant to paragraph (2).

(b) LEAVE SCHEDULE.—The unpaid leave provided under this section must be taken in consecutive workweeks.

(c) NOTIFICATION OF INTENT TO USE LEAVE.—At least 30 days before the day on which the leave provided under this section is to commence, an eligible employee shall notify the employer in writing of—

(1) the intent to take the leave,

(2) the date upon which leave is to commence, and

(3) the reason for taking leave.

(d) NOTIFICATION OF INTENT TO RETURN.—An employee must provide notice in writing of intent to return from the leave provided in this section at least 21 days before the intended date of return.

(e) FAILURE TO NOTIFY OR INADEQUATE NOTIFICATION.—(1) An employer may deny restoration under section 103 if an employee fails to provide the notice under subsections (c) and (d) or submits a false statement in such notice.

(2) Good faith errors in the notices described in this section shall not constitute false statements.

SEC. 103. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—(1) Any eligible employee who takes leave under section 102 for its intended purpose shall be entitled, upon return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced, or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) The taking of leave under this title shall not result in the loss of any employment benefit earned before the date on which the leave commenced.

(3) Except as provided in subsection (c), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave, or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(4) As a condition to restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the employee's health care provided that the employee is able to resume work.

(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—(1) An employer may deny restoration under this subsection to any eligible employee described in paragraph (2), if—

(A) such denial is necessary to prevent substantial and grievous economic injury to the employer's operations,

(B) the employer notifies the employee of its intent to deny restoration on such basis at the time the employer determines that such injury would occur, and

(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(2) An eligible employee described in this paragraph is a salaried eligible employee who is among the—

(A) highest paid 10 percent of employees, or

(B) 5 highest paid employees,

whichever is greater, of the employees employed by the employer at the facility at which the employee is employed.

(c) MAINTENANCE OF HEALTH BENEFITS.—Subject to section 104, during any period an eligible employee takes leave, the employer shall continue coverage for such employee under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986 (29 U.S.C. 162(i)(2)) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

SEC. 104. EMPLOYEE'S FAILURE TO RETURN TO WORK.

In the case of an employee who fails to return to an employment position described in section 103(a) after taking leave under section 102, the continuation of the employee's health care coverage as provided in—

(1) section 4980B(f) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)); or

(2) title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.),

shall be reduced by the length of such leave.

SEC. 105. EFFECT ON EXISTING MATERNITY BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater maternity leave rights to employees than the rights provided under this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act may not be diminished by any such agreement, program, or plan.

SEC. 106. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—This Act shall not preempt any provision of any State or local law that requires employers to offer more extensive maternity leave than provided for in the Act.

(b) NO VIOLATION OF CERTAIN EXISTING DISCRIMINATION LAWS.—An employer who complies with any provision of this Act shall not be considered to be in violation of title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978.

SEC. 107. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights, remedies, and procedures under this Act shall apply to any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees, including the rights under section 103, which shall extend throughout the period of any employee's leave under this section.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency exercising such employee's rights under this Act.

(c) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency:

(1) If the employee begins leave under section 102 more than 5 weeks before the end of the academic term, the agency my require the employee to continue taking leave until the end of such term, if—

(A) the leave is of a least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) If the employee begins leave under section 102 during the period that commences 5 weeks before the end of the academic term, the agency may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) If the employee begins leave under section 102 during the period that commences 3 weeks before the end of the academic term and the duration of the leave is greater than 5 working days, the agency may require the employee to continue to take leave until the end of such term.

(d) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 103 (relating to an employee's restoration to an equivalent position) in the case of a local educational agency, such determination shall be made on the basis of established school board policies, practices, and collective bargaining agreements.

TITLE II—ENFORCEMENT

SEC. 201. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—(1) Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) In determining the amount of any penalty under paragraph (1), the Secretary of Labor (hereinafter in this title referred to as the "Secretary") shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with the Act, including such legal or equitable relief incident thereto as may be appropriate, including, but not limited to, employment, reinstatement, promotion, and the payment of lost wages and benefits.

(c) PRIVATE CIVIL ACTIONS.—(1) An employer who violates this Act shall be liable to the eligible employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by an employee or prospective employee for or on behalf of such employee, prospective employee, and other employees or prospective employees similarly situated. No such action may be commenced more than 3 years after the date of the alleged violation.

(3) The court, in its discretion, may allow the prevailing party (other than the United States) reasonable costs, including attorney's fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to the pending action or complaint under this Act.

SEC. 202. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of its enactment.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary to carry out this Act.

TITLE III—COVERAGE OF CONGRESSIONAL EMPLOYEES

SEC. 301. FAMILY LEAVE FOR CERTAIN CONGRESSIONAL EMPLOYEES.

(a) IN GENERAL.—The rights and protections under titles I and II shall apply to any

employee in an employment position and any employing authority of the House of Representatives.

(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.

(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means House Resolution 558, One Hundredth Congress, agreed to October 3, 1988, as continued in effect by House Resolution 15, One Hundred and First Congress, agreed to January 3, 1989.

COMPARISON OF PENNY SUBSTITUTE AND H.R. 770

Provision	Gordon-Weldon	Penny amendment
Employees covered	All eligible	All eligible.
Length of leave	12 weeks per year for sick and family leave including leave for birth, adoption, care of a sick child, parents, or spouse.	10 weeks every two years for birth or adoption of a child only.
Notification to employer	No notice required	Written notice to start leave and resume work required.
Businesses covered	Businesses with 50 or more employees at facility or within 75 miles of the facility.	Businesses with 50 or more eligible employees.
Existing leave	Accrued paid and other leave not effected.	Eligible employee must use up existing leave before eligible for maternity leave.
Job protection	Requires employees to be restored to previous job or equivalent.	Same
Continuation of health benefits.	Requires continued health insurance benefits for workers on leave.	Same.
Incentives for employees to return to work.	None	If employee does not return as agreed, then COBRA health benefits are reduced by the period of the leave.
Federal and House employees.	18 weeks in 2 years for family leave and 26 weeks in 1 year for medical leave.	Federal employees and House employees entitled to same leave as private employees (10 weeks over 2 years).
	House employees permitted same leave period as for private employees (12 weeks).	
Enforcement	EEOC style enforcement, with multiple appeals through Department of Labor and right to appeal adverse rulings in Federal courts.	Enforcement mechanism same as polygraph law: up to $10,000 civil penalty.

FOOD MARKETING INSTITUTE,
Washington, DC, May 8, 1990.

Hon. TIMOTHY PENNY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE PENNY: I am writing to urge you to oppose the "Family and Medical Leave Act," H.R. 770 and to support H.R. 3445, the "Maternity Leave Act of 1989" sponsored by Rep. Tim Penny, which will be offered as a substitute to H.R. 770 when it is considered by the full House.

The Food Marketing Institute (FMI) is a nonprofit association conducting programs in research, education and public affairs on behalf of its 1,600 members—food retailers and wholesalers and their customers in the United States and around the world. FMI's domestic member companies operate approximately 19,000 retail food stores with a combined annual sales volume of $180 billion—more than half of all grocery sales in the United States. FMI's retail membership is composed of large multi-store chains, small regional firms and independent supermarkets.

The "Maternity Leave Act of 1990" provides for ten weeks unpaid maternity leave for the birth or adoption of a child. The employee would be required to use all paid leave before turning to unpaid leave for the remainder of the ten week period. Unlike H.R. 770 the Penny bill would provide the employer some assurance that the employee would return to the job because the employee would be required to sign an intent to return, twenty-one days before the intended date of return. There is also an exemption for small businesses employing fewer than fifty employees.

This bill is narrowly drawn and addresses the real issue at hand. A woman should not lose her job for taking maternity leave. H.R. 3445 assures this without the negative consequences and excess provisions of H.R. 770.

We urge you to oppose H.R. 770 and support the Penny alternative when this issue is considered on the House floor.

Sincerely,

HARRY SULLIVAN,
Senior Vice President
and General Counsel.

□ 2030

Mrs. ROUKEMA. Madam Chairman, I yield 6 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. First of all, I want to congratulate the gentlewoman from New Jersey for doing yeoman's work on behalf of this very significant legislation.

Madam Chairman, I rise and heave a sigh of relief at finally having the opportunity to speak in favor of the passage of the Family and Medical Leave Act. In fact, this bill has been on the shelf longer than most canned goods could last. The gentlewoman from Colorado [Mrs. SCHROEDER] and I have been working on scheduling this legislation since the summer of 1988, so we are very grateful for having the opportunity to consider it.

I am also looking forward to hearing some of the comments from my colleagues who opposed the recent Child Care bill because it discriminated against those parents, principally mothers, who chose to spend time with their children, for here we have legislation which is designed to bolster the American family by better enabling parents to be with their children, spouses, or their own parents in times of need, and now the opponents are saying this choice should not be mandated. Well, what kind of choice is it for a woman who will end up losing her job?

This bill will recognize in a substantive form the changing composition of the American work force and the corresponding new pressures on American families.

With 50 percent of mothers of children under age 1 working outside the home and with one-quarter to one-third of workers responsible for the care of an elder, the working world of today was not designed with family in mind.

In the past, women cared for children and elders at home. Even today it is expected that the average woman will spend 18 years caring for a dependent child, and 17 years caring for a dependent elder. Yet when can women provide such care if they enter the work force in ever-increasing numbers?

The fact is that times have changed, and Federal Government policies have to change as well.

Many States, not surprisingly, already have done so. In my own State of Maine, for example, there is a leave policy substantially similar to the proposal we will be considering tomorrow. It even applies to businesses with 25 or more employees, not 50, as the substitute will recommend.

Yet the State of Maine is predominantly a small business state. What has been the experience in Maine? It has been a very positive experience. I have not received one complaint concerning that State's policy, even though I actively solicited comments in that regard. When the State legislature met recently and was considering elimination of the sunset provision in that legislation, the State official who oversees the law said that their original concerns had not materialized.

Recently Maine State employees demonstrated the need and desire for increased flexibility in the workplace. Over 1,800 employees expressed interest in a program in which they can take one day off without pay every 2 weeks, without losing their benefits or their jobs. Clearly, that demonstrates the need and interest for workplace change exists.

Other countries, as has been mentioned here this evening, have realized this as well. Until recently the United States was alone among industrialized nations, with that well-known center of enlightened government, South Africa, in lacking a family leave policy. Now even South Africa has adopted a more progressive policy than we have, leaving us in shameful isolation.

What is stopping us from adopting a family leave policy? Well, that is the concern that this bill will lead to discrimination against women. Well, companies that discriminate do so at their own peril, because two-thirds of the new entrants into the work force over the next decade will be women, so the company that discriminates against them discriminates against its own future.

We hear that family leave represents an inordinate cost to business. Yet these costs are already being borne by society. One study found that the lack of leave costs workers involved in birth or adoption some $607 million, on top of the costs of pregnancy or adoption itself.

Workers who cannot return to their jobs wind up receiving unemployment and other forms of public assistance, all at a cost to the taxpayer. In effect,

tax dollars now subidize the business decision not to provide job protection.

Now, we have also heard that this legislation will only benefit middle income workers, that it will not benefit low income workers. Well, we know that low income workers need family and medical leave. The fact is, and I quote from a letter that the gentlewoman from Colorado [Mrs. SCHROEDER] and I are distributing to our colleagues tomorrow, that the least privileged, most vulnerable workers, are most likely to be without employer-provided job-protected leave. A 1986 study found that the average earnings of female employees without leave was only $10,765, compared to the $16,000 for female employees with leave.

Fact: Employees without adequate leave suffered increased unemployment.

Fact: While all employees who must be absent from work because of pressing family and medical leaves lose income, the loss is particulary severe for those without job protected leave. In fact, the annual earnings of women who do not have job protected leave fall an average of 29 percent after giving birth, compared to 18 percent for women who do have job-protected leave.

In conclusion, I understand the concerns raised by business and employers concerning this legislation. That is why I am very pleased with this compromise that will be offered tomorrow in the form of the Gordon-Weldon substitute. In fact, it has been one of several compromises that has been offered and developed over the last few years in response to the number of concerns that have been raised.

The plain fact is that short run adherence to the status quo will mean long-term losses in productivity for our society. It represents a cost to the worker.

It represents a cost to the employer. It represents a cost to society. It represents a cost to our government. With this legislation we have a chance for a change, to grapple with a very serious situation that ultimately will become a societal crisis.

Mr. GRANDY. Madam Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Madam Chairman, I would like to thank the gentleman for yielding this time to me.

I rise in opposition to the Family and Medical Leave Act.

There is a critical distinction between supporting family and medical leave as a good employee benefit and viewing these benefits as Government-directed and controlled by mandate. Congress should not mandate the particular employee benefits that a business can or cannot provide. Any mandate undermines the voluntary, flexible, and creative benefit system currently in place in this country today. The comprehensive benefit policies of today have helped many employers and workers. The legislation before us today threatens employee benefits and acutally may hinder an employer's ability to meet the needs of our changing work force.

□ 2040

I was a small businessman before, in my pre-Capitol days, and I would like to point out some of the cost problems in this legislation.

Supporters of this legislation keep citing again and again a GAO study that estimates an average cost to the employer under this bill to be $5.30 per employee annually. According to the GAO, there is little cost to the employer due to replacement of workers, hiring, training costs, lost productivity, or overtime.

I would like to point out a few problems with this fairy-tale estimate. First, I would like to say that the large majority of businesses in this country today already have some form of family leave, and I would like to know where those millions of women who are dissatisfied are. I have received no mail at all concerning this.

One more thing that I would like to say is nations; we keep citing Chile and South Africa and everybody else; nations do not provide benefits. Businesses do.

Let me get to one of the many distortions in this bill. The GAO report of $5.30 per employee per year, first of all, I need to say that if the job does not need a replacement, then one does not need the job. In other words, business people do not have people on their payroll who do not need to be replaced in case they disappear.

GAO says there is almost no difficulty at all in their discussion with business of replacing these people. There will be no cost.

Bryant Gumbel on TV this morning quoted this GAO report saying $5.30.

As a businessman, I took my own company and sat down to figure this out. My average wage is $8 an hour. To replace this worker takes time and a half. It has got to be overtime by that individual. Time and a half would produce $12 an hour. That is $4 over the standard cost. So I had used the $4. My fringe benefits run another 25 percent, and that is another $3, or $7 an hour for 12 weeks times 40 hours, instead of $5.30. This thing figures out to $3,360 per employee. The $5.30 is idiotic.

The premiums in my company alone, the insurance premiums paid by the company per individual, are $83 a month times the 3 months if they stay out the whole time, which is $249. At the present time, my company has fringes that include health benefits, life insurance, retirement, and the bill says these will be frozen. One cannot freeze benefits. They will continue.

At the present time, I offer maternity leave up to 6 months, paid time up to 60 days, flexible work schedules for sick children.

To pay for this, the mandated costs, what do we cut? Weight-loss classes, blood screening, cancer screening, physicals after 4 years. Workers who do not want and cannot use this benefit, like unmarrieds and elderly workers, should have a choice. They should be allowed to pick the benefits they want to spend their money on. It is their decision to make, not the politicians' in Washington.

Mr. CLAY. Madam Chairman, I yield 3 minutes and 20 seconds to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Madam Chairman, I rise today to join my colleagues in support of the Family and Medical Leave Act—legislation that has been a long time in coming for America's families.

We live in a nation where we value the family above all else. Or at least we say we do. We wax poetic about how important strong families are—important for building healthy lives for our children, for building productive futures, for building a better America.

Today many claim the American family is falling apart. They blame our social and economic ills on the demise of the family. Well, families are facing new challenges and I believe there is a connection between strong families and our social and economic success.

Families are our most important resource. They are this country's infrastructure. Yet if families are so important why do we not, as a nation, provide better support systems? The United States is conspicuous among advanced industrialized countries, in our failure to develop policies responsive to the family. We are the only country on Earth where you can be fired for having a baby.

We need to help parents and their children get off to a good start. They need to spend more time with their newborns or newly adopted children than a few token hours bonding in the delivery room. Parents need to be able to care for their families in times of medical crisis. We need to allow parents to be both a good parent and a good employee. Let us face it, parents are better employees if their family obligations are taken care of. We need to help parents live up to their family responsibilities. If we do so, our entire society will be better off.

THE SHIRLEY RECTOR STORY

The need for family leave never hit home more strongly than when one of the members of the Washington State Legislature, Shirley Rector, took the floor and related her personal story. At 26, Shirley was the family breadwinner, putting her husband through

school, when she found out she would never be able to have children. She and her husband desperately wanted a family so they decided to adopt. They applied for adoption and were encouraged by the agency to begin to plan for their first child.

They bought baby clothes, picked out names, set up a nursery, and made all the plans excited new parents make. Rightfully, the agency required parents to take a 3- to 4-month leave of absence from work to spend time bonding with their new child. But when Shirley asked her employer for time off because she and her husband wanted to adopt a child, she was flatly told no.

The Rectors had to make the choice between having a family and working to provide for themselves. What kind of a choice is that? The Rectors were heartbroken. They were forced to give up the child they had always wanted. They never did adopt. They were denied a family, even a future, because no one would give them a few weeks out of their lives to care for a new child. This is unforgiveable.

Shirley says today that family and medical leave is not a male/female issue. It is not a business/union issue. It is an issue of simple human concern. Families are the real issue here. In our zest to remain strong in an ever increasingly competitive world, we must not lose sight of the fact that our families are our most important resource.

Let us live up to the courage of our convictions and pass this bill. This bill is sensitive to the concerns of small business, while making a renewed commitment to families. Strong families and a sound business community are the foundation for a strong, productive, and competitive country.

Mr. GRANDY. Madam Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the Committee on Education and Labor.

Mr. FAWELL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise in opposition to H.R. 770.

I must confess that I am a bit confused as I listen to the very fine arguments on both sides of this issue, but it seems to me that the issue here is not the family or choice in regard to a family as has been suggested. The issue, it does not seem to me, is parental leave or even bonding between parents and children. By the way, as one person testified in our committee, bonding between parent and child is a lifelong responsibility.

It seems to me that the real issue, at least as I see it here, the overwhelming issue is whether Congress should mandate, and I will use that word, not a parental leave program, but an inflexible, one-way, for all national Federal employee leave program for all of America's employers, for-profit businesses, not-for-profit companies, charities, all State and local governments, hospitals, schools, colleges, universities, and the list goes on and on. We will start with those that have more than 50 part-time and full-time workers, but we all know that we are going to try to include them all eventually.

The mandate assumes that the job responsibilities and the employee leave programs of a fire department in Albuquerque or a hospital trauma team in San Francisco are the same as a manufacturer of widgets in Boston or a college in Florida, as if the unique and dangerous challenges of a drug or homicide team in Chicago or New York and their leave policies pose the same personnel problems and needs as a department store in Philadelphia or a major-league baseball team operating out of Houston.

It seems to me that it is audacious for Congress to assume that it has the wisdom or the right to directly mandate in detail, and read the details of that bill, a Federal leave program for all of the diverse employment structures of America.

These employers are obliged to meet the thousands of distinct and differing needs of millions of private and public job functions in America where the leave policies have to dovetail with the various job responsibilities.

Now, this is especially true with local governments all over America. Local governments have vital public health, safety, educational, and social responsibilities to fulfill, and these local officials know a lot more than Congress about crafting of their employee leave policies to fit the unique and the distinct public missions which may be entrusted to them as mandated by local and State laws.

What makes Congress believe it can tell a public hospital in Chicago or for that matter any hospital anywhere in the country when and under what circumstances badly needed physical therapists or ambulance drivers or paramedics or emergency room personnel may take 12 weeks of leave, in one chunk, or intermittently, if you please, and fully expect to have the same demanding jobs for which, by the way, replacements are extremely difficult to find, waiting for them when and if they choose to return.

I recently spoke to a fire chief of a mid-sized city in Lisle, IL, who pointed out that without flexible local control over employee leave, the fire department, unable to control its own employee leave program, could fail to meet the manpower requirements dictated by State laws and be forced to close for a day or two until the employee came back or they found a replacement.

Health and safety mandates though make replacement workers next to impossible to find. The probationary period for a fireman is 10 months. Paramedics have to have at least 480 hours of training to even draw blood from a needle.

Madam Chairman, we are working with the public health and safety all over this Nation. How does a fire department or a nuclear powerplant respond if its emergency personnel have taken leave under a rigid one-way-for-all Federal mandate coming from where we know it all, Washington, DC.

Now, obviously the proponents realize the unworkability of this proposal, but, alas, only to a tiny degree, because they set forth special rules of the unique needs of leave programs affecting elementary and secondary schools.

But what about the million and one unique needs of the rest of our local government employers who are attempting to fulfill their equally unique public duties, not to mention the varied and diverse private employers of America?

Madam Chairman, the United States is a little United Nations. The millions of private and public employers of this nation are diverse, they are all unique, and they are all free, at least much more so than most of the nations in this world. They are not perfect, but they know their distinct public and private callings, far better than Congress.

They are not insensitive to their employees or the many employee benefit programs employees desire, of which, as the previous speaker brought out, employee leave is only one.

Madam Chairman, there is a reason why few states have laws as restrictive and as confining as this bill, and that is because they know better than we in Washington the varied and distinct needs of the diverse employment structures within their state, urban, rural, or otherwise. We should understand that.

Madam Chairman, the question of employee leave all across this vast Nation of ours cannot be met by a one-way-for-all edict out of Washington. The cure of this bill is, I agree, far worse than any of the wrongs it is intended to cure.

□ 2050

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Chairman, today I rise in support of the Family and Medical Leave Act, and in particular the Weldon-Gordon substitute we will be discussing tomorrow.

Years ago Congress could perhaps give businesses the latitute of making the decision to grant parental and medical leave, but those days are gone. According to a recent Census Bureau report, only 28 percent of new mothers quit working from 1981 to 1985. Compare that figure to the figure of 60

percent of new mothers who were able to quit work from 1961 to 1965.

I daresay looking at the last 4½ years, the need for working mothers to stay employed has increased. We can no longer leave this discretion to the business person.

Now, God bless the good and sensible businessman or woman that my colleague from Iowa described who understands it is good and smart business to take care of his or her employees. He or she should no longer fear the mandates of this legislation, but rather welcome the equity that it would bring in the marketplace.

But what about those less cautious, less concerned businessmen and women who will not rely and give the benefit of the doubt to their employee who needs that special time? That employee will fall through the cracks and ultimately become a greater societal burden and contribute to a multitude of problems.

If we are going to encourage growth in our economy and encourage productivity in our work force, we must send a message of encouragement to all families. It is a tragedy when a young couple must postpone their dream of having a child for fear of losing a job or losing a real needed income. Let us send a message to the working people of this country that we will not force them into that harsh decision, and if a worker suddenly becomes ill or family member needs love and attention, they will not be hurt by the system.

This does not send a signal of government interference, but rather it sends a message that Congress has a lot of compassion and a little common sense.

I only need 1 more second to answer the important recollection that the gentleman from Iowa made in correctly pointing out that this week we in Congress celebrated Small Business Week. I would also like to remind the gentleman that this Sunday we celebrate through our Nation Mother's Day.

Mr. GRANDY. Madam Chairman, I yield 4 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Madam Chairman, I am disturbed the way this discussion is going. If you are for a particular feature which is not incorporated in this bill, you are against family planning and family leave. I think that is a mistake.

I don't know who I am talking to. There are not too many people here tonight, and most people I suppose have sort of made up their mind on this darn thing. But I really feel we all recognize the elements here. There is a change in the work force. Mothers and fathers should not be separated and you should not make the change or the decision that it is a job or a family.

But we also know that there are people who receive and people who provide, and small businesses particularly are the ones who are going to be hurt by this. Small businesses are fragile. They produce 70 or 80 percent of the new jobs in this country, and we cannot compare ourselves to our foreign partners, because we have grown so breathtakingly faster than they have. There is absolutely no comparison.

But it all sounds so simple, that we produce a law, the employer pays, the employee receives. But it is not that simple at all.

I was associated and I had part of my skin in a plan, which is pretty good plan, but it was a relatively large company, and we could maneuver around all the different features. If somebody was pregnant and was having a child, she would get 6 weeks, full pay, and then after that another 6 weeks where the insurance would kick in, and after that another 20 weeks so she could be with the child, and the same features would apply to many people who had family problems in terms of illness.

□ 2100

H.R. 770 is not going to provide medical leave. Let us not be arrogant about that.

Most people do this anyway. The ones who do not are the ones that are small and are growing. There was a fellow in my office today and I was talking about this, and I said what do you think about it. He said: "A terrific plan, I want to do it." But he said, "I can't do it now, I can't afford it, but I will do it someday, I am going to do it because it is right for the employees."

That is the type of attitude there is. What this bill does is universalizes the concept and affects not only the very large companies but the tiny, struggling companies that cannot afford this, and it shoves another regulation down their throat.

The thing I ask is really can we not trust people to do this? Do we think that by passing this law people are going to be better off?

Most people want to do it. They want to take credit for it whether it is a company or a union.

I read the other day about George McGovern. He is running a small motel, and he said:

> You know, I never knew what it was like to run a business before. I never had to meet a payroll, I never had to go down to Hartford and pay taxes, I never had to do any of the things which are required of a business. I only wish I had known this before I ran for the Presidency.

Most people do not know this. Most people have never had to meet a payroll. The larger companies can do anything. We can do anything. It is the smaller firms that I am worried about, and they are not protected in this particular act.

Mr. GRANDY. Madam Chairman, is the gentleman from Missouri [Mr. CLAY] no longer seeking time?

Mr. CLAY. Madam Chairman, the gentleman from Missouri is reserving his time for closing debate tonight.

Mr. GRANDY. Madam Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Madam Chairman, I really do not know how to approach debate on this except to say maybe I have a great idea for us trying to balance our budget, and maybe we can become the AFL-CIO and start charging union dues, because that seems to be what we are trying to accomplish in this Chamber, not only with this bill, but bill after bill after bill. We are going to mandate the benefits to the employees.

Why do we need unions? Why do people out there in the public sector need unions? The unions can just depend on us.

I am a small businessman and a typical small businessman as the gentleman from New York [Mr. HOUGHTON], just talked about, an employer of 40 to 60 employees in a very heavy labor-intensive business.

Minimum wage came along. I had very few people on minimum wage, even though I am a farm-type employer. But yet I took all 40 of my employees and I had to increase them because it was right, because I had to increase 5 or 6 that were making minimum wage and I increased all of my employees. My expenses for operating a small business went up 10 percent this year and will go up 20 percent next year. I will give those benefits, I have no problem with doing that, until I go broke, and then there are 60 people left out on the street. I have no problem giving mandated benefits to my employees.

They come to me and they tell me they have a problem. I, as 90 percent or 99 percent of the businesses in this country, as a good employer, I am not going to run a good employee off. No one wants to lose an employee that is productive for him. We are sounding like the businesses of this country just want to run people off. That is not what it is all about in America.

I have no problem giving a lady as much time off as she needs or a gentleman who works for me if they have problems, or if they are pregnant, or have a sick mother or whatever it may be. But if we continue down the road we are going with this, with ADA, mandatory health, the other issues that we keep putting on businesses such as mine, they will not be able to operate in this country. Maybe a business with 5 people can, maybe they will be able to do the benefits, or maybe a company with 500 or 600 will be able to operate. But we are going to put the backbone of this country out

of business, and that is the small businesses like Holloway Nursery who pays 50 employees and who is a very important part of Rapides Parish in Louisiana. There will not be any of us around or there will be a few. Maybe in a State where there is great economic growth there will not be a problem. But in the oil patches of Louisiana, Texas, and Oklahoma, today there is a problem. We have a problem staying in business, and you do nothing here to help it.

I suggest we start collecting union dues and go ahead and represent the employees of the country, cut out the AFL-CIO, the Teamsters, we do not need them anymore. We will do it for them. Maybe we can collect the $20 a week or the $20 a month it takes.

Mr. DELLUMS. Madam Chairman, the Congressional Black Caucus today appeals to the Congress to take a stand for the American family and the future well-being of our Nation by voting for passage of the Family and Medical Leave Act.

The balance between work and family responsibilities is a precarious one. Over the past 25 years, the demographics of the American work force and American families have changed dramatically. These changes hold significant implications for both American public policy and for every individual.

The once typical American family, where the father worked for pay and the mother stayed at home with the children, is vanishing. Today, less than 10 percent of the population fits the classic family model headed by a single male breadwinner. The majority of American families are comprised of two-earner couples working outside the home and, as of 1987, a majority of mothers with children under 1 year of age are in the work force.

Between 1950 and 1985, the number of women in the labor force increased by 178 percent, while the number of men rose by only 47 percent. Women make up 44 percent of the work force and by 1990 are expected to make up one-half of the work force. Over half of all mothers with children under the age of 1 are working outside the home.

Most women work out of economic necessity. In today's economy, most couples need two incomes to maintain the standard of living their parents enjoyed with only one income; single parents are struggling to survive. In addition to child care responsibilities, many families also provide unpaid care to elderly parents and relatives who are seriously ill.

Most employees cannot afford to leave their jobs when they must care for a new child or a seriously ill family member, or when they must be absent because of their own medical conditions. Most families cannot afford to forfeit the income that enables them to pay the rent, make car payments, and put food on the table. The obstacles facing working families are daunting enough. Families need the security of knowing that caring for their families and themselves will not jeopardize their economic well-being.

Employers generally have failed to adapt their policies to meet the family and medical needs of their employees and their dependents. Employed women have borne a disproportionate share of the burden as they have struggled to fulfill both their traditional family responsibilities and maintain paid jobs.

According to one national survey, just half of large employers offer unpaid job-protected parental leave for women after childbirth. Paternity leave allowed by large employers is generally limited to a few days, according to another study; and a General Accounting Office study shows that more than 60 percent of employees are not covered by short-term disability plans.

Existing labor standards are inadequate to meet the needs of today's working parents. Currently, no Federal policy exists that guarantees family leave or medical leave. A handful of States require some job guarantees for pregnancy, parental and general medical leave; however, these laws are both inconsistent from one State to the next and inadequate.

Under the Federal Pregnancy Discrimination Act, employers must treat pregnancy-related disabilities just as they would any other temporary disability. Unfortunately, many employers do not provide their workers with leaves for temporary disabilities. Employees are too often dismissed because they are unable to work due to medical conditions, such as pregnancy, childbirth, heart attacks, and cancer.

The United States is alone among advanced industrialized countries in the lack of development of parental leave benefits. The United States still provides no national health insurance, minimum maternity or parenting benefits, or job-protected leaves at the time of childbirth of for other serious health conditions. Over 100 countries, including all the industrialized nations, guarantee workers some form of job-protected, partially paid maternity-related benefits. By 1986, nine European Community countries provided paid parental leave to both men and women.

The Family and Medical Leave Act is needed to respond to employers' current ad hoc policies left by the vacuum in Federal and State parental leave legislation, and to address the new realities of working parents. Both mothers and fathers will be able to take a period of leave from their jobs in order to participate in the early care of newborn or newly adopted children or to attend to a son, daughter, mother, or father with a serious health condition.

The Family and Medical Leave Act will provide job protection for all workers, assuring them if that they suffer a sudden illness or if they have a temporarily disabling accident, they will be able to return to their jobs when they have recuperated.

Strong families are the foundation for a strong, productive, and competitive company. The Family and Medical Leave Act is a positive response to the new social and economic realities, and reflects family policy that seeks a preserve and reinforce a wide range of family patterns present in our society.

Mr. KYL. Madam Chairman, I rise in opposition today to the Family and Medical Leave Act. I will be the first to agree that there are countless situations in which workers need the opportunity to care for family members in a time of crisis. However, in the vast majority of instances, these situations are already accommodated by employers. Many different studies, including several by the Department of Labor—Bureau of Labor Statistics—have indicated that most employees in this country have access to a leave policy. Indeed, the trend in business is toward greater flexibility in family and medical leave policies.

H.R. 770 will mark Congress' most dramatic attempt at mandating employee benefits. One effect will be to limit traditional negotiations on benefits between employers and employees. Currently such negotiations often take place within a cafeteria style selection of benefits whereby an employee chooses the benefits he or she wants.

The passage of H.R. 770 would eliminate family and medical leave as a choice. Of course, the cost associated with this mandated benefit would lead employers to withdraw other, perhaps more wanted, benefits from the cafeteria choices in order to offset the costs of the mandated benefit.

Certainly some employees would take advantage of this benefit. GAO estimates 1 in 300 to be exact. But the remaining 299 employees who may have wanted another benefit may not get their choice due to the H.R. 770 mandate.

Finally, the very legitimate concerns of businesses must be taken into account. We have all heard proponents say that this legislation will cost businesses across America only $188 million according to GAO. However, this estimate fails to take into account such factors as lost productivity, costs of replacement temporary workers, the unemployment insurance costs of taking care of these temporary workers once the permanent workers return from their leave, and the rising costs of health insurance.

On the horizon, businesses see Congress expanding on this legislation by requiring paid family and medical leave. Combined with a rising sentiment in Congress to mandate employer-provided health benefits, American businesses are more suspicious than ever before about congressional intentions.

H.R. 770 is feel good legislation that will not be beneficial to either employers or employees. At a time when the American work force and business and industry have all taken great strides to accommodate each other in today's ultracompetitive world, mandated benefit legislation is outdated and unproductive.

Mr. DREIER of California. Madam Chairman, in March the Washington Post reported about a work and family seminar offered in Washington, DC, to executives. When the seminar was offered 3 years ago, an exhaustive search was conducted to find a CEO willing and able to speak on the subject. A lot has changed since then. The conference board was inundated by phone calls from well-qualified executives who wanted to speak at the 1990 conference. Registration had to be temporarily closed to find larger rooms to accommodate the over 400 executives, academics, and consultants.

U.S. employers have begun adjusting their benefit policies in response to the changing demographics of the American work force. Companies are being forced to update their benefit policies, not by the Federal Government, but in order to compete for employees in a shrinking and changing labor force.

Yet, Congress refuses to recognize the efforts of managers across the country and is, instead, pushing through a rigid Federal parental leave standard that will apply to all workers in all jobs in all companies, thereby eliminating any flexibility at the bargaining table.

Let us not fool ourselves into thinking that we are increasing the total benefit package of employees by mandating a new parental and family leave benefit. We have seen the error of this logic in the nearly 700 State mandates for health insurance, ranging from such commendable benefits as alcoholism treatment and prenatal care, to wig benefits. These mandates are responsible, in part, for the high cost of health insurance, and the inability of many small businesses to cover their employees. In fact, one of five small businesses that don't offer health insurance say they would have plans if they could eliminate the State mandates.

The truth of the matter is that our Nation's employers devote 37 percent of their payroll costs to benefits. For many companies, reducing other benefits may be the only way to absorb the cost of any new benefit required by the Federal Government. A federally mandated parental leave entitlement discriminates against those who do not want or need this benefit and who would otherwise choose a different benefit option.

Madam Chairman, the Parental and Medical Leave Act assumes that Congress knows what is best for 126 million workers. I believe this and other well-intentioned mandated benefits that Congress is considering are best addressed at the bargaining table, where flexibility is maintained and employers and employees can determine the benefits that best meet their individual needs.

Mr. CRAIG. Madam Chairman, tomorrow the House will vote on H.R. 770, the Family and Medical Leave Act. Proponents of the bill often misleadingly refer to it as a "parental leave" bill, or "family legislation." In fact, this bill is just another attempt by big government to interfere with families and private initiatives by imposing Federal mandates.

Yes, there have been great changes in the family structure, and many employers have responded on their own accord, without Government prompting. Unfortunately, H.R. 770 will only serve to disrupt this trend and create some unwanted side effects.

I cannot overstate my frustration with a process that continues to attempt to solve problems by increasing the Federal Government's involvement in our lives. This issue has come up time and again over the last few Congresses and the same concerns have been expressed. Yet Congress continues to force the mandate approach to this issue when a sound alternative policy exists.

Madam Chairman, Congress can assist America's families without this sort of Federal intrusion. H.R. 1141, the Family Leave Benefits Assistance Act of 1989 is a voluntary approach. It would offer incentives, helping employers and private organizations to meet the needs of working men and women and their families.

Mr. SHUMWAY. Madam Chairman, I appreciate having this opportunity to discuss my criticisms of the Family and Medical Leave Act. This is yet another example of bad policy masquerading as a noble goal. Indeed, as one of our colleagues has pointed out, this bill has all the earmarks of becoming our next great regret, a repetition of the disastrous catastrophic care effort, which created far more of a problem than it resolved.

What is wrong with the Family and Medical Leave Act? Just about everything, in my view. First, it is neither appropriate nor desirable for the Government to determine family leave policy. The Federal Government, by its very nature, can only issue broad edicts. They are necessarily inflexible, unsuited to every situation, and therefore erosive of liberty and freedom for some Americans. Freedom of choice for parents and freedom of contract between employer and employee make far more sense. Such liberty enables potential employees to negotiate for the benefits they require. It also allows parents to determine the most appropriate action to take concerning their families.

Perhaps the most ironic consequence of the bill is that it would be counterproductive. Instead of helping women in the labor market, the bill would hinder their advancement. Similar laws in European countries have effectively decreased the ability of women to compete in the labor market. Since leave benefits are an added cost, employers probably would avoid hiring candidates who appear likely to require those benefits: women, especially married women of child-bearing age.

Women would be hurt in many ways. If more of them are encouraged to enter the work force as a result of this legislation, wage rates in some occupations they dominate could decline. Older women, or those with older family members more likely to develop chronic or disabling illnesses, would hardly be favorable candidates for hire. And women most in need of assistance would be those most affected: those with little experience, education, or skills.

Business and industry employing large numbers of women, particularly retail and service industries, would be forced to increase prices to offset the cost of the new benefits. The resulting decrease in demand could lead to layoffs, the majority of whom would be women. Employers attempting to avoid higher prices by absorbing the cost of benefits might be forced to decrease output—another erosion of jobs, and a detriment to the entire economy.

Finally, if enacted, the bill would create a costly administrative nightmare, one which encourages lawsuits and associated expenses, and which decreases productivity.

In summary, when Uncle Sam dictates inflexible policies like these, there are few winners and many losers. If this bill becomes law, some women may benefit greatly, but at the expense of many other Americans, including many other women. Individual liberty will suffer, as the State removes personal choice from the hands of women, parents, employers, and workers. The vast majority of American firms already have some parental leave policy, in response to market demands. Those policies, some formal, some informal, are able to adapt to the changing dynamics of the workforce and the marketplace. There is no need to legislate a costly, intrusive, restrictive compulsory program which is incapable of recognizing individual differences. We need less Federal meddling into family decision-making, not more.

Mr. MARLENEE. Madam Chairman, the Family and Medical Leave Act, H.R. 770, reminds me of castor oil. My mother used to tell me, "take it—it's good for you." Sorry, I didn't buy it then, and I don't buy it now! Castor oil just made me realize how bad things could get.

I have absolutely no intention of forcing a barrel of castor oil down the throats of American employers and employees. The American work force has a few aches and pains, I will admit, but H.R. 770 is no solution. Rather than benefiting our work force, this legislation will diminish our Nation's international competitiveness, make the work environment unstable, and create a backlash against the very people it is designed to help.

Today, our younger generation falls into two categories. They are either not willing to settle for anything but the best, or they are simply trying their best to keep up with the high cost of living. Because of this, we see more and more young couples attempting to raise families while both parents maintain full-time jobs. As the American family changes, the demands shift. In an effort to address these changes, supporters of H.R. 770 suggest a huge interference between employer and employee relations. This is a dangerously misguided precedent.

Let's get down to specifics. H.R. 770 would entitle non-Federal employees to 15 weeks and Federal employees to 10 weeks of unpaid family leave for birth, a serious health condition of a child or parent, and adoption. It would also entitle non-Federal employees to 18 weeks and Federal employees to 10 weeks of unpaid temporary medical leave for a serious health condition of an employee. This bill would impact all businesses which employ 35 or more workers.

Currently, most American employees work 48 of the 52 weeks in a year—2 weeks of paid vacation, 1 week of sick leave, and 1 week of observed holidays. If H.R. 770 becomes law, 10 to 18 weeks can be taken off—plus 2 weeks of vacation. This means an employer can count on each employee to work only 35 weeks out of the year.

This leave can be taken with reasonable notice, and the employee will be guaranteed the same or comparable job immediately after returning from leave. There are no definitions to these vague concepts. Is any protection offered for the employer against employees who will abuse this new privilege? No. In fact, the bill contains onerous enforcement provisions that would fine employers four times the salary level to make up for loss of back pay and mental anguish. Where is the concern for the state of business in America? This enforcement provision is unheard of in any Federal labor law, and I believe this would set a new negative precedent for more contentious labor/management relations.

What will this bill do to our Nation's competitive ability? The creation of an unstable work environment and a huge decrease in productivity has dangerous potential for our ability to compete in the world marketplace.

I realize this bill is not gender specific, but the majority of family and medical leave will

justifiably be taken by the traditional caregivers of our society—women. This legislation has many good intentions to help these young women balance responsibilities, but those who will be hurt the most will be the entry-level young married people who will be passed over for more mature employees.

Forcing employers to offer special benefit packages hurts the very people we try to help, and discriminates against those who have no interest in such benefits—couples without children, the elderly, and the single person. We should ask ourselves what present benefits provided by the employer will be surrendered because of parental leave.

Many employers have offered employees generous benefits without being dictated by Federal mandate. Life insurance, group health plans, pensions, profit-sharing plans, vacation time, sick leave, flex time, education assistance—all of these have been freely agreed upon in negotiations between employees and employers, and they are being widely offered despite the absence of a mandate from Washington.

I am sensitive to the changing needs of our American work force, and I am committed to meeting those needs. However, I believe these needs can be met without Government mandates. I strongly support businesses who expand benefits to include family and medical leave on their own. This is the appropriate place where these benefits should be negotiated—not imposed upon all businesses with 35 or more employees by bureaucrats in Washington.

Parental leave is a misguided effort by those who do not understand family structure or who have very little understanding of business management. If we get right down to the dollars and cents of this legislation, H.R. 770 will not help anyone. Rather, it will penalize businesses by decreasing the productivity and stability of the American work force, and it will ironically hurt employees by making wages lower and jobs more difficult to obtain.

Madam Chairman, like castor oil, this legislation leaves me with a bad taste in my mouth. I urge my colleagues to vote against H.R. 770.

Mr. CLAY. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, I might say to the last speaker that the reason that it is becoming increasingly necessary for this Congress to get into the labor/management relationship that exists in our country is because the laws have been so tilted that the labor unions no longer have influence in terms of setting labor policy. At one time when the organized labor movement represented approximately 33 percent of the people in this country, whenever they negotiated benefits for their workers, it had a carryover effect that affected the rest of the nonorganized workers. Now that they represent approximately 15 percent or 16 percent, that 80 percent to 90 percent of the work force in this country, that 80 million to 90 million people in the work force are not represented by labor unions and the effects of the negotiated agreements do not spill over into the rest of the labor sector.

Most of the labor unions that are supporting this piece of legislation already have negotiated for their membership better benefits than what we are talking about presently in this piece of legislation. It is the 80 to 90 million people out there that are not represented by organized labor that this piece of legislation is for, and mandating this type of a benefit is no different than the other types of benefits that we have been mandating for some 60 years in this country.

Demands for a family leave policy have been growing steadily in the last 5 to 6 years. In the past 5 years, 17 States have enacted laws establishing minimum standards for parental or medical leave and leave legislation is now pending in more than 30 States. But attempting to resolve a national problem in such a piecemeal fashion is not desirable. State-by-State standards present problems of uniformity and consistency and labor standards should be national in scope.

It is true that many employers have implemented leave policies that far exceed the requirements of this bill before us. But they have benefited from those policies in the form of improved employee morale, higher productivity and retention of an experienced work force. I think it is time that we realized the problem that exists, Madam Chairman, and that we enact this legislation.

Mr. GRANDY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, let me read a statement that was made as part of the record by a female in the workplace who said this: "I was directly told what a shameful thing it was to continue working when I was pregnant, and that it doesn't look good to be working."

Madam Chairman, this woman was not in the district of the gentleman from Louisiana [Mr. HOLLOWAY], in the district of the gentleman from New York [Mr. HOUGHTON], in the district of the gentleman from Missouri [Mr. CLAY], or in my district. This woman is an executive in Japan. This woman is one of those 40 percent of the Japanese work force that even with their generous, mandated benefits finds herself discriminated against, and in many cases people who are not lucky enough to be an executive find themselves wearing uniforms in Japan. I doubt very seriously that leave benefits and relative economic growth notwithstanding, that anybody here would emulate that policy. I doubt any of us would actually go out on point and say we want to be like this nation that appears to be so chauvinistic, and I doubt very seriously that any of us would want Sweden's growth rate or the rest of Western Europe for that matter.

□ 2110

Why is it that when Eastern Europe leaves the Soviet bloc they do not go to Stockholm? They come here. They want to find out what we are doing right. They want to emulate the policies of the United States.

Some of those policies are not done by Government.

Mr. CLAY just mentioned that labor had not been successful in negotiating benefits. Well, that is not borne out by some of the collective bargaining agreements that have taken place in just the last year and a half. AT&T and the Communication Workers of America, a hallmark agreement guaranteeing flexibility and choice, including benefits such as child care resource and referral services, elder care resource and referral services, adoption assistance, expanded employee assistance, preretirement, I could go on and on. But, Madam Chairwoman, here is the problem: A benefit decreed is a benefit denied.

If we put the Federal Government into the collective bargaining process, if we insist that 12 weeks of unpaid leave becomes part of the mix, then we do not necessarily ensure all of the benefits that are being offered by these unions such as the agreement that the UAW carved out with Navstar International: 7,000 employees were given a leave of absence not to exceed 12 months; or Merck and the OCAW agreed, reached an agreement May 1988 for a leave of absence up to 18 months.

My point is this: There are as many leave benefits options as there are workplaces, almost as many as there are employees. And we do not have the data that creates a one-size-that-fits-all mandate.

