HOUSE OF REPRESENTATIVES—*Thursday, September 10, 1992*

The House met at 10 a.m.

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

We are grateful, O God, for the gifts of kindness, compassion, thoughtfulness, and reconciliation which are given freely by Your hand and are available to those who have any special need or concern. When there is unrighteousness or when evil is rampant, we will surely endeavor to correct the injustice, but may we not seek to respond in kind, and rather seek a new relationship of compassion and mercy. We know, gracious God, that You have created us as one people, so may we seek to testify to that spirit and live according to that unity by being reconciled to others in the bonds of justice and respect. Bless each of us this day and every day, we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 109, not voting 65, as follows:

[Roll No. 388]

YEAS—260

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carr
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dooley
Dorgan (ND)
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Ewing
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—109

Allard
Allen
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Clay
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dreier
Duncan
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Inhofe
Ireland
Jacobs
James
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Lightfoot
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Skeen
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Wolf
Young (FL)
Zimmer

NOT VOTING—65

Alexander
Armey
Atkins
AuCoin
Boucher
Campbell (CO)
Carper
Chandler
Chapman
Condit
Conyers
Cox (CA)
Dickinson
Dixon
Donnelly
Dornan (CA)
Downey
Dymally
Edwards (OK)
Engel
Fascell
Flake
Frost
Gaydos
Gunderson
Hall (OH)
Hayes (LA)
Hefner
Hertel
Holloway
Hunter
Johnson (TX)
Jones (GA)
Jones (NC)
Kolter
Lehman (CA)
Levine (CA)
Lewis (CA)
Lowery (CA)
Mavroules
McCrery
McCurdy
Meyers
Miller (WA)
Moody
Morrison
Mrazek
Nagle
Neal (NC)
Pease
Pursell
Schiff
Skelton
Smith (OR)
Solarz
Studds
Synar
Tallon
Thomas (GA)
Towns
Traxler
Weiss
Wilson
Young (AK)
Zeliff

□ 1027

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from New Jersey [Mr. TORRICELLI] please come forward and lead the House in the Pledge of Allegiance.

Mr. TORRICELLI 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.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

APPOINTMENT OF CONFEREES ON H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following conferees: Messrs. YATES, MURTHA, DICKS, AUCOIN, BEVILL, ATKINS, WHITTEN, REGULA, MCDADE, LOWERY of California, and SKEEN.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just want to make this inquiry: Is this the appropriations bill that dealt with any of the Soviet aid package? Is there any Soviet aid money in this at all?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, this is not. That is the foreign aid appropriations bill.

□ 1030

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Iowa? The Chair hears none and, without objection, appoints the following conferees: Messrs. SMITH of Iowa, ALEXANDER, EARLY, CARR, and MOLLOHAN, Ms. PELOSI, and Messrs. WHITTEN, ROGERS, REGULA, KOLBE, and MCDADE.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain up to ten 1-minute statements on each side of the aisle.

FAMILY AND MEDICAL LEAVE ACT

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

Mr. KENNEDY. Mr. Speaker, last month at the Republican National Convention, President Bush and his party cloaked themselves in the constant chant of family values. He even tried to suggest that God endorsed the Republicans' version of family values.

But when it comes to moving beyond the soaring rhetoric into action, George Bush does not understand the struggles and hardships of today's American family.

How else can you explain why he is threatening to veto the family and medical leave bill that will pass the House today? A bill that simply provides up to 12 weeks a year of unpaid leave to care for a newborn baby, a sick child, or a dying spouse.

How else can you explain why he has ignored the needs and dreams of American families by vetoing the minimum wage bill, unemployment compensation, and tax-relief for the middle class?

And when it comes to supporting the most basic family value of all: providing American families with jobs, George Bush has compiled the worst job growth record of any President since Herbert Hoover and left millions of American families in economic misery.

American families are struggling every day to achieve the American dream. George Bush talks about family values, but it is time he begins to value the family. It is also high time that we take the debate on family values out of the political arena and put it in our homes and churches where it belongs.

Mr. Speaker, today we can give the American family more than just talk. We can give them peace of mind and greater family security during times when they need it most.

WAKE UP, AMERICA

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

Mr. SOLOMON. Mr. Speaker, yesterday I told this House what a disgrace it was that Presidential candidate Bill Clinton used special influence to evade the draft.

A few minutes ago, I was handed a Bill Clinton issue paper on veterans and it made this former marine sick to my stomach.

Listen to this. Bill Clinton says:

> I'll never forget how moved I was as I watched them march down the street to our cheers, and saw the Vietnam veterans finally being given the honor they deserved all along.
>
> The divisions we have lived with for the last two decades seemed to fade away amid the common outburst of triumph and gratitude.