The GAO study, which acts as the database for this study, was conducted in Charleston, SC, a community of roughly 200,000, and Detroit. Detroit is larger than my State. It has no relevance to Rock Rapids, IA, a small town in northwest Iowa, 2,500 people, which has small firms, most of them around 50 in the businesses. That is not just a small business or a big business, in many cases that is the only business. And they fight to retain skilled employees; not all of them, by the way, highly compensated; not all of them key employees under Mrs. ROUKEMA's provision. But they are important to that community, and it would be devastating to that community if for some reason a business decides that because there is not an accessible labor force or labor pool, they have to go 80 miles and move back to Sioux Falls. Perhaps not a problem that concerns Members from affluent districts, Members from urban districts, Members from areas that have large pools of skilled labor, but it concerns me.

I would dare say it concerns Mr. HOLLOWAY and other Members of this body who are coming out, by the way, out of about 10 years of an economic downturn particularly in agricultural areas, where we are just beginning to see the light of day.

In return for that innovation we are now offering more mandates.

I cannot go along with that, Madam Chairwoman. I can go along with the States offering the policy, I can go along with the 16 or so States which offer a variety of leaves. I can go along with Oregon, which has offered a plan which offers employees a nondiscriminatory cafeteria benefit plan, which includes as one of its options a parental leave benefit. And if you have that, you are exempt from their family leave plan.

Madam Chairwoman, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentlewoman from New Jersey is recognized.

Mrs. ROUKEMA. Madam Chairman, I do not know, they are trying to make this a negotiating collective bargaining process issue. It is not that at all. The chairman has correctly stated, most contracts, labor union contracts, far exceed, exceed what is provided for in this bill. We are writing a minimum labor protection not for the good business citizens or for the labor unions who are negotiating contracts. We are writing protection for the weak and the vulnerable in this country, just as we did with minimum wages, child labor, with a whole host of labor protections throughout our history. It is humane, and it is good business, and that is what we are talking about.

So let us not get this mixed up with the union bargaining.

Second, we keep repeating something about benefit packages, as though $5.50, which is the average—and the GAO has reported—is going to buy something in a benefits package. It is not. We are talking about a minimum job protection standard.

Again I want to repeat what I said in my statement earlier, there was not one business nor one State who has already adopted leave policies far more generous than this one proposed who came before our committee, even after being invited, and said to us that it either interfered with their productivity or the operations of their business or that they would abandon their practice.

I think that is proof.

Finally, I want to stress there is a whole list of organizations that support this bill. And they are not labor unions. They are the Catholic Conference, just to name a few, the Conference of State Legislators, the American Academy of Pediatrics, the American Association of University Women, the Junior League, the Federation of Business and Professional Women, the American Psychiatric Association, the American Nurses Association, United Methodist Church, the National PTA.

These are not labor unions. These are people out there who understand the stresses and strains of family living today and who want to repair the fabric of society, family life in this country and want to protect the children who are our future.

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

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

Mr. GRANDY. Madam Chairman, may I ask the indulgence of the Chair to inquire, as we are about to rise, is it the Chair's understanding that on resumption of the debate tomorrow each side has 30 minutes remaining of general debate? There is 1 hour left in general debate?

The CHAIRMAN. The gentleman from Iowa is correct.

Mr. GRANDY. I thank the Chair.

Mr. CLAY. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. OLIN) having assumed the chair, Mrs. KENNELLY, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 770) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, had come to no resolution thereon.

ANNUAL REPORTS ON ACTIVITIES OF DEPARTMENT OF LABOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—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, without objection referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today Wednesday, May 9, 1990.)

□ 2120

INTRODUCING THE BUDGET PROCESS REFORM AND SOCIAL SECURITY PROTECTION ACT OF 1990

The SPEAKER pro tempore (Mr. OLIN). Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am introducing legislation today which reforms the Federal budget process and protects the Social Security Program. As you know, I presented a budget challenge several weeks ago which would reduce the budget deficit by over $500 billion over 5 years. As I have publicly stated, I welcome responsible modifications and alternatives. I do not pretend that it is a perfect plan. However, I strongly believe that we need a bold deficit reduction plan to reduce our massive borrowing, reduce our dependence on foreign investors, restore our country's international competitiveness, and enhance the standard of living of our children and future generations of Americans.

The legislation I am introducing today is intended to be a companion to my deficit reduction challenge and implements many of the suggestions on budget process reform that I made today in testimony before the Committee on Rules, and previously to the Committee on Government Operations.

REFORMING THE BUDGET PROCESS

As I have said in the past, no amount of budget process reform will substitute for strong political leadership on deficit reduction at both ends of Pennsylvania Avenue. I am pleased to say that we have made great strides in that direction in the last several days. I am encouraged that the President and the bipartisan congressional leadership have begun serious discussions about the budget deficit.

In the Rostenkowski challenge, I suggested that Gramm-Rudman be repealed because Gramm-Rudman would no longer be necessary if a bold deficit reduction plan is enacted. Others, including the administration, feel that Gramm-Rudman should be retained even if a responsible deficit reduction plan is enacted. They feel that Gramm-Rudman is ncessary to protect against any inclination the Congress might have to spend the budgetary savings. Although I feel that concern is overstated, I fully agree that any enacted budgetary savings and revenues increases must be dedicated to reducing the deficit and not to increased spending. The legislation I am introducing today insures that all budgetary savings and increased revenues are in fact used to reduce the deficit.

PROTECTING SOCIAL SECURITY

I strongly believe that deficit reduction is in everyone's best interest. Thus, my deficit reduction package asks for a modest sacrifice on the part of all Americans, including senior citizens.

The reaction that I have received from senior citizens across the country indicates a willingness to sacrifice, as long as everyone else in the country sacrifices as well. Senior citizens recognize that reducing the deficit is

the best way to achieve a healthy economy and ensure that the Social Security trust funds are properly funded rather than filled with IOU's that our children and grandchildren cannot afford to pay.

Once this one-time sacrifice has been made, however, Social Security should be fully protected from further cuts. Thus, the legislation which I am introducing today removes the Social Security trust funds from any budget calculations beginning in fiscal year 1992. Thus, the trust funds could not be used in the future to mask the size of the Federal deficit. Moreover, changes in the Social Security Program, whether related to benefits or administration of the program, could not be used to help balance the Federal budget. With the enactment of this legislation, the Social Security trust funds would be protected once and for all.

In addition, the bill would make social security an independent agency run by a three-member, bipartisan board. This is a step which I believe will insulate Social Security from short-run political influence and reenforce our long-run commitment to the program.

Finally, the legislation would improve the quality of services provided to social security beneficiaries. Social Security beneficiaries have come to expect, and deserve to receive, the highest quality service from the Social Security Administration.

Mr. Speaker, I would now like to describe more fully my proposals relating to budget process reform, taking social security off budget, and making improvements in social security services.

First, the legislation includes a provision to remove Social Security from the budget. It also removes from the budget other self-financed trust funds such as the Medicare trust funds, the airport and airway trust fund, and the highway trust fund. I feel that if social security is removed from the deficit calculations, other self-financed trust funds where dedicated revenues—not counting interest earned—comprise at least 90 percent of the trust fund's total receipts should be removed as well.

By enacting this provision, the buildup in the Social Security trust funds and other trust funds will no longer be used to mask the true size of the Federal deficit. Such action should reassure the public that we are serious about reducing the deficit in the Government's operating budget.

Second, in conjunction with removing the social security trust funds from the budget, the legislation establishes a point of order in the House and a super majority point of order in the Senate against the consideration of any bill or amendment which would increase social security benefits or decrease social security revenues, thereby violating trust fund neutrality, on either a 5-year or a 75-year basis. This concept was embodied in H.R. 3505, a bill I introduced last year which has been endorsed by many groups representing the elderly.

A similar pay-as-you-go concept would apply to other trust funds as well, on a 5-year basis. An exception would be made to allow additional spending from a trust fund, other than Social Security, with a substantial trust fund balance.

Third, the fixed deficit targets in Gramm-Rudman would be replaced with specific deficit reduction targets of $30 billion in the first year of each budget cycle and $40 billion for years 2 through 5 in each budget cycle. The budget process would be tightened to eliminate budget gimmicks and to change the focus from a 1-year deficit reduction process to a 5-year process. Changes in social security outlays or revenues would not count toward reaching these deficit reduction targets.

Fourth, until a balanced budget is achieved, revenues would be included in the Gramm-Rudman sequestration formula. Half of the required sequestration amount would come from increased tax revenues. Corporate and individual income tax liabilities would be increased by a uniform percentage. The other half of the required deficit reduction would be achieved by sequestering equal amounts of defense and domestic spending using the existing sequester formula.

The rationale for the original Gramm-Rudman law was that Members favoring defense programs and those interested primarily in domestic programs would compromise on a rational deficit reduction package and thereby avoid sequestration. Now, however, due to our changing defense commitments in Europe, defense programs will receive large reductions and mutual interest in substantive budgetary compromise under the threat of sequestration may no longer exist.

Fifth, deficit reduction would no longer be required when a balanced budget is achieved. A balanced budget would be defined as a deficit of less than 1 percent of the gross national product [GNP]. That would imply a residual deficit of approximately $60 billion.

For purposes of determining when a balanced budget is reached, the following trust funds would be excluded: Social Security [OASDI], Medicare [HI and SMI], Airport and Airway Trust Fund, Highway Trust Fund, Hazardous Substance Superfund, Unemployment Trust Funds, and several other smaller trust funds. This accounting is consistent with my earlier proposal with respect to 90-percent financed trust funds.

Sixth, I sincerely hope that the President and the Congress will be able to agree on a bold multiyear deficit reduction plan this year. If that happens, we do not want to be confronted next year with a requirement to do another $30 billion of deficit reduction or to pass another increase in the public debt limit. This bill provides for a revised definition of the public debt—the amount that is actually borrowed from the public. In addition, it provides phased increases and eventually decreases the public debt over the next 10 years, consistent with the Rostenkowski challenge. These numbers can be changed of course, to fit the contours of any negotiated deficit reduction plan.

As a result, public debt would actually be retired, and new reconciliation bills or public debt increases would not be necessary. However, if increases in the public debt ceiling were needed due to an increase in Federal spending, a super majority would be required to pass such an increase. Thus, the public debt limit would be used to enforce a deficit reduction agreement and to ensure that the budgetary savings and revenue increases are in fact used to reduce the deficit.

Seventh, the bill would require pay-as-you-go financing of new or expanded spending programs or tax cuts. The Ways and Means Committee has a long history of budgetary prudence and responsibility—a history of which we are collectively and justifiably proud. The committee has developed its legislation on a pay-as-you-go basis for the last 9 years—long before it become fashionable elsewhere.

Consistent with my "Challenge," this bill requires pay-as-you-go financing as a necessary complement to a serious deficit reduction plan. Under this requirement, all major spending increases or revenue reductions must be paid for by an equivalent amount of spending reductions or tax increases. Otherwise, a point of order would apply in the House and a super majority point or order would apply in the Senate.

Eighth, the Social Security Administration would be removed from the Department of Health and Human Services and would become an independent agency under the authority of a three-member, bipartisan Social Security Board.

Ninth, the bill would make improvements in a number of social security beneficiary services including Social Security Administration procedures for collection of overpayments; contacts with SSA teleservice centers; SSA outreach to potentially eligible homeless persons for benefits; notices sent to social security beneficiaries; and inaccurate information provided to SSA claimants.

Tenth, the bill would make improvements in the social security representative payee system including more thorough investigations of, and stricter standards of fitness for, representative payees.

Mr. Speaker, I want to emphasize that this budget process bill does not violate the existing balance of power between the executive and legislative branches of Government. It contains no line-item veto, credit reform or enhanced recission authority. It provides a simple mechanism to insure that the deficit reduction enacted in a bold plan does not translate into spending increases in some future year. It holds the promise that no public debt increases or reconciliation bills would be necessary for the foreseeable future.

In conclusion, Mr. Speaker, our Nation's most important domestic priority should be the enactment of a real deficit reduction plan. I hope that I have made a positive contribution to the debate with the Rostenkowski challenge which I presented several weeks ago and in the legislation I am introducing today. What is absolutely essential is that we develop a serious, responsible deficit reduction plan in the national interest. Nothing less is at stake than the economic well-being and competitiveness of our children and our country.

THE TOTAL FORCE POLICY

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 want to continue to share with my colleagues a series of articles which appeared in the Roll Call newspaper in the April 30, 1990, edition in a special policy brief, titled "National Guard and Reserves In a Changing World". This brief was developed to describe the roles and missions of the Reserve components and to educate the readers. I wrote the lead article in hopes of generating interest by the readers to learn more about the Guard and Reserve. I commend my colleagues to read these articles to gain a better appreciation of the Guard and Reserve. Today I'm sharing another in the series of articles that appeared in that April 30 Roll Call edition.

THE TOTAL FORCE POLICY

(By Stephen M. Duncan)

The Defense Department's policy to rely heavily on National Guard and Reserve units for fighting in any future conflicts, known as the Total Force Policy, has recently come under close scrutiny.

And examination of the policy is essential if we are to ensure that fundamental decisions about how we man the Armed Forces rest on a general consensus.

Surprisingly, however, much of the participation in the debate is uninformed, or at least insufficiently focused. An understanding of the realities which affect the planning for the forces is critical.

BALANCE IN TOTAL FORCE POLICY

Much of the recent discussion has centered on the lack of readiness of certain Army Reserve units.

Lost in the noise of the debate is the fact that in addition to the Army Reserve, the Reserve components of the Armed Forces consist of the Air National Guard, the Naval Reserve, the Marine Corps Reserve, the Army National, the Air Force Reserve, and in times of war, the Coast Guard Reserve.

For most missions and most units, the Total Force Policy has been very successful. The policy was never intended to make Active career soldiers and Reserve soldiers fungible items or mirror images of each other. Due to limited training and the constrained budgetary environment at the Defense Department, it is unrealistic to attempt to make them equal.

Rather, the goal of the Total Force Policy is to integrate the capabilities and strengths of Active and Reserve units in the most cost-effective manner, i.e., one that provides the most total military capability within the limitations of the budget.

In order to discuss the Total Force Policy in a meaningful way, it is imperative that broad generalities be avoided. Far too often analysts frame the issue of the debate as whether we are currently placing too much reliance on Reserve Forces.

Some observers urge greater reliance on Reserve Forces. Some urge greater reliance on Reserves simply because part-time soldiers, sailors, airmen, and marines are generally less expensive. Others express doubts about the current mix of Active and Reserve personnel.

A balanced analysis of the Total Force Policy must start with a focus on particular missions. Some missions are ideal for National Guardsmen and Reservists. Some are clearly unsuitable.

Yet others can be reasonably assigned to either Active or Reserve units.

ASSIGNING MISSIONS TO THE RESERVES

In deciding which wartime missions to assign to Reserve Forces, planners must start with assumptions about the nature and scope of the most likely future conflicts and the intentions and capability of the most likely adversaries.

Planning for a general conflict in Europe is obviously different from planning in the Persian Gulf, Korea, or other smaller areas.

Assumptions must also be made about the amount of warning time the nation would have before actual fighting begins, the speed with which Reserve units could be called to Active Duty and deployed to the scene of the conflict, etc. These assumptions are usually subjective and hardly fail-safe. Force planners inevitably accept some risks.

Since resources are finite and limited, planners who assign resources for one kind of conflict accept the risks inherent in not assigning the same resource elsewhere.

Planners must also deal with the reality that we simply cannot afford to maintain Regular Armed Forces in sufficient numbers to fight all possible wars in which the nation might become involved.

Americans have traditionally resisted efforts to maintain a large, professional standing army in peacetime. Once a conflict starts, however, we must clearly be able to generate enough force to bring it to a successful conclusion.

Whether a particular mission should be assigned to Reserve or to Active forces depends generally upon the nature of the mission, i.e., the specific military capability that is required.

Those in a position to make these decisions must consider a broad range of factors, such as the comparative costs of Active vs. Reserve Forces; whether the mission requires forward-based forces; the urgency with which the mission must be performed; the availability of sufficient modern equipment appropriate for the mission; the availability of sufficient fully trained personnel with the military skills required; the existence of an adequate US sustaining base to ensure equitable overseas tours for the Active Forces; and other similar factors.

In determining whether to assign Active or Reserve units, it is easy to overlook the fact that the amount of training time required to perform some missions creates unacceptable pressures in the Reservists' civilian workplaces.

But sometimes factors which enhance the importance of Reserves are not taken into account. Because of previous service on Active Duty, for example, many National Guardsmen and Reservists bring much greater experience to the performance of particular missions than do Active soldiers currently serving on Active Duty.

It is widely recognized, for example, that many Reservists and National Guardsmen are among the best fighter, attack, and transport pilots in the world.

MAKING RESERVISTS READY TO PERFORM

In recent months, certain readiness problems involving combat service support units in the Army have received public attention.

These units are responsible for maintenance, medical, motor transport, and other support functions. Although the units constitute some 70 percent of the Army's combat service support capability, they have not received sufficient resources to permit a state of readiness equal to most Army combat units.

Their readiness problems, however, are not "Reserve" problems. They are "Army" readiness problems, and they say little or nothing about the capabilities of other Army Reserve units or Army National Guard units, much less about the capabilities of the Reserve components of the other services.

Logically, of course, there should be no difference between the types of forces needed to deter conflicts and the forces needed to win them. A potential adversary's perception of his chances of succeeding in a conflict is usually related directly to his ardor to being in it. Moreover, we can't afford two types of forces, one devoted to deterring war and one to winning it.

Readiness is one of the four "pillars" of military capability; the others are force structure, modernization of equipment, and sustainability.

It includes tangible components, such as leadership and morale. Fiscal constraints prevent the correction of many of the readiness challenges which face the Reserve Forces.

Some readiness problems are the result of factors which are unique to Reserve units, such as limited training time, the geographic dispersion of individual Reservists and the fact that Americans generally and Reservists in particular are mobile.

Such challenges are usually not insurmountable. A little common sense, some innovative thinking, and old-fashioned leadership can go a long way to resolve them.

WHERE DO WE GO FROM HERE?

As late as 1980, the theory behind the Total Force Policy had not been effectively implemented.

By almost any standard, the condition of the Reserve Forces was serious. A combination of austere procurement budgets during the previous decade and de facto policy of allocating almost all modern equipment to the Active Forces had created both obsolescence and a major shortage of equipment in the Reserve Forces.

There was an urgent need for improvements in the overall readiness and sustainability of those forces.

Today, the circumstances of the Reserve Forces are dramatically different. The increased appropriations of the early 1980s permitted the purchase of substantial amounts of modern equipment for the Reserve components.

Improved training opportunities, the assumption of important missions and responsibilities, and certain incentive programs have brought into the Reserve Forces the highest quality personnel in their history.

There can be no doubt that across the spectrum of military capabilities, the Reserve Forces of the United States are the best in the world.

The world, of course, changing.

Recent developments have encouraged our hopes for a prolonged period of peace.

President George Washington reminded our forefathers on several occasions, and recent history had clearly demonstrated the fact there is nothing so likely to produce peace as to be prepared to meet an enemy.

The challenge before us to be coldly realistic and balanced in our judgments as we seek to mold the strengths of our Active National Guard, and Reserve soldiers, sailors, airmen, and marines into a Total Force that is capable of protecting the national security interests of our nation during a period of uncertainty and instability.

ALLEGHENY CITY SESQUICENTENNIAL CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, on a spring day in 1840, a small group of Pennsylvanians gathered together to found and incorporate a new city called Allegheny. The Nation was young then. None of them could have imagined that the Allegheny area would grow and prosper, and eventually become an important part of one of the most vital metropolitan areas in the country—Pittsburgh.

Perhaps the first role Allegheny played in the national drama was as the last urban stop for many settlers bound for the West. While thousands came through Allegheny, many of them stayed. Allegheny soon became a melting pot of Scots, Irish, African Americans, Germans, eastern Europeans, and more.

Allegheny was—among other things—the home of some very distinguished Americans. One was Gertrude Stein, novelist and author of "The Autobiography of Alice B. Toklas." Although Stein lived much of her adult life in Paris, she was born in Allegheny.

Another notable Alleghenian was Andrew Carnegie, the guiding spirit of United States Steel and leading philanthropist. Allegheny has also been home to dance pioneer Martha Graham, food manufacturer H.J. Heinz, and Pittsburgh Steelers owner Art Rooney.

Today, Allegheny is the north side of Pittsburgh, but Allegheny's memory survives. This year, the area is celebrating the sesquicentennial of Allegheny's founding. The Allegheny City Sesquicentennial Committee, under the leadership of Director Nancy Burns, has prepared a series of events to commemorate the anniversary. Upcoming events include Jubille Day, June 8–9, the Jazz Festival, July–August; an ongoing photo contest; Oktoberfest, September 21–23; Christmas season in Allegheny City, November–December; Fasching, February 1991; and a Triathlon, spring, 1991.

I know that my colleagues join me in congratulating Alleghenians on the 150th anniversary of their town, and in wishing them well as they celebrate this special occasion.

NEW TECHNOLOGY IN SDI RESEARCH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Mr. Speaker, last week the main hearing room of the Committee on Armed Services was modified to present to Members of this body much of the new technology that has been produced through the research effort of the Strategic Defense Initiative Research Program. For 2 days that hearing room was filled with examples of the technology that has been developed in the SDI Program. Among the first people to visit the hearing room to see that technology was the Vice President.

As a matter of fact, in the May 7 issue of Space News there is a fine photograph of the Vice President with Dr. Edward Teller, father of the H bomb, and Dr. Lowell Wood, who is the person primarily responsible for the idea behind the brilliant pebbles which are a part of the SDI Program. I would like to quote just a couple of paragraphs from this issue of the Space News which reflect the Vice President's view after observing the examples of technology which he saw on that visit. He said, "Anyone who observes this display knows that SDI is beyond the theoretical stage. It can be done and it should be done." He used the opportunity, as the reporter notes, to stump for President Bush's request for $4.5 billion for the U.S. strategic defense for this budget year. The Vice President went on to say, "The Strategic Defense Initiative will defend America. It will add to our deterrence. It will increase the prospects for peace. It will give the President far more flexibility in a critical situation. Therefore," he continued, "the naysayers in the Congress are going to have to come up with a different rationale for trying to emasculate the President's SDI budget. No longer will they be able to advance the argument that we are not prepared to go forward."

Mr. Speaker, that was the primary reason why I helped to organize this display of technology last week, to demonstrate in real terms that the technology is at hand, in terms that people could see and feel and visit with the sponsors of that, because there were many defense contractors and their representatives, and representatives of the National Laboratories who have been involved in this effort, who were present to describe and to discuss much of the material which they had been working with, and which was on display last week.

It was interesting to me that many Members of the Congress saw fit to come by and visit it, as did many members of the press, most coming away very much impressed with the quality and the degree of progress that the program has brought about, much of it, by the way, to miniaturization, which is one of the real themes of this display. Ultra minichips and components were brought in by the contractors to demonstrate progress in this area, for example.

Mr. Speaker, the SDI Program is now in its sixth full year of research to determine the feasibility of developing effective defenses against ballistic missiles. The SDI Program continues to make excellent progress against a broad spectrum of technologies. Tonight I would like to highlight some of that very important progress.

During fiscal year 1989, for example, the SDI organization conducted a record number of tests and experiments. The growing number of tests indicates that the program is moving away from mere paper feasibility and studies to laboratory tests, toward the real tests of hardware. There are four primary challenges to a ballistic missile defense. The first is to acquire, track, and intercept a missile in the boost and postboost phases of flight. Second, as the missile travels through its trajectory, a defense system must be capable of discriminating, tracking, and intercepting the nuclear warheads as they proceed through the midcourse phase. Third, a ballistic missile defense system must be capable of discriminating, tracking, and intercepting remaining warheads as they enter the Earth's atmosphere in the terminal phase of its flight. Fourth, software must be developed to command and control the ballistic missile defense system.

These are not easy requirements. Time and money has been wisely spent by the SDI organization to answer the question, whether ballistic missile defense are feasible. After 6 short years, the SDI research program has conducted successful tests in each of the areas that I outlined above, and it believes with moderate confidence that ballistic missile defense are now feasible.

The first challenge was to detect, trap, and intercept missiles in the boost phase. Well, the SDI organization conducted the Delta 181 experiment which collected booster plume signature data. The Delta 180 experiment, which intercepted a thrusting booster, The Janus experiment, which collected postboost vehicle data, and the SBI hover test, called ontarget demonstrating the capabilities of space-based interceptor. This ontarget test vehicle, incidentally, was part of the SDI display last week. This test demonstrated that a space interceptor using a high-speed computer could find and track a ballistic missile in the presence of the bright rocket plume, and that that data can be processed and utilized to control the attitude and the position of the interceptor. This was a major demonstration of the potential capabilities of a space-based interceptor.

The second and third challenges for ballistic defense are to discriminate, track, and intercept warheads in a midcourse and terminal phase. The SDI organization has come a long way toward proving the feasibility of a technology to accomplish this mission. SDI organization conducted the Delta 181 experiment which observed reentry vehicles and decoys in space, and this provided the data which will assist in discriminating between the two. Sounding rockets were launched in the program to evaluate the effectiveness of various countermeasures. Warheads have been destroyed in midcourse by a ground-based interceptor, and targets have also been intercepted in the atmosphere by a ground-based interceptor.

In January, a test of the HEDI interceptor was conducted. The actual nose cone of this HEDI interceptor was on display in the House Committee on Armed Services hearing room last week. The fundamental obstacles of endoatmospheric interceptors is the phenomenal heat which is created

over the sensor as the interceptor is hurled toward the incoming reentry vehicle.

□ 2130

The heat in effect has a tendency to blind the sensor, thereby preventing it from protecting the enemy warhead. Some thought it would be impossible to ever cool that sensor window enough in order to prevent the heat from blinding the sensor, but the test showed they were wrong. The January tests proved that through transperation, a process that allows the aluminum to sweat much like your skin does, the window could be cooled to allow the sensor to see its target. The test data indicated that one-tenth of a second after launching the interceptor the window temperature was 900 degrees. After transperation the window had cooled to 100 degrees, a real technological accomplishment.

The fourth challenge that I mentioned for success in establishing a ballistic missile defense system is indeed challenging, and is perhaps the most controversial requirement of a ballistic missile defense: developing software capable of controlling the system. To meet this formidable requirement, the SDI Organization has established the National Test Facility [NTF] in Colorado Springs. The NTF offers a comprehensive capability to develop, simulate, and verify strategic defense concepts and software.

Facilities at the ARC in Huntsville have also conducted early version command and control experiments which demonstrate the feasibility of controlling a ballistic missile defense system.

Although it is at an early stage of development, the SDI Organization feels assured that reliable and trustworthy software for the SDS can be achieved by experienced computer and software professionals implementing a software development program based on careful consideration of the most successful software engineering efforts from both DOD and industry and utilizing the extensive simulation and checkout facilities of the National Test Bed.

All of the challenges of ballistic missile defense have been addressed in the SDI Program. The American Institute for Astronautics and Aeronautics [AIAA], which is the largest group of aerospace scientists and engineers in the United States, performed an exhaustive analysis of the SDI Program, and they found that "no fundamental obstacles were found that a well planned technology program could surmount."

Similar findings have resulted for the Brilliant Pebbles concept after being reviewed by the Defense Science Board and the JASON's, a preeminent group of university professors. The conclusions of these three groups was that "no showstoppers were identified."

As the SDI Program continues to make excellent progress toward its goal of defending against ballistic missiles, it has also yielded tremendous technical progress in areas such as miniaturization, reduced manufacturing costs, and development of lightweight structures, and is helping American industry to attain a competitive edge. Three examples of this progress are the SDIO-sponsored IMU, which I will describe in a moment, the infrared detector, and computer programs.

First, research into navigation technology has ushered in a whole new class of miniaturized inertial measurement units [IMU's] for navigation and guidance in this decade and beyond. Units for example, that weighed 40 pounds and cost $70,000 in 1970 now weigh only 1 pound and cost approximately $5,000

A unit of the 1970's that I mentioned is the kind that flies in the F-16, a very modern fighter aircraft, and yet the size of that, which is larger than a bread box, could not work for SDI. As a result, this very, very small object, which weighs only one pound, was developed for the satellites of SDI, and progress is pointing to even further miniturization in the IMU in the future. And it is noteworthy that with each of these developments and breakthroughs, the cost does not go up, the cost comes down.

Second, through the SDI program, we are learning how to manufacture large quantities of infrared detector elements known as pixels, at greatly reduced costs. Prior to SDI, for example, the costs of such pixels were in the range of a few hundred dollars each. Today, we are looking in the range of a few dollars to a fraction of a dollar each.

Third, computer advances achieved through the SDI Program offer the possibility of producing high speed computers that can be assembled in very small packages—about the size of a deck of playing cards—and have the processing speed and data throughout of a Cray-1 computer, if you can believe it. But it is on display.

In many cases, SDI technology is not only helping to reduce the cost and size of components, but the man days that it takes to develop them. For example, communications component development has been reduced from 180 production days to 2 man-days.

All of this of course, again reduces the cost.

In addition to the tremendous technological advances which assists the SDI Program in achieving its defense mission, the SDI Program is helping American industry remain competitive on the world market. One example is the semiconductor industry.

At one time, the United States dominated the world market in semiconductor electronics; today the U.S. share of the world market is less than 40 percent. In an industry that supports 2.6 million jobs—more than double that of the combined steel and auto industries—losing additional portions of the world market could have serious economic impact on the United States.

Using technology developed in the SDI Program, American industry is fighting back.

Market success in modern semiconductor electronics rests on the ability to fabricate a large number of tiny active electronic circuits on a small silicon chip and to mass produce those chips reliably and cheaply. The process in use today to produce these circuits is based on optical projection lithography.

Over the next 7 years it is the goal of U.S. industry to recapture some of the world market and drive the size of circuits down to about 0.25 microns. But it does not stop there.

Using SDI-developed free electron laser technology, the Los Alamos laboratory has developed an alternative approach to submicron lithography that could drive circuit sizes down to 0.5 microns.

Dr. Sig Hecker, the Director of Los Alamos, testified before the HASC that this technology "offers the potential of leap-frogging the Japanese who now dominate this market."

Through the SDI program, U.S. leadership in the free electron laser technology offers a competitive advantage that could be translated to market success by the end of this decade.

Another manner in which SDI technology has helped U.S. industry maintain a competitive edge is by creating new technology for business.

SDIO sponsored the first diamond film research and development company in the United States—Crystallume, at Menlo Park, CA.

By the way, the Japanese are spending about $100 million a year to develop diamond coatings.

There are many potential uses in industry for diamond coating research—tooling, electronics, materials, et cetera.

Most importantly, SDIO's diamond technology initiative has created a potential for a $16 billion market by the late 1990's.

Industry is not the only market which is benefiting from the SDI program today. The medical community has been greatly enriched by advances achieved through SDI research funds. There are many examples of this.

The Loma Linda University Medical Center in southern California has constructed a facility using the SDI-developed RFQ LINAC for a proton ther-

apy cancer treatment facility. Construction of the facility is complete and use of the LINAC in a clinical setting is expected this year.

Massachusetts General's Wellman Laboratory is utilizing the CO_2 pulsed laser in the treatment of burns. This unique method of removing burn eschar replaces multiple surgical operations, reduces scarring, and provides a better base for skin grafts than conventional methods.

Through the SDI Program, a laser-treatment process is being developed that cleanses donor blood bank supplies of the entire family of viruses which includes herpes, measles, hepatitis-B, and the virus that causes AIDS.

SDI spinoffs to the industrial and medical communities alone, of course, do not constitute a reason to fund SDI. There are other rationale, particularly strategic reasons, for funding SDI. But what is clear is the fact, when you consider the impact of these spinoffs that I have just given a few examples of, that the SDI Program is the best technological development program that American universities and industries have participated in since the days of Apollo.

Can we afford not to responsibly support this program? On what basis should we in the Congress pick some arbitrary number and say, "That's enough"? The President's well thoughtout request, as articulated by Secretary Cheney, is far too much, and we need to spend much less than that.

We are going to be having a discussion on this in the next several weeks when we debate the authorization for the Department of Defense, and I would submit, Mr. Speaker, that we and our colleagues cannot be for SDI if we are not willing to fund it. The Bush administration has requested $4.5 billion for fiscal year 1991.

□ 2140

If fully funded, this request will enable the United States to proceed with research to field a full-scale, phase one ballistic missile defense system or a limited missile defense system, whichever the national leadership decides is in the best interest of the United States, and the Congress, of course, will be participating in that decision.

Whatever is decided at some future date, Mr. Speaker, $4.5 billion is needed this year to get from the research point to a system in which we could have a high level of confidence of the effectiveness of a program so that the President can meet his goal of determining whether or not it is feasible to deploy SDI at the end of 4 years.

Four and one-half billion dollars is a relatively small number when one considers the $325 billion, and this is the latest GAO estimate, $325 billion estimate, for the savings and loan bailout or the 5-year, $30 billion cost for child care which some propose that we pass this year. And $4.5 billion is reasonable compared to the $5 billion this country pays farmers not to grow food.

Can we afford to spend $4.5 billion? Well, Mr. Speaker, I think the question is: Can we afford not to, and I would like to close by discussing why I agreed with President Bush when he said recently that in the 1990's SDI makes more sense than ever before because the reasons why he is correct demonstrate why we cannot afford not to fund SDI. All of the technological progress that is applicable to other areas that I have been discussing and that was on display last week is good reason to go forward with the research of this project. But ultimately we are proposing that SDI be developed because it will need to be deployed.

Now, Mr. Speaker, why is that so, and why does the President believe that it is more important now than ever before? There are essentially four reasons, Mr. Speaker.

The first has to do with the continuing threat posed by the Soviet Union. Now I know that many of our colleagues say that times have changed. The Soviet Union is no longer a threat. For example, look at all of the changes occurring in Eastern Europe. The Warsaw Pact has ceased to be a dangerous force. The Soviet Union is withdrawing some of its equipment from the Eastern Pact countries.

Mr. Speaker, all of that is true, but that relates to the probabilities and potentialities for conventional warfare on the European plain. It does not have anything to do with the strategic modernization program of the Soviet Union which both Secretary Cheney and CIA Director Webster have agreed has proceeded apace; in other words, has not slackened one bit during the 5 years that President Gorbachev has been in office. Indeed the Soviet Union's strategic modernization program has continued at a very robust pace, far more than the United States.

The Soviet Union, for example, has developed and fielded the most destructive weapon ever devised by man, the MOD-5, modified version of the SS-18 intercontinental ballistic missile. In addition to that, the Soviet Union is deploying two different versions of mobile missiles, the SS-24 and SS-25, the former on rail cars, and the latter on trucks. One hundred forty missiles deployed last year alone, the year of great peace breaking out all over.

How many missiles did the United States deploy in the same period? Twelve.

In addition to that, the Soviet Union has continued to develop the other legs of its triad, its submarine force and its bomber force.

Mr. Speaker, CIA Director Webster, Gen. Colin Powell, Secretary of Defense Cheney, the President of the United States, have all pointed out that, as long as the Soviet Union maintains this massive, strategic capability, it would be folly for those who have responsibility for the security of the people of the United States to decide that, based upon a few statements on a thawing day in early spring, that it is time to get rid of the coat; that is to say that because of the good news that came out of Eastern Europe last year we can assume that this massive Soviet strategic weaponry poses no threat anytime in the future to the people of the United States.

Mr. Speaker, it would be folly, and that is another reason why the President has asked both for strategic modernization of our own forces, the offensive forces which have maintained deterrence to date, as well as the development of SDI, and it does make sense that, if in fact the world is becoming more peaceful, that the Soviet Union and the United States are warming to each other, that the best way to deter the use of these massive weapons that are possessed by both sides is not to have a mutually threatening retaliation should one side attack the other; in effect, neighbors with pointed and cocked guns at each other, but rather, Mr. Speaker, a regime which says defenses make good neighbors; that is to say, a defensive system, a system that says, "If you want to have missiles, have them, but they're not going to be effective in ever attacking us, and, therefore, you might as well not have them because we have a defensive system known as SDI which, while it may not absolutely stop every single missile that you can throw at us, it will so disrupt any attack, it will destroy so many, such a high percentage, that obviously the attack could not succeed, and therefore, you may as well not conduct it in the first place."

Mr. Speaker, that is the essence of deterrence, and that is why SDI is so important now even though feelings between the Soviet Union and the United States seem to have warmed.

The last few days, Mr. Speaker, illustrate that times do indeed change. The situation in Lithuania, the situation in Estonia, in Latvia, President Gorbachev's inability to make any economic changes during his tenure in office that would improve the economy of the Soviet Union, and generally a pulling back of many of the proposals that he himself had laid on the table, a sense that actually the Soviet Union is now looking more inward again and does not have the confidence of making agreements with the United States that it seemed to have earlier, a sense that all is not well and moving forward to a peaceful time, the desta-

bilization in the southern republics and some of the other republics in the Soviet Union; all of this suggests that there is potential for change in the Soviet Union that could result in President Gorbachev leaving the scene, and the military acquiring more power, or any of a number of other scenarios developing over the next many, many years which we cannot foresee at this point any more than we can foresee the thawing of relationships in Eastern Europe which means that, as long as the Soviet Union has the strategic capability which could destroy every living thing in this United States in a period of about 1 hour, any responsible public official has the obligation to ensure that that massive force of destruction is never used, and today SDI is a better way to deter than the threat of massive offensive retaliation.

Mr. Speaker, the second reason that President Bush was correct when he said that SDI makes more sense now than ever before is because we want to reduce the number of nuclear warheads in the world on both sides. We want to reduce this massive offensive capability and thus reduce the threat that either side would never ever have to use such weapons. To have the confidence that we can draw down the number of warheads sufficient to achieve a stable and nonoffensive capability, we need SDI as a hedge both against breakout and against cheating by the other side. Unfortunately, the Soviet Union has admitted to a lot of cheating in the treaties that it has had with the United States, and of late, as I say, it has actually admitted to this.

So, Mr. Speaker, the Soviet leadership has not been averse to cheating in the past. They admitted that the Krasnoyarsk radar, for example, was a violation of the ABM treaty, the same treaty they want to hold us to so that we do not deploy SDI. They said they would deploy the Krasnoyarsk radar, but they have yet to do so, so we do not need a hedge against cheating.

Mr. Speaker, why is that important to assist us in reducing the number of warheads? The START negotiations currently underway plan to reduce the number of warheads from approximately 12,000 down to 6,000, so that both sides would have about 6,000 warheads still modern enough to do the job. Some people are already envisioning START-II where we would perhaps cut that in half, reduce the 6,000 down to 3,000 or, perhaps, even less.

Mr. Speaker, there is a phenomenon known as horizontal proliferation that enters in here, and it is that many more nations will be acquiring missile technology and nuclear technology as time goes on, and thus two reasons arise for us to need SDI as we push the number of nuclear warheads down during the START or arms negotiation process. The first has to do with the Soviet Union. The second has to do with other nations which acquire this technology. If the Soviet Union were to cheat when both sides were reduced in warheads to the neighborhood of, let us say, a couple thousand, that cheating makes a lot of difference, a lot more difference than it does if both sides have, let us say, 12,000 warheads.

□ 2150

And it is fairly easy to understand why. Feature two cowboys on a dusty street with sixguns aimed at each other and they both have five bullets in the chamber, and one of them cheats and slips another bullet in the chamber. Well, it does not make a whole lot of difference. One has five, one has six; but suppose we want to reduce the number of warheads to ease tensions. So we keep taking bullets out of those chambers until we get down to one apiece. They have got one and we have got one.

Now suppose they cheat and they put an extra bullet, just one, in the chamber. They have got a 2-to-1 advantage over us. So at low levels of warheads a little bit of cheating matters a whole lot.

Having SDI would give us the confidence, nevertheless, to reduce those numbers of warheads, knowing that even if they did cheat it would not do them any good because SDI would prevent any missile from coming through, and at those very low levels SDI would indeed prevent a missile from getting through because it could be very effective against a much smaller offensive force on the other side.

So this is the first reason why it is a good hedge in a START regime, in an arms negotiation regime. It gives us the confidence that we need to agree to much lower levels of warheads.

The second reason here deals with this horizontal proliferation. The fact that at least 15 Third World nations will acquire ballistic missile technology before the end of this decade, as CIA Director Webster has said, and when you add to the nations that already possess it, you get into a fair number of countries which not only are going to have ballistic missile capability, but the ability to put nuclear warheads or chemical or biological warheads on these missiles.

Colonel Qadhafi, for example, said that if he had had such a missile, he would have launched it at New York when we attacked him about 3 years ago.

This horizontal proliferation becomes important with respect to both the Soviet Union and the United States if nations acquire even relatively small numbers of these weapons. As I said, we have about 10,000 warheads today, the Soviets about 12,000. Suppose we reduce that to 6,000 or 3,000, but these other nations acquire say 500. Well, 500 is not all that many, but 500 is one-fourth of 2,000, and you are going to have a lot of countries in the world becoming pretty big-time players in the ballistic missile game by the end of this century. Horizontal proliferation could become a real problem, because our threat of massive deterrence is not going to work against some of these people. That is why you need a strategic defense which can prevent the missiles of these countries from attacking the United States successfully.

So it is not only the Soviet Union, but other countries who might acquire a few missiles and a few warheads in a regime where the United States and the Soviet Union had in bilateral talks reduced their weapons down to a very small level, but obviously they cannot control what other nations might produce.

The third reason that the President is correct that SDI makes more sense in 1990, than ever before relates to these Third World countries. There has been a lot of talk about the potential for blackmail; the threat, for example, that Manuel Noriega might have hurled at us when he knew that we were coming down to Panama to get him. What if when we announced our intention to capture Manuel Noriega and bring him back here that he had said to us, "Look, I have a bill of sale from the Chinese Government for one of their ballistic missiles," and we know they have them, they have sold them all over the world, "and I have another bill of sale here for a chemical warhead from Libya, and I am telling you folks here in the United States, President Bush, if you dare to try to come down and get me, I am going to launch this missile against some United States city, and you have the proof that I have got it."

It will cripple the capability of the United States to conduct its foreign policy if lots of other people in this world acquire this kind of technology and are willing to use it against us in this kind of blackmail sense.

It will also be very difficult for U.S. forces all over this world in close proximity to countries which will acquire this capability. It will pose a threat to our allies. Indeed, it will pose a threat to the Soviet Union, because many of these relatively unstable countries are in the area, in close proximity to the Soviet Union, and they are going to have some beefs with the Soviet Union, particularly as its Moslem republics begin to try to break away, and some of the Moslem nations that I am speaking of here acquire this technology.

So there is the threat from a Third World country to the United States, to its allies, and even to the Soviet Union.

There is also the threat of a destabilized Soviet Union. Many of its missiles are in its southern Moslem republics, and with the destabilizing situation that exists in that part of the world right now, nobody can predict who might get hold of some of those missiles and what they might choose to do with them.

One of the things that has bothered me most, Mr. Speaker, is the possibility of an accidental launch. For 40 years now we have escaped an actual missile launch with a nuclear warhead on it, but there have been several instances where there have been serious mistakes occur. What if in the future any country accidentally launches one of these missiles? We have absolutely no way of stopping it, absolutely none. They cannot call it back and we cannot destroy it. We would have to accept the horrible damage that would result on some American city because of that accidental launch.

How much is it worth to protect the people of America's cities? For approximately $10 billion we could deploy a minimum protection system that would protect all Americans against an accidental launch and a launch of the kind that would be threatened by a Third World power. It would not deter a strategic attack by the Soviet Union, but it would provide that kind of protection, just $10 billion.

Well, what is the value of American life? I think that comes out to something like $40 for every person here in the United States. Is a $40 insurance policy, paid one time for that kind of protection, not worth it, Mr. Speaker?

So you see, the cost of this kind of program does fit into the concept of protecting American lives, which was one of the reasons that President Reagan first proposed it. Well, that is the third reason that President Bush has said that it makes more sense now than ever before.

It makes more sense now than ever before.

What is the fourth reason? This brings me to the close, Mr. Speaker. It is where I started, that the technology is here. It is at hand, and as this technology has been developed it has also significantly reduced the costs. A full-up, robust system costing $55 billion over the course of the years that it would be deployed would still be a relatively insignificant part, maybe 1½ percent of the entire defense budget in the years of its deployment, the most costly years.

So through the technology that has been developed and through the reductions in cost that have resulted from that technology, the President is right. There is no longer any question about the technological feasibility or the ability to afford to deploy an SDI system. All that remains, Mr. Speaker, is the will of this Congress to support the President's relatively modest request to fund the SDI program at the levels requested. The funding level for this next fiscal year will provide the money necessary to conduct the tests that will literally determine the feasibility of this program. By the time the President's first 4 years are up, he will be able to make a deployment decision based upon the schedule that has been laid out for the conduct of these tests.

That is why, Mr. Speaker, it is important for us to support the President's funding request in the next few weeks when the Defense authorization bill comes before this body and why, as President Bush has said, SDI makes more sense now than ever before.

I urge my colleagues if they are interested in the technology that has been developed, to inquire as to where they might see it in the future. I am informed that the other body may have a similar kind of display as the laboratories and contractors put on display here in the House last week.

It is, of course, also possible for any Member to visit the sites where these things are produced and developed and to observe them firsthand, including in their operational mode, as I have done. If any of my colleagues are interested in going on a trip to the facilities to see these things or just to be briefed by the SDIO, I would urge them to contact my office so that we can help to arrange that.

I hope, Mr. Speaker, that you will agree that SDIO has done a good job with the money that we have provided in the past and that we should continue to fund it at the level the President has requested.

□ 2000

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALEXANDER (at the request of Mr. GEPHARDT), for today, on account of attending the organizational meeting of the U.S. Alternative Fuels Council.

Mrs. BENTLEY (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. DICKINSON (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. EMERSON (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:)

Mr. PARRIS, for 20 minutes, on May 10.

Mr. DELAY, for 60 minutes, on May 15.

Mr. IRELAND, for 60 minutes, on May 10.

Mr. DELAY, for 60 minutes, on May 10.

Mr. BURTON of Indiana, for 60 minutes, on May 10.

(The following Members (at the request of Mrs. UNSOELD) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and include extraneous material:)

Ms. ROS-LEHTINEN in two instances.

Mr. BEREUTER in five instances.

Mr. MCEWEN.

Mr. CONTE.

Mr. BROOMFIELD.

Mr. CRANE.