These are some words, coming from a man who refused to serve in our military, when bullets were being fired, but now wants to be Commander in Chief of our military.

Wake up America and ask yourselves if Bill Clinton has earned the right to be Commander in Chief of a country he refused to serve. No way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. In order to accommodate the Members who were on the floor at the beginning of 1-minutes, the Chair now announces he will entertain up to 12 1-minute statements on each side of the aisle.

THE PRESIDENT'S PLAN FOR THE ECONOMY LACKS CREDIBILITY

(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, 2 years after the recession began, today George Bush has an economic plan for America. However, for all of its detail, it misses one central element, credibility, because the President who said he would never raise taxes signed the largest tax increase in American history, and the President who today says he will control entitlements but not reduce Social Security was part of a previous administration that proposed the first reductions in Social Security benefits.

This Nation needs an economic plan. It needs a control on Federal debt. Mostly, it needs a President who can be believed, who can be trusted, who has a plan that this Congress and the American people can follow.

A CHICKEN HAWK FOR PRESIDENT?

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

Mr. CUNNINGHAM. Mr. Speaker, in 1940, they had a term for people that sent someone in their place to war. It is called a chicken hawk. I cannot tell you what disdain we had for those Americans.

Let me go through a rendition:

George Washington, the French and Indian Wars.

Franklin Pierce, the Mexican War.

James Buchanan, War of 1812.

Harry Truman, World War I, lieutenant.

John F. Kennedy, World War II, lieutenant.

Richard Nixon, World War II.

Jimmy Carter, World War II.

George Bush, World War II, lieutenant.

Clinton was a Jane Fonda-Tim Hayden-Ramsey Clark draft evader and antiwar protester. I was shot down over Vietnam, Mr. Speaker, and I cannot imagine having a Commander in Chief that was a coward and an antiwar protester.

By the way, Mr. Speaker, that tax the last gentleman talked about was a tax to cut the deficit and increase the tax by $1 for every $3 that was spent to cut spending.

LET'S FREE THE BRADY BILL

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

Mr. MAZZOLI. Mr. Speaker, even as I speak today, in Louisville, my hometown, a news conference is taking place dealing with the Brady bill, a news conference called by the Casey family, whose beloved brother, John Patrick, was shot to death in a handgun incident in 1990.

We all know what this conference is about. It is to free up the Brady bill and pass it before Congress adjourns in October. The Brady bill, as we know, we passed it in this body on May 1991, would impose a 7-day waiting period before a handgun could be transferred from seller to purchaser.

The Brady bill in and of itself would not solve the crime problem in America, but it is one facet of an anticrime effort. Currently, the Brady bill is in a legislative logjam in the other body dealing with the comprehensive crime package.

The Brady bill, Mr. Speaker, is a good bill. The Brady bill ought to be freed up as this news conference in Louisville is calling for. It ought to be passed, because it is a step in the right direction to make a better America and a safer America. Let us free up the Brady bill and let us pass it before October.

A MAN'S MAN

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

Mr. RIDGE. Mr. Speaker, I wish I knew the name of the man, for indeed, he was a man's man, who stepped forward to serve in Bill Clinton's place when Bill Clinton refused to serve his country. I guess I wonder from time to time whether the name of this man is on the memorial.

When Bill Clinton was drinking ale and throwing darts in English pubs, when Bill Clinton was writing clever letters to maintain his political viability and still keep him out of the military, I have often wondered who served, what husband, what brother, what man, served in his place. I would like to meet him.

I wonder if he sustained severe injury, trauma, loss of limb. I wonder if he was exposed to agent orange. I wonder if he is troubled with nightmares and posttraumatic stress. I wonder if he came home, put the war behind him, raised his family, and led a successful life after serving his country with honor and with pride, honor and pride, a man's man.

I do not think Bill Clinton knows the meaning of those words.

A FAIR TRADE FOR JOBS

(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, U.S. Trade Representative Carla Hills actually said, and I quote, "By removing trade barriers with Mexico we will create millions of jobs in America." Mr. Speaker, I think the real question today is, is Carla Hills playing with a full deck or what?

Since this fast track started, 750,000 manufacturing jobs have moved to Mexico. Smith Corona and Zenith have been the most recent runaways. For the first time in history there are more Government workers than factory workers.

Look here, George Bush promised 30 million new jobs in his last election, and by George, I predict he is going to make it this time, in Mexico.