Mr. BILIRAKIS.

Mr. SMITH of New Jersey in two instances.

Mr. FIELDS in two instances.

Mr. DOUGLAS.

Mr. SUNDQUIST.

Ms. MOLINARI.

Mr. SKEEN.

Mr. PARRIS.

Mr. MILLER of Washington.

Mr. SOLOMON in three instances.

Mr. DANNEMEYER.

Mr. SCHUETTE in two instances.

Ms. SNOWE.

Mr. BARTLETT.

(The following Members (at the request of Mrs. UNSOELD) and to include extraneous matter:)

Mr. DORGAN of North Dakota.

Mr. CLEMENT.

Mr. HAMILTON.

Mr. SOLARZ.

Mr. DOWNEY.

Mr. MILLER of California.

Mr. NEAL of Massachusetts.

Mr. YATRON.

Mr. BOSCO.

Mr. FASCELL.

Mr. BERMAN in two instances.

Mr. SLATTERY.

Mr. ATKINS.

Mr. LEVINE of California in three instances.

Mr. MATSUI in three instances.

Mr. KOLTER.

Mr. LAFALCE.

Mr. WEISS in two instances.

SENATE JOINT RESOLUTION REFERRED

Joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 993. An act to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes, and

S. 1853. An act to award a congressional gold medal to Laurance Spelman Rockefellar.

ADJOURNMENT

Mr. KYL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 10, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3137. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land, pursuant to section 5 of the Agricultural Foreign Investment Disclosure Act of 1978; to the Committee on Agriculture.

3138. A letter from the Assistant Secretary of the Army (Installations, Logistics and Environment), transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

3139. A letter from the Under Secretary of Defense, transmitting a request for T45TS Defense Enterprise Program baseline approval, pursuant to 10 U.S.C. 2437(d)(2); to the Committee on Armed Services.

3140. A letter from the Assistant General Counsel (Legal Counsel), Department of Defense, transmitting a report of individuals who filed DD Form 1787; report of DOD and defense related employment, for fiscal year 1989, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

3141. A letter from the Secretary of Defense, transmitting a copy of a report entitled, "Defense Advisory Panel on Government-Industry Relations"; to the Committee on Armed Services.

3142. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 76th annual report of the Board of Governors, pursuant to 12 U.S.C. 247; to the Committee on Banking, Finance and Urban Affairs.

3143. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department, fiscal year 1989, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

3144. A letter from the Secretary of Energy, transmitting the Department's 13th report, "Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities," pursuant to 42 U.S.C. 7373(2); to the Committee on Energy and Commerce.

3145. A letter from the Secretary of Energy, transmitting the annual report on the activities of the Office of Alcohol Fuels for fiscal year 1989, pursuant to 42 U.S.C. 8818(c)(1); to the Committee on Energy and Commerce.

3146. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Developmental Disabilities Assistance and Bill of Rights Act; to the Committee on Energy and Commerce.

3147. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting notification that there is now a proper basis to designate formally the Polish-American and Hungarian-American Enterprise Funds to receive SEED Act funds and support; to the Committee on Foreign Affairs, May 9, 1990.

3148. A letter from the Director, Human Resources, Department of the Army, transmitting the annual report for the U.S. Army nonappropriated fund employee retirement plans for the year ended September 30, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3149. A letter from the Acting Administrator, General Services Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3150. A letter from the Chairman, National Credit Union Administration, transmitting the activities of the Office of Inspector General for the period October 1, 1989 through March 31, 1990, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

3151. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

3152. A letter from the Secretary of Health and Human Services, transmitting notification that the $16 million for tribal conversion costs in the Indian Health Service Appropriations for fiscal year 1990 satisfied the need for additional obligational authority; to the Committee on Interior and Insular Affairs.

3153. A letter from the American Chemical Society, transmitting the society's annual report and financial audit for the calendar year 1989, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

3154. A letter from the Secretary of Transportation, transmitting the Airport Noise Compatibility Planning Program, pursuant to 49 U.S.C. app. 2104 nt.; to the Committee on Public Works and Transportation.

3155. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the United Nations Environment Program's current financial and operational status; jointly to the Committees on Appropriations and Foreign Affairs.

3156. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 13 of the United States Code and the International Investment and Trade in Services Survey Act to provide for sharing statistical establishment list information with the Bureau of Economic Analysis to augment, and improve the quality of, its international data, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Foreign Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 4636. A bill to authorize supplemental economic assistance for fiscal year 1990 to support democracy in Panama and Nicaragua, and for other purposes (Rept. 101-470, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4151. A bill to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes; with an amendment (Rept. 101-480). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT (for himself, Mr. MATSUI, Mr. SHAW, and Mr. BROWN of Colorado):

H.R. 4755. A bill to amend title XVI of the Social Security Act to permit disabled people to maximize their independence; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. SWIFT, Mr. COOPER, Mr. SLATTERY, Mr. BOUCHER, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. CHAPMAN, Mr. OLIN, Mr. WEBER, Mr. WILLIAMS, Mr. GORDON, and Mr. GALLO, and Mr. DEFAZIO):

H.R. 4756. A bill to amend the Communications Act of 1934 to provide for the competitive development of direct to home satellite television communications; to the Committee on Energy and Commerce.

By Mr. BROOKS (by request):

H.R. 4757. A bill to provide permanent authority for the U.S. Supreme Court Police; to the Committee on the Judiciary.

By Mr. COLEMAN of Texas:

H.R. 4758. A bill to provide for the construction, operation, and maintenance of an extension of the American Canal at El Paso,

TX; jointly to the Committee on Interior and Insular Affairs and Foreign Affairs.

By Mr. CRANE:

H.R. 4759. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI:

H.R. 4760. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget process, to amend the Social Security Act to enhance and protect the Social Security Program, and for other purposes; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. DORGAN of North Dakota (for himself and Mr. CHANDLER):

H.R. 4761. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of $100 per year; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 4762. A bill to make technical changes to Public Law 81-874; to the Committee on Education and Labor.

By Mr. FOGLIETTA (for himself, Mr. RANGEL, Mr. CROCKETT, Mr. SCHEUER, Mrs. COLLINS, Mr. FASCELL, Mr. FAUNTROY, Mr. LEVINE of California, Mr. CONYERS, Mr. BORSKI, Mr. SCHUMER, Mr. KOSTMAYER, Mrs. UNSOELD, Mr. GUARINI, and Mr. MORRISON of Washington):

H.R. 4763: A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 4764. A bill to amend the Communications Act of 1934 to prohibit commerce in high-definition televisions that do not contain minimum levels of domestic content; to the Committee on Energy and Commerce.

By Mr. DE LUGO (for himself, Mr. LAGOMARSINO, Mr. FUSTER, Mr. UDALL, Mr. YOUNG of Alaska, Mr. MOAKLEY, Mr. QUILLEN, Mr. CLARKE, Mr. LEWIS of Georgia, Mr. FALEOMAVAEGA, Mr. BLAZ, and Mr. DARDEN):

H.R. 4765. A bill to enable the people of Puerto Rico to excerise self-determination; jointly, to the Committees on Interior and Insular Affairs and Rules.

By Mr. GONZALEZ (for himself and Mr. WYLIE (both by request), Ms. OAKAR, and Mr. SHUMWAY):

H.R. 4766. A bill to amend the Defense Production Act of 1950 to support mobilization of the defense industrial base of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFLEY (for himself, Mr. BROWN of Colorado, Mr. SCHAEFER, and Mr. CAMPBELL of Colorado):

H.R. 4767. A bill to improve the water quality of the water flowing from the Leadville Mine drainage tunnel in Colorado; to the Committee on Interior and Insular Affairs.

By Mr. HOYER:

H.R. 4768. A bill to amend title 5, United States Code, to revise the pay structure for the police forces of the Bureau of Engraving and Printing and the U.S. Mint; to the Committee on Post Office and Civil Service.

H.R. 4769. A bill to amend title 5, United States Code, to increase the limit on the uniform allowance payable to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Ms. SNOWE, Mr. WAXMAN, Mr. STARK, Mr. DOWNEY, Mr. RINALDO, Mr. REGULA, and Mr. BRUCE):

H.R. 4770. A bill to amend the public Health Service Act to provide assistance for biomedical and health services research, education, treatment programs and for other purposes relating to Alzheimer's disease and related disorders; to the Committee on Energy and Commerce.

By Mr. JACOBS:

H.R. 4771. A bill prohibiting the manufacture, sale, delivery, or importation of certain motor vehicles and railcars that do not have seatbelts, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KOLTER:

H.R. 4772. A bill to amend title XVIII of the Social Security Act to repeal the requirment that all nonparticipating physicians file Medicare claims on behalf of all of their patients who are Medicare beneficiaries; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. LAFALCE (for himself and Mr. CONTE):

H.R. 4773. A bill to authorize the President to call and conduct a National White House Conference on Small Business; to the Committee on Small Business.

By Mr. LEVINE of California (for himself, Mr. GILMAN, Mr. RANGEL, Mr. WAXMAN, and Mr. BLILEY):

H.R. 4774. A bill to ban volatile alkyl nitrites; to the Committee on Energy and Commerce.

By Mr. PARRIS:

H.R. 4775. A bill to amend title 10, United States Code, to repeal the limitation on the amount of separation pay that may be paid to an officer of the Armed Forces involuntarily separated before becoming eligible for retirement, and for other purposes; to the Committee on Armed Services.

By Mr. POSHARD:

H.R. 4776. A bill to establish a National Coal Institute which would address the current and future problems and challenges of the Nation's high-sulfur coal industry; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology; and Education and Labor.

By Mr. SKEEN:

H.R. 4777. A bill to amend the Act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New Jersey:

H.R. 4778. A bill to direct the Secretary of the Army to conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey; to the Committee on Public Works and Transportation.

By Mr. STUDDS (for himself and Mr. YOUNG of Alaska):

H.R. 4779. A bill to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the People's Republic of China; to the Committee on Merchant Marine and Fisheries.

H.R. 4780. A bill to provide congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 4781. A bill to assure the continued involvement of State, county, and local governments in the war on drugs; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.J. Res. 565. Joint resolution designating July 22 through July 28, 1990, as "National Invent America Week"; to the Committee on Post Office and Civil Service.

By Mr. ESPY (for himself, Mr. BLILEY, Mr. WOLF, Mr. SLATTERY, Mr. MCEWEN, Mr. MONTGOMERY, Mr. HORTON, Mr. BENNETT, Mr. WEBER, Mr. TALLON, Mr. RANGEL, Mr. MCNULTY, Mr. FAUNTROY, Mr. BEVILL, Mr. LENT, Mr. PICKETT, Mr. SPENCE, and Mr. TAYLOR):

H.J. Res. 566. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 19, 1990, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. CLEMENT:

H. Res. 389. Resolution expressing the Sense of the House of Representatives that the sponsors and participants of the first National Conference on Environmental Sensitivity in Construction should be commended; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

383. By the SPEAKER: Memorial of the 15th Legislature of the State Senate of Hawaii, relative to the enhancement of national and community services; to the Committee on Education and Labor.

384. Also, memorial of the Assembly of the State Legislature of California, relative to leveraged buyouts; to the Committee on Energy and Commerce.

385. Also, memorial of the Assembly of the State Legislature of California, relative to the right of self-determination of the Lithuanian people; to the Committee on Foreign Affairs.

386. Also, memorial of the State Senate of Colorado, relative to designation of additional wilderness areas in the State; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 220: Mr. MCGRATH.

H.R. 446: Mr. COURTER, Mr. MILLER of Washington, Mr. HOLLOWAY, and Mr. APPLEGATE.

H.R. 467: Ms. MOLINARI, Mr. DICKS, Mr. LENT, Mr. DURBIN, Mr. MARTINEZ, and Mr. COYNE.

H.R. 505: Mr. CONDIT.

H.R. 1068: Mr. DERRICK, Mr. HALL of Texas, Mr. HEFNER, Mr. MOODY, Mr. YOUNG of Alaska, Mr. PURSELL, Mr. GEREN, Mr. ANTHONY, Mr. HUNTER, Mr. BARTON of Texas, and Mr. ESPY.

H.R. 1083: Mr. WHITTAKER, Mr. ROWLAND of Connecticut, Ms. SNOWE, Mr. PRICE, Mr. GILLMOR, Mr. IRELAND, Mr. GRAY, Mr. LEWIS of Florida, Mr. SERRANO, Mr. STANGELAND, Mrs. MARTIN of Illinois, Mr. HUGHES, Mr. SYNAR, Mr. HALL of Texas, and Ms. MOLINARI.

H.R. 1249: Mr. DELLUMS.

H.R. 1287: Mr. SPENCE and Mr. HORTON.

H.R. 1317: Mr. FRENZEL, Mr. FLIPPO, Mr. SHAW, Mr. DONNELLY, Mr. COURTER, Mr. HOLLOWAY, Mrs. COLLINS, Mr. VANDER JAGT, Mr. ANDREWS, and Mr. SUNDQUIST.

H.R. 1574: Mr. VENTO and Mr. ROE.

H.R. 2269: Mr. RIDGE.

H.R. 2273: Mr. BARTLETT.

H.R. 2284: Mr. WALSH.

H.R. 2336: Mr. CONDIT.

H.R. 2353: Mr. HORTON, Mr. CARR, and Mr. TOWNS.

H.R. 2380: Mr. FROST, Mr. VOLKMER, and Mr. PASHAYAN.

H.R. 2499: Mr. AUCOIN.

H.R. 2575: Mr. NAGLE, Mr. TANNER, Mr. BOEHLERT, Mr. CAMPBELL of California, Mrs. MEYERS of Kansas, Mr. PICKETT, Mr. CLARKE, Mr. DE LUGO, Mr. CROCKETT, Mr. JONES of North Carolina, Mr. WILSON, Mr. HUTTO, Ms. ROS-LEHTINEN, Mr. NEAL of Massachusetts, Mr. GILMAN, Mr. PAXON, and Mr. MARKEY.

H.R. 2761: Mr. ASPIN.

H.R. 3119: Mr. ROBERT F. SMITH.

H.R. 3437: Mr. DREIER of California, Mr. THOMAS of Wyoming, and Mr. WISE.

H.R. 3500: Mr. KASTENMEIER, Mr. RHODES, Mr. DEWINE, Ms. MOLINARI, Mr. CAMPBELL of California, Mr. BARTLETT, Mr. HERTEL, Mr. SENSENBRENNER, and Mr. FAWELL.

H.R. 3693: Mr. VENTO.

H.R. 3734: Mr. HOCHBRUECKNER, Mr. GEJDENSON, Mr. EVANS, Mrs. SCHROEDER, Mrs. BENTLEY, Mr. LANTOS, Mr. EMERSON, and Mr. OWENS of New York.

H.R. 3766: Mr. ESPY and Mr. SMITH of New Hampshire.

H.R. 3859: Mr. SERRANO.

H.R. 3912: Mrs. UNSOELD.

H.R. 3914: Mrs. BYRON, Mrs. SCHROEDER, Mr. DYMALLY, Ms. MOLINARI, Mr. MURPHY, Mr. BENNETT, and Mr. OBERSTAR.

H.R. 3977: Mr. DWYER of New Jersey, Mr. LANCASTER, Mrs. SAIKI, Mr. BROWN of California, Mr. HUGHES, and Mr. WEISS.

H.R. 4049: Mr. CAMPBELL of Colorado and Mr. HOYER.

H.R. 4095: Mr. DICKS, Mr. POSHARD, Mr. MURTHA, Mrs. LLOYD, Mr. MCGRATH, Mr. BOUCHER, Mr. ENGLISH, Mrs. MORELLA, Mrs. UNSOELD, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. LANCASTER, Mrs. SAIKI, Mr. HUGHES, Mr. FRANK, Mr. YATRON, and Mr. DEWINE.

H.R. 4149: Mr. JOHNSON of South Dakota, Mr. EMERSON, Mr. MCDADE, and Mr. ROE.

H.R. 4151: Mr. TOWNS, Mr. WOLPE, Mr. CLEMENT, Mrs. SCHROEDER, Mr. MCCLOSKEY, Mr. SWIFT, Mr. HERTEL, Mr. CLAY, Mr. TANNER, Mr. JONES of North Carolina, Mr. CONTE, Mr. DINGELL, Mr. PALLONE, Mr. MAVROULES, Mr. TALLON, Mr. SPRATT, Mr. JONES of Georgia, Mrs. BOXER, Mr. WYDEN, and Mr. SKAGGS.

H.R. 4224: Mr. DWYER of New Jersey, Mr. EVANS, Mr. LAGOMARSINO, Mr. LOWERY of California, Mr. MARTINEZ, Mr. PANETTA, Mr. SKEEN, and Mr. SMITH of Florida.

H.R. 4226: Mr. SHARP.

H.R. 4254: Mr. CLARKE.

H.R. 4262: Mr. JOHNSON of South Dakota and Mr. LEWIS of Georgia.

H.R. 4340: Mr. SAXTON.

H.R. 4345: Mr. PENNY and Mr. RICHARDSON.

H.R. 4347: Mr. CLINGER.

H.R. 4362: Mr. BRUCE, Mr. OWENS of Utah, and Mr. DIXON.

H.R. 4470: Mrs. BOGGS and Mr. FUSTER.

H.R. 4475: Mr. DYSON, Mr. RAVENEL, Mr. KYL, Mr. FASCELL, Mr. JENKINS, Mr. HARRIS, Mr. JOHNSON of South Dakota, Ms. PELOSI, Mr. STALLINGS, Mr. HUTTO, Mr. GALLEGLY, Mr. DANNEMEYER, Mr. GOSS, Mr. MCEWEN, Mr. SHUMWAY, Ms. SNOWE, Mr. PARKER, Mr. OXLEY, Mr. SMITH of Vermont, Mr. LAGOMARSINO, Mr. HENRY, Mr. KILDEE, Mr. STEARNS, and Mr. SPRATT.

H.R. 4493: Mr. TAYLOR, Mr. LEWIS of Georgia, Mr. LEHMAN of Florida, Mr. DORGAN of North Dakota, and Mr. POSHARD.

H.R. 4506: Mr. FRANK.

H.R. 4516: Mr. PAYNE of New Jersey, Mr. LEHMAN of Florida, Mr. SCHEUER, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. FRANK, Ms. ROS-LEHTINEN, Mr. LANTOS, Mrs. MORELLA, Mr. RANGEL, Ms. PELOSI, Mr. GREEN, Mr. SOLARZ, Mr. FAUNTROY, Mr. PALLONE, Mr. DELLUMS, and Mr. MILLER of Washington.

H.R. 4564: Mr. KANJORSKI and Mr. GONZALEZ.

H.R. 4566: Mr. CHANDLER.

H.R. 4570: Mr. MCNULTY, Mr. KOLTER, Mr. LIPINSKI, Mr. EVANS, Mr. LEVIN of Michigan, Mr. LAGOMARSINO, Mr. DWYER of New Jersey, and Mr. BROWN of Colorado.

H.R. 4595: Mr. SERRANO and Mr. RANGEL.

H.R. 4640: Mr. HORTON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. NIELSON of Utah, Mr. DYSON, and Mr. PAYNE of Virginia.

H.R. 4690: Mr. AKAKA, Mr. DEFAZIO, and Mr. TOWNS.

H.R. 4721: Mr. DICKINSON, Mr. GREEN, and Mr. SPENCE.

H.J. Res. 372: Mr. COURTER.

H.J. Res. 431: Mr. DURBIN, Mr. JAMES, Mr. BRUCE, and Mr. FALEOMAVAEGA.

H.J. Res. 452: Mr. MCDADE, Mr. DORNAN of California, Mr. FOGLIETTA, Mr. BERMAN, Mr. STANGELAND, Mr. JENKINS, Mr. SAXTON, Mr. MCCOLLUM, Mr. LIPINSKI, Mr. SPRATT, Mr. LEVINE of California, Mr. TALLON, Mr. YATRON, Mr. HILER, Mr. HAMMERSCHMIDT, Mr. HUBBARD, Mr. DUNCAN, Mr. APPLEGATE, Mr. SHARP, Mr. MARKEY, Mr. ALEXANDER, Mr. HUTTO, Mr. MFUME, Mr. CLARKE, Mr. AKAKA, Mr. UDALL, Mr. HEFNER, Mr. CHANDLER, Mr. HAWKINS, Mr. FALEOMAVAEGA, Mr. RAHALL, Mr. SNOWE, Mr. ACKERMAN, and Mrs. SAIKI.

H.J. Res. 467: Mr. WAXMAN and Mr. SHAW.

H.J. Res. 476: Mr. APPLEGATE, Mr. CHANDLER, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. GALLEGLY, Mr. LIVINGSTON, Mr. SLATTERY, Mr. STAGGERS, Mr. TRAXLER, and Mr. WEISS.

H.J. Res. 489: Mr. KOLTER, Mr. HEFNER, Mr. FASCELL, Mr. PERKINS, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. WATKINS, Mr. UDALL, Mr. NOWAK, Mr. OWENS of Utah, Mr. STOKES, Mr. HENRY, Mr. MCNULTY, Mr. LEHMAN of Florida, Ms. PELOSI, Mr. RAHALL, Mr. SISISKY, Mr. RANGEL, Mr. WEISS, Mr. FAUNTROY, Mr. DEFAZIO, Mr. SCHEUER, Mr. HORTON, Mr. MARTINEZ, Mr. FAZIO, Mr. JONTZ, Mr. SKELTON, Mr. DYMALLY, Mr. LEVINE of California, Mr. ROYBAL, Mr. FOGLIETTA, Ms. KAPTUR, Mr. BEVILL, Mr. LEWIS of California, Mr. FROST, Mrs. BOXER, Mr. CHAPMAN, Mr. CROCKETT, Mr. TOWNS, Mr. BROWN of California, Mr. SAVAGE, Mrs. UNSOELD, Mr. OWENS of New York, Mr. KILDEE, and Mr. CAMPBELL of Colorado.

H.J. Res. 508: Mr. ARCHER, Mr. BAKER, Mr. BALLENGER, Mr. BARLETT, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BORSKI, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CHANDLER, Mr. CLARKE, Mr. CLEMENT, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Texas, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. CRAIG, Mr. DARDEN, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DELAY, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DIXON, Mr. DOUGLAS, Mr. DREIER of California, Mr. DUNCAN, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FIELDS, Mr. GALLO, Mr. GEKAS, Mr. GEJDENSON, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. GRANT, Mr. GRANDY, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HEFLEY, Mr. HEFNER, Mr. HENRY, Mr. HOLLOWAY, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HUBBARD, Mr. HUNTER, Mr. INHOFE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. KASICH, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLAN of North Carolina, Mr. MACHTLEY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MICHEL, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORHEAD, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURTHA, Mr. NAGLE, Mr. NATCHER, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PACKARD, Mr. PALLONE, Mr. PANETTA, Mr. PASHAYAN, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PICKLE, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROSE, Ms. ROS-LEHTINEN, Mr. ROWLAND of Connecticut, Mr. SABO, Mrs. SAIKI, Mr. SARPALIUS, Mr. SCHAEFER, Mr. SCHEUER, Mr. SHAYS, Mr. SHUMWAY, Mr. SISISKY, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Ms. SLAUGHTER of New York, Mr. SMITH of New Hampshire, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. SOLOMON, Mr. SPRATT, Mr. STUMP, Mr. TAUKE, Mr. TAYLOR, Mr. VANDER JAGT, Mr. WALSH, Mr. WELDON, Mr. WHITTEN, Mr. WOLF, Mr. WOLPE, and Mrs. MEYERS of Kansas.

H.J. Res. 519: Mr. ASPIN, Mr. BILIRAKIS, Mr. GEJDENSON, and Mr. SMITH of New Jersey.

H.J. Res. 531: Ms. LONG.

H.J. Res. 534: Mr. FLAKE.

H.J. Res. 535: Mr. LEWIS of California, Mr. FROST, Mr. WEISS, Mr. OWENS of New York, Mr. JONES of Georgia, Mr. BOEHLERT, Mr. DELLUMS, Mr. RANGEL, Mr. WALGREN, Mr. NAGLE, Mr. FAZIO, Mr. ECKART, Ms. OAKAR, Mr. CAMPBELL of Colorado, Mr. RHODES, Mr. LANCASTER, Mr. NOWAK, Mr. FAWELL, Mr. WEBER, Mr. CRAIG, Mr. MCNULTY, Mr. PAXON, Mr. GILMAN, Mr. WATKINS, Mr. EVANS, Mr. SHAW, Mr. GREEN, Mrs. JOHNSON of Connecticut, Mr. DOUGLAS, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. TAUKE, Mr. DURBIN, Mr. TRAXLER, and Mr. DANNEMEYER.

H.J. Res. 540: Mr. REGULA, Mr. HUGHES, Mr. DERRICK, Mr. GREEN, Mr. APPLEGATE, Mr. BEVILL, Mr. ASPIN, Mr. BUSTAMANTE, Mrs. SAIKI, Mr. HEFNER, Mr. YOUNG of Alaska, Mr. FROST, Mr. BATES, Mr. HYDE, Mr. GEREN, Mr. ESPY, Mr. WILSON, Ms. PELOSI, Mr. GINGRICH, and Mr. KASICH.

H.J. Res. 555: Mr. ANDERSON, Mr. APPLEGATE, Mr. ASPIN, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mrs. BENTLEY, Mr. BORSKI, Mr. BOSCO, Mr. BUSTAMANTE, Mr. CARPER, Mr. COBLE, Mrs. COLLINS, Mr. CONTE, Mr. COSTELLO, Mr. COURTER, Mr. DERRICK, Mr. DICKS, Mr. DONNELLY, Mr. DORNAN of Cali-

fornia, Mr. DYMALLY, Mr. FAWELL, Mr. FEIGHAN, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GRANT, Mr. HANCOCK, Mr. HARRIS, Mr. HORTON, Mr. HYDE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. LENT, Mr. MADIGAN, Mr. MOAKLEY, Mr. PANETTA, Mr. PASHAYAN, Mr. RHODES, Mr. SOLOMON, Mr. SPENCE, Mr. WEBER, Mr. WOLF, Mr. YATRON, Mr. YOUNG of Alaska, Mr. EDWARDS of Oklahoma, and Mr. VANDER JAGT.

H.J. Res. 556: Mr. ANDERSON, Mr. APPLEGATE, Mr. ASPIN, Mr. AUCOIN, Mr. BARTLETT, Mr. BATES, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILBRAY, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOSCO, Mr. BRENNAN, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BRYANT, Mr. BUECHNER, Mr. BUNNING, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CARPER, Mr. CLARKE, Mr. CLEMENT, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. DELLUMS, Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ERDREICH, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FLAKE, Mr. GALLO, Mr. GONZALEZ, Mr. GORDON, Mr. GRANT, Mr. HARRIS, Mr. HAWKINS, Mr. HILER, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mrs. LOWEY of New York, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. MILLER of California, Mr. MOAKLEY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. OAKAR, Mr. OWENS of New York, Mr. PANETTA, Mrs. PATTERSON, Mr. PAYNE of New Jersey, Mr. PRICE, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. SARPALIUS, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SKAGGS, Mr. SLATTERY, Mr. ROBERT F. SMITH, Mr. SMITH of New Hampshire, Mr. SPENCE, Mr. STARK, Mr. STUDDS, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. TRAXLER, Mr. UDALL, Mr. VISCLOSKY, Mr. WHEAT, Mr. WOLPE, Mr. WYDEN, Mr. SOLOMON, Mr. FISH, Mr. GEJDENSON, Mr. SOLARZ, Mr. NELSON of Florida, Mr. KASICH, Mr. HEFNER, Mr. HUTTO, Mr. ANDREWS, Mr. DORNAN of California, Mr. MAZZOLI, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. FORD Tennessee, Mr. WISE, Mr. SIKORSKI, AND Mr. GEPHARDT.

H. Con. Res. 128: Mr. LEHMAN of Florida, Mr. HANCOCK, Mr. SMITH of Florida, and Mr. DORNAN of California.

H. Con. Res. 246: Mr. FAZIO and Mr. CONDIT.

H. Con. Res. 252: Mr. DYMALLY, MR. MURPHY, AND MR. OBERSTAR.

H. Con. Res. 291: Mr. HORTON.

H. Con. Res. 316: Mr. FLIPPO, Mr. CARPER, Mr. FORD of Tennessee, Mr. GONZALEZ, Mr. MCCLOSKEY, Mr. HORTON, Mr. GEPHARDT, Mr. WYDEN, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. KANJORSKI, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. ANDERSON, Mr. MARKEY, Mr. BATES, Mr. OWENS of Utah, Mr. SKAGGSMr. DWYER of New Jersey, Mr. GEJDENSON, AND MR. FEIGHAN.

H. Res. 134: Mr. ROTH.

H. Res. 387: Mr. THOMAS of California, Ms. SNOWE, MR. RAVENEL, MR. MCMILLAN of North Carolina, Mr. ROBERTS, MR. BROWN of Colorado, Mr. MADIGAN, MR. HILER, Mr. ARCHER, MRS. MARTIN of Illinois, and Mr. HENRY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3736: Mr. OLIN.
H.R. 3737: Mr. OLIN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

166. By the SPEAKER: Petition of the Township of Wayne, Passaic, NJ, relative to urging Congress to open the cable industry to more competition in the marketplace; to the Committee on Energy and Commerce.

167. Also, petition of the Executive Board of the United Mine Workers of America, relative to urging full U.S. funding for the International Labor Organization; to the Committee on Foreign Affairs.

168. Also, petition of the Town of Penney Farms, FL, relative to the payment by Florida residents of Federal taxes; to the Committee on Government Operations.

169. Also, petition of the Levy County Board of Commissioners, Florida, relative to the payment of Florida taxes regarding the interstate allocation of grant funds; to the Committee on Government Operations.

170. Also, petition of the Board of Alderman, city of New Haven, CT, relative to praising the Congress for repealing the catastrophic health insurance surtax, but urging enactment of a comprehensive national health plan with no-cost catastrophic coverage for senior citizens; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

PUERTO RICO STATUS PLEBISCITE GENERATES INTERNATIONAL INTEREST

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FUSTER. Mr. Speaker, in recent days my colleagues have heard me speak of the many dimensions of the political status debate in and about Puerto Rico—dimensions that have been explored in the last month alone in such national publications as the New York Times, the Washington Post, the Wall Street Journal, and Time magazine. But there is also an international dimension to this issue, legislation about which is pending in the Congress that would set up a political status plebiscite in Puerto Rico next year between the choices of statehood, independence, or an enhancement of the existing commonwealth status.

This international interest in and growing awareness of the plebiscite has been promoted in part by supporters of the independence option for Puerto Rico. To that end, Mr. Speaker, I am inserting in the RECORD today two interesting articles from newspapers in Puerto Rico about the proindependence aspect of the status debate, and I commend them to the attention of my distinguished colleagues.

[From El Mundo, Apr. 17, 1990]

THE DAYS OF COLONIALISM IN PUERTO RICO ARE COUNTED

MEXICO.—Rubén Berríos, president of the Puerto Rico Independence Party (PIP), said in Cuba that "The days of colonialism in Puerto Rico are counted," according to the Cuban press agency "Prensa Latina."

"The days of colonialism in Puerto Rico are counted. We are facing the 21st century and there are virtually no colonies left. Only six million people live under colonial regimes, of them, three and a half live in Puerto Rico," Berríos told the Cuban media during his visit to Havana.

According to Berríos, "The United States is faced with the problem of colonialism in Puerto Rico and the current process in the United States Congress towards a plebiscite in the Caribbean island is symptomatic of the degree of colonial deterioration that weighs heavily on Washington."

Berríos added that "spokespersons and ideologues of U.S. conservatism have stated that statehood is not a viable economic or political alternative for the United States."

"And since colonialism in the world is bankrupt, Washington will have to confront the fact that the only way out-for the Puerto Rican problem, short term or long term, is independence," Berríos stated.

Berríos and PIP Vice President [Puerto Rico Senator] Fernando Martín (PIP at-large), travelled to Havana during the weekend as part of a tour to create "a common Latin American front for the independence of Puerto Rico."

In Havana, Berríos met with President Fidel Castro and, prior to that meeting, had met with eight other Latin American presidents.

During his meeting with Castro, Berríos said the Cuban President "ratified the support of the government in Havana for the cause of Puerto Rican independence."

[From El Nuevo Día. Apr. 17, 1990]

PUERTO RICAN INDEPENDENCE PARTY MAKES APPEAL TO LATIN AMERICA

HAVANA, CUBA.—During a visit to Cuba this past weekend, Puerto Rico Independence Party (PIP) President Rubén Berríos stressed the need for Latin America's support for Puerto Rico's independence.

The PIP leader travelled to Havana with Senator Fernando Martín, the PIP's Vice President. The PIP is one of the three parties participating in the process towards a plebiscite in Puerto Rico. Berríos and Martín are on a tour of several countries in the region with the purpose of seeking support for the creation of a "common Latin American front for the independence of Puerto Rico." During his Latin American excursion, Berríos has visited Jamaica, Perú, Bolivia, Ecuador, Argentina, Venezuela, Colombia and Cuba, and has met with nine presidents.

In his meeting with the Cuban president, Fidel Castro, both politicians examined possible endeavors towards Puerto Rican independence, according to a report which appeared today in Cuba's official newspaper, "Granma."

During their meeting, Berríos said he was convinced that the contradictions of the U.S. presence in Puerto Rico, exposed during the plebiscite process, have served as evidence of the failure of the colonial system as well as of the "annexionist" (or pro-statehood) movement, according to the source. In his statements to the local media, Berríos indicated that Fidel Castro had ratified the support of his government to Puerto Rican independence. Rubén Berríos stressed that, in Puerto Rico, "the days of colonialism are counted."

"We are facing the 21st century," he added "and there are virtually no colonies left. Only six million people live under colonial regimes, of them, three and a half live in Puerto Rico." According to Berríos, the U.S. government is faced with the problem and the current process in the U.S. Congress towards a plebiscite in the Caribbean island is symptomatic of the degree of colonial deterioration that weighs heavily on Washington. He also explained that the option for the referendum, scheduled for next year if Congress approves legislation to that effect, would be statehood, Commonwealth and independence.

TRADE SANCTIONS AND THE PEOPLE'S REPUBLIC OF CHINA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the President must decide by June 3, 1990, whether to grant a waiver of the Jackson-Vanik amendment in order to extend China's most-favored-nation [MFN] status for another 12 months. The Jackson-Vanik amendment does not allow MFN status to be granted to countries who do not allow their citizens to emigrate freely, unless a waiver is granted by the President. Following the Tiananmen Square massacre in 1989, Chinese leaders have further restricted emigration and increased their disregard for basic human rights.

While these actions have been very disappointing and could easily justify a decision to revoke MFN status, a May 3, 1990, editorial from the Journal of Commerce illustrates some interesting points which could support continuation of China's current MFN status. Most notably, MFN status makes textiles, electronics, sneakers, and toys manufactured in China competitive in the United States. These goods are manufactured by semiprivate companies which make up China's entrepreneurial sector which has developed as a result of economic reforms. Loss of the Jackson-Vanik waiver would render these firms uncompetitive in the U.S. market. United States support for these entrepreneurs, the Journal suggests, could be best illustrated by granting a waiver of the Jackson-Vanik amendment and extending MFN to the People's Republic of China for an additional 12 months. I submit this editorial to be printed in the RECORD.

SELF-DEFEATING SANCTION

Using trade policy to do a foreign policy job is a tricky business: The United States could end up hurting itself by imposing broad trade sanctions to make a narrow political statement. That's what will happen if President Bush follows the advice of some in Congress who want to punish the hardliners in Beijing by canceling China's most-favored-nation tariff status.

Most-favored-nation status, which grants imports from China the same tariff treatment accorded goods from most other countries, was extended in 1980 under the U.S.-China Trade Agreement. That privilege has enabled China to become America's 10th-largest trading partner. Without it, high tariffs would make many Chinese goods uncompetitive: Customs duties on cotton sweaters, a major Chinese export, would rise from 6% to 60%.

Under the Jackson-Vanik Amendment, a 1974 law aimed at the Soviet Union, most-favored-nation status may not be granted to any country that restricts its citizens' right to emigrate. Each year since 1980, the United States has granted China a waiver of

the Jackson-Vanik requirement, renewing its tariff preferences with little debate.

Beijing's murderous repression in Tiananmen Square last June and the subsequent crackdown on the emigration of students and dissidents, mean that the Jackson-Vanik waiver is no longer a routine matter. By June 3, President Bush must decide whether to issue a waiver for another 12 months. The president is under pressure to vindicate himself for his mistake in sending two secret missions to Beijing for high-level talks last year while publicly proclaiming a moratorium on official visits. But responding to that pressure by stripping China of its most-favored-nation status would be a mistake.

A reversal in U.S. trade policy, effectively abrogating the 1980 trade agreement, would play into the hands of the Chinese leadership, which has been waging an anti-American campaign since last June. China might well retaliate in kind, interrupting the flow of U.S. exports to China, which totaled $6 billion in 1989.

The injured parties would include U.S. farmers, who sold $1 billion worth of wheat to China last year, exporters of mining and construction equipment, which have contracts for hundreds of millions worth of goods over the next two years; and airplane manufacturers, which stand to lose about $500 million in sales. In every case, China could find alternative sources for these products with little difficulty.

Reverting to old tariff rates would cut U.S. imports of Chinese toys, sneakers, apparel and electronic products by an estimated 50%, according to the U.S.-China Business Council. The biggest losers would not be the state-controlled factories, but semi-private enterprises in the south, many of them joint ventures between Chinese and foreign firms. Tariff hikes thus would harm the very entrepreneurial sector the United States has been trying to support over the past decade and weaken the position of China's liberal economic reformers.

Maintaining trade relations with China is in the United States' long-term foreign policy and economic interests. Seeking to humiliate the Chinese by stripping them of their favored tariff status would be self-defeating. There are less damaging and less expensive ways to send the message that the United States does not support the regime of Premier Li Peng.

HONORING THE LATIN AMERICAN CIVIC ORGANIZATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BERMAN. Mr. Speaker, it is a special privilege for me to rise today to honor the Latin American Civic Organization [LACA], for its outstanding work as the Head Start agency in the north San Fernando Valley. LACA has helped thousands of preschool children of low income families break the cycle of poverty. It is a distinct honor for me to pay tribute to LACA as Head Start's 25th anniversary is celebrated in our community by the Los Angeles Early Childhood Federation of Teachers, American Federation of Teachers Local 1475, AFL/CIO. Local 1475 is the collective-bargaining agent for Head Start agencies in Los Angeles County.

From its inception, the originators of Head Start realized that they would only succeed if the child's entire family as well as the community were involved. In the San Fernando Valley, LACA has instigated comprehensive programs designed to meet the emotional, social, health, nutritional, and psychological needs of the preschoolers it serves.

In addition to the Federal funding that it receives, Head Start has to generate an amount equal to 25 percent of the financing it receives from Washington. LACA has done sterling work in soliciting volunteer donations and community services contributions. They have also enlisted the direct participation of families in the program, as classroom volunteer aides and members of parent policy groups.

Mr. Speaker, it is a pleasure to ask my colleagues to join me in saluting the Latin American Civic Organization—a community agency helping thousands to reach their potential and achieve their dreams.

INTRODUCTION OF FEDERAL EMPLOYEE UNIFORM EQUITY ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HOYER. Mr. Speaker, I rise today to introduce legislation to provide a higher uniform allowance for Federal employees who are required to wear uniforms on a daily basis.

Thousands of Federal employees are now required to wear unfiroms either for safety reasons or so that they can be easily identifiable to the public that they serve. Nurses in Indian hospitals, firefighters, and security guards at the Department of Defense and technicians in the Bureau of Land Management are only a few examples of those in uniforms today. These employees are required to bear the cost of this requirement, except for a minimal allowance provided by agencies.

The allowance was raised in 1966 and is currently capped at $125. This amount is clearly inadequate. For example, a security guard in St. Louis at the GS-4 level earns $14,500 a year. The cost for keeping two uniforms, the minimum necessary for presentability, is more than $200 over the current allowance.

Mr. Speaker, the Congress has already recognized the inadequacy of this cap in 1976, 1982, and 1983, when it raised the cap to $400 for Park Service, Forest Service, and Corps of Engineers employees respectively. Last year, the Congress gave the Department of Defense the authority to pay the higher cap for its employees. This has created an inequitable situation which we should quickly move to redress. All employees should be protected and included in this $400 a year allotment for uniforms. Clearly, the cost of living has greatly increased since 1966, when the current cap was established. It is only fair that a proper uniform allotment be allowed for every hard working, uniformed Federal employee. This legislation would do just that.

I urge my colleagues to join with me in cosponsoring this legislation and in working to secure its speedy passage.

DR. JOHN MATOCHIK, JR., HAS EXEMPLIFIED THE SPIRIT OF SCOUTING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, like many of you, my first introduction to community involvement, my real apprenticeship in life, was in Scouting. That's why I've been involved on one level or another of Scouting nearly all my life. But when it comes to contributions to Scouting, I and nearly everyone must bow to Dr. John Matochik, Jr., a veterinarian from Fort Edward in my district. Let me tell you a little more about him.

At a Saturday, June 9 dinner, the Mohican Council, Boy Scouts of America, will present Dr. Matochik with its Distinguished Citizen Award. I could not think of a more appropriate recipient.

Dr. Matochik has been involved in Scouting for more than 20 years. He was president of the Mohican Council from 1974 to 1988. He is now vice president of finance for the council and vice president of Scouts Area 2, Northeast Region. In 1967, he took 26 local scouts across the country to the Philmont Boy Scout Camp in New Mexico, an experience those young scouts have never forgotten. Dr. Matochik has received Scouting's Silver Beaver Award and the Pelican and St. George medals.

His contribution to Scouting would be enough, but there is more to his story.

He has served on the Fort Edward Chamber of Commerce, the regional development board of Glens Falls National Bank, and the Glens Falls Hospital board of governors. He is current president of the Tri-County United Way, a trustee and past president of the Fort Hudson Nursing Home, a Eucharistic minister of St. Joseph's Church, past president of the Washington County State Committee of the American Cancer Society, and past president of the Capital District Veterinary Medical Society.

He is a self-described farm boy, and that's a good background for entrance in the field of veterinary medicine. He graduated from Cornell University's New York State Veterinary College in 1954, and opened his local practice.

He and his late wife, Sarah, had two sons, John and Mike. He is now married to the former Magdalena Cox, who has three sons, Tom, Michael, and Pat. John, Mike, Michael, and Tom all became Eagle Scouts.

Earlier this year, the Adirondack Regional Chambers of Commerce named Dr. Matochik the first recipient of the first ever J. Walter Juckett Community Service Award. And soon it will be the turn of the Mohican Council to single out this true pillar of the community.

And now, Mr. Speaker, I ask you and Members of this House to join me today in saluting Dr. John Matochik, Jr., who exemplifies more than any man I know the spirit and ideals of Scouting.

STUDY ON MANASQUAN RIVER BASIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation which would authorize the Corps of Engineers to conduct a feasibility study on the Manasquan River Basin in New Jersey, for the purpose of determining potential flood control measures.

In both 1987 and 1989, heavy rains forced the Manasquan River to overflow its banks and caused severe damages in Howell Township, Freehold Township and other New Jersey communities. In June 1989, both Freehold and Howell Townships declared states of emergency in order to clear the streams of debris and sediment. These measures, while helplful in the short term, will not resolve the long-term flood problems.

Mr. Speaker, in March, after meeting with the local officials and representatives of the corps to discuss the possible options for preventing future flooding, it was determined that a study must be conducted to identify the most comprehensive and effective way to prevent future flooding events. Because there is no current Report of the Chief of Engineers on the Manasquan River Basin, the corps has advised me that new congressional authorization is required, either as separate legislation or as part of the Water Resources Development Act of 1990.

Accordingly, I am introducing legislation today to direct the Secretary of the Army to conduct a study of the feasibility of implementing flood control measures on the Manasquan River to alleviate flooding in Freehold, Howell, and other affected townships in New Jersey. In addition, I am requesting that the House Public Works Subcommittee on Water Resources incorporate my legislation into the Water Resources Development Act of 1990, now under review by the subcommittee.

Mr. Speaker, both Freehold and Howell Township are committed to conducting such a feasibility study and I would urge my colleagues to support my legislation authorizing the corps participation in this project.

ON BANNING VOLATILE ALKYL NITRITES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to introduce legislation which will ban recreational use of the drug "poppers" once and for all. When alkyl nitrites were restricted under the 1988 Omnibus Drug Act, popper manufacturers switched to using other forms of nitrites that had the same effect, thus effectively circumventing the intent of the legislation. The time has come to close the loophole—to let manufacturers and marketers know that we will no longer tolerate the sale of these products to our children.

For years, poppers have been used as a gateway drug. They are seen by many young people as harmless ways to experiment with drugs. Their easy availability and legal sale makes them safe in the eyes of many unknowing young people. Unfortunately, there is no such thing as a safe or harmless drug. Once the trap is set, pushers can get these kids into harder drugs: crack, heroin, ice.

Research tells us that poppers are far from harmless. Among their damaging side effects are delirium, severe headaches, profound hypertension, dermatitis, and methemoglobinemia, the impairment of the ability of blood cells to carry oxygen to the brain. A number of deaths have resulted from users ingesting these nitrites. Use of nitrites has also been linked to the development of Kaposi's sarcomo, a rare cancer frequently occurring in AIDS victims. Of further concern in the AIDS high-risk groups is the recent linkage of poppers to the inability to fight off infectious diseases such as tuberculosis, among the leading killers of AIDS victims.

As a nation we have already taken the lead to restrict the use of similar nitrites, such as amyl and alkyl nitrites. Congress must now again take the lead to restrict all volatile alkyl nitrites and rid our Nation of the grave threat to health they pose. I urge my colleagues to join me in another battle in the war on drugs by supporting this legislation.

AWARD WINNERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to this year's United Teachers Los Angeles North Area Asian-Pacific Scholarship Winners. These outstanding individuals deserve to be recognized for their dedication to the pursuit of academic excellence.