I say we should trade Carla Hills to Mexico, President Bush to China, the Cabinet to Taiwan, and put the entire Office of Trade Representative on waivers. Maybe we will get a few jobs in this country.

AMERICA'S ECONOMIC FUTURE: THE BATTLE LINE IS DRAWN

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

Mr. BALLENGER. Mr. Speaker, yesterday George Bush drew a line in the sand. No new taxes. Ever. That is what he said.

He has been burned once. He will never agree to another Democrat tax hike.

The battle line has been drawn. Between a Republican President who knows from experience that high taxes destroy businesses and destroy jobs—and a Democratic candidate who proposes a $150 billion tax increase; between a Republican Party that believes the taxpayer should be allowed to keep most of what he earns—and a Democratic Party whose proposition is "tax, tax; spend, spend; elect, elect."

It is the same choice the American people were given in 1980—between the Republican faith in free enterprise and the Democrats' faith in government control; between the soaring economy of Ronald Reagan and the soaring unemployment and interest rates of Jimmy Carter.

□ 1040

CABLE BILL WILL NOT INCREASE PRICES

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

Mr. TAUZIN. Mr. Speaker, monopoly cable is at it again big time. Tell a lie often enough, and maybe someone will believe it. No, America—our cable bill we have just agreed upon in conference will not raise your cable bill. Quite the contrary, the cable bill will, for the first time, offer competition and choice. You know, like two stores in town.

You know what happens when there are two stores in town—you get better prices, and you get treated better.

You know what happens when there is only one store in town. Monopoly cable has gone too far. They have raised our rates at three times the rate of inflation, and now they choose to lie about it, too.

A big majority of Republicans and Democrats agree, no gridlock here—our cable bill will keep cable rates down. It must become law.

JOBS, JOBS, JOBS

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

Mr. HANCOCK. Mr. Speaker, the top three issues of the 1992 campaign are jobs, jobs, jobs.

I believe when the voters, have had a chance to study the economic proposals of both Presidential candidates, they will recognize the clear differences.

President Bush advocates lower taxes; Governor Clinton advocates higher taxes.

President Bush advocates less Government regulation of business; Governor Clinton advocates more regulation.

President Bush advocates a balanced approach between jobs and the environment.

Governor Clinton supports environmental laws which will put many American jobs on the endangered species list.

Mr. Speaker, the differences are clear. President Bush has a program

which will create jobs; Mr. Clinton has one that will eliminate them.

FAMILY AND MEDICAL LEAVE ACT

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

Mr. SANDERS. Mr. Speaker, Reaganomics has been a disaster for ordinary Americans. While the wealthiest 1 percent of our population has seen a doubling in their real incomes, the wages and purchasing power of the average American worker have declined precipitously.

Mr. Speaker, today let us begin the process of dismantling Reaganomics by replacing it with an economic policy which protests the interests of working people and not just the wealthy and the powerful.

Mr. Speaker, it is an absolute disgrace that the United States of America and South Africa remain the only two nations in the industrialized world that do not have a guarantee of job protection for family and medical leave. Today we are debating whether American workers can have 12 weeks off, without pay, in order to welcome a baby into the world; to nurse a sick child; to say goodbye to a dying parent. Twelve weeks, no pay. Which makes this legislation the weakest family and medical leave act in the industrialized world. How dare the President of the United States, Mr. Family Values himself, threaten to veto this legislation when Germany guarantees 14 weeks leave at full pay; France 16 weeks at 90 percent pay; Canada 15 weeks at 60 percent pay; and on and on it goes.

Mr. Speaker, since the President's veto of the previous Family and Medical Leave Act in 1990, more than 300,000 workers with serious medical conditions lost their jobs because they had no job guaranteed leave. The time is now to begin the process of catching up to the rest of the industrialized world by taking one small step forward for our workers and for our families. Let us pass the Family and Medical Leave Act, and if the President vetoes it, let us override it.

STATISTICALLY ADJUSTING THE 1990 CENSUS

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

Mr. GOSS. Mr. Speaker, I have a very simple question: Should we use the most accurate data available about population trends in appropriating Federal funds to States? Or should we continue to disregard the 4 million people that were missed in the 1990 census? Unfortunately, because the answer will stand for the rest of the decade and impact the distribution of almost $80 billion of Federal funds, resolving this issue has become a political problem. States that are losing population are determined not to lose corresponding Federal funds—even though that effort will end up shortchanging growth areas that have already been squeezed for too long. Yesterday, the Census Bureau extended its comment period on whether to statistically adjust the 1990 census—giving them additional time to reflect on a very clear set of facts: We know that the 1990 head count missed huge pockets of people—and we know how to adjust the numbers to be more reflective of the true population. I urge the Census Bureau to consider carefully these facts—and use the most accurate information available.

PAYING FOR NATURAL DISASTERS

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

Mr. PENNY. Mr. Speaker, when a part of America is hurting from the effects of a natural disaster all of America wants to help. That is the American way. That is why relief supplies valued in the millions have been collected by volunteers and charitable groups all over the country for distribution to hurricane victims in Louisiana and Florida.

It is also appropriate that the National Government do its part. President Bush has recently recommended $7.6 billion in emergency assistance. Congress will soon take action on this aid package.

While assistance is warranted, I have written to ask President Bush which programs would he cut, and what tax revenues would he raise in order to finance the aid package. To help a neighbor in need, Americans are always ready to come together and pull together. President Bush should challenge us to do our part through cuts or taxes to pay for this Federal aid.

If instead we borrow the money, it is our children who will be asked to pay the bill for a disaster that they may not even recall. I ask my colleagues to join me in calling on the President to propose how this aid package will be financed.

GARTH BROOKS RESPONSE TO INDIANA CHILDREN'S WISH FUND

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

Mr. BURTON of Indiana. Mr. Speaker, I want to tell you a story about a brave young lady who is dying of a brain tumor. Her name is Amanda Hubbard. She is 12 years old, and she is from Fairmount, IN.

I got a call from the Children's Wish Foundation in Indianapolis, IN during the Indiana State Fair, and her dying wish was that she could go to a Garth Brooks concert and shake his hand, and that would be the thing that would make her the most happy. So the Wish Foundation chartered a limousine to drive her down from Fairmount, to the Indiana Fair and meet Garth Brooks.

But Garth Brook's people, this great country and western singer, would not allow him to meet her. So they called my office, and I called Garth Brooks' agent, Scott Stem, and I asked him for assistance. And he referred me to his personal friend J.B. Haas. And I called him, and he referred me to two other people, Mickey Webber and Daniel Petraitis, and some other people that work for Garth Brooks, and they all told me that he was too busy, and he did not have time to meet this young lady.

Now I do not know if Garth Brooks knows about this or not, but I hope he does get the message. This young lady is dying of a brain tumor and all she wanted to do was shake his hand and get a picture with him.

I told the people on his staff I would meet him in the parking lot for 30 seconds if he would say "hi" to this young lady, this leading country and western singer. He did not have the time.

And yet that night on television, before his concert, I watched him give a half-hour news conference to all of the TV and news media in Indianapolis.

Now I want to tell you, we ought to care about our fellow man. We ought to care about the kids in this country, and people who are leading musicians in the country and western field and others should be willing to take the time to say "hi" to a dying girl. And Mr. Garth Brooks, I hope you get the message.

FAMILY AND MEDICAL LEAVE

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

Mr. HAYES of Illinois. Mr. Speaker, in the time between vetoing bills from Congress and promising money wherever he thinks he will win votes, the President preaches the glories of family values.

Both the President and Vice President, who seems more interested in tilting at windmills in Hollywood than visiting the inner cities, where people are hurting, have a chance to say something which will benefit many people in this country on farms and in the cities: just say "yes" to family and medical leave.

By providing the laws necessary to promote healthy families, the Congress is giving the President a unique chance to catch up with the rest of the world. Family and medical leave offers us a chance to make our country a better place in which to raise a family.

Too often women experience the nightmare of going in to their employer with the news that they are pregnant. Although they are valued employees, up to the moment they became pregnant, suddenly they find themselves unwanted. Their only crime is to want a family. They are offered an unacceptable choice: Keep a job or raise a family.

We have spent almost a decade developing this bill. Even opponents must admit that it is a modest step—compromises have eliminated most businesses and employees from coverage. And the leave is unpaid, which is pitiful.

Mr. Speaker, too many profamily Members of this body protect unborn infants, but desert them after birth. My position is to vote my conscience, support this bill, and support working people of this country.

I believe that family protection is a minimum labor standard, similar to minimum wage and the 40-hour week. I urge my colleagues to vote "aye" on this modest—but good—legislation.

□ 1050

FAMILY AND MEDICAL LEAVE

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

Mr. ZIMMER. Mr. Speaker, the family and medical leave legislation that we will vote on today helps American families in a very basic but a very important way. It provides workers with the freedom they need to meet their family obligations and responsibilities without having to sacrifice their career or their economic security.

Dramatic increases in the number of single parents and dual-income families in our work force make this legislation particularly timely and particularly essential.