On May 31, 1990, this very elite group of 11 high school students will be honored at the UTLA awards banquet in Los Angeles, CA. They have all demonstrated that worthwhile achievement requires hard work and dedication. Their accomplishments represent excellence in education which can only be attained through continued commitment to their studies. It is assuring and inspiring to know that these outstanding students are role models for other students by their fine academic examples.

The first place winner: Chanh Vuong, Franklin High School; second place winner: Kathy Ng, Eagle Rock High School; third place winner: Anna Lisa Biason; along with the eight honorable mentions: Mona K. Wong, Eagle Rock High School; Taeyon Kim, Marshall High School; Alice Jade Alburo, Marshall High School; Chuen-Yen Lau, Marshall High School; Francis Kim, Central High School; Ba Van Hoang, Lincoln High School; Sau Pik Lau, Marshall High School; and Lawrence Kim, Central High School are to be congratulated for their outstanding achievements.

Mr. Speaker, I commend the 1990 UTLA Asian-Pacific scholarship winners for their many accomplishments. I am sure that my colleagues join me in saluting these students, and I extend my best wishes for their continued success in all their future endeavors.

A TRIBUTE TO THE DEWITT COMMUNITY CHURCH: 150 YEARS OF MINISTRY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SCHUETTE. Mr. Speaker, I rise today to pay tribute to the DeWitt Community Church in DeWitt, MI, whose sesquicentennial inauguration will take place on May 13, 1990, at 11 a.m. For 150 years, they have been reaching out to the people of DeWitt, providing a place to worship, share, and serve.

Originally a Baptist congregation, their first service was held May 10, 1840, at the home of J.K. Pearsall. They continued to meet at the Pearsall's house until 1852, when they raised the $13,000 needed to build a church on the town square. For the rest of the century, the church and the town grew together, with the church promoting strong values in the growing community. In 1884 they reorganized and in 1908 they incorporated.

In 1928 the Methodist church across the street burned down. For the next year, the Baptist congregation invited the Methodists to come and worship with them, which resulted in the congregation becoming interdenominational. This willingness to share with others, especially those in need, characterizes the church today.

By the 1970's the town square had become the bustling center of DeWitt and the church was left with little room to expand and no parking space. So in 1971 they began the long process of moving to a new location by purchasing 14 acres on Webb Drive. This move took place under the direction of Pastor Murl Eastman. Three years later, on June 2, 1974, they celebrated the move with a parade which wound from the town square to the new location just outside of town.

Today, the 130 members of the DeWitt Community Church, led by Pastor Frederick C. Nose, are working on a new mission statement. They are reaching out to the people in DeWitt who need guidance, help, and understanding. This statement will allow them to achieve their goals at an accelerated pace. They desire above all to address the biblical mandate to reach out to the community, not wait for the community to come to them.

Mr. Speaker, it is an honor for me to draw the attention of my colleagues to the DeWitt Community Church. Their 150th anniversary celebrates a long history of providing the people of DeWitt with a place to worship, share, and serve together. Please join me in recognizing the success of their noble efforts to promote the values of the church in DeWitt, MI.

BRIDGES UNDER SURVEILLANCE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. McEWEN. Mr. Speaker, I rise today to bring to the attention of my colleagues a fascinating article about bridge inspection technologies in the May 1990, Civil Engineering magazine, the monthly publication of the American Society of Civil Engineers [ASCE]. This article by Paul Tarricone, "Bridges Under Surveillance" reports on some of the exciting research now underway in the United States to develop new expert bridge detection systems.

The development of new and improved bridge monitoring systems may lead us to a point where bridge collapses and costly repairs can be prevented. This article also contains a striking graphic that may be familiar to those of you who share my concern about the Nation's deteriorating infrastructure, and that is the report from the Federal Highway Administration which says that 41 percent of the Nation's 577,710 bridges are either structurally deficient or functionally obsolete.

Mr. Speaker, a troubling thought comes to mind as I peruse this article about innovative technology that can benefit our Nation's surface transportation system, and that is even if we can assess with better precision the condition of America's bridges, we are hamstrung to do anything more because we have so many billions of dollars tied up in the highway trust fund. As I have indicated before, the balance in the highway account of the highway trust fund has grown to over $10 billion—money which should be paid through the trust fund for highway work and apportioned to the States for highway improvement projects.

In taking the opportunity to share this material with my colleagues, I would like to commend the efforts of American researchers and civil engineers to improve bridge inspection technologies, while also deploring the ongoing manipulation of the highway trust fund to make the deficit appear smaller on paper. The American people pay user fees with the understanding that these fees, the gas tax in this case, will be expended in a timely fashion to upgrade our highway system. Now is the time to put the trust back into the highway trust fund.

The material follows:

AMERICAN SOCIETY OF CIVIL ENGINEERS,
Washington, DC, May 2, 1990.

Hon. BOB MCEWEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCEWEN: On behalf of the more than 100,000 members of the American Society on Civil Engineers (ASCE), the oldest national engineering society in the United States, I want to express ASCE's strong support for H.R. 286, the "Infrastructure Protection Act of 1989."

As design professionals serving on the front lines of America's infrastructure crisis, civil engineers fully appreciate the importance of investing in our vital public works facilities. Our nation's transportation system are an essential link in America's economic growth and international competitiveness. Unfortunately, there is mounting evidence to show that America's transportation systems are being neglected.

A first and positive step we, as a nation, can take in addressing our public works infrastructure crisis, is to remove the federal transportation trust funds from the unified federal budget. H.R. 286 would achieve this worthwhile goal and free up billions of dollars for needed infrastructure investment. Until the transportation trust funds are liberated from the unified budget process, billions of dollars in user fees dedicated to improving U.S. transportation will be locked away in an effort to make the budget deficit only appear smaller. ASCE believes that it is time to put the trust back in the trust funds.

ASCE commends your leadership on this important issue and is ready to assist you in any way.

Sincerely,

JOHN A. FOCHT, Jr.,
President.

[From the Civil Engineering Magazine, May 1990]

BRIDGES UNDER SURVEILLANCE

(By Paul Tarricone)

Last year, Mrinmay Biswas and several of his graduate students took an unusual class trip to a Pennsylvania bridge located near the Harrisburg Airport between Lancaster and the state capital. When they arrived, workers methodically loosened bolts from a splice connection of a girder to simulate a bridge failure. All the while, traffic continued as usual.

The Duke University professor admits there was some initial apprehension, but the project was highly supervised. "There were more people watching than working," Biswas says. That's because Pennsylvania DOT was funding the imitation bridge failure. With many bridges failing on their own, it seems bizarre that a DOT would want to create more. But before vowing never to travel on a Pennsylvania bridge again, understand that Biswas was testing his expert detection system—one of many techniques now being used and researched throughout the nation to spot structural flaws before disaster strikes. Only a few bolts on one of the bridge's seven continuous girders were loosened, and travelers, of course, were not in danger. Drivers on many of the country's other bridges, however, may not be so fortunate.

The grim statistics released last fall by the Federal Highway Administration revealed that 238,357 (41%) of the nation's 577,710 bridges are either structurally deficient or functionally obsolete (Table 1). The definitions don't mean the bridges are necessarily unsafe, but many are restricted to carrying lighter vehicles because of deteriorated structural components.

TABLE 1.—BRIDGES ON THE BRINK?

State	Total bridges	Structurally deficient	Functionally obsolete	Total deficient	Percent deficient	Rank
Alabama	15,534	3,949	3,602	7,551	49	13
Alaska	800	86	27	111	14	49
Arizona	5,623	160	252	412	7	51
Arkansas	13,017	1,596	4,225	5,821	45	17
California	22,261	1,666	4,055	5,721	26	37
Colorado	7,428	2,208	460	2,668	36	27
Connecticut	3,749	2,394	1,368	2,401	64	2
District of Columbia	237	48	1	49	21	39
Delaware	738	79	96	175	24	43
Florida	10,188	610	1,605	2,215	22	41
Georgia	14,226	3,520	2,518	6,038	42	21
Hawaii	1,043	115	161	276	26	37

TABLE 1.—BRIDGES ON THE BRINK?—Continued

State	Total bridges	Structurally deficient	Functionally obsolete	Total deficient	Percent deficient	Rank
Idaho	3,745	560	514	1,074	29	33
Illinois	25,428	5,313	2,042	7,355	29	33
Indiana	17,517	3,807	3,939	7,656	44	19
Iowa	25,865	6,040	6,336	12,376	48	15
Kansas	25,648	5,386	7,347	12,733	50	12
Kentucky	12,591	2,207	5,252	7,459	59	5
Louisiana	14,139	3,959	2,443	6,402	45	17
Maine	2,583	436	331	767	30	32
Maryland	4,574	707	1,169	1,872	41	23
Massachusetts	4,964	1,714	209	1,923	39	26
Michigan	10,581	2,628	683	3,311	31	31
Minnesota	12,994	1,911	1,787	3,698	28	35
Mississippi	16,994	6,421	2,563	8,984	53	10
Missouri	23,682	12,347	2,718	15,065	64	2
Montana	4,632	495	2,240	2,735	59	5
Nebraska	15,843	7,636	1,158	8,794	56	8
Nevada	1,073	50	109	159	15	48
New Hampshire	2,572	522	603	1,125	44	19
New Jersey	5,997	1,352	752	2,104	35	28
New Mexico	3,439	410	334	744	22	41
New York	17,326	10,409	1,403	11,812	68	1
North Carolina	16,115	1,107	7,382	8,489	53	10
North Dakota	5,283	1,959	582	3,041	58	7
Ohio	29,180	4,494	1,504	5,998	21	43
Oklahoma	22,981	8,229	4,677	12,906	56	8
Oregon	6,608	577	558	1,135	17	47
Pennsylvania	22,457	5,990	2,917	8,907	40	24
Rhode Island	702	98	38	136	19	46
South Carolina	8,886	939	836	1,775	20	45
South Dakota	6,822	1,660	1,530	3,190	47	16
Tennessee	18,547	4,366	3,023	7,389	40	24
Texas	44,314	6,572	8,581	15,153	34	29
Utah	2,543	262	96	358	14	49
Vermont	2,665	503	808	1,311	49	13
Virginia	12,652	3,933	1,610	4,284	34	29
Washington	6,898	920	941	1,861	27	36
West Virginia	6,513	2,795	1,196	3,991	61	4
Wisconsin	12,963	3,978	1,455	5,433	42	21
Wyoming	2,826	320	356	676	24	39
U.S. Total	577,710	135,826	102,531	328,357	41	

Source: Federal Highway Administration, U.S. DOT.

To make matters worse, experts are becoming disenchanted with standard visual inspections and conventional bridge analysis. Biswas hopes his system will eventually detect cracks that the naked eye will miss during a visual inspection. "A lot of times the bridge could be cracked, and the crack is hiding under paint or rust."

"The degree of deterioration cannot be assessed from a visual inspection alone," agrees George Goble of University of Colorado, Boulder. "Quantifying structure damage can eliminate a great deal of very tenuous judgments currently left to the inspection engineer."

Meanwhile, conventional analysis (skeptically called the cookbook method) is in question because it doesn't consider the entire structure system. Although it has served bridge inspections for some 60 years, John O'Fallon, a program manager in the structures research division of FHWA, says the conventional method is "relatively crude. It employees only two-dimensional analysis and uses empirical factors to test live-load effects. The specs treat beams and girders individually, but to a large extent ignore load sharing of the members." However, projects are under way within FHWA, O'Fallon says, to revise the bridge-rating manual.

Traditional analysis takes for granted that a structure will behave according to design assumptions—for example, how loads are transmitted through a structure. "Tests results sometimes verify the assumptions," says Ronald Rolsing of McDonough Associates, Chicago, "but other times the assumptions don't bear up."

STRONGER THAN WE THINK?

Ironically, preventing disasters may not even be the most important reason to monitor bridges. Flaw-detection systems also sig-

nify when a bridge or critical structure is not in imminent danger of collapse. Indeed, because of passed inspection techniques, many experts believe FHWA's estimate of deficient bridges is actually bloated. Bridge strength, they say, is "grossly underestimated" because rating methods are punitive. "If you're an inspector and you see signs of deterioration, you would be foolish not to rate the bridge conservatively, especially considering liability," sayd Goble. "The public's safety must be assured, but the cost of overconservative posting limits can be substantial."

With overall infrastructure rehabilitation costs (highways, sewers, et al.) estimated at a dizzying $3.3 trillion, the lack of a foolproof bridge-monitoring system may create a vicious circle: Ineffective inspection techniques beget overconservative ratings, which beget unnecessary bridge replacement/repair, which begets less money for other public works in even more dire need to rehab.

But changes are on the drawing board. A report prepared by Raths, Raths & Johnson, Willowbrook, Ill, for the National Cooperative Highway Research Program sounds the alarm for more efficient nationwide bridge monitoring and rating. Although Florida, New York and Pennsylvania have tested bridges in recent years, there are no specific guidelines and procedures available to bridge owners and engineers in the U.S. for physically testing bridges to determine load rating and based on field tests, RR&J has in fact found that "bridge often possess far greater strength than can be predicted by conventional analytical rating procedures, despite their age and apparent deterioration." Says Suresh Pinjarkar, "Bridge monitoring tells us a structure may only need to be upgraded, not torn down."

RR&J's report outlines eight recommendations that should be incorporated into AASHTO's revised Manual of Maintenance Inspection of Bridges. One spells out the huge financial savings that would result from more precise ratings: Load restrictions on many bridges could be eliminated; overload and permit applications policies could be improved; impending replacement/strengthening projects could be postponed or canceled; most importantly, the service life of existing bridges could be extended.

UNIVERSITY TESTS

Experts agree the quintessential detection system should provide global, not just local, bridge inspection, meaning the entire structure must be monitored for flaws. "Ultrasonics, magnetic particles and other nondestructive testing techniques are effective after a global test has already detected a problem at a certain spot on the bridge—if you're already looking for something," says Biswas. NDTs are also effective for testing parts of a bridge before it's built; for instance, x-ray or gamma-ray radiography and ultrasonics are often used during steel fabrication.

At Duke University, Biswas's research concentrates on a 2,000 lb, 8 ft long replica of a girder bridge. Three steel girders, each held together with bolted splices, support a reinforced concrete deck. During tests, bolts are selectively removed from a girder splice, while Biswas watches a spectral analyzer for unusual readouts to determine if it's detecting the flaw. An experiment planned for this year will create cracks in the girder splices by cutting them selectively with an acetylene torch or power saw. Started in 1987, the research is funded for $387,000 by PennDOT and FHWA as part of the Highway Planning Research program.

According to Biswas, a bridge may fail because a crack develops in a steel girder or the bolts on the girders become too loose. The expert detection system equipment reportedly is able to find which girder has the problem and in what area. With the cooperation of the respective DOTs, Biswas first calibrated the equipment on a North Carolina bridge closed to traffic, then tested it—without shutting down travel—on a Pennsylvania bridge. After creating a failure by loosening bolts, researchers tapped the bridge with a hammer, sending vibrations through the girders that can be detected by an accelerometer—an instrument placed on the bridge that provides a time history of accelerations. The frequency of the vibrations was measured and charted with the spectral analyzer. Biswas then found the bogus cracks by examining the frequency charts generated by the signals.

The Duke researcher admits that accurate data interpretation is still a problem. "The charts are like an electrocardiogram, which shows whether or not a patient is having a heart attack," Biswas says, "but only a doctor can properly interpret the chart. We cannot expect every highway department to replace high school-educated technicians with PH.D.s." To make the system easier to use, researchers will soon design a computer program—based on artificial intelligence concepts—which wil interpret the readouts. The program will be able to recognize the patterns of normal and cracked bridges; the bridge signature, as it's called, will be monitored through tests as often as the pattern dictates. For day-to-day use, a van equipped with $100,000 worth of computer hardware and software has been transformed from a "cargo van to a mobile laboratory," says Biswas, and plans are under way to deploy vans for statewide bridge testing.

FHWA and PennDOT are also sponsoring research conducted by Goble at the University of Colorado. Funded from July 1988 through March 1991, the $825,000 project is rating the load capacity of 30 bridges across the country and determining whether or not the trucks riding on these bridges are at overload. To date, 14 bridges have been tested.

According to Goble, the key is to measure the girders' structural/strain response to trucks with known wheel loads and to use these measurements to get an improved computer respresentation of the bridge superstructure. The idea is to compare recorded strain measurements from a field test with the results of a structural-analysis computer program. The problem today, Goble says, is that "each computer analysis program may produce a different result. We've got to make our analysis agree with what we actually measure." Once there is an accurate model of the bridge, the response to any other load configuration (rating and overloads) can be calculated.

The test is performed by running a truck with known axle weights across the bridge, but only at crawl speed (3-5 mph) to prevent dynamic responses. A test operator walks alongside the vehicle and presses a button each time the front axle reaches a specified point. Every time the button is pressed a counting mark is stored along with the strain measurements. In this way, the location of the truck can be recovered from the test data, and strain can be determined as a function of vehicle position. The number of paths required for the vehicle is dependent on bridge width, however, each path is run at least twice.

Instrumentation and preparation time before the test ranges from 4 to 8 hr. Strain gages—between 16 and 48, depending on the condition of the bridge—must be attached to the girders, cables are laid out, and key work points are marked on the deck surface. The test takes about an hour, and traffic is usually shut down in the right lane. The process may cost between $4,000 and $6,000 per bridge in labor and equipment.

TRANSIT-BRIDGE TESTS

Raths, Raths, & Johnson recently performed nondestructive diagnostic load tests on a typical 100-year-old single-span train structure. The tests were part of a $2.3 million pilot-study program and condition assessment of the Chicago Transit Authority's rapid-transit system, which includes roughly 40 mi. of elevated steel structures and bridges. Test results should provide a better estimate of the remaining fatigue life/rating of the structure. Once again, in keeping with its government report recommendations, RR&J found the bridge was actually stronger than conventional analysis would have inspectors believe.

RR&J monitored the behavior of the elevated structure under both static and dynamic loads. The static tests were run by stopping an empty four-car train at known positions along the track. Strain was measured at critical locations in the stringers, columns and cross-bracing members. Vertical deflections were measured at the stringer midspans. The dynamic tests were performed by moving the test train across a test span at crawl speed and various operating speeds. Strains were measured in the stringers to evaluate impact load for the test train and for normal in-service train movements. Dynamic tests were also performed by braking the moving test train and measuring column flexural strains caused by both normal and emergency braking. Although that bridge was deteriorated, test data showed that it was in better shape than anticipated; impact loading was just 5-10% for the test train and in-service train movements, compared with the proposed design impact of 55%.

Instrumentation, however, isn't exclusively used for global inspection. Weidlinger Associates, New York City, used strain gages to investigate a spot-specific problem on the Manhattan Bridge. "The bridge had a terrible maintenance history, and we knew that secondary stresses caused by bridge twisting caused the fatigue failure," says Weidlinger's Herb Rothman. "But the deterioration was much greater than we could explain. We had to look for something more before committing to such an expensive project." The strain gages were attached, Rothman says, because they're effective in crack-prone areas that can't be analyzed by conventional methods and they often point to unexpected sources of distress. Rothman says anywhere from four to 400 postage-stamp-size gages can be used during a test, which lasts one or two days and can cost $10,000.

On the Manhattan Bridge, strain gages on cracked floor members showed that live-load stresses didn't return to zero after subway trains left the bridge. The surprising readings indicated that intermittent freezing and release of steel sliding bearings amplified the twisting stresses and caused the excessive cracking. Consequently, rubber bearings were installed to replace the steel, eliminating one of the principal causes of fatigue failure on the bridge, Rothman claims.

WHERE DO WE STAND?

Although monitoring has gained in popularity and prestige with DOTs over the past five years, progress and application is crawling, not sprinting, along. David Beal of New York State DOT is cautiously optimistic. "The promise of these things is good, but we're not there yet," he says flatly. "Are there devices available? Yes. Should we be using them? Yes and no. If we want a device to tell us a bridge is about to fall down, then the answer is yes, but is it worthwhile using these devices to find such gross structural problems? In New York, if we find a crack, we fix it, we don't monitor it."

According to Beal, the state of the art is simplistic. "If a bridge is damaged in some area, the vibration-frequency pattern will be influenced. But how great does damage have to be before [a change in] vibration is detected? What sensitivity can we actually achieve? It's in this area that people are floundering." Before bridge-monitoring systems are universally adopted, Beal says, they will have to be able to detect subtle bridge flaws, not just the large flaws introduced during tests. While Duke's Mrinmay Biswas is making strides, loosening girder bolts produces what's esssentially "a clean failure," says Beal; and Biswas concedes that at the moment his equipment can't distinguish between degrees of severity in a crack. The best systems, Beal believes, would have to find small structural flaws "like a hair-line crack in a tension flange remote from the sensor."

As for future research, one project involves jacking up a bridge and then releasing it to simulate its reaction to an earthquake. Abandoned bridges would be used for the test. "People are looking for a magic thing to hang on a bridge or a bell to go off when the bridge is about to fail," says FHWA's John O'Fallon. Research is nowhere near that point, but O'Fallon and other experts hardly think the work is fruitless. "If we felt that way, we'd still be using oxcarts and bows and arrows."

IN SUPPORT OF THE ARTS IN NEBRASKA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, this Member, like all other Members of Congress, is receiving hundreds of letters with regard to the controversies surrounding the National Endowment for the Arts. Much of this mail is written by constituents who have been deliberately misinformed about the congressional process and the intentions of Members of Congress. This Member appreciates how important local arts programs are to Nebraskans who don't have access to the Kennedy Centers and Lincoln Centers of the Nation. Thus, as one way to actively combat the disingenuous strategy that would destroy Federal support for the arts, this Member seeks to share persuasive comments from home. The following letter speaks eloquently of the important role the arts play in Nebraska:

APRIL 9, 1990.

Hon. DOUGLAS BEREUTER,
Rayburn House Bldg., Washington, DC.

DEAR CONGRESSMAN BEREUTER: I am writing to urge you to support the National Endowment of the Arts, and therefore, public support of the arts.

You know well the citizenry of Nebraska, and the geography of Nebraska, and the hunger for equal opportunity for quality art programs in rural schools and communities. State Art Councils are in place to monitor the funding, and the Nebraska Council members know what Nebraskans feel, need, and want, but funding is essential. We take the delegation of federal monies as a moral obligation to do what is best for Nebraska.

To burn all books because of the words in one;

To halt all music because of the content of one song;

And to silence all art in Nebraska because of one non-Nebraskan artist is to stifle the quality of life for our most important product, the children.

Please study the issue and give thought to the possibility of school children in our state having to do without opportunities to hear, see, and learn the greater forms of art.

Respectfully,

(Signed by a Nebraska constituent.)

THE PUERTO RICO SELF-DETERMINATION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DE LUGO. Mr. Speaker, as you know, I am introducing a bill today to enable the people of Puerto Rico to exercise self-determination with your support and that of the minority leader and with the bipartisan cosponsorship of the other leaders of the Interior and Insular Affairs Committee on this issue as well as the leaders of the Rules Committee.

The bill would fully respond to the request of the leaders of Puerto Rico's three political parties early last year for the Federal Government to authorize a referendum on the island's future political status and, importantly, to commit to act on implementing the winning status according to a specific and expeditious timetable.

It would, further, clearly define the three status options as they would apply to the island: an enhancement of the current commonwealth relationship with the United States; statehood; and independence so that the people of Puerto Rico can make an informed choice.

The bill provide for a self-executing, binding process to act on their self-determination decision; but it does not contain the perceived flaws that have bogged down a Senate committee bill on this important issue.

As Members will recall, President Bush endorsed Puerto Rico's self-determination request in an address to us. I understand from the minority leader that the White House is happy that we are proposing this legislation.

It would enable the stalemate on the complicated Puerto Rican status issue—that has effectively prevented action on the many serious needs of the island for so long—to finally be broken. And it would do this in a realistic and fair way.

Last year, as chariman of the Insular and International Affairs Subcommittee, I agreed with the chariman of the Senate committee of primary jurisdiction to have the Senate act first on this sensitive matter, with House action to follow to minimize confusion over the differences in the Senate and House bills.

Chairman JOHNSTON drafted three bills on this issue, all calling for a referendum among the status options next year.

One, S. 710, would call for the choice to be made among three undefined options and provide for negotiations to develop implementing legislation. The legislation would only be effective if approved by the people of Puerto Rico as well as the Federal Government.

Another bill, S. 711, is similar except that it would define the three status options.

A third bill, S. 712, would preapprove each of the three status options—and related changes in law—and automatically put the status that won the referendum next year into effect the same year.

Although you, Mr. Speaker, expressed concern about S. 712's unprecedented process, the Senate Energy and Natural Resources Committee narrowly approved S. 712 last summer.

Your concerns were shared by other Members of Congress. And the changes in law that S. 712 proposed for the statuses generated even greater concerns about the bill, in the Senate as well as the House.

Chairman JOHNSTON, who has done the Nation a great service by his work on this issue, intended to have S. 712 sent to the House by last fall, in keeping with our understanding on scheduling; but the Senate still has not acted on it. The bill remains in the Finance Committee to which it was referred after the Energy and Natural Resources Committee's action.

Because of the delay, other leaders of the Interior and Insular Affairs Committee and I asked the leaders of Puerto Rico's parties last November to agree on a more realistic alternative to the bill.

But the promises of S. 712 made it understandably impossible for them to do so.

Now, time for the Federal Government to respond to their request to enable their people to finally make a status choice next year is running out.

The reason for the inaction is clear to us up here; but less clear to the people of the island: Both the process and the principles set forth in S. 712 are so skewed that the prevailing view is that the Washington Post was right when it said that it would be better to pass no bill at all.

And that would be a tragic result for the people of Puerto Rico and for the United States. So, I decided to go ahead and sponsor an alternative to S. 712 that would enable the people of Puerto Rico to exercise self-determination next year; but would also have a realistic chance of becoming law.

I discussed the need to do this with my friend Chairman JOHNSTON and he completely understood my need to shift the approach I agreed to with him last year and introduce an alternative bill at this time.

The new bill is based on another of his bills, S. 711; but it is, I believe, an improvement on that original bill, particularly in that it would provide commitments and timetables for final action on this issue.

I am joined in introducing this bill today by the ranking Republican of my subcommiittee, BOB LAGOMARSINO, and by the chairman and the ranking Republican of the full Interior and Insular Affairs Committee, MO UDALL and DAN YOUNG, respectively. The chairman and ranking Republican of the Rules Committee, which may also have to act on this matter, JOE MOAKLEY and JIMMY QUILLEN, are sponsors as well and a number of other sponsors will be added to it shortly. Finally, you, Mr. Speaker, and the minority leader have also indicated support of this bill.

Our bill would do what the people of Puerto Rico have asked for—provide a chance for them to exercise meaningful self-determination next year.

It would authorize a referendum between options that are clearly defined in 1991. I had originally intended for this date to be in May—a time earlier next year than the Senate committee bill provides for—but there are those in Puerto Rico who have suggested that more time or an education process prior to the referendum is needed because of the delay in completing action on this legislation due to the Senate. I want it to be as early as possible. But whatever date in 1991 we finally select, it will not delay the effective date of status development proposed in this bill.

Our bill would require the development of legislation to implement a winning status next year after the referendum in consultation with the Puerto Rican party advocating that status, with the other two parties, and with the President.

It would commit the Federal Government to quick action on that legislation in early 1992.

But it provide that this final Federal action would only take effect if it is approved by the people of Puerto Rico in a second vote in July 1992, so that they make the final decision on this issue. The status development would then be effective in October 1992.

As introduced, the bill provides for—but does not contain—definitions of the statuses. These definitions will be added by the subcommittee after consultation with the leaders of Puerto Rico's status-based political parties.

The Insular and International Affairs Subcommittee can be expected to act on this bill shortly. We have had extensive briefings on the many issues involved. We have also had many hours of hearings both here and in Puerto Rico on them.

We will have other hearings next month—in New York at the request of our colleagues CHARLIE RANGEL, STEVE SOLARZ, BILL GREEN, FRANK HORTON, and JOSE SERRANO so that we can hear from the many Puerto Ricans in that State—and in Washington to hear from the administration and once again from Puerto Rico's parties on the details of the bill.

I intend for the subcommittee to act as quickly as possible on the bill immediately afterward so that a law can be enacted this year that will enable the people of Puerto Rico to exercise self-determination.

In concluding, I want to express my special appreciation and admiration for my subcommittee's ranking Republican, BOB LAGOMARSINO, for his patriotic cooperation in developing this legislation. This is an example of the reason I value his friendship so highly.

THE PUERTO RICO SELF-DETERMINATION ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LAGOMARSINO. Mr. Speaker, I unequivocally support self-determination for the people of Puerto Rico. They have abided patiently for the realization of the words of General Miles when he arrived in Puerto Rico in 1898 during the Spanish-American War to establish United States sovereignty over Puerto Rico.

In the prosecution of the war against the Kingdom of Spain, the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the Island of Puerto Rico. They come bearing the banner of freedom. * * * They bring you the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold. * * * We have not come to make war against a people of a country that for centuries has been oppressed, but on the contrary, to bring you protection * * * to promote your posterity, and to bestow upon you the immunities and blessings * * * of our government.

The people of Puerto Rico have undergone a slow process of increased self-government and economic development over the years. In 1900, they were authorized to elect a "Resident Commissioner" to Washington but not a "Delegate" as the term delegate was believed to have an implied promise of statehood.

The people of Puerto Rico were finally bestowed United States citizenship in 1917, primarily due to America's participation in World War I and the need for additional forces to protect the Panama Canal. Thousands of Puerto Ricans served with distinction with many losing their lives in defense of their long-awaited and cherished United States citizenship.

However, the Supreme Court's 1922 decision in Balzac versus People of Puerto Rico created a different type of citizenship than that which was enjoyed by the residents of the then territories of Alaska and Hawaii. The Court determined that the United States Constitution did not fully apply to the United States citizens of Puerto Rico. The reasoning was that the law extending citizenship to the people of Puerto Rico did not include the certain phraseology which had been earlier applied to Hawaii and Alaska.

The Constitution of the United States, and all the laws thereof which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States. (37 Stat. 512.)

The result was the creation of a third-tier citizenship. Those in the several States enjoyed the protection of the Constitution and full political representation and voting rights; residents of Alaska and Hawaii were accorded the full application of the Constitution, but lacked the right to vote for President and voting representation in Congress, while the third-tier citizens could only claim limited constitutional protection.

The people of Puerto Rico have endured this anamalous citizenship for over 73 years because most of them have believed in the American system of equality. To be sure, some have been impatient at times yielding to the specter that racism and bigotry would prevail over their quest for equal rights among their fellow citizens elsewhere in the several States.

I have worked with my colleague from the Virgin Islands to develop legislation which provides a legitimate and meaningful response to both the people of Puerto Rico and the leaders representing the status options. I strongly support the legislation even though I introduced H.R. 3536 in October 1989 to provide a referendum on the status question. H.R. 3536 is nearly identical to Senate bill S. 712, introduced by Senators JOHNSTON, MCCLURE, and SIMON, which provides the implementing provisions of each of the three options and is considered to be self-executing.

The Puerto Rico Self-Determination Act being introduced today provides a commitment by the United States to expeditiously implement the majority will of the people of Puerto Rico.

The time limits for action required of Congress by the bill is extremely unusual but demonstrates the sincerity of Congress to act on the people's choice. This proposed process is very complex. Members of Congress will need to make decisions which affect the future relationship of the United States and the nearly 2½ million United States Citizens of Puerto Rico. The change in status is also of enormous concern to the 2½ million Americans of Puerto Rican ancestry who reside throughout the 50 States.

This is a matter which the Congress has a moral and constitutional responsibility to address. There are profound political consequences to both Houses of Congress and to the executive branch. The cost of the three options vary considerably and corporations who now enjoy annual tax credits of nearly $2½ billion will be fighting to prolong their benefits. Positive net revenues to the U.S. Treasury are projected under one status. The international implications, of fair treatment by the United States of the Puerto Rican people in respecting their right to self-determination, will have positive consequences, particularly in Latin America and developing countries.

It will be difficult to grapple with these numerous issues. But the level of complexity, possible political ramifications, and cost of the statuses should not deter Members of Congress from confronting a self-determination issue as profound as that of Lithuania, Latvia, and Estonia or in a number of other countries throughout the world.

France recently dealt with the complicated self-determination of the people of the French territory of New Caledonia, in the South Pacific. A referendum has been scheduled for 1998 and funding of $1 billion per year is being provided to the 150,000 residents for local self-government. If the United States followed the French formula, the proportionate level of funding for the 3½ million residents of Puerto Rico would total an astronomical $23 billion per year. However, Puerto Rico is at a significantly higher level of economic development

and therefore such funding would not be appropriate and the length of time is unacceptably long.

Many individuals have participated to varying degrees in bringing Puerto Rico's self-determination before the Congress. President Bush requested action by the Congress in his first address to a joint session of the Congress on February 9, 1989:

There's another issue I have decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum.

This was not the first time George Bush had requested congressional action on Puerto Rico's status. In 1987, then Vice President Bush asked me to introduce legislation to provide a referendum for the people of Puerto Rico. I introduced H.R. 2849 to provide a referendum on statehood and a second ratifying vote on terms defined by the Congress. I am pleased to note that the bill being introduced today follows in the 1987 bill in many ways.

I must also emphasize that the introduction of the 1987 legislation was based on the receipt of over 350,000 individually signed petitions for statehood submitted by a nonpartisan grassroots organization, Puerto Ricans in civic action. The president of the nonprofit, nonpartisan organization is Dr. Miriam Ramirez de Ferrer, a tireless pursuer of equal citizenship rights for the people of Puerto Rico. Over the years that I have known Dr. Ramirez de Ferrer, I have been impressed by her zeal and passion for the enligthened cause of Puerto Rico statehood. She exemplifies the United States citizens of Puerto Rico who are unquestionably patriotic and fiercely proud of the rich culture and heritage of Puerto Rico.

In addition to agreeing with President Bush's support for Puerto Rico statehood, I join the President in defending the right of the people of Puerto Rico to freely choose their desired status with the United States, whether it be independence, commonwealth, or statehood.

I commend the leaders of Puerto Rico's three political parties for their diplomatic approach to this often locally partisan matter.

I have discussed the legislation being introduced today with two individuals in the White House who President Bush has charged with the collateral responsibility for Puerto Rico. Andrew Card, Assistant to the President and Deputy to the Chief of Staff and Chase Untermeyer, Assistant to the President for Presidential Personnel, both expressed delight in action by the House to further the objective of the President to provide a meaningful referendum to the people of Puerto Rico which results in the timely implementation of the will of the majority. Both Andrew Card and Chase Untermeyer have devoted themselves to carry out the President's commitment to the United States citizens of Puerto Rico. The level of the President's commitment is indeed indicated by the assignment of Puerto Rico to individuals in the highest levels within the Executive Office of the President.

I want to acknowledge the energetic cooperation of RON DE LUGO of the Virgin Islands, chairman of the Subcommittee on Insular and International Affairs. RON DE LUGO has worked closely with me in developing the legislation in a bipartisan manner. Our goal is to provide for the self-determination for the people of Puerto Rico. We will continue to work together to refine the legislation as necessary to provide a responsive mechanism for the self-determination of the people of Puerto Rico. My appreciation also to the Speaker and Republican leader, and the chairman and vice chairman of the Committee on Interior and Insular Affairs for their bipartisan support of this initiative.

By timely addressing this measure, the Congress will have responded to the 350,000 first amendment petitions from the people of Puerto Rico, the President's request to "take the necessary steps to let the people of Puerto Rico decide in a referendum," and the echoing 1898 promise of General Miles for "justice and humanity to all those living within its fold."

The following is the text of the legislation:

H.R. —

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 "Puerto Rico Self-Determination Act".

SEC. 2. REFERENDUM ON STATUS OPTIONS.

(a) There are hereby authorized to be appropriated to the Executive Office of the President $4 million for grants to the Government of Puerto Rico for the conduct of a referendum on the following proposition, to be presented to the voters:

Which political status do you favor for the Commonwealth of Puerto Rico on terms mutually agreed to by the people of Puerto Rico and the Congress of the United States?

Independence;

Statehood;

an enhanced Commonwealth relationship with the United States; or

none of the above.

(b) The referendum shall be conducted on _____ 1991 pursuant to the electoral laws of Puerto Rico.

SEC. 3. INITIAL DEFINITIONS OF STATUS OPTIONS.

For the purpose of the referendum (and the negotiations provided for in Section 4) it is understood that the initial position of the people of the Commonwealth of Puerto Rico and of the Congress of the United States is that the status options encompass the principles which follow:

(a) Independence— _____;

(b) Statehood— _____; and

(c) Enhanced Commonwealth— _____.

SEC. 4. DEVELOPMENT OF IMPLEMENTING LEGISLATION.

(a) If the referendum results in a majority for one of the three status options, representatives of the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives shall draft legislation to implement the selected status encompassing the principles set forth in Section 3 in full consultation with representatives of the Puerto Rican political party advocating that option and with representatives of the other two political parties of Puerto Rico, representatives of the President, and other interested parties as may be appropriate.

(b) Such legislation shall be drafted no later than _____ 1991.

(c) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of these negotiations.

SEC. 5. CONSIDERATION OF IMPLEMENTING LEGISLATION.

(a) No later than seven legislative days after the legislation provided for in Section 4 is drafted, the legislation shall be introduced in the House of Representatives by the Chairman of the Committee on Interior and Insular Affairs (by request, or otherwise) or by another Member or Members of the House and by the Chairman of the Senate Committee on Energy and Natural Resources (by request, or otherwise) or by another Member or Members of the Senate.

(b) If any committee to which the legislation has been referred has not reported it by the end of 180 calendar days after its referral to such committee, it shall be in order at any time thereafter for any Member of the House of Representatives or of the Senate, respectively, to move to discharge the committee from its further consideration.

(c) Seven legislative days after the last committee has reported the legislation, or has been discharged from further consideration of the legislation, it shall be in order at any time thereafter for any Member of the House of Representatives or of the Senate, respectively, to move to consider the legislation.

(d) Enactment of this section constitutes a commitment that the United States will proceed to implement the political status selected by the people of Puerto Rico pursuant to Section 2 through action on legislation establishing the appropriate mechanisms and procedures to that effect.

SEC. 6. RATIFYING VOTE ON IMPLEMENTING LEGISLATION.

(a) Upon enactment, the legislation provided for in Section 4 as approved by the Congress shall be submitted to the people of Puerto Rico for ratification according to the electoral laws of Puerto Rico not later than July 7, 1992. The legislation shall take effect on October 1, 1992 but only if it is approved by the people of Puerto Rico.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the conduct of the ratification vote provided for by this section.

THE PUERTO RICAN SELF-DETERMINATION ACT

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FUSTER. Mr. Speaker, Delegate RON DE LUGO, chairman of the Insular Affairs Subcommittee, has introduced today an important bill, the Puerto Rican Self-Determination Act, which I am cosponsoring. If enacted, this bill would authorize a referendum on Puerto Rico's future relationship with the United States, giving the people the opportunity to choose between the options of statehood, independence, or enhanced Commonwealth status and committing Congress to implement the winning option.

Chairman DE LUGO's bill as introduced does not fully meet the expectations of my constituents in Puerto Rico. However, it is a well-intentioned bill that was drafted taking into con-

sideration not only the concerns of the leaders of the three political parties in Puerto Rico but also the realities of the legislative process in Congress. It is a bill that stands a reasonable chance of being enacted.

I have cosponsored Chairman DE LUGO's bill because I feel it is a strong step forward in Puerto Rico's renewed quest for self-determination and because I am hopeful that as we proceed along in the process of discussing and approving this bill, we will be able to improve upon it and work out a final piece of legislation that will be fully acceptable to my constituents.

In my view, the end result must include the following three fundamental elements:

First, a clear and adequate definition of each of the three options to be presented to the people of Puerto Rico, so that they will be able to choose intelligently, with a full understanding of what each formula means and what they concretely entail.

Second, an unequivocal commitment from Congress to respect and abide by the result of the plebiscite. This process must be a real act of self-determination, not a mere popularity contest. The bill must be binding enough so as to insure that Congress will implement whatever option is chosen by the majority of the people of Puerto Rico.

Third, finally, the options presented to the people of Puerto Rico must all be of equal dignity and fairly balanced. All the options must be free from any colonial taint, and Congress in setting them up cannot in any way show preference for one over the others.

Chairman DE LUGO has expressed to me his commitment to see that these three requirements are fully met. I am hopeful that with his support and that of the other cosponsors we will be able finally to enact a bill that the people of Puerto Rico find acceptable and that will allow us to exercise true self determination.

INTRODUCTION OF LEGISLATION RE PUERTO RICAN SELF-DETERMINATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. UDALL. Mr. Speaker, today we are taking an important step in the history of Puerto Rico and of the United States.

We are introducing a bill to permit the people of Puerto Rico to exercise the right of self-determination. By agreement with the major political parties of the Commonwealth of Puerto Rico, we are, by this legislation, providing for a referendum which will ask the people of Puerto Rico to select their preferral political status—independence, statehood, or enhanced commonwealth—or none of the above—"on terms mutually agreed to by the people of Puerto Rico and the Congress of the United States."

The general principles on which each status option would be based will be briefly outlined in the legislation as it proceeds through consideration by the Committee on Interior and Insular Affairs. That outline is intended to provide the people of Puerto Rico with an overview of what each status option means and what the Congress will seek to incorporate about that option into any subsequent implementing legislation.

If the referendum results in a major vote for one of the three major political statuses, then representatives of the Committee on Interior and Insular Affairs and of the Senate Energy and Natural Resources Committee would develop the terms of implementing legislation to be considered by those respective committees. If the Congress approves the legislation and it is signed into law by the President, final approval of whether to implement it would depend on the people of Puerto Rico voting to approve or disapprove the final version of an implementation act.

There are few actions which the House may take this year which would more directly affect virtually every aspect of life of a group of people within the American political family than this legislation. Because of our concern over the advisability of its self-implementation procedures over the lack of balance provided for in the Puerto Rico status bill under consideration in the Senate, and over our desire to move the process forward without delay, we will be encouraging our colleagues to join with us to pass the bill we are introducing today.

That bill recognizes the inherent rights of the people of Puerto Rico to determine the political status under which they wish to live but also recognizes that the status selected must be mutually agreeable to both the United States and Puerto Rico. In the past there have been frustrating episodes in the history of Puerto Rico regarding its political status. Status questions have long been the source of interminable political discussions throughout the island. It is our intent today to provide an outlet for an expession of self-determination by the people of Puerto Rico and to do all that we can to obtain enactment of appropriate implementing legislation of the status the people choose.

I do not wish to raise the expectations of the people of Puerto Rico beyond that which we can be assured of achieving; therefore, it must be made very clear that the exact details of status-implementing legislation cannot be determined with precision in advance, and that while we can assure through this legislation that a winning status will be considered by both Houses of Congress, we cannot assure enactment or that the bill will be precisely what the winning political party would prefer.

The people of Puerto Rico have my commitment to do all that I can to obtain passage of this legislation and appropriate implementation legislation.

I look forward to working with the people of the Commonwealth of Puerto Rico in their quest to determine under which political status they would like to live.

I urge my colleagues to study the implications of this important and historic legislation and assist in the work that faces the Congress in coming months regarding it.

RECOGNIZING ENTENMANN'S "PROUD TO BE DRUG FREE" PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, today I want to bring to your attention a program which proves that a business can care. On January 16, 1990, Entenmann's, the people that have been baking for us since 1898, initiated a strong program encouraging the youth of America to live their lives free of drug use. The theme of the campaign is "Proud to be Drug Free" and the initiative they have displayed in this project is immense and highly commendable.

Six markets have been targeted for this program in the southeast. These cities include Miami, West Palm Beach, Tampa, Orlando, Jacksonville, and Atlanta. One of the first measures taken by Entenmann's was conducting research to determine how best to influence our youth. This wise decision lead the company to develop a campaign targeted at parents, as well as creating several parent and teacher programs. The study by Entenmann's concluded that intimate bonds with the family reduced the potential for drug use among youths. By encouraging strong family values, the "Proud to be Drug Free" program will bring parents and families together to help prevent drug dependencies.

One of the highlights of the program includes professional and local athletes visiting more than 500 elementary schools. With Marcus Allen, running back for the Los Angeles Raiders, as the official spokesman for the project, youth will undoubtedly be positively affected by this program.

I applaud Entenmann's for their hard work in assisting in our social problems. The "Proud to be Drug Free" project will certainly be beneficial for all who participate. The concern and interest in the people of America demonstrated by Entenmann's proves that the business community can help in the fight in the war on drugs.

WHAT GIVES? A CHARITABLE DEDUCTION FOR NONITEMIZERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, today Mr. CHANDLER and I are introducing legislation to provide a Federal income tax deduction to taxpayers who make charitable contributions, but who are now prevented from deducting those contributions because they file a short form tax return. This bill would give nonitemizers the same tax treatment for supporting charitable organizations as already exists for itemizers.

Under current law, only those taxpayers who itemize deductions receive tax incentives for charitable giving. Consequently, only

upper-income taxpayers, who generally itemize, are encouraged by the tax laws to make charitable contributions. It makes no sense to me that those with low to moderate incomes, who generally are unable to itemize, do not receive the same encouragement to make charitable contributions.

I've introduced this legislation for discussion in Congress because it's time we reexamined the rationale behind current policy which, in my view, is not in step with our efforts toward establishing a more equitable Tax Code.

The consideration of restoring the charitable deduction for the many Americans of modest incomes who do not itemize is now particularly timely, in light of recent studies confirming that tax incentives for nonitemizers would stimulate their charitable giving.

More than 77 million taxpayers who do not itemize their returns are now told by our Tax Code that their charitable giving is going to be treated less generously than the charitable giving by upper income folks. That doesn't make sense to me.

I believe a nonitemizer who contributes $500 to charity should receive the same tax benefit as the itemizer who contributes $500 to charity. The rationale underlying the deduction applies to all taxpayers, that is—all individuals should be encouraged to make donations by excluding from taxation the income they contribute for a public purpose.

Allowing a deduction for nonitemizers will stimulate more charitable giving which will provide more funding for worthwhile nonprofit organizations, many of which provide services that otherwise might have to be provided by the Federal Government. Studies demonstrate that lower income households—nonitemizers—have historically contributed a higher percentage of household income to charity than higher income households. Further, nonitemizers tend to give to causes that serve low and middle income individuals. These important social obligations require and deserve the same encouragement from tax policy as causes supported by upper income individuals.

Some argue that the standard deduction which is allowed nonitemizers already takes into account charitable contributions. But it is not clear how much, if any, attribution for charitable deductions is assumed in the standard deduction. And even if one would accept the proposition that a portion of the standard deduction includes charitable giving, a lower bracket taxpayer's charitable deduction represents significantly less value than the same deduction afforded upper bracket taxpayers. This legislation addresses any concern about double benefits by limiting a nonitemizers deduction to that amount exceeding $100 of their charitable contributions. The $100 floor will also help reduce IRS compliance concerns by reducing the number of potential returns for filing.

The point is, lower income Americans should be afforded the same opportunity under our tax laws to give to charities of their choice by allowing them the same charitable deduction available to upper income bracket taxpayers, and we should change our tax laws to provide for that.

DAVID KIRKWOOD: 15 YEARS OF JOURNALISM EXCELLENCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mrs. LOWEY of New York. Mr. Speaker, today I rise to pay tribute to a man whose service to the community has been unique and exemplary.

On May 11, the Scarsdale Public Library will honor David Kirkwood for his 15 years of leadership in the profession of journalism. Since 1975, David Kirkwood has served as editor and publisher of the Scarsdale Inquirer, a newspaper published in the 20th Congressional District. In this role, he has demonstrated enormous commitment and dedication both to the community and to the highest standards of journalistic excellence.

Under Kirkwood's leadership, the Scarsdale Inquirer has grown enormously. Kirkwood was instrumental in improving the newspaper by expanding its size and adding features, photos, and columns. In addition, he redesigned the newspaper to give it a more modern flair, and he also computerized its operations for the first time. The result is a paper that is admired and appreciated by all Scarsdale residents both for its appearance and the excellent reporting it provides.

It is always difficult to report news candidly and objectively, while at the same time maintaining positive relationships with a small community. However, Mr. Kirkwood excelled at this task. He never shied away from reporting on difficult stories, and his reporting inevitably contributed to a better understanding of community problems. Often, the Inquirer's coverage contributed to positive resolutions of difficult problems, as when a landlord decided not to evict an elderly woman as a result of a story in the Inquirer.

Kirkwood has given special attention in the Inquirer to covering trials and other legal issues. Under his leadership, the Inquirer was awarded first prize in the New York State Bar Association's competition for legal coverage by weekly newspapers for a story on a dispute involving public display of a creche, which resulted in a lawsuit that was eventually heard by the U.S. Supreme Court.

Mr. Kirkwood was educated at Cornell and the University of California at Berkeley. His interest in a wide range of subjects drew him to the field of journalism in the early 1970's. He began his career reporting for Community Newspapers, a group of Long Island papers. He soon became editor and publisher of the Long Island Independent in Long Beach. He then moved to the Scarsdale Inquirer, where he started as associate editor. One year later, he was made editor and publisher of the Inquirer. Since that time, he has become close to numerous individuals throughout Scarsdale and Westchester County, who value him not only as one who contributes to the community, but as a friend on which they rely.

After 15 years of contributing to the Scarsdale community, Mr. Kirkwood and his wife are leaving Westchester to move to the Boston area, where they are both taking on new professional challenges. Mr. Kirkwood will be sorely missed. He has been a shining example of the best in American journalism, and he has been unswerving in his pursuit of excellence.

On the occasion of Mr. Kirkwood's departure, I want to pay tribute to his many accomplishments and to commend him for the enormous contribution he has made to Scarsdale. In addition, I would like to wish him and his wife the best as they pursue new challenges in a different part of the country. Thank you, David Kirkwood, for making Scarsdale a better place to live, and may you find much success in the future.

TRIBUTE TO BOB AND LILLIAN ZACKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BERMAN. Mr. Speaker, I rise today to salute two outstanding members of our community—Bob and Lillian Zacky. The Zackys are being honored by the Encino B'nai B'rith at the organization's annual dinner where they will receive the prestigious David Award.

Bob and Lillian Zacky are both native Californians. They were born in Los Angeles and attended Fairfax High School. They met while Lillian was still a senior and Bob was in the Army headed for Korea. After the war, Bob and Lillian renewed their friendship and have been married 34 years.

It has been a supremely successful marriage. Apart from their two sons, Gregg and Scott, the Zackys have flourished together both as business partners and community leaders. Bob is president and Lillian the spokesperson for the company they founded—Zacky Foods. They are also active supporters of the United Jewish Appeal, the Greater Los Angeles Zoo Association, the Women's Guild for Cedars Sinai, the California Museum Foundation, and Bob and Lillian serve as vice-presidents of the Food Industries Circle for the City of Hope.

Mr. Speaker, it is my pleasure and privilege to ask my colleagues to join with me in saluting Bob and Lillian Zacky—community leaders and role models for all.

INTRODUCTION OF PAY ADJUSTMENT FOR BUREAU OF ENGRAVING AND PRINTING AND THE U.S. MINT POLICE FORCES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HOYER. Mr. Speaker, I rise today to introduce legislation which will correct an inequity for Federal employees at the Bureau of Engraving and Printing and the U.S. Mint.

Mr. Speaker, in January the House approved S. 1521, which went on to become Public Law 101-263 on April 4, that provided for an increase in pay for the police at the Na-

tional Zoo to a GS-7 level. This was a good bill.

The problem comes, however, in that the Treasury Bureau of Engraving and Printing Police and the U.S. Mint Police are now classified at a GS-5 level—the lowest of any law enforcement service in the Washington region.

Obviously, this makes it next to impossible to recruit and retain qualified individuals to carry out the very critical function of protecting our Nation's money supply.

This is verified by the fact that currently, there are over 37 vacancies out of 114 possible positions at the Bureau of Engraving and Printing. Since January, they have hired 10 employees, but lost 14.

Further, their mission and responsibilities are being increased in that they will also be responsible for protecting the new Holocaust Museum, as the police of first response. More work at bottom of the barrel pay—clearly we must redress this inequitable situation.

This legislation is very simple. It merely makes the rate of pay for the police at BEP and the Mint equal to that of the Zoo police. This will change their classification from a GS-5 special rate to a GS-7, entry level.

I urge my colleagues to join me moving forward this important bill to improve the security of our Nation's securities.

JUDGE RONALD STRAIGHT, ONE OF CORINTH'S FINEST SONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, on Friday, May 25, the town of Corinth, NY, in my district will be honoring one of its finest sons, Judge Ronald Straight. I'd like to tell you all a little about him.

As I have said many times, a good way to measure a man is to note how much he gives of himself to his community. It is the spirit of voluntarism, which was reborn during the administration of Ronald Reagan and is maturing under George Bush. It is the force that meets society's needs and meets them on the local level, without the intrusion of higher levels of government.

Ronald Straight exemplifies that ideal of voluntarism as well as anyone I know. He was born and raised in Corinth, and has served the town for many years.

He has been a town justice for 22 years, and a 1989 nominee as New York State Magistrate of the Year. He is a member, first aid instructor, and former captain of the Corinth Emergency Squad and the Volunteer Emergency Ambulance Service.

Judge Straight is also an elder of the First Presbyterian Church of Corinth.

Almost invariably, a person who is active in his community turns out to be a devoted spouse and parent, too. Judge Straight is no exception. He and his wife Patricia are the parents of five sons, Bruce, Brad, Kerry, Kevin, and Andy.

Mr. Speaker, Judge Straight is one of the finest men I know. The town of Corinth is very proud of him, and so am I. Please join me in saluting Judge Ronald Straight, who has reflected honor on the court system, his family, his community, and his country.

"JUST SAY NO" TO DRUGS ASSEMBLY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SMITH of New Jersey. Mr. Speaker, recently I had the pleasure of attending a "Just Say No" to drugs assembly at the Peter Muschal Elementary School in Bordentown, NJ. The antidrug and alcohol abuse education program, which was presented by the first through fifth grade students at the school, stressed the positive aspects of remaining drug-free.

Mr. Speaker, I would like to commend all of the students of the Peter Muschal Elementary School who helped make this program a success. I was particularly impressed with a collection of short essays by some of the fourth grade students on the topic of "What I Like Best About Myself", each of which stresses the important role that a positive self-image plays in resisting the temptations of drug and alcohol abuse. Let me share six of these essays with my colleagues.

My name is Paul DiMattia and I am here to introduce the 4th grade students. We wrote essays telling what we like best about ourselves. We feel that sometimes too much is said about the bad things, so we decided to tell you some good things.

The students sharing their essays are Jennifer Ellmer, Stephen Myers, Michele Hanft, Paula Tudorof, and Jessica Woodward.

WHAT I LIKE BEST ABOUT MYSELF

(By Jennifer Ellmer)

What I like best about myself is, I'm my own friend, I live the way I want to live, I like things that know other person would like, I also do things that know other person would do, sometimes! I'm also like no other person! I like to talk, I'm also sometimes a pain! I also know that I'm always going to be one person, not like anyone else.

WHAT I LIKE BEST ABOUT MYSELF

(By Steve Myers)

I like myself because I am unique. I am the only one in the 4th grade who has red hair. All the other kids have darker or lighter hair than mine. I also have alot of friends. I like the way they treat me.

I don't like the way some people make fun of me because I'm different. I hope that changes. I like the way my hair sticks out in a crowd.

WHAT I LIKE ABOUT MYSELF

(By Michele Hanft)

The things that I like best about myself are I have my own ideas. I don't copy off of any bodys paper because who knows if anythings wrong. I like myself because I know if somethings right or wrong. When I ask someone something they don't even listen to me but at least when someone talks to me I listen. Everyone likes the people who are cool and I don't because they are the people who never get done their work and always get in trouble. I don't like to fight with other people, if I do I might hurt their feelings. Even the people who don't like me I still try to be nice to them but they aren't always nice to me. I also like myself best of all because I don't like to hurt other people. When people are mean to me, they don't realize that their hurting my feelings.

WHAT I LIKE ABOUT MYSELF

(By Paula Tudorof)

I like myself because I am the only one in this world and none can ever be like me. That's why I think I'm special. I like myself because I don't have to be like someone else. I can make my own decisions and I don't have to think like any other person. I like myself because I try my best and even if I don't do well I can know that I tried and that's all that counts. I like myself because I am a healthy girl and I don't have any disease like some kids in the world so that makes me very lucky. I like myself because I can speak two languages and I like myself because I can speak, hear, and see, unlike some people, who can't.

WHAT I LIKE BEST ABOUT MYSELF

(By Jessica Woodward)

What I like best about myself is that I help old citizens bring in the groceries and I also help my mom study for her tests. My mother is being trained to be a medical assistant, and she's going to work with a doctor. Best of all I really like to help my mother because I love her. My mother deserves the very best because she treats me well. When ever I am sick my mom stands or sits right next to me. So that's why I help my mom and love her so much. When ever my brother and sister bother my mother, I feel real sad, so that's why I try to cheer her up.

ANDREW GROVE'S STRATEGIC SECURITY BUDGET

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I would like to share with my colleagues a very insightful op-ed regarding America's high-tech future which appeared in the April 23, 1990, Los Angeles Times. The article was written by Andrew Grove, the president and CEO of Intel Corp.

He suggests that rather than limiting our security considerations to their military aspects, we should look at the issue more broadly. Specifically, that the military, technological, and economic components be included in a "strategic security budget." Although the military threat to our security is diminishing, thanks to recent events in the East bloc, we are facing the most serious threat to our economic security since the Great Depression. Grove's article examines an innovative option for dealing with the changed security threat.

Andrew Grove's article follows. I recommend it to my colleagues.

[From the Los Angeles Times, Apr. 23, 1990]

U.S. NEEDS SELF-SUFFICIENCY OF ITS TECHNOLOGICAL FABRIC

(By Andrew S. Grove)

The great changes sweeping the East Bloc augur major cuts in U.S. defense spending. But before we rush to spend the peace dividend, we should rename the defense budget the "strategic security budget." This would help us think of it as the pot of money we use to defend ourselves against *any* external force that, left unchecked, would lead to the subjugation of the United States.

The forces likely to determine our independence and security today are different from those of the past. The military danger is diminished, but the technological and economic threat has never been greater. How ironic it would be if the United States goes down in history as the country that succeeded in casting a protective military net over the Free World, only to lose its own economic freedom to the very nations it shielded.

For those of us who earn our living fighting foreign competitors, it is painfully evident that the United States is losing its leadership in one industry after another. American companies must contend with an unusual trinity of forces. Our most ferocious foreign competitors are frequently subsidized and steered toward markets in which the U.S. edge is slipping. We face trade barriers that limit our penetration of foreign markets. Finally, we work with an Administration whose laissez-faire view of the world makes ill-suited to cope effectively with the new realities of international trade.

It is instructive to re-examine some of the changes that occurred in the 1980s. In the electronics industry, for example, there is trouble up and down the industry's food chain. In 1980, there were several American suppliers of the silicon wafers used to make chips. Today, there are none. Ten years ago, U.S. semiconductor manufacturers controlled 75% of the world semiconductor market. Today, their market share is 35%.

Even more alarming is what's happening to our customers. In 1980, U.S.-based electronics companies consumed 42% of the world's semiconductors. The number today is 32%. There is practically no consumer electronics industry in this country. The computer industry, I'm afraid, is next to go.

Projecting these and other trends into the 90's, the United States emerges as a second-rate economic power importing most of its industrial goods and paying for them by selling its natural resources and dwindling corporate assets. That sounds a lot like the definition of a colony. It is difficult to imagine a military action by the Soviet Union, short of a nuclear strike, that could achieve a more damaging blow to the well-being of the United States.

To reverse these trends, we should aim to make America technologically self-sufficient by the end of the decade. A first step would be for the President to acknowledge that the deterioration of our industrial fabric is a threat to our strategic security. This may seem trivial, but for the current Administration it would be a major step.

We must also conceive of solutions that have measurable effects before the targeted problem becomes unmanageable. If we experience another decade like the 80's, it will be all over. So we can't rely on solutions that take longer than 10 years to work. For example, one of the most frequently mentioned—and certainly worthwhile—cures for what ails industrial America is to improve our education system. The benefits, however, would not begin to be evident until the next century.

Long before then, we need to inject funds into our industrial infrastructure to keep it alive and well. We need to make sure that companies like Intel, its U.S.-based suppliers and its customers will be around to employ the graduates of the improved education system.

So let's declare technological self-sufficiency the top priority of our strategic security spending. Then let's redeploy our current "defense" spending to achieve it, and let's hope we're not too late.

TRIBUTE TO BONNIE L. BERNS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding community leader from my congressional district. Tonight, the Carmichael Chamber of Commerce is recognizing Bonnie L. Berns as their 1990 "Businessperson of the Year."

In her 33 years of residency in Carmichael, CA, Bonnie has served her community in a variety of ways. As an assistant bank vice president, the care and concern that she shows her clients helps strengthen the business community and assists Carmichael residents in meeting their financial goals. Bonnie has been an active leader in the Carmichael Chamber of Commerce having served on their board of directors since 1981. She has held office as the chamber's president, and once served as Carmichael's honorary mayor.

Bonnie has a long resume of community service having volunteered her time, energy, and considerable talents to numerous community organizations. Bonnie's contributions include serving from concerned parent in the PTA to financial chairman of the American River Hospital Foundation.

Bonnie, and others like her, are among the most valuable assets a community can have. I feel fortunate to have such leaders in my congressional district who possess the admirable qualities of a strong business sense mixed with an unwaivering commitment to their community. Smart business people recognize that a vibrant community makes good business sense.

Mr. Speaker, and fellow colleagues, please join me in congratulating Bonnie L. Berns as 1990 Carmichael "Businessperson of the Year."

TRIBUTE TO DR. WILLIAM C. PRATELLA

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to a man who has devoted his time and energy to the education of our youth. Dr. William C. Pratella, the superintendent of schools in Mount Vernon, NY, has dedicated almost 30 years toward serving that community.

During his tenure as teacher, guidance counselor, principal and—for the past 18 years—superintendent, Dr. Pratella has committed himself to providing quality education. He has worked to dramatically improve scores in reading and math at all levels. With the support of public officials, parents, teachers, and the community, he instituted the first magnet elementary school in the State of New York. He has developed programs to expand the opportunities available for gifted youth, and to focus close attention on the special needs of children with personal and educational problems. He has instituted a number of special programs for all grade levels, including a computer literacy program, a suicide prevention program, and an expanded kindergarten and prekindergarten program.

We are deeply indebted to Dr. Pratella. He has devoted 30 years to the Mount Vernon community. School districts across the Nation have much to learn from the models of elementary and secondary education which Dr. Pratella has developed in Mount Vernon. I am honored to be able to pay tribute to his work here today.

PANAMA INVASION STILL CONCERNS MANY AMERICANS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. WEISS. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article by Corliss Lamont and Beth Lamont about the United States invasion of Panama. This article argues, correctly in my opinion, that the invasion not only violated the U.S. Constitution, but was inconsistent with our international treaty obligations and our long-term interests in Central America as well.

The staggering costs of the United States invasion of Panama are still being tallied—in the tragic loss of American and Panamanian lives, in the economic dislocation of thousands of Panamanians, and in the massive physical destruction which continues to cripple that nation.

As we consider these costs, we should recall that many Americans—including the authors of this article—opposed this unwarranted and illegal invasion from the outset.

PANAMA—OPERATION INJUSTICE

(By Corliss Lamont and Beth Lamont)

While turmoils still shake a large part of the civilized world, we cannot afford to forget the folly and brutality of the U.S. invasion of Panama beginning December 20, 1989. President Bush's worst mistake since becoming President was his rash decision to send 27,000 American troops into Panama, supposedly to capture its scoundrel dictator, General Manuel Noriega. Noriega finally surrendered and was brought to the United States where he awaits doubtful prosecution at Miami. However, the truth about the American invasion is now a permanent part of history; and that historic truth tells us that the aggression must take its place in the shameful tradition of U.S. imperialism,

with recent examples in Libya, Grenada, and Vietnam.

The cost of the U.S. invasion has been substantial in terms of American and Panamanian military casualties and especially among Panama's civilians. Owing to censorship by the U.S Army and the American media, precise figures were never released. Several American commissions that have gone to Panama estimate the total military and civilian dead in Panama at close to 2,000. Of these dead many were found in mass graves. The search for truth is complicated by continuing conditions which resemble a state of siege. Finding witnesses who worked in hospitals and morgues is almost impossible since they have all been fired from their jobs. They are sometimes traced to military camps and schools where 7,000 or more homeless and jobless refugees are existing. Neighbors are being turned against neighbors in a complexity of mixed loyalties, fears and suspicions.

The horror and tragedy of the invasion is well described in a Report issued by the National Lawyers Guild (February 1990) based on the account of a special Guild committee that went to Panama for a week's visit:

"At 12:30 a.m. on December 20, 1989, without any notice, the United States military began dropping bombs into the densely populated barrio of El Cholrillo, in Panama City. All that night, explosions blew apart buildings, and shook the wooden-frame houses where terrified people, clinging to their screaming children, lay face down on the floors, hoping they would survive. Tracer bullets flew through the streets, and Cobra helicopters circled, firing mortars into the cuartel in the center of the neighborhood, and into the homes surrounding it. Fires broke out, as the flimsy wooden homes, most of them built at the beginning of the decade, were bombed or hit by tracers. Smoke filled the streets, whole blocks burned to the ground. In the multi-family apartment buildings, fires raced up the stairways to trap the wounded or elderly who hadn't gotten down in time. Those that could, fled through the gunfire to safety. Many could not. By morning, much of El Chorillo was smoking rubble; more burned in the following days. As camouflaged American GI's took control of the city around daybreak, sixteen thousand civilians streamed out of their barrio, homeless and traumatized. A square mile was flattened, and thousands were wounded or dead."

As everyone knows, the atrocious American invasion brought ruin to the Panama economy, destroying thousands of shops, industrial plants and homes in Panama City and throughout the country. Experts estimate that it will cost the United States close to $2 billion to restore Panama's wrecked economy.

Meanwhile, we must recognize that almost all the governments of Central and South America opposed the Panama invasion as did the United Nations and various countries throughout the world. The general foreign opinion was that the U.S. invasion was another disastrous example of American imperialism as shown over the past century.

American imperialist ventures display the march of self-defeating folly; and the Government's cover-up policy in secretly undertaking interventions violates the most fundamental civil liberty—namely, the American people's right to know. These interventions stem from what President Eisenhower called "the military-industrial complex," aided by the C.I.A. Through intense White House propaganda appealing to patriotic passion they strengthen the party in power and the influence of the Pentagon.

Regarding the Panama invasion Chief Executive Bush totally disregarded the War Powers Act that calls on a President to notify the House of Representatives that he is about to order the use of armed force, and then violated the U.S. Constitution itself which states that only Congress has the power to declare war for the United States. While continually boasting about the values of American democracy, the Bush Administration continually violates its basic tenets.

Addressing the President in an Open Letter, Professor of Philosophy John Somerville states: "Did you not realize how hypocritical it was to launch an armed invasion while you were publicly telling other countries that they must respect human rights and practice democracy by peaceful means?" President Bush, while praising the downfall of dictatorships in Eastern Europe, acted like a dictator himself in regard to Panama. The invasion was a clearcut example of political hypocrisy.

In this Introduction, we could continue to condemn in detail the Panama invasion, but believe it is more effective to reprint three excellent advertisements that support our viewpoint and were published in the media. The first appeared in The New York Times on Jan. 10, 1990, a full page advertisement sponsored by the Ad Hoc Committee for Panama and signed by 69 eminent American citizens; the second ad was printed Jan. 12, 1990 on the Op-Ed page of the Times, sponsored by the National Emergency Civil Liberties Committee; and the third ad was published Feb. 19, 1990 in The Nation and signed by more than 100 well-known Americans. The advertisements herewith follow:

[From the New York Times, Jan. 10, 1990]

JANUARY 10, 1990.

President GEORGE BUSH,
The White House, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Your invasion of Panama is illegal.

This invasion, undertaken without consulting Congress, is a violation of the Constitution of the United States, Article 1, Section 8 which clearly states that Congress, not the President, has the power to declare war.

It also violates the U.N. Charter, the OAS Charter and the Canal Treaties.

In resorting to force rather than diplomacy against a Latin American neighbor, you have continued the disastrous pattern of your predecessors and the undermining of U.S. credibility abroad.

Small wonder that the people of Latin America distrust the U.S. For them this is not Operation Just Cause but Operation Just Business.

Granted General Noreiga's regime, like all too many around the world, was repressive.

But that does not justify your violating the U.S. Constitution. Nor does it justify interfering with the sovereign nation of Panama.

By sending 24,000 American troops into Panama, you have caused immense damage to this already damaged country. You have killed at least 400 Panamanians, injured hundreds more, caused more than $100 million in destruction, and left thousands homeless.

And 26 Americans lie dead and hundreds are wounded.

We object to this lawlessness, the carnage and the damage.

We object to the mockery of our Constitution and the freedom in safeguards.

We object to the idea that we can impose democracy on another nation.

We call on you to withdraw the troops now, restore sovereignty to Panama and make reparations to the civilian victims immediately.

[From the New York Times, Jan. 12, 1990]

WE BELIEVE—THE U.S. INVASION OF PANAMA VIOLATES:

1. The American War Powers Act.
2. The United Nations Charter.
3. The Charter of the Organization of American States.
4. The U.S. Panama Canal Treaties.
5. International law in general.
6. The historic American ideal of world peace.

Although the tyrant Noriega finally surrendered, it remains clear that President Bush's resort to military force against Panama was rash, immoral and unconstitutional. This flagrant aggression of one state illegally invading another state was condemned by the Latin American governments, the Soviet Union, China and public opinion throughout the world.

In the efforts to oust and seize Noriega 23 American lives were lost, while the dead in the Panama Defense Force numbered some 300, and civilians killed reached 400 with 2,000 wounded. "Gun Barrel Democracy," as The Nation puts it.

Further consequences of the invasion are to trap the United States into responsibility for helping to rebuild ruined Panama City and to restore the gutted economy. It is reliably estimated that for America to work its way honorably out of the Panama shambles will cost close to $2 billion.

A deplorable example of American irrationality was that U.S. troops violently broke into and searched the Nicaraguan Embassy in Panama City. This action itself showed a serious disregard for international law and diplomatic immunity, for which President Bush later apologized.

Any rational evaluation of the Panama invasion must conclude that in important ways it was a disaster. What the Pentagon probably claims as a military victory was clearly a serious defeat in terms of human values and international relations. The U.S. giant has managed to shoot itself in the foot and humiliate itself in dealing with a very small nation of 2,400,000 people.

Once again the U.S. government, with Vietnam looming in the background, has disregarded the many mistakes of the past in Central America, and without considering all the implications, launched a massive overkill. This tragedy will increase antiAmerican sentiment abroad, especially in the nations of Central and South America.

As Democratic Congressman Ted Weiss says, "Ultimately the decision to invade Panama will be contrary to the national security interest of the United States and will reflect poorly on the reputation and prestige of our nation."

[From the Nation, Feb. 12, 1990]

CALL TO ACTION!

To everyone outraged by the U.S. invasion and occupation of Panama: We must sharply escalate our resistance to U.S. aggression & intervention in Central America & throughout the world!

The U.S. government greeted the '90s with a brutal invasion and occupation of Panama. Reports of 1,000 or more civilians killed and thousands more wounded by U.S. bombing and strafing of poor neighbor-

hoods filter through U.S. official lies and media censorship. Many of the dead were quickly buried, unidentified, in mass graves for "humanitarian reasons." Now the U.S. military is running the devastated country by terror and bribe. And what is the "official story"? That this "successful operation" was to "get a drug dealing dictator and protect U.S. lives and treaty rights." President George Bush proudly proclaims that the decimation of this tiny country of 2.3 million people was "worth it."

HERE IS THE REAL STORY:

U.S. Media highlights U.S. casualties while civilian suffering and death is still not reported. Network TV coverage of the invasion was a U.S. military video fed to the "press pool" holed up in the U.S. embassy. The media has virtually blacked out major opposition to the invasion amongst people in Panama and around the world (including mass protests in over twenty U.S. cities). They have instead focused all eyes on Manuel Noriega.

Noriega for years was a valued ally of the U.S., on the CIA payroll. He was a key player in the drug and Contra trade, endorsed and overseen by Bush as CIA director and vice-president. Before their "falling out" Noriega received a U.S. award for his role in the "War on Drugs." Endara, now installed by the U.S. in the midst of bombs and blood, served for ten years as a top aide in an earlier regime which openly promoted U.S. and oligarchy interests.

Panama is the biggest military operation since Vietnam. At the same time bombing and murder of poor people and religious workers by U.S.-supported death squads and Contras have increased in El Salvador and Nicaragua. Under the guise of "War on Drugs" the U.S. special forces lead helicopter patrols from a Vietnam-style fire-base against insurgents in Peru and Bush calls for an aircraft carrier group to be stationed off the coast of Colombia with high-tech planes to monitor the whole region.

The truth is that the U.S. aggression in Panama is a major escalation of military intervention in the whole region. The goal is to continue U.S. domination . . . "Yanqui imperialism" as people all over Latin America name it.

Whatever our political or organizational ties, we must dramatically intensify the scope and level of protest actions. We can and must mount a far more powerful resistance to the horror of U.S. imperialist crime. The oppressed people of Panama, Latin America, and the world expect nothing less!

INTERVIEW WITH PRIME MINISTER PINDLING

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DYMALLY. Mr. Speaker, recently Leaders magazine published an interview with Sir Lynden O. Pindling, Prime Minister of the Commonwealth of The Bahamas. Because the interview addressed a number of questions of concern to Members of Congress, I thought it might be helpful to bring this interview to the attention of the Members.

BANKING ON PINDLING

(LEADERS EDITOR'S NOTE.—The Honorable Sir Lynden Pindling, Prime Minister of the Bahamas, has in his 23 years in office seen the Bahamas enjoy a strong economy and a stable government. Legislation that went into effect in January makes investment in the Bahamas even more attractive. But, according to Pindling—who shares his thoughts on the future of the Bahamas in the following interview—the Bahamas is in a season of change. The Government is continuing to review financial legislation, with an eye to making more revisions to further strengthen banking and investment opportunities. In addition, the Bahamas' first large-scale agricultural venture, along with the construction of a flour mill and an animal feed mill, will help the Commonwealth to better feed itself, thus leading the Bahamas into its greatest era of self-sufficiency and economic opportunity.)

Q. There was a time when the Bahamas was the third-largest international financial center in the world after London and New York. Now you are ranked 11th by the I.M.F. What happened, and how do you plan to regain your leading position in the banking sector?

A. Despite the fact that between 1967 and 1988 bank and trust licenses increased from 187 to 391, we did become too complacent. The establishment of International Banking Facilities in New York did take away some business, but it did not represent any real loss in economic terms. Neither did the establishment of offshore banking facilities in Tokyo mean a loss for us. But we did not gain as much as we might otherwise have done. We also failed to keep pace with the changing requirements of the international financial community, and we failed to promote ourselves in the community.

A conscious decision has now been taken to remedy those deficiencies. All our financial legislation has either been revised or is being revised; our record-keeping is being fully computerized for both speed and accuracy; and we are establishing a special unit to promote around the world our superior environment for banking and financial services. We confidently expect to have significantly improved our I.M.F. rating over the next three years.

Q. Insurance is another area of former dominance. Where do you stand today?

A. What I said about our complacency in banking is also true about insurance services, but we have now begun to do in the insurance field what we did in the financial field. Our legislation is being reviewed with a view to updating it wherever it is necessary or advantageous to do so. In both banking and insurance we have an eye to the future. We anticipate that political and economic changes in Western and Eastern Europe will produce a need for new services and new methods of providing existing services, and we intend to be ready to provide both in a timely and efficient manner.

Q. The competition in banking and insurance is stiff. What can the Bahamas offer its clients that they can't get in Switzerland or Singapore?

A. That's not the point, really. As we see it, our efforts must be directed at offering everything Switzerland and Singapore can offer in this Atlantic region. Furthermore, there will be services available in the Bahamas which we anticipate will be less readily available in Europe after the Single Unified Market comes into existence in 1992.

Q. Banking secrecy is facing heavy criticism in some quarters. Do you believe there are legitimate reasons for such secrecy, and how do you propose to deal with the issue?

A. There are legitimate reasons for the criticisms, but there are also legitimate reasons for confidentiality. The criticisms arise from the perception that secrecy covers up criminality and skulduggery. Resolve the questions that give rise to such a perception, and legitimate business and personal confidentiality can be preserved.

Q. You have tightened your banking regulations to guard against money laundering. Has real progress been made in this area?

A. Without a doubt. When we were considered to be the third largest international financial center after London and New York, we were also thought to be the third largest in money laundering activities. We no longer have that dubious distinction. As early as in 1983, the Central Bank of the Bahamas prohibited the banks from accepting large cash deposits of U.S. dollars. As per the system, clearing banks have defined amounts in excess of U.S. $5,000 as large cash transactions. Attempts to make cash deposits in excess of the limit are required to be reported to the Central Bank promptly, with full particulars of the concerned party such as photocopy of passport, driving license, identity card, temporary address in Nassau, etc. The system is working very well.

The Central Bank also monitors the tenders of U.S. currency notes made by individual clearing banks from time to time and asks for explanations in cases of significantly large tenders. The Association of International Banks and Trust Companies has established a written Code of Conduct for its members which Code enjoins banks to identify their customers and obtain proper references before opening accounts and to prevent use of their institutions in the Bahamas for criminal purposes. The Central Bank maintains a close contact with the Association and supports it in securing adherence to the Code by the individual members.

We have also signed international agreements for the exchange of information in criminal matters and have enacted legislation which enables the seizure and forfeiture of assets that cannot be legitimately accounted for. As a result, Nassau is no longer a significant center for money laundering activities. The record will show that now banks in American, Canadian and European cities and other Caribbean countries have snatched that reputation from us.

Q. The Bahamas is a fairly recent player in international ship registration. Has this venture been successful?

A. International ship registration has been eminently successful. In less than 10 years we have registered over 1,000 ships and almost 16 million tons of shipping. The Bahamas now ranks tenth in the World Shipping League and fifth in the Free Flag League.

Q. Tourism is the major pillar of your economy. You are the number-one destination in the Caribbean, but you have a lot of islands that are not as developed as islands with cities like Nassau and Freeport. How do you intend to develop those islands?

A. The first part of our strategy was to put into other islands the necessary infrastructure of airports, harbors, roads and telecommunications. We are now putting in place and that is the necessary incentive legislation to encourage the economic development of those islands, especially Abaco, Andros, Eleuthera, Exuma and San Salvador, the landfall of Columbus on October 12, 1492.

Q. The Bahamas has been known for a long time as an ideal place for a vacation home, but you don't see a lot of promotion

of this idea. Is this something your government is encouraging?

A. Hitherto, there has not been much promotion of that concept, but there is growing popular support for the idea. It will be specifically encouraged in a new Bahamas Development Encouragement Act which will be introduced shortly in Parliament.

Q. The Bahamas imports most of its food and virtually all of its manufactured products. How do manufacturing and agriculture fit into the country's development plan?

A. We have launched a new program to feed ourselves. The first large-scale agricultural venture, which will supply fruits and vegetables for domestic and foreign markets, will start shortly. Construction will soon begin on a flour mill and animal feed mill. Other agricultural and maricultural ventures are following. Because we appreciate that we must grow more of our food needs, every encouragement will be given to food production, including cattle and sheep rearing. In the proposed Development Encouragement Act, the country will be divided into economic enterprise zones which will have special business incentives and tax benefits, and food production will be one of the industries promoted for such zones.

Q. Two of the greatest fears of foreign investors are political instability and government red tape. What steps are you taking to ensure that neither of these hinders growth and development?

A. I do not believe you will find many countries in this hemisphere with greater political stability and less government red tape than the Bahamas. But we are not satisfied with that. I still believe, however, that our administrative machinery can be made to move more quickly and to operate more smoothly, particularly in the areas of work permits. On the other hand, we cannot afford to relax the checks and balances in our system which have entrenched our stability and which are necessary to protect, for example, our banking industry and our fragile environment.

Q. You have been consistently reelected for 23 years, you have a strong opposition, a free press and a good economy. Many of your neighbors and much of the Third World are not even close to achieving what the Bahamas has. What are you doing to make the sun shine on you?

A. I am not sure that I know the whole answer to that. I suspect, however, that some governments are too certain of their own infallibility, too afraid of and too sensitive to criticism. Because of this, they react too harshly, overlooking completely the necessity for patience and tolerance in public life.

Q. The world is going through fundamental changes politically and economically. How does a small island nation like the Bahamas fit into the new landscape?

A. I think herein lies the greatest challenge facing small countries. With small populations, limited resources and insignificant market shares, the development of global trade in a global market could sweep us away. I have no doubt that small countries will have to ally themselves with larger economic blocs in trading entities and find their niches in them. To merely survive, they will have to provide goods and/or services for those larger economic blocs, and to succeed they will have to do so on a world-class basis. In other words, such goods and/or services that we do produce or provide will have to be competitive in quality and in price in the international market. This will require massive new efforts in human development and training in our countries.

Q. You are only 50 miles from Florida; U.S. investment and interest in the Bahamas are considerable. Are you looking beyond the U.S. for new investment now, and what are your priorities?

A. I do not feel that the level of United States investment will be as great as it was before. Both the Far East and Europe will pose massive economic challenges to America and absorb most of her foreign investment potential. By the same token, the stronger Asian and European currencies will encourage more Asian and European investment in the Bahamas, and that is where I think we shall have to look. We have already begun our investment promotion in Asia, and we are about to renew our efforts in Europe, realizing, of course, that Europeans are likely to be preoccupied with Eastern Europe.

Q. The Bahamas and the U.S. are working together to end the flow of drugs through the Caribbean. Both nations are spending a lot of money on interdiction, but are we getting results?

A. Oh, yes, we are. The law enforcement agencies of both countries confirm this. Indeed, President Bush acknowledges this in his 1990 National Drug Control Strategy. On page 69 you will find: "As a result of successful air and maritime interdiction efforts in the Southeastern United States and the Bahamas, drug smugglers have shifted their focus toward Mexico as a primary transfer point for smuggling drugs into the United States. This shift has created an especially intense drug trafficking area along the Southwest border (Texas, New Mexico, Arizona and California), which will be the focus of new interdiction activities."

For us in the Bahamas, this has manifested itself in less drug seizures, both in numbers and in quantity, less drug availability on our streets for local consumption, and less drug money in circulation.

Q. As the longest serving democratic leader in the hemisphere, you have governed through seven U.S. administrations while serving as the leader of the 49-nation Commonwealth. You must have had some rich experiences. What lessons have you learned from these experiences?

A. Simple and old ones, really. Firstly, do the best you can as often as you can. Secondly, never let the bastards get you down. Thirdly, always maintain your sense of humor.●

PROPOSED AMERICAN BAR ASSOCIATION RESOLUTION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CLEMENT. Mr. Speaker, the American Bar Association will meet in August in annual convention to consider many issues and resolutions. One of those resolutions will be offered by three distinguished members of the Nashville legal community: Owen Meredith Smaw, Richard H. Dinkins, and David L. Maddox.

As a courtesy to these three individuals, I would like to share the text of the proposed resolution and some additional background information with members of the legal community at large. While I do not necessarily endorse the resolution, I do believe that discourse and debate of all views is essential to making an informed decision. Consequently, I am pleased to share this information with those intersted in the debate on the death penalty and the International Convention Against Torture.

TO BE CONDEMNED IPSO FACTO IS TORTURE PER SE

Whereas, the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionlly inflicted on a person* * *";

Whereas, the Convention declares that there are "no exceptional circumstances whatsoever" to justify torture;

Whereas, the Convention is designed to prevent and punish torture committed by government officials or others acting in an official capacity;

Whereas, condemned prisoners are made to suffer extreme mental torture when any sentence of death is imposed;

Whereas, the signing of a death warrant by any government official always causes immediate mental, emotional, psychological and psychiatric torture;

Whereas, prevention of the international crime of torture is to be preferred over punishment of judges, justices, governors, and other government officials who torture condemned prisoners;

Now, therefore, be it resolved, That the American Bar Association opposes the sentence of death and the signing of any death warrants in America as a clear violation of the International Convention Against Torture.

THE CONVENTION AGAINST TORTURE

BACKGROUND

On 10 December 1984 the United Nations adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). This represented an important step in the development of international standards against torture which had begun years earlier.

In November 1973 the United Nations passed Resolution 3059 which rejected any form of torture and other cruel, inhuman or degrading treatment or punishment.

Resolution 3218, passed on 6 November 1974, launched the initial stage of a program towards setting standards for the prevention of torture. The resolution included a clause requesting action by future U.N. congresses. In August 1975 the Fifth Congress on the Prevention of Crime drafted minimum rules for the treatment of prisoners worldwide. It categorized torture as a crime of transnational concern.

The United Nations issued its first official declaration against torture on 9 December 1975. The declaration, Resolution 3452, served as a basis for development of the Convention Against Torture. Two years later the United Nations authorized its Commission on Human Rights to draft a convention against torture. The commission authored and negotiated the draft of the convention from 1978 to 1984, when the text was adopted by the U.N. General Assembly.

Additionally, the International Covenant on Civil and Political Rights provides a historical basis for the prohibition of torture. The convenant prohibits torture under all circumstances, including war, invasion, or other states of emergency.

CURRENT WORLDWIDE STATUS

The Convention against Torture came into force on 26 June 1987, the thirtieth day after twenty nations had ratified the treaty. The first meeting of States Parties (countries which had ratified the treaty) was held on 26 November 1987.

The Committee against Torture established under the Convention is comprised of 10 experts. Currently, nationals from Argentina, Bulgaria, Cameroon, Canada, Denmark, France, Mexico, Philippines, Switzerland, and the U.S.S.R. are serving on the Committee. Each member of the Committee serves as an independent expert and is not a representative of the nation of their origin. The committee has begun receiving communications and reports. It is authorized to investigate allegations of torture.

As of 20 February 1989, 41 states had ratified (become a State Party to) the convention; 38 additional countries had signed the treaty. Signing indicates an official intent to ratify the treaty at a later date.

TREATY SYNTHESIS

Substantive Articles

Article 1 defines torture as any act which intentionally inflicts severe pain, physical or mental, on a person to obtain information or a confession, to punish, or to intimidate or coerce him or a third person by a public official or other person acting in an official capacity.

Article 2 allows for no exceptions to the prohibition against torture.

Article 3 forbids States Parties from forcibly returning a person to a country where there are substantial grounds to expect that that person may be tortured.

Article 4 requires each State Party to make torture and attempted torture criminal offenses punishable by law.

Article 5 discusses States Parties' jurisdiction over certain torture cases.

Article 6 mandates that any person accused of torture shall be taken into custody by the country in which that person is found at the time. That country shall initiate an investigation while assisting the accused person in communicating with a representative of his/her country.

Article 7 requires the detaining country to either extradite the accused person or to prosecute the case as a serious offense under the law of that country. The detained person must receive fair treatment at all times.

Article 8 makes torture and attempted torture extraditable offenses in any extradition treaty existing between State Parties. Where no extradition treaty exists between countries, States Parties may consider the Convention a legal basis for extradition.

Article 9 requires mutual assistance between States Parties in criminal proceedings concerning torture.

Article 10 requires each country to ensure that law enforcement personnel and other officials be educated and informed as to the prohibitions against torture.

Article 11 mandates that each State Party keep under review all rules and policies pursuant to torture.

Article 12 requires each State Party to ensure a prompt and fair investigation into allegations of torture in territories under that country's jurisdiction.

Article 13 allows a person alleging that s/he has been tortured to file a complaint and to receive a fair and prompt investigation. Further, steps shall be taken to protect that person and other witnesses.

Article 14 requires each State Party to ensure that victims of torture of their surviving relative/s have the right to redress and adequate compensation.

Article 15 prohibits statements obtained through torture from being allowed as evidence in court.

Article 16 obligates each State Party to prevent acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture, when such acts are committed by or with the consent of an official or a person acting in an official capacity.

Procedural Articles

Article 17 mandates the establishment of a Committee against Torture consisting of ten experts of high moral standing and recognized competence in the field to human rights.

Article 18 sets up the rules and structure of the Committee.

Article 19 requires that within one year after ratification, States Parties must report on how they have fulfilled their responsibilities to the treaty. Supplementary reports must be filed every four years.

Article 20 obligates the Committee to invite a State Party accused of torture to cooperate in an examination of the information and to submit observations. If an official inquiry is made, the Committee shall seek the cooperation of the State Party concerned. In agreement with that country, such an inquiry may include a visit to its territory.

Article 21 allows a State Party at any time to recognize the competence of the Committee to receive and consider communications from a State Party claiming that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered only if submitted by a State Party which has made a declaration recognizing the competence of the Committee. No communication will be considered by the Committee if it concerns a State Party which has not made such a declaration.

Article 22 allows a State Party to recognize the competence of the Committee to consider communications from individuals claiming to be victims of torture. The same rules apply as in Article 21.

Article 23 discusses the diplomatic rights of the Committee.

Article 24 requires the Committee to submit an annual report to States Parties and to the U.N. General Assembly.

Article 25, 26, and 27 open the Convention for signature and ratification and govern its entry into force.

Article 28 allows States Parties not to recognize the competence of the Committee in regard to article 20. It also allows States Parties to withdraw previously made reservations.

Article 29 discusses amendment procedures.

Article 30 allows for arbitration of disputes between State Parties when negotiation is not viable.

Article 31 allows States Parties to withdraw from the Convention. Such a withdrawal would not release the State Party from responsibilities for acts committed prior to the date of withdrawal.

Article 32 requires the U.N. Secretary General to inform members about the treaty's progress.

Article 33, the final article, states the languages in which the treaty is authentic.

IMPORTANCE OF THE TREATY

Like the Declaration of Independence and the U.S. Constitution, neither of which immediately lived up to their lofty aspirations, the treaty creates a momentum toward the realization of the hopes which it offers.

The Convention makes it legitimate for a nation to be concerned and to intercede regarding the behavior of another country toward its citizens. The findings of the Committee against Torture lend significant weight to international efforts to end torture. As the Committee continues to function, its decisions and investigations aid human rights work throughout the world.

The treaty reinforces the definition of torture so that torturers can no longer claim that they were unaware of the meaning of torture. It further institutes measures to prevent torture and to punish violators when torture takes place. Each State Party is required to make torture a punishable offense and must take measures, such as training and educating law enforcement officials, to prevent torture.

Any torturer found in the territory of a State Party must be prosecuted or extradited. A state party can prosecute regardless of where the torture took place. Further, the Committee investigates charges of torture and works to enforce the treaty.

Significantly, the convention has a direct impact on torture victims. States Parties are required to investigate allegations of torture which are made by victims. Victims and witnesses must be protected during investigations and prosecution. The treaty also gives victims the right to compensation for torture. It further forbids statements made under torture from being used in court.

U.S. ACTION TO DATE

The United States signed the Convention against Torture on 8 April 1988. On May 1988 the Reagan Administration submitted the convention to the Senate. It was referred to the Senate Foreign Relations Committee, the body responsible for reporting all international treaties to the full Senate.

The Administration enclosed with the treaty 4 declarations, 4 reservations and 9 understandings which propose to the Senate various qualifications which the United States might make upon ratifying the treaty. Many of these statements specifically and detrimentally alter the purpose and effect of the convention. They include: 1) a redefinition of torture which raises the threshold of pain which one must suffer and which allows certain circumstances and justifications for torture, 2) a proviso which excludes U.S. participation in almost all of the international monitoring aspects of the treaty and 3) a limitation which makes the treaty unenforceable domestically unless new legislation is passed.

As of April 1989 the Senate Foreign Relations Committee had neither held nor scheduled hearings to consider the treaty. Once the Committee completes hearings on the treaty, it will submit its report and recommendation to the full Senate. Two thirds of the Senators voting must vote in favor of the treaty.

IMPORTANCE OF U.S. RATIFICATION

In 1984, the U.S. Congress passed and the President signed the Joint Resolution against Torture (P.L. 98-447) committing the U.S. to combat the practice of torture. The resolution refers to the Convention against Torture still in draft form. Now that work on the Convention is complete and it is in force, the United States can add this latest tool to its arsenal to combat torture worldwide.

The United States played a major role in drafting the treaty. It should complete the

process by ratifying the convention. It is the only permanent member of the U.N. Security Council which has not ratified the convention.

The United States publicly proclaims support for human rights. The longer it waits to ratify the treaty, the more its credibility as a human rights leader is eroded.

Ratification is vital in proving the U.S. commitment to human rights as a concern that crosses national boundaries. It affirms to the international community U.S. determination to combat torture with every available tool. It allows the United States to join with other countries in pursuing and prosecuting torturers wherever they are found.

The Convention against Torture recently came into force and the Committee against Torture into operation. The United States stands to gain from participating in the early stages of this new and developing institution. The Convention offers a realistic forum and context for constructive dialogue as compared to rhetorical declamations and denunciations.

Since its record on torture is relatively good, the U.S. has little to fear from ratifying the Convention.

Ratification assures continuity in the U.S. commitment to control torture and protect U.S. citizens against torture through future administrations.

U.S. action or inaction influences many other countries. U.S. ratification may persuade others to follow its example.

U.S. ratification will aid U.S. human rights activists. U.S. human rights workers would finally have the advantage of working for progress in human rights as citizens of a nation which accepted this fundamental human rights treaty. The effect of their work will be enhanced.

ORGANIZATIONS SUPPORTING U.S. RATIFICATION OF THE CONVENTION AGAINST TORTURE

(Partial list)

Anti-Defamation League of B'nai B'rith.
American Bar Association.
Amnesty International.
Armenian Assembly of America.
B'nai B'rith International.
B'nai B'rith Women.
Federal Bar Association.
Human Rights Watch.
International Human Rights Law Group.
Lawyers Committee for Human Rights.
Minnesota Lawyers International Human Rights Committee.
National Spiritual Assembly of the Baha'is of the USA.
National Council of Churches of the USA.
Procedural Aspects of International Law Institute.
United Nations Association of the USA.
U.S. Catholic Conference.

AIR TRAFFIC CONTROLLER INCENTIVE AND RETENTION ACT

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BOSCO. Mr. Speaker, today I have introduced legislation which I believe is crucial to remedying a chronic problem affecting the health and vitality of our Nation's air traffic control system. The Air Traffic Controller Incentive and Retention Act will attract and retain qualified personnel to handle safely and expeditiously the ever-increasing amount of air traffic in our congested skies. My bill is aimed at boosting system capacity through increased productivity of the key component of the air traffic control system: the controllers themselves.

It is time that we faced up to facts. The air traffic control work force has not been rebuilt to prestrike levels, especially in the number of full performance level controllers [FPL's]. For yet another year, the Federal Aviation Administration will fall approximately 2,000 FPL's short of the congressionally mandated level.

Under the FAA's pay demonstration project, we have been trying to attract and retain qualified controllers at some of our most besieged air traffic control facilities. However, in order for this project to succeed, controllers must often be siphoned off from other busy and strained facilities which have no controllers to spare. We only have so many fingers or controllers to plug the holes in this leaking dike, and we are running out of them.

In spite of promises to provide better screening and education, the deplorable washout percentage at the FAA's Oklahoma City Academy shows no sign of declining. More frightening still is the employment crisis that looms ahead. Beginning in 1995, almost half of the controller work force will be eligible to retire; there are few compelling reasons for these controllers to stay on. Sixty-thousand-dollar annual salaries are the exception, not the rule. Younger controllers are resigning at an alarming rate. Last year, at the Oakland Terminal Radar Approach Control, 17 FPL's quit—more than a third of their actual FPL work force.

Implementation of the new National Airspace Plan will require so-called bubble staffing to handle training on new equipment and concurrent operation of the air traff control [ATC] system. The ATC system cannot shut down while controllers learn to operate this new technology. And the so-called labor saving equipment of the NAS plan is contingent upon greater reliance on existing FAA personnel.

The lessons of the past 9 years are clear. While we have been fighting a series of protracted skirmishes at individual air traffic control facilities, we have been losing the overall battle to provide safe and effective and traffic control. We must be able to attract and retain the best possible people throughout the Nation, not just at a few locations. I believe my legislation will accomplish this goal by raising the controller pay differential from 5 to 15 percent, offering premium pay for Saturday work, and eliminating the age limitation on voluntary retirement for controllers with 20 years of service.

I believe that this money would be well spent. We are currently wasting millions of dollars on ill-suited controller candidates who fail at the academy or who cannot certify at their air traffic control facilities. We are losing to retirement and resignation, controllers in whom the Government has invested between $100,000 and $200,000 and whose value to our safety and the economy is inestimable. This is unacceptable.

Half measures and public relations campaigns will no longer do. We must attract candidates who have the qualifications and aptitude to make it through the academy and pass muster in the air traffic control system. We must ensure that controllers stay in that system as productive and active members doing what they do best: separating aircraft. We must build and sustain a vibrant work force committed to excellence in order to increase the margin of safety and system capacity. That is exactly what my legislation will do and I urge my colleagues to support this bill.

I would like to thank the National Air Traffic Controllers Association for their assistance over the past months. Their observations and expertise were most helpful and I look forward to working with them as well as the entire aviation community, and the U.S. flying public to make this legislation a reality.

CONGRESSIONAL SUPPORT FOR HEAD START JUSTIFIED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, Head Start is a favorite program among Members of Congress, and for very good reason. It is a program that works! Studies of Head Start reveal that children who participate in the program do better in school, are less likely to drop out, and make better social and emotional adjustments to the learning environment.

Often times Members of Congress have to sell big ticker items to their constituents, who are concerned about the size of the Federal deficit and the damage that deficit may do to the financial security of future generations. The budget submitted by President Bush requested an increase of $500 million for Head Start, to a record high total of $1.9 billion. There is no question that whatever levels of funding for Head Start Congress approves will be Federal dollars well spent.

This Members' constituents in Beatrice, NE know about this effective program as well. Thanks to the following excellent editorial from the Beatrice Daily Sun, this Member's support of the Head Start Program at home is made all the easier.

[From the Beatrice Daily Sun, May 4, 1990]

LARGER HEAD START PROGRAM IMPORTANT

(By Kent Thomas)

Without any specific numbers to back me up, I still believe that the large majority of toddlers who attend and enjoy pre-school will go on to become above-average students and make a success of their lives.

Sure, there will be exceptions, for any number of reasons, but I think the generalization is valid.

The pre-school experience is probably more important for children of disadvantaged families than others because it provides a learning opportunity that might not otherwise be possible. Often, young people in poverty-stricken or broken homes don't get the chance to learn as much at home as they should.

Which brings us to the Head Start program, called by Helen Blank of the Children's Defense Fund "the most popular low-income program because of its unique nature in addressing so many problems at

once." She goes on to cite studies that show participants in Head Start or similar programs are more likely to graduate from high school and become self-supporting and less likely to be arrested or become teen parents than are non-participants.

Since 1965 Head Start has been providing education, hot meals, medical and social services to low-income pre-schoolers and involving their parents in their education as volunteer helpers. Among its supporters is President Bush who in his fiscal 1991 budget has asked for an additional $500 million for Head Start, which he says will extend it to another 180,000 pre-schoolers. Head Start's present budget allows it to reach only about 453,000 children, less than 20 percent of those eligible, according to Ms. Blank.

Oregon Gov. Neil Goldschmidt is going a step further, proposing the Head Start be extended to every low-income child in his state, to be funded by 30 percent of state lottery revenues. Adopting the measure, Goldschmidt said in his recent state of the state address, would be "the biggest economic development decision Oregon is ever going to make."

FRED ACUNTO, CHARLTON HEIGHTS FIFTH GRADERS, SHOW CIVIC PRIDE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SOLOMON. Mr. Speaker, there's a new spirit in the land, a spirit of civic involvement and awareness. I'd like to report on an example of this new spirit in the 24th District of New York.

Mr. Fred Acunto's fifth graders at Charlton Heights Elementary School in Ballston Lake, NY, are participating in a program Congress established and named "The Civic Achievement Award Program," which combines education and participation.

These fifth graders gave up many of their lunchtime recess hours and Saturdays to distribute to area residents 4,500 ribbons, suitable for attaching to car antennas as reminders to high school students to drive safely in this exciting but occasionally dangerous season of proms and graduation festivities.

Mr. Speaker, as I have said on this floor many times, my definition of a good citizen is someone who gives of himself to his community, who participates in the effort to make his community a better place.

Mr. Acunto is a friend of mine, and a member of my nonpartisan academy selection board, so I'm already quite aware of his dedication to the best interests of his young students. On June 21, the school will hold its awards assembly. Please join me in saluting Mr. Acunto and the outstanding fifth graders of his class. Such examples reassure us that with such young people as these, the future of this country is in good hands.

ALLEN ZIEGLER RECEIVES UNIVERSITY OF JUDAISM HONORARY DOCTORATE DEGREE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Allen Ziegler for his exceptional commitment to philanthropic causes. On May 27, Allen will be awarded an honorary Doctorate degree by the University of Judaism in recognition of his lifelong dedication to improving the quality of life in his community and his ongoing commitment to the university. The degree will be awarded to him a special convocation and dinner at Sinai Temple.

Over the years Allen Ziegler has proven himself to be a dedicated supporter of the Southern California Jewish community, and especially the University of Judaism. He is a member of the university's board of directors, he was the first recipient of the Eternal Light Award, and in 1985 was inducted in the prestigious Society of Fellows. His many gifts to the university also reflect his strong commitment to education and to the Jewish community: the Ruth and Allen Ziegler administration building on the Familian campus stands as a reminder of his generosity.

Other Jewish institutions including Camp Ramah, Cedars-Sinai and the City of Hope have also been the beneficiaries of his continuous commitment to the American Jewish community. Among other gifts of note, a University of Judaism scholarship and a cabin at Camp Ramah bear his name.

In addition to his philanthropic activities, Allen has been an extremely successful businessman. He is executive vice president of Westco Products, one of the Nation's largest bakery supply manufacturers. The firm has been run by the Ziegler family for over 45 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Allen Ziegler's dedication to the university and to strengthening the Jewish community. Please join me in congratulating him on his receipt of an honorary Doctorate degree from the University of Judaism.

THE 10TH ANNIVERSARY OF THE CALIFORNIA CULTURAL ASSEMBLY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to stand before my colleagues today and call their attention to the California Cultural Assembly on the occasion of their 10th anniversary.

For the past decade, the California Cultural Assembly has dedicated itself to the development and growth of multicultural artistic programs in Sacramento. The definite focus of the CCA is to convey a greater knowledge and appreciation of African-American artistic cultural contributions to the American landscape.

Among the many accomplishments of the California Cultural Assembly, they were the first to sponsor and present the Statue of Liberty and Ellis Island Buildings "Move to Freedom"; founded and presented the first multicultural music concert in Oak Park in 1984; first nonprofit organization to present jazz clinics and concerts to area high school and community college students; founded the Black American Renaissance Day which is held annually at Cal-Expo during the State fair, and published a comprehensive yearly multicultural arts calendar containing monthly listings of programs produced by large and small nonprofit arts and cultural organizations.

Mr. Speaker, I ask that my colleagues join me in congratulating a decade of accomplishments which the citizens of Sacramento have benefited greatly from best wishes for continued successes in all future endeavors.

IN MEMORY OF L. NICHOLAS RUWE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SCHUETTE. Mr. Speaker, I would like to take this time to remember L. Nicholas Ruwe, a genuine role model and a man dedicated to serving his country.

I would like to share the remarks I gave at his recent funeral in Detroit. I hope these remarks help you feel the energy, patriotism, integrity, and character that motivated Nick Ruwe during his over 30 years of public service.

REMARKS

When Nancy asked me to join her, Les, and their many friends to talk with you about Nick today, I felt privileged to be able to share with you some memories of an extraordinary man who was one of the best—a man whose spirit, dedication to country, and zest for life we celebrate today.

Many here had the good fortune and were blessed to know Nick Ruwe. You had the benefit of growing up with him. You were able to fully appreciate his love for his family, his love for people, his love for the outdoors, and his love for the political arena and public service.

Together, Nick and Nancy Ruwe demonstrated to us every day the importance of living a life of friendship, loyalty, and service to others. They have been true partners, supporting and helping each other and sharing the fruits of their triumphs and successes together.

I had the privilege of coming to know Nick during his legacy of public service to America. I am grateful for having been in his company and for the opportunity to learn from a man who has walked with presidents, walked with kings, and is now walking with God.

As you know, Nick's career in public service spanned over thirty years. His talent and energy took him to great heights. He served in varied capacities with Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George Bush. You've heard their words today.

Nick served our nation proudly as an Ambassador to Iceland. Upon his departure, their president awarded him that nation's highest honor, the Order of the Falcon, the first U.S. Ambassador ever to receive such a tribute.

Secretary of State Jim Baker, a friend of Nick's and mine, told me: "Nick Ruwe was the epitome of loyalty, character, and integrity, the highest qualities in public service."

What will always be remembered by those of us here and others across the country, and indeed the world, was Nick's extraordinary loyalty to his friends. We reveled at this sense of humor, loved to hear his laughter and cannot help but smile at the memories of the times he laughed hardest at himself.

Nick Ruwe was a compassionate man, and shall we say, a competitor who enjoyed the battle for causes in which he believed. Nick was also known for getting the job done. He had his own style, his own way of doing things. Not brash, not glitzy. He got the job done.

This became clear at the very start of his political career. It was as a twenty-six year old raw rookie in politics that Nick Ruwe burst on the scene.

Nick hired on to the Nixon Presidential campaign in 1960 and was sent to Dallas to help coordinate an event. His new co-workers watched nervously as Nick strolled in carrying tennis rackets, skis, and summer and winter tuxedos, with valets and Louis Vuitton luggage.

"Hi, I'm Nick, the rally guy," He said by way of introduction. A call was quickly made to a trusted Nixon aide.

"Who did you send me?" A jittery campaign staffer asked as he attempted to explain who and what had just walked through the door.

"Well," Nixon's aide said, "This may be the worst we ever had, or the best we ever had. There's no way of telling."

Well, what was telling was the way Nick solved problems. The Nixon campaign had a problem. They needed to use a hall for their rally, but the building had been booked for a year in advance by the Ford Motor Company. Seemingly no amount of pleading could get the folks from Ford to free up the room.

Nick, learning of the situation, repeatedly asked if he could help. The campaign staffer finally said, "O.K., kid, give it a shot."

Nick quietly slipped out of the room. The Nixon campaign received a phone call a few minutes later from someone at Ford telling them that the company was giving up the hall for Nixon.

All heads turned toward Nick and finally someone asked: "What did you do?"

Nick shrugged and said "Oh nothing. I just called Henry."

"Henry who?" asked the jittery campaign staffer.

"Henry Ford. He's my neighbor."

From that moment on, everyone knew they had one of the best. Nick Ruwe was one of the best. Nick Ruwe will always be one of the best.

USIA SPONSORED RUSSIAN DELEGATION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues Kenneth Jacobson's and Myrna Shinbaum's article entitled "Russian Writers Sow Seeds of Anti-Jewish Hatred." This article touches on an issue of utmost importance and urgency: anti-Semitism in the Soviet Union and the need to publicly condemn this dangerous attitude.

The article specifically discusses the United States Information Agency's recent sponsorship of a United States trip for a delegation of Soviet writers, some of whom have published works expressing anti-Semitic views. The USIA's sponsorship of such a group can be perceived as U.S. Government acceptance and/or endorsement of these writers' prejudices.

I urge my colleagues to read Mr. Jacobson's and Ms. Shinbaum's article:

RUSSIAN WRITERS SOW SEEDS OF ANTI-JEWISH HATRED

(By Kenneth Jacobson and Myrna Shinbaum)

(Mr. Jacobson is director of ADL's International Affairs Division; Ms. Shinbaum is director of the agency's Soviet Jewry Project)

The arrival in the United States in recent days of seven leading Russian nationalist writers has touched off a storm of protests. The Russian writers are here for a month-long stay as guests of the United States Information Agency.

Several of the writers, whose literary ability is unquestioned, are either themselves anti-Semites or have condoned anti-Semitism.

In the U.S.S.R. today, the media—like much of Soviet society—is polarized. Mostly it is supportive, albeit to varying degrees, of Gorbachev's reforms. However, a number of periodicals, in particular literary ones, a genre that has traditionally played an important role in Russian public life, have adopted hardline Russian nationalist—and anti-Semitic—positions. The most influential of these are the monthlies Nash Sovremennik and Molodaya Gvardiya and the weekly Literaturnaya Rossiya.

Literaturnaya Rossiya is an organ of the Russian Writers Union, which is a body torn apart in recent months by infighting between nationalist and liberal writers and now dominated by the former. The proceedings of the last plenums of the Union (the sixth in November 1989 and the seventh in March 1990), reproduced almost in full by Literaturnaya Rossiya, demonstrate the depth of anti-Jewish (nominally "anti-Zionist") feeling among many Russian writers. A lengthy "Letter from Russia's Writers," signed by no less than 74 authors—many of them of considerable standing in the literary world and in public affairs generally—is an outcry against the alleged defamation of Russia and the Russian people. Once again, the Jews are singled out as the principal target. The 74 signatories lambaste what they see as a pro-Jewish bias in the leading Soviet mass media, where, they claim, there has taken root "an uncritical, sugary-sweet and virtually servile attitude to Jewry, past and present, local and foreign, and including imperialists and Zionists."

The authors are vehemently opposed to any new law against anti-Semitism in the U.S.S.R. Such a law, they claim, would place the Jews in a privileged position: when legislation of this kind existed in the 1920s and 1930s, it was "essentially A Law About the Genocide of the Russian People." For good measure, the writers allege that "Zionists" bear direct responsibility for many pogroms, including pogroms against Jews, and for "trimming the dry branches" of their own nation's trunk in Auschwitz and Dachau and in Vilnius. In other words, the Jews were accomplices in their own Holocaust.

As it turns out, the three literary anti-Semitic publications are well represented by the Russian nationalist writers who are currently on the U.S.I.A.-sponsored visit. Stanislav Kunyaev is chief editor of Nash Sovremennik. Ernst Safonov is chief editor of Literaturnaya Rossiya, and Pavel Gorelov is one of the editors of Molodaya Gvardiya. Furthermore, among the 74 signatories of the "Letter From Russian Writers" are three of those writers now in the United States—Stanislav Kunyaev, Oleg Mikhaylov and Viktor Likhonosov.

Stanislav Kunyaev made a personal contribution to the nationalist debate at the seventh plenum of the Russian Writers' Union this March. According to Literaturnaya Rossiya (March 30, 1990,) Kunyaev remarked sarcastically that Yunost, a liberal literary journal, "strengthened Soviet nationality relations by, for instance, publishing Galich in one issue, Korzhavin in another, Brodsky in a third, and Alsyonov in a fourth—producing in this way a peculiar multi-national picture." It so happens that all of these authors—Aleksandr Galich, Naum Korzhavin, Iosif Brodsky and Vasily Aksyonov—are (or were, in the case of Galich, who is dead) of Jewish origin.

Not satisfied with this observation, Kunyaev went on to offer adviced to Rukh, the Ukrainian national movement, an organization which has, in fact, issued a declaration condemning anti-Semitism: "Do not be puppets in the hands of a third force, Kunyaev warned, do not destroy our ancient Russian-Ukrainian lines, and do not dance to the tune of those who are as indifferent to Russian culture as they are to Ukrainian culture."

For U.S. officials, who offered support for these visiting writers, there is clearly a need for greater scrutiny of such guests of a U.S. agency.

For the Soviet Union, the question is one of education. Here in the United States, the very fact that individuals or organizations are exposed as anti-Semitic goes a long way to countering any influence they may have. The American public long ago rejected anti-Semitism. In the Soviet Union, the story is less clear; with a long tradition of anti-Semitism, and with the absence of a process of education to combat the problem, views enunciated by these writers are not rejected as illegitimate.

In the long run, if the Soviets are truly to enter the Western world, as Gorbachev envisions, they must undergo a process of self-education and of educating the public about democratic values and the evil that is anti-Semitism. Only then can we talk about winning the battle against this ancient disease.

REFORMING THE FEDERAL CROP INSURANCE PROGRAM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the current Federal Crop Insurance Program is not serving the taxpayer or the farmer as well as it should. Low participation rates, which have been artifically inflated by disaster assistance requirements recently, are a prime indicator of this fact.

A viable crop insurance program has disproportionately large value to Great Plains States such as Nebraska due to the greater extremes in climate and the greater likelihood of localized droughts as compared to the eastern Corn Belt and Southeastern States. Sparsely settled States of the Great Plains, with few representatives in Congress, would be hard pressed to routinely get disaster legislation passed for the relatively frequent drought and severe weather problems prevalent in the Great Plains.

Additionally, disaster legislation is a poor substitute for a good insurance program. For example, such special disaster legislation, if enacted with some frequency, actually serves to reduce participation rates and hence the viability of both public and private crop insurance.

The administration's proposal to eliminate Federal crop insurance funding from the 1991 budget proposal should be viewed as a challenge from the administration to the House Agriculture Committee to develop a new and innovative Crop Insurance Program. The Congressional Commission for the Improvement of the Federal Crop Insurance Program, authorized by Congress in 1988, has developed a number of recommendations, which it presented to the executive branch and Congress in the spring of 1989. In April 1989, the Commission provided 26 short-term recommendations to the Federal Crop Insurance Corporation [FCIC]. Twenty-two of these recommendations were implemented by the FCIC in the 1990 Crop Insurance Program. This record of action has been totally ignored by many FCIC critics.

In late July 1989, the Commission made 24 additional longer term recommendations to be implemented by the FCIC. Of these, there has been some definitional disagreement over the number implemented, with critics claiming that three were implemented, while FCIC claims that five have been implemented. Some action has been taken on seven of the recommendations, and no action has been taken on five. Twelve of the recommendations require legislation to be fully implemented.

Due to concern and confusion over the status of the 1991 Crop Insurance Program, the FCIC has issued statements recently which clarify prospects for its future existence. The FCIC has acknowledged that decisions concerning the continuation of the FCIC will be made by the Congress. The administration can propose that the program be eliminated, but only the Congress can act to actually eliminate it.

Proposed legislation is currently before the House Agriculture Committee to reform the Federal Crop Insurance Program. This Member encourages his colleagues on the Agriculture Committee to give these proposals their full consideration and reform the Federal Crop Insurance Program to serve the needs of the farmer as well as the taxpayer. I submit the following editorial from the May 4, 1990, Omaha World Herald for the RECORD.

A SENSIBLE MOVE IS MADE ON CROP INSURANCE ISSUE

The federal government made a wise decision on continuing to underwrite crop insurance while the future of the program is being debated in Washington.

Winter wheat growers will be able to buy the subsidized insurance for the crop they will plant this fall. With 1991 crop insurance being sold now, the extension of the federal subsidy was timely.

Agriculture Secretary Clayton Yeutter had proposed that either crop insurance or a crop-disaster program be funded, but not both. President Bush had suggested eliminating crop insurance. Congress has been studying the program with an eye toward making changes.

In the contest between disaster relief and crop insurance, the latter seems clearly superior in many respects. It allows prudent farmers to decide the level of risk they want to assume for the outcome of their planting year. A farmer worried about drought or hail would invest in the subsidized crop insurance; one willing to risk the weather would not.

Disaster relief is a different situation entirely. It is a political Christmas tree in many ways, given or withheld at the whim of Congress. Which areas it covers, whom it protects and the amount of protection are all subject to debate and bargaining.

Last year, disaster relief was supposedly geared to the drought in the Midwest, but about $1 billion in relief went to farmers in other areas for "disasters" as diverse as insect damage and a growth-delaying cold snap—things that farmers have for years been considering the normal perils of agriculture.

In addition, disaster relief depends on wide-scale problems—storm fronts that unleash multiple tornadoes or wide-spread hail, for example. If a small hailstorm flattens the corn in two or three fields, there's a good chance the area wouldn't be declared a disaster and no aid would be forthcoming.

Crop insurance, however, would likely cover the damage.

About half the crop acres in the country were insured last year. The federal government spends $450 million to $500 million a year on the program. Contrast that with the cost of the disaster aid program in 1989: $3.9 billion. Or the total amount spent in the 1980s for disaster relief: $8 billion.

Farming has always been an uncertain way of earning a living. It is a dependent on many things that a farmer can't control: rain, sunshine, north winds, early frosts, tornadoes, hail. Congress and the Bush administration are doing the proper thing by looking at what the federal government's role should be in protecting agriculture against the uncertainties that are a normal part of doing business.

In the meantime, however, giving a short-term extension to the insurance in subsidy for the coming crop year will allow farmers to make informed choices as they plan their planting programs.

WHY I AM PROUD OF AMERICA

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DOUGLAS. Mr. Speaker, I would like to enter into the RECORD the text of a speech written by Ryan Neil Hansen, of Amherst, NH, for the Veterans of Foreign Wars' "Voice of Democracy" program. The topic of the speech was "Why I Am Proud of America," and it embodies the spirit and meaning of the freedoms we have in this country that we too often take for granted. I hope that more of today's young people feel about America the way that Ryan Hansen does.

WHY I AM PROUD OF AMERICA

(By Ryan Neil Hansen, New Hampshire Winner, 1989/90 VFW Voice of Democracy Scholarship Program)

The air was crisp and fresh, and I rolled down the car window to let more of it in. My best friend had just picked me up to go to the high school to watch our girls varsity soccer teams defend their undefeated record. When we pulled into the parking lot, we were just in time to catch up with a few more of our friends as they were walking over to the field. We talked about the events of the night before and of what we might want to do that evening. A breeze blew against us and made my flannel shirt wave like the flags in the center of town on the Fourth of July. The sun shone across the field and on those who occupied it and we stood at the sidelines cheering on our team. Later we would saunter to the other side of the field where the players parents sat. We knew most of the girls on the field and their families and could openly chat and joke with them as we watched the game. It was a great day.

Later that day we would find ourselves back at the school standing with the same friends and a couple newcomers, but this time to watch our football team attempt to break their losing streak. The sun was hotter now and I removed my loose fitting shirt to reveal a t-shirt and a pair of arms losing their summer tan. I glanced at the scoreboard which reminded me that we were losing by 14 points. But just to the side of it I noticed how the trees had begun their change in color. The reds and oranges blended in with what green still held on. The football team lost, but fall was here and it was still a great day. Why am I proud of America? Not for its foreign policy or its position as a superpower. I am proud of America because of its individual communities. The same thing that was going on in my town was happening in towns and cities all over the nation. People everywhere gathered to watch their teams play or get a head start on their fall raking or went to the bank or put in a couple of extra hours at the office. And in every one of these towns, whether these people were aware of it or not, they cared about their community. It is in these communities that these people will grow up, wed, raise their children, and retire. And between these events, these same people will add to the community by holding an office in their local government, volunteering at a youth center, or simply speaking out and letting their opinion be known on an issue facing their town. It is the combination of these seemingly small

acts that built and maintain the strong base of our United States, and only when people stop to truly care will that base deteriorate. Why am I proud of America? Not because of its position as a key member of the United Nations or its importance in the NATO alliance. I am proud of America because of the model we've become to nations and peoples struggling towards democracy. While Americans sat down to the first pre-season baseball games, the students and workers of China gathered and even gave their lives in Tienanmen Square. And in the middle of this great deluge of protestors was a model of the Statue of Liberty, a symbol of all of their hopes and aspirations for the future. A symbol that Americans have accepted as a symbol of Liberty for the past 100 years, was now being adopted by a country half way around the world in their struggle for freedom. Why am I proud of America? Because of its peoples ability to overcome personal reservations and help out when the call comes. When the earthquake left the Armenian people of the Soviet Union devastated and without homes or food two weeks before Christmas, the call for help went out. And while Congress struggled to appropriate relief aid for the area, Americans everywhere set aside their political biases and became partisans of humanity. Soon the problem wasn't a lack of food or money to help these people, but instead an incredible over abundance. Another example of the American peoples willingness to help others can be seen in the number of people who volunteer their time for the fire department or rescue squads. The scenario that these people play out every day is portrayed by the commercial for the Red Cross on Television. The farmer being awakened by a telephone call in the early morning hours telling him of some emergency in town that requires his assistance as a volunteer. He jumps out of bed, splashes some water on his face, jumps in his pickup truck and rushes off to the scene. After returning, he is greeted at the door by his wife and children, and after rustling the hair of his son, he turns to his wife as she says, "You know Frank, you really are a good guy". The fact is that all over our nation there are millions of good guys, all lending a hand in their towns when needed and this help is vital in the wake of such disasters as Hurricane Hugo or the San Francisco Earthquake. It is these men and women who together make successful and thriving towns. And it is these towns that together make great states. And it is these 50 great states that together make up this country that I am indeed very proud of. It is the good people that make up the United States that make the United States great and it is the children and grandchildren of these people that will allow this tradition to continue gracefully for many years to come. So why am I proud of America? Because of its people standing for what they believe in, trying to make a better life for themselves and their families and consequently making their community a better place. Whether they are aware of it or not these people are constantly reinforcing the already mighty base that supports the ideals and values that are the United States of America.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. LAFALCE. Mr. Speaker, today I am pleased to introduce on behalf of the Nation's small businesses the White House Conference on Small Business Authorization Act. I am very pleased that Representative SILVIO CONTE has joined me in cosponsoring this measure.

I believe that it is especially appropriate to introduce the bill this week which we are celebrating as "National Small Business Week."

Mr. Speaker, this will be the third White House Conference on Small Business. The first one was held in 1980, and another was convened in 1986. Both of these conferences were highly successful and brought together knowledgeable small businesses to deliberate and propose solutions to the problems confronting the small business community today. I believe that the key to success of these prior conferences was that each was a one time event.

A White House Conference, a meeting convened by the President of the United States, is an extra ordinary occasion and it should continue to be so regarded. It is for this reason, that I believe they should continue to be convened only as specifically legislated. They should not simply become another periodic meeting and thus lose their character and stature.

Under the bill I have introduced, we would have a national conference in Washington in early 1994. The national conference would be preceded by State conferences in 1993. The overall conference activities would be directed by a commission of 11 members appointed by the President.

I would also point out, Mr. Speaker, that the bill provides for paying an estimated $5 million in administrative expenses of the conference, but it expressly prohibits paying any expenses for conference delegates. Small businesses which wish to participate must pay their own way. This has been the system for the two prior conferences, and I believe that it too is an important element in the success of the conferences as it helps to ensure that we bring together a group of individuals who are willing to spend their own time and money in order to provide us with input on their needs and problems.

Although the time remaining this year is short, it is my intent to hold hearings on this legislation next month and I am hopeful that the committee will present this bill to the House for its consideration in the very near future.

For the information of my colleagues, I am attaching a summary of the bill.

SECTIONAL ANALYSIS OF WHITE HOUSE CONFERENCE ON SMALL BUSINESS AUTHORIZATION ACT

AUTHORIZATION OF CONFERENCE

Section 2 directs the President to conduct a National White House Conference on Small Business between January 1 and April 1, 1994. The National Conference will be preceded by at least one conference in each state, with the state conferences to commence December 1, 1992.

Subsection (b) authorizes pre-conference activities in order to prepare for the national conference.

Subsection (c) requires that the national conference shall be conducted under the general supervision and direction of a commission established by section 5.

PURPOSE OF CONFERENCE

Section 3 states that the purpose of the national conference is to increase public awareness of the essential contribution of small business; to identify small business problems; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the nation's job creator; to assemble small businesses to develop specific and comprehensive recommendations for executive and legislative action; and to review the status of recommendations adopted at the 1986 conference.

CONFERENCE PARTICIPANTS

Section 4 provides that any interested small business shall be admitted to state conferences without the imposition of any fees except minimal registration fees and the cost of any meals.

Subsection (b) provides for the election of delegates to the national conference at the state conferences. In addition, it authorizes each Governor, Member of Congress and Senator to appoint one delegate and the President to appoint 100 delegates.

COMMISSION

Section 5 establishes a White House Conference on Small Business Commission of 11 members appointed by the President. The Commissioners are assigned the responsibility for the overall preparation and conduct of the conference.

Subsection (b) requires that at least 7 of the 11 commissioners be small business owners, employees or officers.

Subsection (c) provides that not more than 6 commissioners shall be of the same political party and that none of them shall be Federal employees.

Subsection (d) provides that the terms of appointment for the commissioners shall expire on the date they file their report.

Subsection (e) authorizes the President to fill any vacancy on the Commission in the same manner in which the original appointment was made.

Subsection (f) provides that commissioners shall serve without pay except that they shall receive reimbursement for their expenses.

Subsection (g) provides that 6 commissioners shall constitute a quorum for the transaction of business.

Subsection (h) authorizes the Commission to appoint an Executive Director and such other staff as it deems appropriate.

Subsection (i) authorizes the Commission to hire temporary employees.

Subsection (j) authorizes Federal departments and agencies to detail employees to the Commission.

Subsection (k) authorizes the General Services Administration to provide administrative support services to the Commission.

PLANNING AND ADMINISTRATION OF CONFERENCE

Section 6 authorizes the Administrator of the Small Business Administration to provide assistance for the conference and authorizes the Administrator to contract, as needed, to assist in the conference.

Subsection (b) authorizes the SBA Chief Counsel for Advocacy to provide background materials for the conference.

Subsection (c) requires delegates to the national conference to pay their own expenses.

REPORTS

Section 7 requires a final report from the Conference to be submitted to the President and the Congress within four months after the national conference.

FOLLOW-UP ACTION

Section 8 requires the Small Business Administration to report annually to Congress for three years after the Conference Report on the status and implementation of the findings and recommendations in the report.

AVAILABILITY OF FUNDS

Section 9 authorizes the appropriation of $5 million to carry out the conference.

Subsection (b) prohibits the use of other appropriated funds to carry out the conference.

LEOMINSTER, MA—250TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I take this opportunity to salute the people of Leominster, MA, on the occasion of the 250th anniversary of the founding of the city. Surrounded by the rolling hills of north-central Massachusetts, Leominster is nestled into a valley some 40 miles west of Boston and 20 miles north of Worcester. The Leominster 250th Anniversary Committee has worked hard to prepare for an anniversary celebration that will start with a major parade in September. This historic occasion promises to make for quite a memorable year in the Leominster area as the city celebrates this historic occasion.

Leominster's development dates back nearly three centuries to 1701 when the sagamore of the Nashua Indians, George Tahanto, sold the land that would soon make up the city we honor today to 102 settlers. As the area grew in population it became apparent that the community needed self-government and a name. On June 23, 1740 the Royal Governor of the Massachusetts Bay Colony, Jonathan Belchor, incorporated the town, and its name was chosen in honor of Leominster, in Herefordshire, England. The town grew quickly as many sought the land to farm. Farming was the primary industry for the first 50 years of its existence. The community's economy soon diversified, with manufacturing taking an active role in the shaping of America. Obadiah Hills started the manufacturing of combs from his kitchen in 1775 in congruence with the Revolution. Soon to follow were factories that produced paper, tin ware, and hair sieves. Leominster has since developed into the "Pioneer Plastic City," with more than 100 firms devoted to plastics and supporting industries. Not only did Leominster take a lead in manufacturing, but it also contributed to the revolutionary spirit. In town meetings during the years just prior to the American Revolution the community passed a resolution that declared, "We must, we can, and we will be free. This is our God-given right. We shall forever assert it and subject ourselves only to the Supreme Being who formed us free."

As is the case of many great cities, the history of Leominster has been a history of diverse peoples. Its inhabitants take pride in their different backgrounds, and have worked together to build Leominster into the vibrant community that it is today. Many great Americans have been born or have lived in Leominster; the legendary Johnny Appleseed; John Chapman, the father of the Massachusetts Public School System, and arguably, all American public schools; James Gordon Carter, builder and vice president of duPont Co.; Bernard W. Doyle, and father of our worldwide navy; Senator David Walsh.

Mr. Speaker, I would like to take this opportunity to mention the people who make up the Leominster 250th Anniversary Committee: honorary chairman Mayor Stephen A. Perla, chairman James Lanciani Jr., co-chairman Evelyn B. Hachey, and co-chairman Victor Leger. This group, and many others have put together an impressive celebration for the people of Leominster. I intend to join the many people of central Massachusetts who will enjoy this joyous occasion on a fine 250 years of achievement.

At this point, I insert the document entitled: "Leominster, MA—250th anniversary":

LEOMINSTER, MA.—250TH ANNIVERSARY, 1740-1990

(By Evelyn B. Hackey, historian)

Leominster is situated in the northern part of Worcester County, Massachusetts. Five miles southeast from Fitchburg, twenty miles north from Worcester and forty-five miles from Boston. The city is irregular in form, with an area about twenty-nine square miles.

The official seal of the City of Leominster was adopted at the City Council meeting on December 26, 1916. It shows a Lion, an Indian, a Quaker and City Hall with the setting sun in the background. Agriculture and other symbols of the City are also included. The design was from the studios of Henry C. Grover of Boston, Massachusetts.

THE CITY MOTTO

The basis of Leominster's progress and faith in the future may be found in resolutions passed in Town Meetings during the years just prior to the American Revolution: "We must, We can, and We will be free. This is our God-Given Right. We shall forever assert it and subject ourselves only to the Supreme Being who formed us free."

In April, 1975, the Leominster City Council passed a petition making the first eight words of this resolution our City Motto: "We must, we can, and we will be free."

Leominster was originally a part of "The Additional Grant to Lancaster." George Tahanto, the sagamore of the Nashaway, sold the land to the proprietors, one hundred and two men and one woman, in 1701. The act of confirmation was passed by the "Great and General Court" or Assembly for Her Majesty's Province of the Massachusetts Bay in New England in 1713.

Gershom Houghton built the first house in Leominster in 1725. A frame structure of hewn oak timbers. It was low-studded, with the roof on the back side reaching nearly to the ground, a common style of architecture in those times.

The chimney was built mostly of stones and according to tradition, Mrs. Houghton assisted her husband in its construction by carrying stones in her homespun apron. Here in the home of Gershom and Elizabeth Houghton was first heard the hum of the spinning wheel and the pound of the loom. Here was born the first family, a son, Abiarthur, and a daughter named Tamar. Gershom died on April 3, 1757.

The first house was soon followed by other settlers building their homes until the needs of the community demanded self-government and a name. On June 23, 1740, the town was incorporated and the name of Leominster was chosen by Jonathan Belchor, the Royal Governor of the Massachusetts Bay Colony in honor of Leominster, in Herefordshire, England.

The first Town Meeting, on July 9, 1740, was held at the house of Jonathan White, Innholder. Town officers were elected. The second Town Meeting was held September 1 of the same year, at which time the town was to "build a bridge across the river where the road is laid out to said river." Forty pounds was raised to build this bridge, and the sum could be "worked out" (by labor in lieu of taxes). The "Great Bridge" was the bridge over the Nashua River in North Leominster.

The meeting of December 5th referred to the building of a meetinghouse, built in 1742 and located in the northeast corner of what now is the Pine Grove Cemetery. The first school was close by. The training field, now Carter Park, was on the other side of the stone wall and was a gift to the Town of Leominster from Oliver Carter in 1754.

The first burial ground for the early settlers was a tract of land donated by Jonathon Wilson prior to the purchase of land by the town for a burial ground. The second cemetery is now Pine Grove and was situated in the yard of the first meeting house, on land bought from Ebenezer Houghton.

Before the Revolution, the inhabitants of Leominster were devoted to farming, raising vegetables, wheat, and flax. Little manufacturing was carried on although there were several instances on a small scale. Two of the early settlers, Jonas Kendall and Thomas Wilder, manufactured potash; Ebenezer Wilder had a grist mill and Josiah White, a saw mill.

In 1713, Mark Lincoln built a fullum mill where home-loomed cloth was dressed. The year 1775 saw the first combs made in Leominster. The first to make combs from horn was Obadiah Hille, who used the kitchen of an old house on Pleasent Street, the work being done by hand. According to the John Buss Diary, "Elisha Wilder raised a cooper shop on November 13, 1790." The first paper mill was constructed in 1796, followed by tin ware, brooms, and hair sieves. All gained a degree of success but "Comb Smithing," as it was called at the time, has always held the place of honor.

The root of the Leominster Public Library began in the year 1763, with a small group of people in a town of 800 buying one hundred books. It was known as the "Leominster Social Library." In 1856, the first public library was established. Mr. Francis Tinker was appointed the first librarian and he kept the books in his store. He received $50.00 a year for his services. In 1863, the new librarian, C.W. Carter, a lawyer, kept the collection in his office. In 1864, a J. Henry Kendall gave the town $5000.00 for the formation of a public library with the understanding that a proper place be found for the books. An addition was added to the

1853 Town Hall and a permanent home was established for the Leominster Public Library. With a gift of $27,500 from the Andrew Carnegie Foundation and contributions by the town and individuals, the present library building opened in 1910. A modern addition was constructed in 1966.

Stage coaches began driving through Leominster as early as 1790, and a Post route was established in 1795 from Boston to Charlestown, New Hampshire via Leominster. The Fifth Massachusetts Turnpike (1779) extended from the Kendall Tavern in Leominster to Northfield. it was still paying dividends in 1827. The first train owned by the Fitchburg Railroad Company, funded by Leominster native Alvah Crocker and others, came through North Leominster in 1845. In 1850, the Fitchburg-Worcester Railroad, later known as the Old Colony Line, passed through the center of Leominster. Horse trolleys were first used in 1888, and the following year the first electric trolley came into use. The new century brought automobiles into fashion and roads were surfaced with macadam.

Airplanes came into use after World War 1 and Leominster had its own airport. In 1943, the Airport was transferred to the City of Fitchburg in exchange for a sum of money and a parcel of land known as No-Town.

In the early part of the eighteenth century it was the law in Massachusetts that when a town had a population of fifty families, a school must be established. Consequently, when Leominster reached that size in 1748, it was voted "to build a schoolhouse, and set it a ye meeting-house in said town, 24 feet long, 18 feet wide, and 7 feet stud", so it was that in 1749 a school house was erected near the first meeting-house which was located on the northeast corner of what now is Pine Grove Cemetery, adjoining Carter Park.

In 1776, Leominster reached a population of one hundred families and, to meet State requirements, established its first grammar school in the schoolhouse at the center, which necessitated conducting the common school in private homes. To remedy these conditions, it was voted, in 1767, to erect three more schoolhouses. Seven additional schoolhouses were built in 1791, and one more added in 1803.

The High School, with forty pupils and one teacher, opened on May 22, 1850, in Gardner Hall, which stood on the site of the present City Hall. The first Principal, in fact the entire faculty, was Josiah S. Phillips, whose salary was $500.00 a year. The Field High School was erected in 1865. This building continued to house the high school pupils of Leominster until 1905 when the High School (later called the Carter Junior High School) was built.

Leominster has six (6) public elementary schools and there are three (3) parochial elementary schools. In addition, there is one Junior High School and a multi-million dollar high school and a Trade High School. Large additions to three elementary schools and the Trade High School is under construction with a completion date of early summer.

Approximately 70 percent of the graduates go on to some form of higher education after leaving Leominster High School and graduates are accepted at the finest colleges and universities in the country.

MONUMENT SQUARE HISTORIC DISTRICT, 1982

The Monument Square Historic District is located in the geographic heart of downtown Leominster. It sits sheltered within the arm of the Monoosnock Brook, a tributary of the Nashua River and midway along the rising slope of the Nashua Valley. The cultural centrality of the district results from the intersection of several principal thoroughfares. Main, West, Mechanic, and Central streets, and the adjacent Old Colony Railroad Line.

Most of the structures in the Monument Square District date from the late 19th and early 20th centuries, illustrating Leominster's period of greatest industrial development. The district involves approximately 30 acres and 36 properties.

Concentrating in Monument Square District are Leominster's first examples of commercial, ecclesiastical and civic architecture. At the southern edge of the district is a small triangular common. Civic and religious buildings are concentrated around the common, on Park, West and Church Streets. Main Street, in contrast, is characterized as a commercial streetscape. The rising grade immediately west of the district encompasses some of the best residential streets, where many of Leominster's leading manufacturers located their mansions. The area north is set off by Carter park and the original town center, site of the first meeting-house.

Nearly all of the buildings are constructed of red brick with granite trim. Building height generally ranges from two to four stories. Principal alterations to buildings in the Monument Square District consist of applied storefronts on the commercial buildings. Civic and religious structures remain unaltered and in excellant condition. Most retain their original use as well.

JOHN CHAPMAN (JOHNNY APPLESEED)

John Chapman, better known as Johnny Appleseed, was born in Leominster, Massachusetts on September 26, 1774, the son of Nathaniel and Elizabeth Symond Chapman.

Town records show the birth of Elizabeth (1770), John (1774), and Nathaniel Jr. (1776). They lived on what is now Johnny Appleseed Lane.

It is believed that he started his westward pilgrimage at about the age of twenty-three.

Johnny was not a scatterer of appleseeds as many have supposed. He was a practical nurseryman. He planted seeds, set out orchards, and sold or gave trees to the pioneers. When he died, one of his numerous nurseries contained 15,000 seedlings.

Deeply religious, he became a self-appointed missionary, sharing his tract and his Bible with the settlers who listened to him; he followed the Sweden-borgian Christian faith. His love for his neighbor made him an accepted peace maker between the Indian and the settler. His wondering route through this Midwest is, today, dotted with many monuments erected to the memory of this man who fulfilled the Biblical requirements: to do justly, to love mercy, and to walk humbly with his God.

He died in Fort Wayne, Indiana on March 18th, 1845.

SECURITY CONCERNS IN THE PACIFIC

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BEREUTER. Mr. Speaker, the United States provides an enormous amount of assistance to the Philippine Government. In part this is provided as part of leasing agreements for Clark Air Force Base and the Subic Bay naval facility. But in part the United States assistance to the Philippines is due to the enthusiastic support President Aquino has enjoyed from many in Congress and the Reagan and Bush administrations. There certainly has been a widely based American desire to assist Mrs. Aquino as she leads her Nation along the path of democracy. Thus, in recent years the United States has been exceedingly generous toward the Philippines. American assistance has gone to support the economy, to improve food production and distribution, to enhance the health and education systems, to assist their military combat guerrilla forces, and for numerous other purposes.

The bases in the Philippines clearly do remain important for United States national security. But despite the importance of Clark AFB and Subic Bay, I believe the United States should not remain there if the presence of our bases is unwanted. President Aquino's calculated snub of Secretary of Defense Richard Cheney during his visit was particularly disturbing. President Aquino's behavior hardly seemed to be that of a good friend and ally. Rather, it seemed to reflect a willingness to punish the United States if the ever-greater Philippine demands for United States foreign assistance are not met. Under these circumstances, the United States should begin to actively consider alternatives to our current basing agreements.

A recent editorial published in the April 18 edition of the Omaha World-Herald entitled "A Friend Emerges in the Pacific," provides important insights into the United States relationship with the Philippines. The article recognizes the increasingly unfriendly attitude of President Aquino, and it suggests that Singapore might provide replacement bases as an alternative. According to the World-Herald, Singapore's Prime Minister has offered aviation and port facilities in his nation if the United States is forced to leave the Philippines. As the World-Herald notes—

If the political or financial price of staying in the domain of Cory Aquino should become too high, it is reassuring to know that the United States may have a workable alternative.

This article offers a useful alternative and viewpoint in regards to our concerns in the Philippines, and I would request that it be inserted into the RECORD.

[From the Omaha World-Herald, Apr. 18, 1990]

A FRIEND EMERGES IN THE PACIFIC

As the Philippine government of Corazon Aquino becomes outwardly less friendly to the United States, a new friend is stepping forward to take its place. The government of Singapore said it would provide replacement bases for U.S. forces if the Aquino government cancels the U.S. lease on two major bases in the Philippines.

The negative attitude displayed in recent months by the Aquino government and a number of Philippine citizens makes the offer by Singapore attractive.

Singapore's prime minister, Lee Kuan Yew, said the United States could preserve a Pacific presence by using aviation and port facilities in his country if forced to leave Clark Air Base and the Subic Bay Naval

Complex in the Philippines. The offer was made to a congressional group led by Rep. Pat Schroeder, D-Colo., who is head of the subcommittee on military installations of the House Armed Services Committee.

The representatives said they were impressed by Singapore's Paya Lebar Air Base and port facilities. Rep. Schroeder said: "We have surplus capacity in Guam and in Japan. Singapore has excellent shipping facilities. While we could not duplicate Subic Bay at one site, it could be duplicated by using several locations."

The Philippines offers the best location from which to maintain a U.S. presence in the Asia-Pacific area. But relations with the Philippines have deteriorated since Mrs. Aquino snubbed Defense Secretary Richard Cheney during his visit to Manila in February. Among other things, Mrs. Aquino's government has demanded more U.S. aid in exchange for the use of the bases.

The United States rented Subic Bay, a repair facility for the 7th Fleet, and Clark, home of the 13th Air Force, for $900 million until 1991. The installations are home to about 17,000 servicemen and 23,000 dependents. They employ about 68,000 Filipinos.

With the investment the United States has in the Philippines, and the long record of friendship between the two countries, renewal of the lease under mutually acceptable arrangements would be preferable. However, if the political or financial price of staying in the domain of Cory Aquino should become too high, it is reassuring to know that the United States may have a workable alternative.

THE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. SNOWE. Mr. Speaker, today I am pleased to join my colleagues, Representatives ROYBAL, WAXMAN, STARK, DOWNEY, RINALDO, REGULA, and BRUCE, in introducing the comprehensive Alzheimer's Assistance, Research, and Education Act. This bill is a major bipartisan, House-Senate proposal based on two legislative initiatives which we introduced earlier in this Congress. The bill also reauthorizes Public Law 99-660, enacted through legislation which Senator GRASSLEY and I introduced in 1986.

The mental, physical, and financial devastation which Alzheimer's disease inflicts upon its victims, including the hidden victim, the family caregiver, has concerned me for many years. Since 1983, I have been actively involved in holding hearings, sponsoring forums and introducing legislation regarding biomedical research on Alzheimer's disease and family care-givers.

In recent months, newspaper headlines have highlighted research findings which indicate an almost staggering potential magnitude of human and fiscal costs associated with Alzheimer's disease. It is now estimated that the disease strikes about 4 million victims, almost double the number previously thought. That means that more than 10 percent of people over age 65, and almost half of the elderly over age 85—the fastest growing age group—have probable Alzheimer's disease. If biomedical researchers don't find a way to treat and prevent the disease, the number of Alzheimer's victims could increase to 12 million to 14 million by the year 2040.

The impact of the "aging of the aged" could also cause Medicare and long-term care costs to escalate enormously by the year 2040, according to the lead article in the May 2, 1990 issue of the Journal of the American Medical Association. The authors state that the costs of care for moderate to severe dementia could "approach the magnitude of current federal deficits" by 2040, when large numbers of baby boomers will be in their 80s. The researchers concluded that, in today's difficult financial climate, we must look for long-term solutions for projected increases in health care costs—such as research for preventing and/or curing the most common cause of dementia, Alzheimer's disease.

As the fourth leading cause of death of adults in the United States, Alzheimer's disease becomes even more tragic when we consider its toll on caregivers. Caring for Alzheimer's patients has often been called the 36-hour day because of its tremendously demanding emotional and physical burdens and stress caused by the disease. Particularly ominous are recent research findings which indicate that older caregivers may suffer permanent immune damage from this stress. As a progressive, degenerative disease lasting anywhere from 2 to 20 years, it irreversibly attacks the victim's brain, thinking, memory and behavior. Destroyed and disoriented, Alzheimer's victims in the final stages are totally unable to care for themselves. As such, families bear the major cost of care for Alzheimer patients, currently estimated at almost $90 billion a year.

The comprehensive bill which we are introducing today establishes a national commitment for expanded biomedical research on Alzheimer's disease and related disorders, improves care for its victims and provides assistance for family caregivers. As the only real hope for preventing, treating and curing Alzheimer's disease and related dementias is through biomedical research, the bill doubles the Federal funding effort to $300 million for 1991, increasing to $500 million by 1993.

Researchers on Alzheimer's disease are now making rapid advances and are on the edge of potential major breakthroughs. However, the Federal investment for Alzheimer's research is seriously underfunded as compared to that for other major diseases. Currently, only about 1 of 5 of investigator-initiated proposals approved by the National Institutes of Health are able to be funded. Our legislation would substantially increase the number of promising research proposals to be funded by the National Institutes of Health, thus increasing the probability of significant breakthroughs for discovering the cause and ways to diagnose, treat, and prevent Alzheimer's disease.

The bill would also authorize funding no less than 15 Alzheimer's disease research centers, establish statellite diagnostic/treatment locations and enhance research efforts through research Center Core Grants at universities. Grants would also be established to attract and train new researchers, particularly women and other underrepresented groups. Related to this effort, the bill also reauthorizes the advisory panel on Alzheimer's disease, the council on Alzheimer's disease within the Department of Health and Human Services, and the program for awards to senior researchers for leadership and excellence.

In addition, the bill addresses the need for supportive services for family caregivers and specialized care for Alzheimer's patients. Support services, such as respite and day care, to help family caregivers continue to cope with their burden are vital but often limited and fragmented. Very little is yet known about which services most effectively support and strengthen families who are providing informal care.

Little is also known about what practices work best for specialized care for Alzheimer's patients, including special care units in long-term care facilities. To address these issues, this bill establishes research and demonstration programs for family support, specialized care and long-term care at the Administration on Aging, the National Institute on Aging, the Agency for Health Care Policy and Research, and the National Center for Nursing Research. It also reauthorizes and expands research regarding services, caregivers, and specialized care at the National Institute of Mental Health.

Further, the bill would provide grants for State Alzheimer's Disease Programs to enable states to plan, establish and operate special programs for Alzheimer's patients and their families. Services could include diagnostic measures, treatment, respite and day care, as well as information about obtaining services and training and education programs for health care providers. A 50-percent State match would be required.

Specialized training regarding the loss of cognitive abilities and the unique behavioral patterns of dementia patients is essential for health care professionals, paraprofessionals, and families working with and caring for Alzheimer's and related disease patients. As such, this bill provides for this specific training and curriculum development, which is to be coordinated with ongoing established educational institutions and the Alzheimer's disease research centers.

A national Alzheimer's Education Program would also be established, in coordination with the clearinghouse on Alzheimer's disease, which would be reauthorized by this bill. The new education program would provide coordination and leadership to promote public awareness and information about Alzheimer's disease and related disorders. It would also assist and educate individuals with such diseases, their families, health and long-term care providers, public agencies, and the general public.

Clearly, the time has come for a concerted, collaborative Federal commitment to conquer this tragic disease. Unless the cause, cure, and treatment is found, the human and fiscal costs of Alzheimer's and related diseases will accelerate precipitously as our older population rapidly expands in the coming decades. Until that time, we must do all we can to support and strengthen family caregivers. The legislation which we are introducing today would make major strides toward these goals.

ALZHEIMER'S "CARE" COALITION BILL—H.R. 4770

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. ROYBAL. Mr. Speaker, today I am announcing the introduction of the Comprehensive Alzheimer's Assistance, Research and Education Act, the Alzheimer's [CARE] bill, by a bipartisan, House-Senate CARE coalition. Joining with me as original House sponsors are Representatives SNOWE, WAXMAN, STARK, DOWNEY, RINALDO, REGULA, and BRUCE. In the Senate, the original sponsors are Senators METZENBAUM, PRESSLER, HATFIELD, GRASSLEY, and GRAHAM. The Alzheimer's CARE coalition represents a consolidation of forces of all the major congressional supporters of Alzheimer's related legislation and the Alzheimer's Association, the national association representing Alzheimer's victims and their families.

Four million victims of Alzheimer's disease and related disorders, the current estimate from a National Institute on Aging sponsored study, is a frightening figure for policymakers and the American public to contemplate. Their numbers and their plight must prompt Congress to reassess and greatly expand its commitment to funding Alzheimer's assistance and research.

Enacting the Alzheimer's "CARE" legislative package—Comprehensive Alzheimer's Assistance Research and Education Act—introduced by me, along with a bipartisan, House-Senate "CARE" coalition, would quadruple the Federal research commitment for Alzheimer's and related disorders to over $560 million by 1993—nearing parity with the other major diseases and making a long, long overdue correction in Federal priorities.

Alzheimer's research has been grossly underfunded by the Federal Government even considering the previous estimates. This year we will spend less than $1 on research for every $600 in Alzheimer's related societal costs.

As compared to the other major diseases—cancer, heart disease, AIDS—Alzheimer's has failed to receive its fair share of Federal research dollars. In 1990, Alzheimer's research receives only about $148 million while annual societal costs may exceed $88 billion. At the same time, we will spend 4 to 11 times that amount on research—$704 million to $1.69 billion—on each of the other major diseases—cancer, heart disease, AIDS—whose annual societal costs range from $66 billion to $94 billion.

However, expanded research funding is not enough. The bipartisan, congressional "CARE" coalition is pressing for a new Federal, State, and private sector initiative—a federally sponsored State Alzheimer's Program providing badly needed assistance to Alzheimer's victims and their families in every State in the Nation. With our proposed Federal infusion of $125 million and a dollar-for-dollar State match, $250 million in assistance could reach the millions of Alzheimer's victims and their families.

Alzheimer's disease is an issue whose time is long overdue but has finally come. Congress and the administration need to face up to their responsibility to help reduce the terrible financial and emotional devastation caused by Alzheimer's disease and related disorders. If we care enough, we can do no less.

Mr. Speaker, I request that the bill summary for the Comprehensive Alzheimer's Assistance, Research and Education Act [CARE] be included in the RECORD at this point:

The bill summary follows:

SUMMARY OF COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (THE ALZHEIMER'S "CARE" BILL)

PURPOSE

To provide expanded research on Alzheimer's Disease and related disorders and to improve care and assistance for its four million victims and their family caregivers.

OVERVIEW

The Comprehensive Alzheimer's Assistance, Research, and Education Act (the Alzheimer's "CARE" bill) is the merger of the two major legislative efforts with respect to Alzheimer's disease and related disorders. One legislative effort was initiated by Senators Metzenbaum and Grassley and Representative Snowe under the title, "Alzheimer's Disease Research and Training Act" (S. 1255 and H.R. 2781), based on the recommendations of the 1988-89 Report of the Advisory Panel on Alzheimer's Disease. The other legislative effort was initiated by Representatives Roybal, Waxman, Stark and Downey and Senators Pressler and Hatfield under the title, "Comprehensive Alzheimer's Assistance, Research, and Education Act (CARE)" (H.R. 1490 and S. 1321).

Federally funded research has been severely underfunded as compared to federal funding for other major diseases. While Alzheimer's related funding totals about $150 million annually, funding for heart disease, AIDS and cancer research each total between $700 million and $1.69 billion annually. This discrepancy occurs even though the societal costs (over $88 billion/year) of Alzheimer's are the same order of magnitude as these major diseases. For 1993, the Alzheimer's "CARE" bill proposes to triple federal biomedical and services research funding for Alzheimer's and related disorders to $573 million. In support of this effort, the bill authorizes (as originally authorized in P.L. 99-660 through the efforts of Senators Grassley and Metzenbaum and Representative Snowe) the Council on Alzheimer's Disease, the Advisory Panel on Alzheimer's Disease, and research leadership and excellence awards. The bill authorizes the Alzheimer's Disease Research Centers, Center Core Grants, and satellite diagnostic/treatment locations.

Although Congress has directed research toward Alzheimer's disease and related disorders, inadequate dissemination of information to health and long-term care providers and the public has resulted in a general lack of public awareness, misdiagnosis, and a lack of access to care management options. The bill extends the authorization (as originally authorized in P.L. 99-660, introduced by Representative Snowe and Senator Grassley) for the Clearinghouse on Alzheimer's Disease and an information dissemination project. It also formally establishes the National Alzheimer's Education Program, as a companion to the Clearinghouse, to promote public awareness.

The nature of these disorders leaves families with serious psychological, physical and economic burdens that warrant a systematic examination of models of care. Research and demonstrations on models of care and family support is funded in this bill through the National Institute on Mental Health, the Agency for Health Care Policy and Research, the Administration on Aging, and the National Institute on Aging.

The burden of care and recent critical research breakthroughs relative to causes of and treatment for Alzheimer's disease and related disorders make it clear that we have reached a point where a coordinated effort among the states, the federal government and private groups is warranted. Beginning in 1991, the Alzheimer's "CARE" bill proposes the funding ($125 million by 1993) of State Alzheimer's Programs, a joint federal-state partnership, to provide the core of that support system.

ALZHEIMER'S "CARE" BILL SUMMARY

Responding to the overwhelming need to help victims of Alzheimer's disease and related disorders, this bipartisan, joint House/Senate legislative package, developed in partnership with the national Alzheimer's Association and on behalf of its over 200 chapters, proposes the following initiatives:

TITLE I. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

Section 101. Biomedical Research: Through the provisions in sections 101 and 105, biomedical and basic and clinical research funded through the National Institutes of Health (NIH) and the National Institute of Mental Health (NIMH) would be increased from the Current $150 million level to $300 million for FY91, $400 million for FY92, and $500 million for FY93.

Alzheimer's Disease Research Centers (NIA): FY91, 30.00; FY92, 40.00; FY93, 50.00.

The current 15 Alzheimer's Disease Research Center (ADRC), funded through the National Institute on Aging (NIA), is formally authorized funding increases to $50 million annually by 1993.

Research Center Core Grants (NIA): FY91, 20.00; FY92, 30.00; FY93, 40.00.

Research capability beyond the 15 ADRCs is increased by establishing a program of Research Center Core Grants (RCCG), through NIA, which help universities establish core center support for a program of Alzheimer's related research. Annual authorized funding reaches $40 million by FY93.

Satellite Diagnostic/Treatment Locations (NIA): FY91, 15.00; FY92, 20.00; FY93, 25.00.

A program of Satellite Diagnostic and Treatment Locations is established through the NIA which would provide appropriate diagnostic and treatment services and research in sites other than the ADRCs. Annual authorized funding reaches $25 million by FY93.

Investigators and Training (NIA): FY91, 2.00; FY92, 4.00; FY93, 6.00.

Grants are to be available, through NIA, to public and private nonprofit entities to attract research investigators into Alzheimer's related research and to create training programs to train these researchers. Annual authorized funding reaches $6 million by FY93.

Section 102. Awards for Leadership and Excellence: FY91, 5.00; FY92, 5.00; FY93, 5.00.

The Awards for Leadership and Excellence in Alzheimer's Disease and Related Dementias, originally authorized in P.L. 99-660, are authorized. Annual authorized funding is for $5 million/year.

Section 103. NIA Research Program and Plan: FY91, 5.00; FY92, 5.00; FY93, 5.00.

Funding for NIA to develop its Alzheimer's related research, authorized in P.L. 99-660, is authorized. Annual authorized funding is $5 million/year.

Section 104. Clearinghouse on Alzheimer's Disease and Dissemination Project: FY91, 1.00; FY92, 1.00; FY93, 1.00.

The Clearinghouse in Alzheimer's Disease and the Alzheimer's Dissemination Project, originally authorized in P.L. 99-660, are authorized. Annual authorized funding is for $1 million/year.

Section 105. Family Support, State Services, and Basic and Clinical Research—Administration in Aging: FY91, 12.00; FY92, 12.50; FY93, 13.00.

The Commissioner on Aging is authorized to carry out a program of demonstration projects which help educate and assist the family of persons with Alzheimer's. Annual authorized funding reaches $13 million by FY93.

National Institute on Aging: FY91, 12.00; FY92, 12.50; FY93, 13.00.

NIA is authorized to carry out a program of research on long-term care services and coordination of those services. Annual authorized funding reaches $13 million by FY93.

Supportive Services Research (Sceretary): FY91, 5.00; FY92, 6.00; FY93, 7.00.

The Secretary, through NIMH, the Administration on Aging, and the National Center for Nursing Research (NCNR), is authorized to carry out a research program on improving the delivery of supportive services, especially as they apply to ethnic and cultural groups and rural and inner city populations. Annual authorized funding reaches $7 million by FY93.

State Alzheimer's Disease Education Program (Secretary): FY91, 50.00; FY92, 100.00; FY93, 125.00.

The Secretary shall make grants to States to (a) coordinate the development and operation, with public and private organizations, of services, including diagnostic, treatment, care management, respite care, legal counseling, and education to the victims, their families and care providers, (b) provide home and community-based care, including respite, (c) provide information and conduct education program, (d) coordinate development and operation of provider training and continuing education, (e) review State policies, (f) review State regulations of care providers, and (g) coordinate with appropriate federal programs. States are to spend from 25 to 50 percent of the grants on respite care. Grants require a 50-50 match of State and federal funds. Grants are awarded on a competitive basis though each State is entitled to a minimum of $250,000/year. Annual authorized funding reaches $125 million by FY93.

Basic and Clinical Research: Beyond the specific provisions outlined above, funds are made available to the Secretary for an intensive program of research through the National Institutes of Health and the National Institute on Mental Health.

National Institutes of Health: FY91, 187.00; FY92, 244.00; FY93, 303.00.

NIH is provided with a basic and clinical research authorization beginning at $187 million in FY91 and rising to $303 million by FY93.

National Institute on Mental Health: FY91, 23.00; FY92, 31.00; FY93, 38.00.

NIH is provided with a basic and clinical research authorization beginning at $23 million in FY91 and rising to $38 million by FY93.

Secretary's Discretionary Research Funds: FY91, 23.00; FY92, 31.00; FY93, 38.00.

The Secretary is provided with additional basic and clinical research authorization beginning at $23 million in FY91 and rising to $38 million by FY93. The Secretary has discretion over which Departmental agencies may use these funds.

TITLE II. AMENDMENTS TO ALZHEIMER'S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986

Section 201. Council on Alzheimer's Disease: FY91,—; FY92,—; FY93,—.

The Council on Alzheimer's Disease, originally authorized in P.L. 99-660, is authorized and is to coordinate federally sponsored research efforts and provide certain reports to the Congress and the public on research.

Section 202. Advisory Panel on Alzheimer's Disease: FY91, 0.15; FY92, 0.15; FY93, 0.15.

The Advisory Panel on Alzheimer's Disease, originally authorized in P.L. 99-660, is authorized and is to assist the Secretary and the Council with emerging research and policy issues. Annual authorized funding is for $150 thousand/year.

Section 203. National Institute on Mental Health: FY91, 25.00; FY92, 26.00; FY93, 28.00.

As originally authorized in P.L. 99-660, this provision continues the family support and stress research program through NIMH. This research is to examine methods to provide appropriate services and specialized care and to evaluate best practices potentially leading to development of standards. Annual authorized funding is increased substantially and reaches $28 million by FY93.

Section 204. Agency for Health Care Policy and Research (AHCPR): FY91, 5.00; FY92, 6.00; FY93, 7.00.

Alzheimer's related services research in AHCPR, originally authorized in P.L. 99-660 for the National Center for Health Services Research and Health Care Technology Assessment, are authorized and expanded. Research is to include improving services (including special care units), costs of services, and effectiveness of services. Annual authorized funding reaches $7 million by FY93.

Section 205. Training and Education—Training of Health Care Professionals: FY91, 10.00; FY92, 10.50; FY93, 11.00.

NIA is authorized to award grants to educational institutions and ADRCs for training and continuing education for health care professionals and paraprofessionals and family caregivers. Annual authorized funding reaches $11 million by FY93.

Curriculum Development (NIA): FY91, 2.00; FY92, 2.00; FY93, 2.00.

NIA is authorized to award grants to educational institutions to develop curricula for training and continuing education programs. Annual authorized funding is $2 million/year.

National Alzheimer's Education Program (NIA): FY91, 2.00; FY92, 2.50; FY93, 3.00.

The Secretary is to formally establish the National Alzheimer's Education Program, working with the Council and the Alzheimer's Disease and Referral (ADEAR) Center, to provide coordination and leadership, working with public and private organizations, of the federal education and promotion effort for the general public, individuals with such diseases and disorders and their families, health and long term care providers, and other public agencies, including State and local public agencies and other federal agencies. Responsibilities include developing/distributing educational materials, working with the media, working with public and private efforts to develop models, and providing technical assistance to public and private organizations. Annual authorized funding is $3 million by FY93.

Education of Providers and Families (NIA): FY91, 10.00; FY92, 10.50; FY93, 11.00.

As originally authorized in P.L. 99-660, NIA is authorized to make grants to public and nonprofit private entities to educate health care providers and families on caregiving and on the availability of sources of assistance. Annual authorized funding reaches $11 million by FY93.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (THE ALZHEIMER'S "CARE" BILL)—SUMMARY OF AUTHORIZED SPENDING

[Authorizations in millions of dollars]

	Fiscal year—		
	1991	1992	1993
Title I. Amendments to the Public Health Service Act			
Sec. 101. Biomedical research:			
Alzheimer's disease centers (NIA)	30.00	40.00	50.00
Center core grants (NIA)	20.00	30.00	40.00
Satellite diagnostic/treatment locations (NIA)	15.00	20.00	25.00
Investigators and training (NIA)	2.00	4.00	6.00
Sec. 102. Awards for leadership/excellence [1]	5.00	5.00	5.00
Sec. 103. NIA research program and plan [1]	5.00	5.00	5.00
Sec. 104. Clearinghouse on Alzheimer's disease and dissemination project [1]	1.00	1.00	1.00
Sec. 105. Family support, State services, and basic and clinical research:			
Family support research and demonstration projects:			
Administration on Aging	12.00	12.50	13.00
National Institute on Aging	12.00	12.50	13.00
Supportive services research (Secretary)	5.00	6.00	7.00
State Alzheimer's disease education program (Secretary)	50.00	100.00	125.00
Basic and clinical research:			
National Institutes of Health	187.00	244.00	303.00
National Institute of Mental Health	23.00	31.00	38.00
Secretary's discretionary research funds	23.00	31.00	38.00
Title II. Amendments to Alzheimer's Disease and Related Dementias Services Research Act			
Sec. 201. Council on Alzheimer's Disease [1]			
Sec. 202. Advisory Panel on Alzheimer's Disease [1]	0.15	0.15	0.15
Sec. 203. National Institute on Mental Health [1]	25.00	26.00	28.00
Sec. 204. Agency for Health Care Policy/Research [1]	5.00	6.00	7.00
Sec. 205. Training and education:			
Training of health care professionals (NIA)	10.00	10.50	11.00
Curriculum development (NIA)	2.00	2.00	2.00
National Alzheimer's Education Program (NIA)	2.00	2.50	3.00
Education of providers and families (NIA) [1]	10.00	10.50	11.00
Total Alzheimer's "CARE" authorization [2]	444.15	599.65	731.15

[1] These items were originally authorized in Public Law 99-660 and are being authorized in this bill.

[2] For fiscal year 1990, Alzheimer's realted research is projected at $150 million by the administration.

THE HIGH DEFINITION TELEVISION ACT OF 1990

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. GEJDENSON. Mr. Speaker, there has been considerable debate as to whether the

United States is in economic decline, and how the United States should respond to the changes in America's economic and political position in the 1990's. Common themes throughout this debate include the economic interdependence of the United States and its allies, the loss of technological leadership essential to both our economic and national security, insufficient long-term investment by business due to the need to demonstrate a quarterly profit, and poor macroeconomic planning by the U.S. Government.

As a result, there is mounting concern that the United States may continue to lose ground in manufacturing in general, and our edge in the production of high-technology commodities in particular. Many of us in Congress, the private sector, and at one time, even the administration, have called for a national technology development strategy in order to recapture our once indisputable lead in high technology production.

With that in mind, I have developed legislation which would bring the United States back into the electronics race. The bill would utilize our most valuable asset: access to our consumer market. The legislation would encourage domestic manufacturing of high definition televisions or HDTV's—the next link in the high technology food chain.

Developing high definition televisions wouldn't simply enhance our television veiwing pleasure. The offshoots of this technology can be used for defense radar screens, medical scanning devices and computer imaging. Last year the Economic Policy Institute estimated that if the United States fails to develop strong HDTV and flat-display screen industries, we face an annual trade deficit of more than $225 billion in the electronics field and lose more than 2 million jobs a year by 2010.

Both the Europeans and the Japanese have coordinated their resources to compete in the production of advanced electronics. In comparison, the United States had made minimal progress due primarily to conflicting signals sent from the administration to industry.

Ideally, we should be pooling the talents and resources of the Federal Government and the private sector to develop high technology. However, the present administration has resisted such cooperative at every opportunity.

My bill would directly link the manufacturing of HDTVs to access to the United States' domestic market. It would work as follows:

To enter our HDTV market, a domestic or foreign manufacturer must produce 10 percent of the product in the United States during the first year of market penetration. Thirty percent of the final product must be United States parts and components in the third year, and in the fifth year, 51 percent must be made in America—then we hold steady at 51 percent.

Because the first years of production are often the most costly, this gradual scale of domestic content production would slowly recreate the manufacturing base in America that we have lost over the last decade. Since only 10 percent of the value of the product would be mandatory U.S. production in the first year, United States and foreign firms could produce off shore. Then, as firms make a profit, they can gradually increase their value added in the United States until they reach 51 percent. This would insure the United States with a steadily improving manufacturing base that could assist us with the offshoots of HDTV technology in the future.

In addition to creating a high definition television manufacturing base in the United States, this bill: would create U.S. jobs when we are losing jobs due to the cut backs in defense oriented production; could not be considered protectionist as it does not discriminate against foreign manufacturers; encourages the two leading producers (Thomson CGR and Phillips) to continue producing in the United States; would not require a Government subsidy or bail out; and would not require additional taxes to be raised to support high technology funding.

While this legislation will not solve all of our economic problems, it will generate the debate that perhaps our most competitive weapon is access to our huge consumer market. I believe its time to use this trump card to replenish our competitive position in the world economy.

Mr. Speaker, I urge my colleagues to support this measure.

CONGRESSMAN STEVE BARTLETT INTRODUCES THE SSI INDEPENDENCE ACT FOR DISABLED AMERICANS

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BARTLETT. Mr. Speaker, today Congressmen MATSUI, SHAW, HANK BROWN, and I are introducing new legislation which permits disabled and elderly people to maximize their independence.

The SSI Independence Act for Disabled Americans builds upon the policy set forth in H.R. 8, the Social Security Work Incentives Act. Only one provision in H.R. 8 was included in the final 1989 Budget Reconciliation bill: the opportunity to buy into the Medicare system. While this provision was the most important in H.R. 8, the other provisions are also significant.

In addition, the SSI Independence Act for Disabled Americans codifies current Social Security rules so that families and friends can make contributions either directly or through trusts to SSI individuals without jeopardizing their eligibility for SSI and Medicaid. Because these rules do not appear in statute, families and friends have no assurance that the rules will exist in the future.

The SSI Independence Act for Disabled Americans accomplishes three goals:

First, allows SSDI recipients to opt into the SSI Section 1619 Work Incentive Program if they are otherwise eligible for SSI.

Second, makes six technical amendments to the 1619 Work Incentive Program under SSI to remove barriers that have developed since this program was enacted.

Third, codifies current Social Security policy to allow direct or trust contributions, other than food, cash and shelter, to be made to SSI recipients without jeopardizing their eligibility for SSI and Medicaid. This provision is new and was not part of H.R. 8. It is particularly important because it will allow parents to establish a trust fund for inheritance by their disabled child.

The 1990's must be the decade of independence for people with disabilities. These changes will allow people with disabilities the opportunity to lead successful, independent, and productive lives. I urge my colleagues to cosponsor this legislation and have attached a factsheet which specifically outlines the above provisions in more detail.

OPTION FOR SSDI RECIPIENTS TO PARTICIPATE IN SSI AND THE 1619 WORK INCENTIVE PROGRAM

Allows SSDI recipients the option to come into the SSI program after completion of their trial work period when the recipient is no longer receiving SSDI cash benefits.

Allows the SSDI recipient to move into SSI and the 1619 Work Incentive Program without first having a month of regular SSI benefits.

This option would only apply to those individuals who meet the SSI income and resource test under current law.

Gives the SSDI recipient 12 months to spend down his resources in order to qualify for SSI.

CBO estimates this section to cost $53 million over 5 years.

This section was offered by Congressman Shaw last year and accepted in the House version of budget reconciliation.

TECHNICAL AMENDMENTS TO SECTION 1619 THE SSI WORK INCENTIVE PROGRAM

Includes six technical amendments to remove barriers to work that have developed since this program was made permanent. The amendments are:

1. Clarify that a Continuing Disability Review will occur no more than once every 12 months for 1619 participants.

2. Eliminate spousal deeming so that an SSI recipient can qualify for 1619 based on his income alone and not have the spouse's income count in any way.

3. Provide that the impairment-related work expenses will be deducted in cases where the disabled person is dual eligible (receiving both SSI and SSDI) but receives only state supplementation, and receives no federal dollars.

4. Provide that a disabled person who turns 65 and had been participating in the 1619 program may continue to participate.

5. Requires that in calculating the break-even point for 1619(a), states' supplementation must be included. Currently, it is optional and 8 states do not count the supplementation.

6. Provide that scholarships, fellowships, honararia, and the royalties or other payments an SSI recipient receives from a first book will be treated as earned income and not be counted against the SSI benefit.

CBO has estimated that each of these technical amendments will cost less than $500,000.

SEC. 4. INDEPENDENT LIVING TRUST AND CONTRIBUTIONS PROVISIONS

The intent of this provision is to codify current Social Security rules which dictate when direct or trust contributions will *not* be counted as income or resources for SSI eligibility. Under current law, there is no assurance that these rules will exist in the future, therefore they must be codified in statute.

This provision will:

1. Codify those rules and explicitly permit contributions other than food, shelter and

cash to be excluded as income or resources from SSI eligibility. This includes such items as social services, vocational rehabilitation services, medical care, transportation, educational services, personal assistance or attendant care services, and services or equipment related to the quality and libability of the individual's shelter which are not for the purposes of rent, mortgage, real property taxes, garbage collection, sewerage services, water, heating fuel, electricity or gas.

2. Adds one new minor improvement to the current rules:

(a) Allows an SSI recipient to receive clothing without it having an effect on the person's benefits.

3. Permits a beneficial trust to be established to continue to provide assistance to the SSI recipient once his parents have passed away. This beneficial trust will not be counted as a resource or as income as long as the SSI recipient does not have access to the trust.

4. Requires SSA to develop materials which explain the rules to SSI recipients and their families so that they will know what types of contributions will be allowed by SSA without jeopardizing the SSI reecipient's eligibility for SSI and Medicaid.

The CBO estimate is zero except for the notification provisions which will cost $5 million over 5 years.

BACK INTO THE BIG MUDDY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. MILLER of California. Mr. Speaker, a quarter century ago, this Nation began a misguided policy of intervention in a small, underdeveloped country with promises of quick victory over evil forces endangering that land. With great bravado, but without clear objectives or strategies, we stepped toe deep into the big muddy of Vietnam.

In the intervening decades, we have learned the terrible lesson of ill-conceived interventionism through the Vietnam war, as the Soviets learned it in Afghanistan.

But once again, perhaps blinded by the so-called easy victories in Grenada and Panama, we are stepping into the big muddy—this time in Peru. And this time, instead of international communism, the enemy is international drug dealing in the form of the Shining Path guerrillas.

Does it all sound painfully familiar? Dispatching of U.S. military personnel; instructions only to train local soldiers, not to engage in combat; building bases that are susceptible to enemy attack; an emphasis on counter-insurgency warfare; the promise of a light at the end of the tunnel.

If we learned anything from the Vietnam experience, it should have been that we cannot allow this Nation to drift into military activity and commitments without a full public debate, without specifying our interests, and objectives, and without agreement upon a clear strategy that has some reasonable chance of success. Simply flexing our muscles and waving the flag does not produce democracy, liberty, or victory: it leads to dead boys coming home in boxes for ill-defined purposes.

Before we reach that terrible stage again, let us carefully examine the policy we are drifting into in Peru.

[From the New York Times, May 7, 1990]

U.S. JOINS PERU'S DIRTY WAR

(By Juan E. Mendez)

Washington.—Under the guise of drug interdiction in Peru, the U.S. is rushing headlong into one of the dirtiest wars being fought anywhere in the world today. If past experience in Vietnam and El Salvador is any guide, the U.S. presence will exercise virtually no restraint on the murder, torture and other human rights abuses that are now routine in Peru. Instead, the U.S. will become a party to the crimes.

Administration officials candidly acknowledge that the left-wing Sendero Luminoso guerrillas are well entrenched in the Upper Huallaga region—where most of the coca consumed in the U.S. is produced. Moreover, the most recent disclosures by the Administration make it clear that the Peruvian armed forces are to be assisted with matériel, weaponry and training specifically to fight Sendero.

The plan includes a permanent base for U.S. Green Berets in the contested jungle area, fighter planes, helicopters and boats and the training of virtually every Peruvian soldier to combat Sendero. This would turn the struggle against Sendero into a U.S., as well as Peruvian, war.

The war against Sendero is already 10 years old, yet this strange Maoist-Andean revolutionary organization continues to grow. Sendero is now attacking the Peruvian state in virtually every region of the country. It recruits easily among the young and the poor, its appeals undoubtedly enhanced by the collapse of the Peruvian economy and the steep deterioration of living standards.

Peruvians across the political spectrum know that Sendero threatens democracy and society. Yet hardly anyone in Peru—and certainly not the presidential candidates in the runoff election scheduled for early June—has proposed a way to deal with the insurgency. That, it seems, is left to the Peruvian Army.

Regrettably, the army is just as brutal as Sendero. For the third year, Peru heads the list of "disappearances" reported to the United Nations. In 1989 there were nearly 400 new cases, double the 1988 figure. In addition, the Peruvian Army occasionally reacts to ambushes and attacks by invading a community and killing dozens of young and old males, sometimes in full view of relatives.

The armed forces further complicate matters by encouraging villagers to form self-defense militias known as "rondas compesinas." If a village forms a ronda, Sendero punishes it for collaborating with the army; if it refuses, the army considers the community "red hot," meaning that it supports Sendero. In several massacres in recent weeks, Sendero units have murdered "ronderos" and ronderos have killed suspected "senderistas."

In the cities, the police arrest students and shantytown dwellers and charge them with terrorist crimes. The detainees are routinely and brutally tortured, while the court cases against them either languish or have to be dismissed for lack of evidence.

Human rights abuses by Peruvian authorities are almost too numerous to catalogue. In the process of putting down a June 1986 mutiny by Sendero inmates in three large jails in the Lima-Callao area, the armed forces killed almost 300 prisoners—most after they had surrendered. A lengthy investigation in the military courts has just ended in a whitewash.

In addition, right-wing death squads that have been linked to the governing party or to the army have targeted journalists, lawyers and human rights monitors; the headquarters of three prestigious human rights organizations were bombed in Lima in the last few weeks.

U.S. laws governing foreign aid are explicit in prohibiting assistance to force that engage in a consistent pattern of gross violations of human rights. If the Bush Administration has considered this ban at all, it has not explained Peru's exemption. Congress should insist on an explanation.

If Peruvians need help in fighting Sendero, the authorities in charge of the fight should show that they have changed their ways. Promises won't do. A commitment to fighting a "clean war" must first be demonstrated in practice.

Once such a strategy is in place, the Peruvian authorities may succeed in reducing the appeal of Sendero, and American involvement may not be necessary.

SOUTH FLORIDA MOURNS ELIZABETH VIRRICK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FASCELL. Mr. Speaker, Miami has recently lost one of its foremost champions of disadvantaged youth. Elizabeth Virrick passed away last week at the age of 93.

Mrs. Virrick made it a personal crusade to improve living conditions and opportunities for black youngsters in the Coconut Grove area of Miami. Starting in 1948, when she first observed this community, she formed and headed a variety of civic groups to make life a little better for the children there.

When Mrs. Virrick saw an injustice or a need, she did whatever she had to do to get it corrected or fulfilled.

A tiny woman with a huge heart and tireless courage, Elizabeth Virrick will be missed by the thousands she helped and by those whose assistance she enlisted in the fight against poverty and inequality.

Because of her leadership; her belief that one person can make a difference; her selfless volunteer efforts and because of her accomplishments, I believe our colleagues would like to know more about her work and, therefore, I submit the attached article from the Miami Herald.

SLUM-FIGHTER ELIZABETH VIRRICK DIES

Elizabeth Landsberg Virrick, the tiny, genteel woman who became Miami's champion slum fighter, died of pneumonia and Alzheimer's disease Wednesday at her home. She was 93.

Her fight began in 1948, in the sleepy Southern town that was then Miami. In one corner was 4-foot-11-inch, 100-pound Elizabeth Virrick, daughter of a lawyer and concert pianist, wife of an architect. In the opposite corner was filth, poverty and the primitive living conditions of the black neighborhoods of this city.

In the end, Virrick scored a knockout. None of the hundreds of young men and boys who boxed through the years in the Elizabeth Virrick Gym could have fought with more intensity than the crusader.

"You think you see an old lady sitting here," Virrick said when she was 88. "What you see is a fire burning all the time."

It sometimes cost her. Her white society friends often turned up their noses at her, just as they did at the proliferation of outhouses black residents were forced to live with. But she brought indoor plumbing, a day-care center, a gym, a boxing program and a minimum housing code to those residents.

Virrick once said she was compelled to do something for black residents after witnessing the deplorable conditions in the "Coconut Grove Negro District," where her maid lived.

There, she found families stuffed into unsanitary, grimy shacks and apartments. Children were sick, dirty and left alone.

"I've had every advantage anybody ever had," she said. "How could I ignore all that? How could I do nothing?"

Also, "During this time I heard the Rev. Theodore Gibson make his famous speech to the Coconut Grove Civic Club, saying 'My people are living seven deep.'

"And that was it. I've been at it ever since."

Virrick met with civic leaders and helped form the Coconut Grove Citizens' Committee for Slum Clearance. She became the first chairman.

In a falling down old wooden house that was almost condemned, she started a nursery, conning friends to help paint and fix it. Today, St. Alban's Day Nursery still cares for Coconut Grove children of low-income families.

Her critics called her "a contributor to creeping socialism," but that never deterred her. Instead, she started collecting shoes and clothing for kids who were too poor to have clothes for school.

Her daughter, Tatiana Duttenhofer, recalled Thursday how those her mother battled retaliated but succeeded only steeling Mrs. Virrick's determination.

"There was a rattlesnake in her mailbox one day," she said. "My father said, 'Elizabeth, if you don't calm down, they're going to burn a cross in our yard one day." And she said, "Well, Vova, go get two sticks and we'll roast some marshmallows when they do.' "

Mrs. Virrick took to task Dade politicians, always demanding more—more money, more jobs, more ordinances. She won those fights so many times that powerful landlords were forced to abandon their plans for innumerable apartment buildings.

"If you keep on doing something for someone less fortunate than you, that's the key to happiness. You're too busy for your troubles to catch up with you," she said.

Born in Winchester, KY, Virrick was educated at the University of Wisconsin and Columbia University, studying interior design and architecture. She treasured Blue Vanda orchids and designed her own house as a showplace for her collection of antiques. Such was the unexpected background and interests of the woman who masterminded the Bathroom Loans.

At that time, there were 482 outhouses in the Black Grove. At night, the Honey Wagon came to collect the waste. Those outhouses were the first thing to go in her all-out war for slum clearance.

By pointing out to the Grove's wealthy white families that the same people who were living in filth were coming each day to work in their homes. Virrick raised more than $7,600 in no-interest loans for new toilets and plumbing. Every cent was repaid.

She founded Coconut Grove Cares, an organization to help the poor. From her cramped second-floor office, complete with old roll-top desk and Georgia O'Keeffe print, Virick fought the deplorable slums in the city.

Her honors were many. There is a park and a pool named for her. A public housing project at Northwest 25th Avenue and 16th Street bears the title Elizabeth Virrick Village.

And there is an old seaplane hangar, the site of hundreds of boxing matches through the years—the Elizabeth Virrick Gym.

The first and third Wednesdays of every month, Virrick, barely more than the top of her head showing over the counter, sold tickets at the window of the gym. She chatted with the fans and coaches and generally checked things out. It was a place she fought hard for, a place to keep young boys and men off the streets. Yet, she never watched the action in the ring. Never once.

"I don't like to see people hitting each other," she explained. "Can't stand violence, never could. I'm a sissy."

She is survived by her daughter; nephew George Bennett of Naperville, Ill.; granddaughter Tatiana Walton of Windmere; granddaughter Pandora Greenstein of Miami; and two great grandchildren.

In keeping with Mrs. Virrick's wishes, there will be no funeral services, her daughter said. A celebration of her life will be held at 4 p.m. May 20 at the Barnyard, 3870 Washington Ave., in Coconut Grove.

U.S. ARMED FORCES OFFICERS' SEPARATION PAY

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. PARRIS. Mr. Speaker, on this occasion I rise to call attention to a matter of grave inequity, and to offer before my colleagues, legislation to provide relief for such inequity. The issue I refer to is restitution for the involuntary separation of career service personnel—men and women who would serve as the vanguard for our great Nation, men and women who would sacrifice their individual liberties for a greater cause, the protection and defense of the American dream.

This is an issue that we must all be concerned with, for when a contract is broken, exceptional treatment is an obligation of the individual or institution that has reneged on its promises. I believe America has a responsibility and a moral charge to its servicemen to uphold its binding agreements and promises made in good faith upon initial commissioning.

For this reason, to assist members of our Armed Forces who would involuntarily be discharged and left with insufficient compensation in return for years of dedicated service, I am introducing a bill that would help ease the burden of career termination and provide for a smoother transition into civilian life.

Under current law, as incorporated within title 10 of the United States Code, military personnel are not entitled to retire with an annuity until after they have served for at least 20 years. However, in light of the phenomenal changes in the Soviet Union and Eastern Europe, many of these dedicated men and women will never see 20 years of service.

For the first time in decades, changes in international conditions appear promising, and opportunities exist for lessening tension. Subsequently, Congress and the administration are already working to pare our Nation's armed services by considerable numbers within the next several years.

As submitted, the fiscal year 1991 Defense budget request is $295 billion in budget authority, a figure 2.6 percent below the fiscal year 1990 level, and $292 billion in outlays. This request is $22 billion below the President's April 1989 plan. The administration also projects a real decline of 2 percent for fiscal years 1992–95, and by fiscal year 1995's end, a total cumulative 10-year decline of 22 percent.

What does this mean for America's military? By the end of fiscal year 1991 alone, active duty end strength will decline to 2,038,800, roughly 91,400 less than the fiscal year 1989 level and nearly equal to the fiscal year 1980 end strength! In fact, Army and Air Force levels will be the lowest since 1950.

Of all branches, the Army seems to be the candidate to take the lion's share of force reductions. This will largely be determined by our Nation's strategic plans and assumptions; however, there is an ominous cloud of uncertainty about the Army's future and that of its servicemen.

The Army is looking at cuts of at least one-third its force structure over the next 3 years; and, from its current strength of about 750,000 officers and personnel, the service plans to drop to slightly over 500,000 by fiscal year 1997.

For fiscal year 1990, Army active strength was reduced by 7,900, and again by 8,300 in fiscal year 1991 from previously planned levels. In addition, Navy active strength is looking at cuts of about 6,000 from the January budget levels in both fiscal year 1990 and fiscal year 1991; and the Air Force, approximately 3,200 for fiscal year 1991.

In a statement given before the House Armed Services Committee, Secretary of Defense Richard Cheney stated:

> The readiness and well-being of our uniformed personnel continues to be my highest priority. Our success in attracting and retaining high quality military personnel in recent years results largely from providing adequate and fair compensation and other incentives to encourage service in the armed forces.

The question then becomes, how do we compensate these dedicated individuals who will fall subject to the congressional budget ax?

Under title 10, separation pay is calculated by multiplying the number of years served by a percentage—10 percent—of the basic pay allowance. The law, however, contains a clarifier that the one-time-only lump sum calculation will exceed no more than $30,000.

Now I can't speak for my colleagues, but looking at how, over time, inflation and interest rates have hit my congressional district in northern Virignia, I believe the cap on severance pay seriously impedes the ability of the

servicemen and their families to adapt financially and resume the quality of life to which they were accustomed before separation.

Furthermore, if we examine this issue in greater detail, the inequity of current compensation becomes readily apparent, if not glaring, when comparing severance pay with uncapped annual retirement pay. Side by side, let's contrast for example, payment for a Navy lieutenant commander with 17 years of service and that of a full commander having 20 years of service.

Under the law, if the lieutenant commander earns approximately $30,000, he is entitled to 10 percent of that, or $3,000 multiplied by the number of years he's served, in this case 17. This formula adds up to a grand total of $51,000. At first blush, the amount looks fairly sound, but let's not forget that the law caps the amount of compensation at a one-time-only sum of no more than $30,000.

The commander with 20 years, on the other hand, is entitled to annual compensation for life of a sum that is calculated under a formula without the $30,000 ceiling. In other words, the individual with 20 years might average $60,000 yearly while the officer with 17 receives a $30,000 hail and farewell. In my judgment, the long-term commitment of the officer with 17 years, or 15 years, is no less deserving than that of the individual who has served for 20.

The legislation I am introducing today would not only lift the $30,000 cap, it would provide half of the compensation in a lump sum and the other half in monthly payments over a 5-year increment. If the recipient of that payment were to pass away before the end of that time period, the amount of pay remaining would be paid in lump sum to beneficiaries.

If enacted this legislation would apply to all officers—and, let me clarify one point of contention, the scope of this legislation was narrowed to "officers only" as other legislation, H.R. 4003, has been recently initiated by my colleague from Kansas, Mr. SLATTERY, to cover enlisted personnel—discharged, separated, or released from duty after December 31, 1989.

There is no doubt that a powerful incentive for career military personnel has, in part, been the expectation of receiving a sizable annuity at a reasonable age giving servicemen the flexibility to later embark upon other career paths. If Congress denies adequate compensation to those who have spent their lives in service to both citizen and country, what will we say to the future generations of young patriots who would offer to sacrifice, the rightfully, in turn, expect fair and equitable reimbursement for their service.

Mr. Speaker, I am hopeful that this legislation will be considered favorably and enacted swiftly before the forthcoming reductions in force [RIF's] have displaced and disrupted our most deserving in uniform. I urge my colleagues to join me in passage of the bill.

THE SPANISH CATHOLIC CENTER OF WASHINGTON, DC

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor to rise today in order to share with my colleagues the accomplishments of a wonderful organization in the Washington, DC metropolitan area. I recently became acquainted with their efforts and would like to take this opportunity to congratulate them for the difference they are making in this community and the example they have set for communities all over the Nation to follow.

The Spanish Catholic Center was born in 1967, as a private nonprofit agency. It was created in response to the variety of needs of the poor immigrant, primarily of Hispanic origin, community of the Washington, DC metropolitan area. The center is chartered under the District of Columbia's laws to implement educational and social services, as well as to teach and promote civil, social, economic, and health betterment.

The services of the Spanish Catholic Center are rendered regardless of race, creed, national origin, or residence. The center's main thrust is to respond to the needs of new arrivals, as well as to those whose precarious circumstances do not allow to step out of their despair.

The center is strategically located in several locations throughout the metropolitan area. There are branch offices in: Silver Spring, MD, which includes a health clinic; a health center with medical and dental care located at Mt. Pleasant Street in Washington. The administration and main offices are also located in Washington. The center is presently staffed by 30 full-time employees and 10 part-time employees. It is also staffed by 379 volunteers, who during the year 1989, contributed a total of 27,715 hours of service. During the year 1989, 41,636 persons were served by the center.

The center is funded by United Way, the Archdiocese of Washington, private foundations, and public contributions. It renders quality services through their departments of social services, Mrs. Mary L. Mercado, coordinator; education, Sister Maria del Carmen Robles, coordinator; health care, Ms. Lyn Morland; and community activities. The programs are continually shaped and changed to fit the growing and changing needs of the community which the center serves.

Among the center's services are: Emergency food and shelter; counseling; income tax preparation; and employment training agency; residences for women. The center is working closely with the community in order to educate it about drug and crime prevention. Family and individual counseling is also available through the health services department. During 1989, 12,774 patients were served at the center's clinics.

The center views the educational component of their services as the firm foundation upon which a new life can be started. As a Florida certified teacher, I wholeheartedly agree with this. The programs consist of English as a second language; literacy—basic education; high school equivalency—GED; a bilingual secretarial program; and most recently, a computer program and training course for technicians for copying machines. All programs are under the direction of an education coordinator, and each one is administered by a program director. Classes take place in various area schools, every evening of the week and weekends. Classes are conducted by 131 volunteer instructors.

Traditionally, the center has been the gathering place for the new arrivals and the needy. It is an organization which enables them to participate in programs which prevent their involvement in activities detrimental to themselves as individuals as well as to the society. The center is also a positive contributing factor to the city as it makes visible the colorful beauty of the traditions of those it serves and to help them join the ranks of a society that gives immigrants the equal and unique opportunity of a new beginning in life.

Father Julio Alvarez-García is the center's executive director. The Spanish Catholic Center is governed by an active board of directors, which meets a minimum of 10 times during the fiscal year. The officers of the board of directors are: Mr. Ramon Gomez, president; Mr. Francisco Delgado, vice president; Ms. Rosario Corredera, treasurer; and, Aurora Porres, vice treasurer.

The Spanish Catholic Center is an example of how a community can be served by the work of dedicated individuals who care about making a difference in the lives of their fellow men. I congratulate them and wish them much success in this honorable and worthwhile endeavor. During the past 23 years they have helped make our Washington, DC, community a better and richer one.

LITHUANIAN INDEPENDENCE HIGHLIGHTS PLIGHT OF JEWS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BROOMFIELD. Mr. Speaker, the Oakland Press, a newspaper in my congressional district, recently published a moving article by Rachel Canaan-Kapen describing her family's experiences as Jews living in Lithuania.

Mrs. Kapen, a resident of West Bloomfield Township, MI, is the mother of Gilead Kapen, the minority staff consultant to the Africa Subcomittee of the House Foreign Affairs Committee.

Mrs. Kapen expresses sadness at the decline in the Jewish population of Lithuania and concern for the future of those Jews still living there. I commend her observations to my colleagues in the article which follows:

[From the Oakland Press]

LITHUANIA HAS RIGHT TO INDEPENDENCE, BUT FATE OF REPUBLIC'S JEWS IS IN DOUBT

(By Rachel Canaan-Kapen)

The recent dramatic happenings unfolding in the Republic of Lithuania evoke in me, a Jew with close family ties to the land, very conflicting emotions.

My father, Yosef Garber, was born and raised in Lithuania, which we call Lita, and so were his parents and their parents for numerous generations. Yet they lived in a world of their own, which can account for their still existing after so many years of exile and dispersion.

Lita-Lithuania was by all accounts the shining jewel in the crown of European Jewry. The Gaon of Vilna, as he was nicknamed, was a legendary figure of Jewish scholarship and morality who lived in the second half of the 18th century and he, and subsequently his many disciples, influenced Jewish life for many years. Vilna, the capital of independent Lita-Lithuania, was so Jewishly endowed that it was nicknamed "Jerusalem of Lita." The numerous yeshivot, academies of Jewish learning, within its boundaries attracted thousands of young men coming to be trained and ordained as rabbis and other religious functionaries in the Jewish community, as well as for the sake of learning.

My father, Yosef, studied in one of these yeshivot. Although he was trained and ordained as a ritual slaughterer, I doubt that he ever practiced his acquired profession, for no sooner than he received his ordination he was conscripted into the Lithuanian army, a fact that proved to be a decisive factor in his life.

For the very first time in his life, he was exposed to a world beyond the synagogue and the yeshiva. He no longer could be the pious, very observant Jew he once was because the new reality of the Lithuanian army didn't especially cater to his Jewish needs. If he didn't wish to remain hungry, even starve, he had no choice but to eat the non-kosher foods served him. He also came face-to-face with a secular world of enlightenment that fascinated him, as well as with a great number of non-Jewish Lithuanians and anti-Semitism like never before. Last but not least, in the army he met another Lithuanian Jew named Meyer Blass, with whom a lifelong friendship ensued.

When the two army buddies-turned-best friends were subsequently discharged from the army, they knew exactly what they were going to do with the rest of their lives. Both reached the conclusion that there was no future for Jews in Lita and therefore applied to the British government for a "certificat," a permit to emigrate to Palestine or Eretz-Israel, as it was called by the Jews. The "certificat" came in 1925 and the two friends said farewell to family and friends, many of whom they never saw again.

My father talked very little of life before coming to Eretz-Israel, where he and Meyer settled in Tel Aviv and helped to pave its streets and build its houses. After a few years of hard work and frugal living, they managed to save some money and establish the first icebox factory in the town, my father still working hard beside his men, something he continued doing his entire life. He never uttered a word in Lithuanian, which he seemed to have totally forgotten, and except for photographs depicting him in the Lithuanian army's uniform, he didn't bring with him any other photographs from Lita.

All we knew about the family he left behind was that he had an older sister and brother, who emigrated to the United States and settled in Rochester, N.Y., while another brother, Yaacov, and a sister, Blooma, perished in the Shoah, the Holocaust, together with the rest of Lita's Jewelry. When I gave birth to my son, Alon, in Jerusalem in 1961, exactly 20 years after the destruction of Lita's Jewry, my father asked me to give him the name Yaacov as a middle name in memory of his brother, the only memorial to him.

A total Jewish population of 153,743 was reported in 1923, comprising 7.5 percent of the population and considered the largest national minority in the land, where Jews also made up a little less than a third of the total population in the largest cities. However, a 1959 Soviet census shows a total Jewish population of 24,672, less than 1 percent of the population, with 16,354 in Vilna, now Vilnius and 4,792 in Kovno, now Kaunas, two cities where Jewish life flourished before the war.

As a person who witnessed the regaining of the much-longed-for independence of her own people, I am especially sensitive to other people's similar aspirations. Yet the Jew in me can't quite forget the destruction of Lithuania's once-flourishing Jewry, which by no means can be blamed solely on the Nazis. Furthermore, the surge in nationalistic aspirations also brought with it a surge in latent anti-Semitism, and I can't help but fear for the fate of the remnant of Lithuania's Jews.

THE CHANGING ENVIRONMENT FOR U.S. AGRICULTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 9, 1990, into the CONGRESSIONAL RECORD:

THE CHANGING ENVIRONMENT FOR U.S. AGRICULTURE

As Congress considers the 1990 Farm Bill, it is important to reflect on how U.S. agriculture has changed in the past few years and to consider what changes may be in store.

Declining share of U.S. economy: One of the major trends of recent years has been the declining role that agriculture plays in the U.S. economy. This is seen in various ways. First, the number of farmers continues to decline each year. Farm families now comprise less than 2% of the population. And if only commercial farms are considered, less than half a percent of the population supplies virtually all our agricultural products. This trend toward increased concentration of production will likely continue. Second, agriculture's share of the nation's Gross National Product is declining, from 7% in 1950 to 1.6% today. This reflects the growth of new occupations and new industries, rather than a decline in farm production. With most of America's future economic growth expected to take place in areas such as computers and finance, agriculture's share of GNP is likely to continue to decline. Third, farming is becoming less important even in rural areas. More rural counties depend on manufacturing today than on agriculture, and farm-dependent counties only slightly outnumber rural countries that rely on meeting the needs of retired people.

Positive trade role: On the other hand, the American farmer continues to make a major contribution to reducing our trade imbalance. Agriculture's share of trade far exceeds its share of GNP. In 1988, 12% of U.S. merchandise exports were farm products, and agriculture had a positive trade balance of $18.5 billion compared to the overall U.S. trade deficit of $127 billion. The U.S. is still the dominant force in world trade of agricultural products. Changes in U.S. production and inventories of major crops are the key factors influencing world prices. The United States is the primary exporter in all the major non-tropical agricultural commodities.

Certainly many domestic and international factors will affect U.S. agriculture in the future—ranging from changing consumer eating patterns to international trade negotiations. Two trends seem especially important: reform efforts in Eastern Europe and the Soviet Union, and the growing environmental movement.

Soviet and Eastern Europe reform: Progress on reform in Eastern Europe and the Soviet Union is likely to depend on improving the quality and quantity of food available to the average citizen. We have all seen television pictures of empty supermarkets and long lines for basic necessities. Recent comments by Soviet economists suggest that their agricultural sector is in even worse shape than western estimates have indicated.

This means that in the near future big increases in food imports may be necessary. American farmers should play a large part in meeting the demand, but even if they don't, the increased sales will reduce world supplies and help boost prices. However, the longer-run outlook is less rosy. Eastern Europe and the western part of the Soviet Union were once the breadbasket of Europe. Even with its incredible inefficiency, the USSR is the world's large producer of wheat. If reforms in agriculture are successful, productivity in these regions should increase rapidly. Not only might they cease to be our customers, they may become major competitors.

Environmental movement: There has been a virtual explosion of concern for the environment worldwide. Many environmentalists view agriculture with suspicion, believing that current farming practices are harmful and non-sustainable. Members of the major environmental organizations in the United States now outnumber farmers. Environmental stewardship will be an increasingly important factor in assessing agriculture.

The growing environmental movement could mean problems for the competitiveness of U.S. farm products, in two ways. One the one hand, other countries will likely continue to place tough restrictions on the food they import, such as the European Community ban of beef from cattle fed growth hormones. On the other hand, tightening U.S. restrictions on chemical use could place American farmers at a cost disadvantage, if other countries allow their farmers to use chemicals banned here.

U.S. economic policy: While many of the factors affecting the outlook for U.S. agriculture are beyond the control of policymakers, one important thing we can do is to get our economic house in order. The kinds of changes we need to strengthen our economy for the long term are the kinds of steps that will help boost the competitiveness of our farm sector. We need to save more as a nation, which would improve farmers' access to capital. We also need to take a longer-term view of government spending, cutting current consumption and expanding funds for productivity-enhancing investment in infrastructure, education, and research. But most important, we need to

reduce the federal budget deficit, which continues to exceed $150 billion per year. A smaller deficit would make it possible for interest rates to come down, lowering farmers' costs and making it easier for them to modernize machinery. Reducing the deficit could also lead to a lowered-value dollar on exhange markets, thereby making our exports more competitive overseas. Much of the improvement in our farm exports since 1986 has been due to more favorable exchange rates.

The last few years have generally been good ones for American farmers. Yet farmers face different challenges now than they did in the past, and some analysts believe the long-term outlook is for stagnant or slightly declining farm income, unless major increases in demand or drops in supply occur. U.S. farmers can no longer take their predominance in world markets for granted. They must adapt to new demands on how they produce and how farm products are marketed. They will likely face lower levels of government support. The 1990 Farm Bill must strike a balance between stabilizing farm income and keeping agriculture competitive in the changing global environment.

TRIBUTE TO JOHN D. MOCKENSTURM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. KAPTUR. Mr. Speaker, it is a privilege to introduce to my colleagues in the House of Representatives a man from my district who performed a selfless and heroic act, attempting to rescue two very small children. This week, the National Association of Letter Carriers is presenting John D. Mockensturm of Toledo, with an award to recognize his courageous and charitable efforts in which he risked his own life to save two children from a smoldering car. The Regional Hero of the Year Award is awarded to only three people per year to commemorate the deeds of goodwill and heroism that letter carriers perform each year. It is an opportunity for the National Association of Letter Carriers to show their appreciation to those heroic individuals and demonstrate the other good works of letter carriers across the United States. Ralph Waldo Emerson, the great poet once said, "Heroism feels and never reasons and therefore is always right." This is exactly how Mr. Mockensturm behaved the day he rescued two small children. Emerson must have known someone like Mr. Mockensturm to make such a statement.

On March 20, 1989, two small children were inadvertently left alone in a locked car which subsequently caught on fire. John Mockensturm was rounding a corner on his Toledo mail route and saw dark smoke billowing from the front end of a parked car as a women, apparently the driver, walked away in the opposite direction. Failing to get the woman's attention, the letter carrier ran to the vehicle and saw two children locked inside. Mockensturm coaxed a wary 3-year-old child to unlock his door and swiftly pulled the boy out of the back seat. Then, groping through thick smoke, the carrier quickly released the child's 1-year-old brother from the restrains of his car seat. The boys' mother returned shortly after with help for what she had thought was a stalled engine. Shocked by the smokey scene, she was extremely thankful to find her boys safe with John Mockensturm.

Mr. Speaker, I am very honored to be able to recognize John Mockensturm today. There are very few people in the world that are faced with such a circumstance which forces them to make a split-second decision which includes risking their own life. It is comforting to know that there are people like John Mockensturm who do not hesitate to make the right decision to try to save other people. Many people may believe that they too, would make the same decision, but one never knows until they are faced with the danger. Two small children are alive and well today because of his quick thinking and unselfish actions. Mr. Mockensturm truly deserves the Central Region Hero of the Year Award.

NATIONAL TRANSPORTATION DEFENSE WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. YATRON. Mr. Speaker, the President will proclaim the week of May 13 through May 18, 1990, as National Transportation Defense Week. We set aside this week to officially recognize the significant and vital contributions that our transportation systems add to the Nation's economy, and the important aspect these systems play in the Nation's defense structure.

As a nation, we are blessed with the most efficient and extensive transportation system in the world. Americans from Maine to California can travel with ease to any other part of our great Nation. We can rely on our transportation system to provide for the free and easy flow of goods in commerce by surface, water, and air. And should a national emergency ever arise, our transportation system will be integral to the defense of our Nation. National Transportation Defense Week provides us with an opportunity to reflect upon our transportation network and its importance to the United States' continued world leadership.

Mr. Speaker, we would not be able to enjoy these benefits were it not for the hard work and dedication of the men and women in the transportation industry. On May 16, 1990, the Reading Traffic Club will hold a special luncheon in recognition of National Transportation Defense Week. The men and women of the Reading Traffic Club have been, and will continue to be, key players in the Nation's transportation efforts.

Mr. Speaker, I am proud to rise today to recognize the Reading Traffic Club. Their dedication gives me every hope that our past transportation triumphs will be repeated as we rebuild and revitalize America's transportation network. I know that my colleagues here in Congress join me and the Reading Traffic Club in celebrating National Transportation Defense Week.

POLISH INDEPENDENCE DAY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. ATKINS. Mr. Speaker, today is the anniversary of the Polish Constitution Day of 1791. This day represents the unswerving dedication of the people of Poland to freedom, justice, equality, and social progress. It is evident that this day has a more heightened meaning this year when seen in conjunction with the sweeping changes occurring throughout Eastern Europe.

On this day it is important to note the magnitude of the accomplishments of the Constitution of 1791. This single document was able to nonviolently transform an oppressive government of a select few into a working government of the people. All of the progress recently made in Eastern Europe began with this first movement toward democracy in Central and Eastern Europe almost 200 years ago. Unfortunately, as a result of the continual partitioning of Poland by its aggressive neighbors, the people of Poland have waited an extraordinarily long time to enjoy the freedom which this document granted them.

It is only recently that Poland's neighbors have begun to allow her to breathe. The announcement of the Soviet Union recognizing the atrocities committed against the Poles in the Katyn Forest is a tremendous step toward a brighter future for Poland. It represents the changing attitude of the Soviet Union which is facilitating the remarkable changes currently occurring in Eastern Europe. Today we must also recognize and remember the brave people who lost their lives in the Katyn Forest at the hands of a merciless few.

The celebrations this year are more poignant than ever before. Cities throughout the country are holding parades, banquets, and other related ceremonies in honor of the progress that the people of Poland have made toward their dream of democracy.

Mr. Speaker, I am honored to join people of polish ancestry in my own district as well as throughout the country to pay tribute to those who have paid such a dear price for liberty. It is clear now that their long struggle for freedom may finally reach a desirable end.

TRIBUTE TO NINO MORREALE ON HIS RETIREMENT FROM TEACHING

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Ms. MOLINARI. Mr. Speaker, it gives me great pleasure to stand before my colleagues and honor Nino Morreale of Staten Island, NY. Mr. Morreale has just retired after dedicating more than 25 years of his life as a music education teacher at New Dorp High School.

Mr. Morreale is a graduate of the Julliard and Manhattan Schools of Music. He has also had a very distinguished career as a profes-

sional musician playing for such greats as Sammy Davis, Jr. and Lena Horne and was a member of radio and television orchestras for both ABC and NBC.

In addition to all his work as a professional musician, Nino Morreale was also a music teacher who was very dedicated to this students. He wanted to give young people a better understanding of the world they lived in through the music he loved.

On this occasion, I extend my congratulations to Mr. Nino Morreale. A man who has earned the respect of his colleagues and students; a man who New Dorp High School will sorely miss.

LEGISLATION TO AMEND THE NEW MEXICO STATEHOOD COMPACT

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SKEEN. Mr. Speaker, I rise today to introduce legislation to amend the New Mexico statehood compact with the Federal Government that will resolve problems regarding the authority of the commissioner of public lands to exchange State trust lands. Senator DOMENICI is introducing similar legislation in the Senate.

Amending the statehood compact, or the enabling act, requires the consent of Congress and the passage of a State constitutional amendment. This legislation will set this process in motion.

In an opinion handed down in 1988, the State attorney general stated that changes in the commissioner of public lands exchange authority were necessary to ensure the interests of the trust beneficiaries are protected.

I should add that the beneficiaries are all the people of New Mexico. Revenues generated from trust lands are used primarily for the education of New Mexico's youth.

This legislation will not only validate all previous exchanges that have been completed since 1912, but will standardize the procedures and authorities under which the commission of public lands can complete land exchanges.

It should be noted that the authority granted in this legislation will not invalidate or result in any adverse effects of any previous exchanges completed by the commissioner of public lands.

Specifically, the language in my legislation describes who the State commissioner can enter into exchange agreements with; allows the commissioner to exchange lands that are equal to or greater in value than the land to be conveyed by the State; and provides that the proposed exchange is beneficial to the interests of the affected beneficiary.

The statehood compact provided the State of New Mexico with our sections of land per township. These sections, that were scattered throughout each township, have added the checkerboard land ownership patterns found throughout the State. Within these ownership patters you commonly find an intermingling of Federal, State, and private lands. This causes numerous management problems for all property owners. Therefore it makes good sense to block up these lands through exchange to maximize the productivity and enhance the efficiency of the property.

Amending the enabling act will help mitigate the adverse effects of Federal land actions on trust lands because of the checkerboard land patterns I mentioned above.

The legislation I am introducing will assist in the consolidation of unmanageable isolated tracts of State trust lands, thereby promoting better resource management. Protecting and enhancing the income potential and integrity of State trust lands will also be a result of this legislation.

Because of the anticipated increase in land exchange requests and activities, as indicated by the passage of the Federal Land Exchange Facilitation Act of 1988, New Mexicans who lease State and Federal lands have an interest in this legislation. With this in mind the New Mexico Farm and Livestock Bureau, the New Mexico Cattle Growers' Association and the New Mexico Wool Growers' Association have all passed resolutions supporting the change in the statehood compact that would facilitate land exchanges.

Amending the statehood compact will provide numerous benefits to the people of New Mexico. I hope my colleagues will join me in supporting this important measure.

RECENT DEVELOPMENTS IN THE WEST BANK AND GAZA

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. OWENS of Utah. Mr. Speaker, this afternoon I delivered an opening statement at a hearing of my two subcomittees of the Foreign Affairs Committee dealing with recent developments in the West Bank and Gaza.

I include my statement to be printed in the CONGRESSIONAL RECORD.

STATEMENT BY REP. WAYNE OWENS, HEARING ON RECENT DEVELOPMENTS IN THE WEST BANK AND GAZA

Mr. Chairman, these two subcommittees meet jointly today to hear testimony on recent developments in Gaza and the West Bank. Many of the issues that we will discuss have been addressed in other hearings, but the specific dynamics of the Palestinian uprising and the Israeli response have never been isolated and dealt with in depth. These are issues about which I personally care very deeply, and I commend chairmen Hamilton and Yatron for giving us this important opportunity today.

Before delving into human rights concerns in the territories, I think it is important to keep two things in mind: First, the problems in the West Bank and Gaza are the product of an immensely complex political conflict, involving not only Palestinians and Israelis, but the surrounding Arab states as well. To blame Israel for occupying the West Bank and Gaza strip is to ignore a history of armed Arab aggression and the events of the 1967 war. If one thing has become clear since the intifada began in December 1987, it is that these problems can only be solved as part of a comprehensive political settlement. It is incumbent on all sides, not only Israel, to move forward toward this end. The United States must play the major facilitating role in the process and in that matter I give Secretary of State Baker high marks for trying.

Second, it is important to keep in mind that Israel's human rights record in the territories in no way compares with that of some other countries in the region, which are party to the broader conflict. I need not remind my colleageus that the Iraqi Government killed over 8,000 of its own Kurdish citizens 2 years ago with chemical weapons. Nor do I need to recount Syria's systematic slaughter of 15,000 of its own people in the 1982 Hama revolt. Perspective is important here. So, as we raise human rights issues in the territories—which we must do candidly and openly—we do so recognizing Israel as the only democracy in the Middle East, a country which holds itself to a higher standard.

This having been said, I think it is our responsibility to explore these issues as honestly and as thoroughly as possible. Since December 1987, I have made more than a half dozen visits to the West Bank and Gaza as a member of these two subcommittees. During that time, I have witnessed an escalating cycle of violence which is dangerously polarizing the Israeli and Palestinian communities, and diminishing the prospects for a political settlement that will permit both peoples to live together peacefully in that crowded land.

On my most recent visit in February, I noted a sharp increase in the number of Palestinians killed by Palestinians, and a marked decline in the number of those killed by Israeli defense forces. In a May 4 article in the New York Times, Joel Brinkley wrote that the number of Palestinians shot and killed by Israelis has fallen by more than half over the last 4 months. I ask unanimous consent that this article be inserted into the hearing record following my remarks. Since January in fact, more Palestinians have been killed by other Palestinians than by Israeli forces. Overall, the total number of deaths related to the uprising have dropped 61 percent from the first 4 months of 1988 and 48 percent from the first 4 months of 1989. This is a trend which suggests that the intifada is entering a new, perhaps less violent phase. But it would be a mistake to believe that the uprising is controlled or that Palestinian resistance will cease before a political settlement is reached.

Nevertheless, human rights violations in the administration of Israel's occupied territories remain a source of special concern to this committee, to Congress, and to Israel's friends everywhere. Those policies to which the United States most strenuously objects—administrative detention, deportations, and the demolition and sealing of houses—continue to this day. Not only are these, grievous abuses of internationally recognized human rights, they serve to promote violence and strengthen the resolve and assist in the political organization of the uprising.

Though theoretically governed by strict rules of engagement, the IDF in many cases disregarded its guidelines by indiscriminately firing plastic, rubber, and high velocity metal bullets. I have personally seen 5 young men in Jerusalem's Mikagged hospital brain dead from rubber still lodged in their heads. Human rights groups such as Amnesty International have documented numerous instances of beatings and ill-treat-

ment of prisoners, and the potentially lethal misuse of tear gas within confined spaces.

Recognizing the difficulties faced by Israeli authorities administering the territories, the U.S. Government views these as violations of internationally recognized human rights. We on this Committee, in good conscience, can recognize them as nothing less. And while human rights issues are inextricably linked to the broader political conflict, we must emphasize these human rights abuses on a separate level, as problems which can and should be corrected by Israel alone.

I welcome our distinguished witnesses today and look forward to exploring these issues for the public record in candor and fairness.

THE PRIVATIZATION OF ART ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CRANE. Mr. Speaker, today I introduced the Privatization of Art Act, a bill to abolish the National Endowment for the Arts. In this age of deficit spending and big government, we in Congress have a responsibility to do some belt-tightening and put a stop to intolerable agency funding practices. A good place to start is with the NEA.

The NEA states the following as its mission:

[To] foster artistic excellence by helping to develop the nation's finest creative talent, to preserve our cultural heritage in all its diversity, to make the arts available to wider, more informed audiences, and to promote the overall financial stability of American arts organizations.

Mr. Speaker, I am afraid the agency's good intentions have been abused. Certainly you will agree that homoerotic photographs are hardly "a demonstration of our nation's finest creative talent." Indeed, I am outraged that a performance by porn star Annie Sprinkle is considered part of our "cultural heritage" worthy of preservation while reading poetry to the homeless qualifies as "making the arts available to wider, more informed audiences." These abuses cannot be tolerated.

Some of my fellow lawmakers propose establishing standards for the use of NEA funds. Their critics cite the first amendment and cry, "censorship." I respond to these cries by echoing the words of my colleague, DANA ROHRABACHER: "Those who truly oppose Government control of the arts should oppose Government funding of the arts." I propose we abolish the agency altogether.

A common argument in the NEA appropriation debate is that art is a subjective term. What may be art to some can be considered trash to others.The definition of art should not be a government concern; that decision belongs inherently in the private sector. In fact, it has flourished there. Those who recognize art in America and support it have supported it generously. The United States has one of the largest proportions of private giving to the arts. In 1988 alone $6.8 billion was spent on arts advancement by American individuals, bequests, foundations, and corporations. Abolishing the NEA would not threaten the existence of art in America. Rather, it would take away a small percent of the funding it currently receives through involuntarily raised means.

Mr. Speaker, as politicians, we pledge to eliminate deficit spending, and as Members of Congress, we have a duty to do so. I cannot think of a better way to start than by returning art promotion to the private sector.

NIMITZ HIGH SCHOOL STUDENTS REPRESENT TEXAS IN NATIONAL COMPETITION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. FIELDS. Mr. Speaker, I rise today to congratulate 30 Houston high school students for their achievements in the National Bicentennial Competition on the Constitution and the Bill of Rights. These students have demonstrated exceptional knowledge of democratic government and the documents that guarantee our freedoms.

The students representing Texas in this national competition are from Nimitz High School in Houston. They won their district competition, the Texas State competition, and now have made a fine showing in the national competition. This team of students received an award for scoring highest among teams from across the Nation on a unit of the competition titled "Fundamental Rights."

Mr. Speaker, it is easy to take for granted the freedoms that we, as Americans, enjoy. We must never forget that our basic freedoms—freedom of speech, freedom of press, freedom of religion and others—are not enjoyed by all peoples of the world. Our rights, as guaranteed by the Constitution and Bill of Rights, must be guarded carefully. We must teach our young, the inheritors and future guardians of this great country, the value of the gift they will receive.

These juniors and seniors from Nimitz High School have demonstrated an admirable knowledge of this gift. I am proud of these young people. They are fine representatives of Nimitz High School, their district coordinator Elizabeth Battle, their teacher Connie Sheldon, their district and the State of Texas. These students are: Mark Bennett, Shahid Bhaidani, Jason Brenek, Jennifer Caldcleugh, Karie Camp, Deanna Drew, LeRay Hall, Tiffany Hammer, Mia Harris, Dionne Schwab, Lisa Salmi, Chris Havard, Kathy Hua, Brad Hunt, Leslie Jeanes, Gentry Johns, Deana Larkin, Kelly Lyons, Margaret Mayes, Luke McCallum, Tony Peng, Laurie Renegar, Diana Rivera, Sara Rizvi, Erika Smejkal, Kelli Smith and Jon Venverloh.

NATIONAL INVENT AMERICA! WEEK

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. BILIRAKIS. Mr. Speaker, today I am introducing legislation designating the week of July 22 through July 28, 1990, as "National Invent America! Week."

I am taking this action with two specific purposes in mind. One, to pay tribute to what I have always felt to be at the heart of America: A creative and entreprenuerial spirit. And two, to encourage the boundless development of this spirit in the innovators and inventors of the future: our children.

The United States Patent Model Foundation, a private, nonprofit organization, is seeking to focus the Nation's attention on the critical pursuit of ideas in a global marketplace where America no longer is considered the undisputed leader. Therefore, in 1986, this organization launched its "Invent America!" program in elementary schools throughout the country.

Now in its fourth year, the program sponsors student invention programs and competitions designed to foster creativity and analytical problem-solving skills. Since its inception, more than 30,000 elementary schools have participated in this program and its school, State, regional and national competitions.

President George Bush serves as its honorary chairman and the program has the support of the U.S. Departments of Education and Commerce, as well as the National Science Foundation. In fact, Invent America! was singled out for recognition from among 140,000 such programs in the Secretary of Education's Special Report to the President, "America's Schools: Everybody's Business."

Invent America! enjoys wide private sector support as well. In fact, this successful public-private partnership is proof that government and industry can work together, hand-in-hand, keeping alive and nurturing the spirit of entrepreneurship and ingenuity in our Nation's young people.

I urge all of my colleagues who envision a bright and challenging future, Who can see the potential in young minds and who want to ensure that our young people are prepared to meet the future's challenges to cosponsor this legislation.

ZEB McKINNEY'S SERVICE TO SHILOH

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SUNDQUIST. Mr. Speaker, at the end of this month the Shiloh National Military Park will lose its exceptional superintendent, Zeb McKinney. After 14 years at Shiloh and 37 years with the National Park Service, Zeb is taking a well earned retirement to tend to family matters back home in North Carolina.

I have been pleased to call Zeb McKinney a friend and proud to support him in his efforts to preserve and protect one of our Nation's finest military parks. Those with an interest in the Civil War know well the story of the fierce fighting that took place in the woods and fields between Shiloh Church and Pittsburg Landing. The history of the brave men, Yankee and Rebel, who fought there on April 6 and 7, 1862, is painstakingly preserved at Shiloh National Military Park.

Zeb McKinney has been a forceful advocate for the park. He has shown initiative and foresight in planning its future. In addition, I have found him to be a thoughtful and informed advocate for environmental protection and the wise use and enjoyment of our natural resources.

Zeb McKinney has served with distinction and served as an example of spirited and committed public service. I ask my colleagues to join me in saluting his career and in wishing him well in his retirement.

TRIBUTE TO MISS ELLEN REPP

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. SWIFT. Mr. Speaker, I rise today to pay tribute to a woman who has graced American society on the educational and artistic stages, and indirectly the political arena. Miss Ellen Repp has been named the 1990 Distinguished Alumnus from Western Washington University in Bellingham, WA.

Miss Repp merged a devotion to teaching with a personal commitment to the advancement of excellence in the arts. The name may not be familiar to you, but her contributions over the years are not easily dismissed.

Already an accomplished musician—her musical training began when she answered an ad for 25-cent violin lessons as a child—Miss Repp came to Bellingham State Normal School, as Western Washington University was then named, in 1921. Throughout her academic career she remained involved in both the vocal and instrumental aspects of music, although she graduated with a degree in teaching. Repp went on to the University of Washington and continued to distinguish herself when she began vocal studies with noted Norwegian baritone August Werner.

Combining her interest in American history and politics with her love of music Repp performed during the summers and taught during the school year. While teaching junior high school civics in Everett Washington one of her pupils was the late Henry M. "Scoop" Jackson. The U.S. Senator and Miss Repp maintained a lifelong friendship. Jackson credited Repp's influence as a debate coach with sparking and nurturing his interest in domestic and international issues and politics.

It is said that Repp not only taught history, she made it! During her summer sojourn to pursue her interest in singing, Miss Repp journeyed to remote Alaskan outposts performing the works of the masters for miners, fishermen and Indians. One trip to Alaska even included a performance on Mount McKinley, North America's highest peak.

Miss Repp continued to make a name for herself earning the Medal of Saint Olav, one of Norway's highest honors, for her performances in benefit concerts for Norway during World War II. Miss Repp has appeared on Broadway and performed lead roles with most of the opera companies in the United States and Europe. She starred in the Metropolitan opera in New York, at LaScala in Italy and houses in Munich, Paris, London, Norway, and even Morrocco.

Apparently not one to rest upon her laurels, Miss Repp launched a third career as a voice teacher and has taught at the Mozarteum in Salzburg, the Oberlin Conservatory, Smith College, and the Manhattan School of Music. In her 88th year, she continues to travel to Munich each summer to teach vocal technique.

I wanted to call to the attention of my colleagues the many accomplishments of Miss Repp and congratulate her for the most deserved Distinguished Alumnus Award from Western Washington University.

WELCOME TO SOME VERY SPECIAL NEW AMERICANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. CONTE. Mr. Speaker, it is with a special sense of pride that I inform the House that our Nation will welcome a group of young Americans Friday, including my grandson, Nicholas Alberto Certo. The Immigration and Naturalization Service is holding a citizenship ceremony in Arlington, VA, for young adoptees, the first time I am told that recognition for such children and their parents has been bestowed.

My own mother and father were naturalized Americans, and I have never forgotten their pride and that of their family over that accomplishment. I have a special warm feeling, therefore, in looking forward to Nicholas' certificate of citizenship ceremony. I congratulate his parents, my daughter Sylvia and my son-in-law Nicholas, for their love and perseverance in achieving his adoption.

It takes a long time, a lot of paperwork, and an abundance of faith to adopt a child from another country. And you need a lot of help. I especially want to express our appreciation to David Hobbs and Gloria Munoz in the U.S. Embassy in Bogota, Colombia for their repeated assistance, as well as Merceditas Restrepo Isaza, Luz Stella Monsalve, and Flor Olano de Pachon of the Instituto Colombiano de Bienestar Familiar and Reinaldo Rincon Guzman of the Colombian Ministry of External Relations for their conscientious attention to Nicholas during the 18 months it took to complete the adoption process.

As proud grandparents, my wife Corinne and I are looking forward to the ceremony Friday. It should be quite an affair with 38 children from 16 nations getting their certificates. The choirs from Francis Scott Key and Glen Carlyn Elementary Schools will perform, and our grandson is scheduled to sing "This Land is Your Land" and "It's a Grand Old Flag." I can't wait.

MEDICARE LEGISLATION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. KOLTER. Mr. Speaker, I rise today to introduce a necessary piece of legislation. I do so in order to restore a modicum of equity to the Medicare system, which has been increasingly distorted during each year's budget reconciliation deliberation. My bill would repeal a requirement which was included in the 1989 reconciliation bill and passed without any real debate over its efficacy or the need for the mandate it contains.

Last November, we decided to impose a requirement that all physicians file all Medicare claims or be subject to penalties. This provision was enacted without regard to the fact that the Participating Physician Program already exists to encourage claims filing (the Participating Physician Program enacted in 1984) by compensating those doctors who contract with Medicare as participating physicians at a higher rate than nonparticipating physicians.

That program has been remarkably successful; 40.2 percent of all physicians treating Medicare patients are participating physicians. In addition, substantial numbers on nonparticipating physicians accept assignment on a case-by-case basis and consequently file those claims for the patients. Overall, 80 percent of all Medicare claims are taken on assignment and filed by physicians.

Yet, despite overwhelming evidence that no problem existed, Congress decided to impose that obligation on all physicians without regard to participants status or to the administrative burden and expense, it will impose on solo practitioners particularly in rural areas, and certainly without providing equitable compensation to those physicians who have not signed contracts with the U.S. Government.

I urge my fellow colleagues to join with me in removing this needless hassle of dubious benefit from the backs of physicians and from the "books" of the Federal Government.

TRIBUTE TO JAMES J. HARRINGTON, RECIPIENT OF THE 1990 PWAMA DISTRICT GOOD DEED AWARD

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1990

Mr. DOWNEY. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. James J. Harrington, superintendent of highways, town of Babylon. Jim Harrington has been selected as this year's recipient of the Pwama District of the Boy Scouts of America's Good Deed award. The Good Deed award is presented annually to outstanding community leaders in the town of Babylon and West Islip.

Jim Harrington has proved himself to be such an outstanding community leader

through his extensive involvement in Suffolk County affairs. Professionally, Jim was a member of the Suffolk County Police Department of 20 years, retiring as a detective in 1983. While a member of the police force, he was most active in the PBA, serving for 9 years on the board of governors. Continuing his activities in the PBA, he served as first precinct trustee, editor for the PBA publication The Shield, recording secetary, and, ultimately, vice president of the association.

Elected Babylon highway superintendent in November 1983, Jim has been reelected to that post three times. And, as if this post was not enough to keep him busy, Jim spends enormous amounts of time serving his community through his volunteer efforts. Jim is a past vice president of the Babylon Chapter of the American Cancer Society. He is an active member of the Babylon Lions Club and the Ancient Order of Hibernians, and also served as an active volunteer firefighters for the North Babylon Fire Department for 20 years. He is a life member of this highly honored fire company.

Jim's most recent project would bring together area Boy Scout troops with handicapped residents who could use their good deed services. This would be a valuable program to the local community, and it further exemplifies the extent of Jim Harrington's commitment to community service. That is why I am grateful, Mr. Speaker, to have this opportunity to publicly recognize the Good Deed award and the many merits of this year's recipient, Mr. James Harrington.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 10, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 11

9:15 a.m.
Commerce, Science, and Transportation
To hold hearings on challenges facing the U.S., focusing on policies to foster competitiveness.
SR-253

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To resume hearings to examine possible approaches to naval arms control.
SD-430

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the Airborne Self-Protection Jammer (ASPJ) weapons system.
SD-342

Veterans' Affairs
To hold hearings on S. 2483, to improve educational assistance programs for veterans, S. 2484, to improve the housing loan program for veterans, and veterans employment programs, including section 401 and 404(c) of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act.
SR-418

Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SH-216

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings on S. 2453, to establish the Social Security Administration as an independent agency.
SD-215

MAY 14

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on S. 2171, authorizing funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on implementation of the Defense Management Report.
SR-232A

Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine fraud and abuse in employer-sponsored health benefit plans.
SD-342

9:30 a.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on medical programs of the Department of Defense.
SR-232A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe personnel levels for fiscal year 1991, focusing on the state and capabilities of the U.S. Marine Corps for special operations and low intensity conflict.
SR-222

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review commercial space programs.
SR-253

Energy and Natural Resources
To hold hearings on S. 2415, to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978.
SD-366

Environment and Public Works
To hold hearings on proposed legislation to finance environmental protection facilities in small communities, including S. 1296, S. 1331, S. 2184, and S. 1514.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

9:00 a.m.
Labor and Human Resources Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine environmental labeling of consumer products.
SR-253

Energy and Natural Resources Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991

for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to examine the maintenance of Hell Gate Bridge in Queens, New York.

SD-406

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on S. 2171, authorizing funds for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the space launch and command, control, communications and intelligence programs.

S-407, Capitol

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 2170, to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade.

SR-253

Small Business
To resume hearings to examine the Small Business Administration's small business investment companies program.

SR-428A

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.

S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.

SR-253

Environment and Public Works
To hold hearings on S. 1462, to create a Federal nuclear facility environmental response fund, and to create an Office of Environmental Management and Remedial Action within the Department of Energy.

SD-406

Veterans' Affairs
To hold hearings on titles I and III of S. 2100, Veterans Compensation Cost-of-Living Adjustment Act, S. 1887, to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth, S. 2454, to increase the estate limits for certain incompetent institutionalized veterans, S. 2482, to clarify the eligibility of certain minors for burial in national cemeteries and to authorize use of flat grave markers in a section of Florida National Cemetery, S. 2102, to modify certain congressional reporting requirements imposed upon the Secretary of Veterans Affairs for certain administrative reorganizations within the Department of Veterans Affairs, and proposed legislation to expand radiation presumptions for veterans.

SR-418

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Strategic Defense Initiative.

SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1852 and H.R. 3545, to revise the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, S. 1990, to establish the Cliff Walk National Historic Site, S. 2011 and H.R. 2843, to authorize the expansion of the Tumacacori National Monument, S. 2067 and H.R. 3834, to designate the route from Seima to Montgomery for study for potential addition to the National Trails System, S. 2072, to authorize a study of nationally significant places in American history, S. 2262, to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers System, S. 2437, to authorize the acquisition of certain lands in Louisiana for inclusion in the Vicksbury National Military Park, and S. 2566, to redesignate the Sunset Crater National Monument as the Sunset Crater Volcano National Monument.

SD-366

MAY 18

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 1697, to require local educational agencies to conduct testing for radon contamination in schools.

SD-406

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on recommendations for the Medicare Volume Performance Standards (MVPS) for fiscal year 1991, which is the rate of growth in spending for physician services reimbursed by the Medicare program.

SD-215

MAY 21

1:00 p.m.
Select on Indian Affairs
To hold hearings on the nomination of Carl J. Kunasek, of Arizona, to be Commissioner on the Navajo and Hopi Relocation.

SR-485

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.

S-407, Capitol

9:30 a.m.
Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Navy shipbuilding and conversion program.

SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.

SD-138

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review the Administration's technology policy and priorities.

SR-253

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the Office of Inspector General.

SD-138

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on the "Report of the Interagency Scientific Committee to Address the Conservation of the Northern Spotted Owl."

SD-366

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on the Department of Energy national security budget request for fiscal year 1991.

SR-253

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.

SD-192

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine ways to expand U.S. exports abroad.
SR-253

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 7

9:30 a.m.
Judiciary
To hold hearings to examine the effects on judicial nominees belonging to private clubs that discriminate.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans' prosthetics and special-disabilities programs.
SR-418

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

JUNE 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's satellite programs.
SR-253

Select on Ethics
To hold hearings on matters relating to the investigation involving Senator Durenberger.
SH-216

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2358, providing U.S. consumers the opportunity to enjoy the technological advancement in sound recording by use of digital audio tape recorders.
SR-253

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on proposed legislation authorizing funds for the National Oceanic and Atmospheric Administration's ocean and coastal programs.
SR-253

Veterans' Affairs
To hold hearings on title II and section 402 of S. 2100, relating to veterans physician pay and health issues, S. 1860, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war, S. 2455, to provide for recovery by the United States of the cost of medical care and services furnished for a non-service-connected disability, S. 2456, to extend expiring laws authorizing the Department of Veterans Affairs to contract for needed care and to revise authority to furnish outpatient dental care, and other proposed legislation.
SR-418

JUNE 19

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1974, to require new televisions to have built in decoder circuitry designed to display closed-captioned television transmissions.
SR-253

JUNE 26

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance programs.
Room to be announced

JUNE 28

9:30 a.m.
Veterans' Affairs
Business meeting, to consider pending legislation relating to veterans compensation and health-care benefits.
SR-418

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MAY 10

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1951, to establish the Interagency Council on Science, Mathematics, and Technology Education.
SD-342

MAY 11

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1810, to authorize the Attorney General to conduct a pilot program within the Department of Justice to determine compliance with the Fair Housing Act.
SD-226