While I generally oppose Government-imposed mandates on business, I believe we have a responsibility to help Americans adjust to new economic realities. As a State senator in New Jersey, I am proud to have voted for the family leave legislation on which this legislation is modeled. And I am proud how effectively that legislation has worked in New Jersey and how little an impact it has had on the business community in that State.

I urge my colleagues to join me in support of the family and medical leave bill.

READ THE VOTE TODAY ON FAMILY AND MEDICAL LEAVE

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

Mr. OWENS of New York. Mr. Speaker, this afternoon when we vote on the Family Leave Act, every American voter should read the vote. Read the vote, one by one, of every Member of this House.

The Members who care about families, the Members who are truly concerned about families, will vote for this legislation. The Members who value families instead of talking about some vague family values will vote for this legislation.

A Ford Foundation Families and Work Institute study shows that employers say that family leave laws are neither expensive nor difficult to enact. Ford Foundation surveyed four States with family leave laws in place, and they found that 73 percent of the employers surveyed reported the laws had not caused an increase in health benefit costs, 91 percent of the employers said that State laws were not difficult to put into practice, and 81 percent reported no change in unemployment insurance costs.

Why is the administration the only bailiwick, the only holdout on this legislation? Why do they insist that they will veto legislation that will help families, legislation which shows that we are truly concerned about families, that we really value families?

This afternoon read the vote one by one. The Members who care about families will vote yes for the family leave legislation.

TAX FIRST, ASK QUESTIONS LATER

(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, after looking at Gov. Bill Clinton's economic plan, I think I can see his general philosophy: Tax first, ask questions later.

Mr. Clinton, and his liberal Democratic friends here in the Congress will make raising taxes their first order of business.

But I believe Mr. Clinton should answer some questions before he raises our taxes.

Where will this increased revenue go?

What will more taxes do to our economy?

Do the American people not pay enough taxes already?

Mr. Clinton knows that the answers to these questions will not be popular. He knows that more revenue means more spending.

He knows more taxes means a slower economy.

And he knows that the American people already pay enough taxes.

That is why Mr. Clinton does not want to answer these questions now.

And that is why for Bill Clinton, it is tax first, ask questions later.

REELECTION PROMISES

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

Mr. SLATTERY. Mr. Speaker, earlier this year the President said he would do whatever he had to, to get reelected. I must say that I did not think I would ever hear a President of the United States make such a blatantly self-serving political promise.

In the last few days, Mr. Speaker, we have seen the President keep this promise. The President has shown the country that he is prepared to say anything and to spend the taxpayers' money recklessly to get reelected and buy votes, all the time pleading for the line-item veto authority to reduce the deficit and bashing the Congress.

Mr. Speaker, this behavior gives hypocrisy a new meaning. But yesterday, the President stretched his credibility to a breaking point. He once again promised the American people no new taxes.

Now, my friends, this is the same President who 4 years ago said, "Read my lips, no new taxes," and then proceeded to recommend not one but at least 50 new tax increases.

He now comes to the American public and makes another absolutely irresponsible political promise.

Well, Mr. Speaker, I do not believe the American public will buy it this year. They believed the President 4 years ago. They do not believe him this year.

Mr. Speaker, this President who has become the Santa Claus President of late is dangerously close to becoming the Pinocchio President.

REAL FAMILY VALUES: SUPPORT THE FAMILY AND MEDICAL LEAVE ACT

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

Mr. BLACKWELL. Mr. Speaker, as the House once again considers legislation on family and medical leave, I urge my colleagues to do something very difficult at this time of year. Put the politics aside, and consider this long overdue legislation and how it will affect the millions of hard-working families who are currently in the fight for their lives.

More than half of our work force today is composed of hard-working women, who must strike a balance between life at the workplace and life at home.

And then there are the simple realities to address. Pregnancy, or the serious illness of family members.

Mr. Speaker, as our economy continues to plummet to unseen depths, stimulating our industry here at home must become the number one priority of this Congress.

And in order to accomplish this, we must provide the American worker—

the men and women who built this country and made it strong—with a sense of security.

The time has come to tell them, that you can get sick, or become pregnant, or care for your ailing child and you will not lose your job.

Mr. Speaker, that is the fundamental message we must deliver to the hard-working people of this Nation.

In this day and age, when our current administration has made a habit of exporting our jobs south of the border, rather than creating them here at home, we must go forward with this fundamental legislation.

These are real family values. Not the kind that makes a good sound bite at a political convention, but one that will truly make things better for our Nation's families.

GOVERNOR CLINTON SUPPORTS A TAX INCREASE

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

Mr. DREIER of California. Mr. Speaker, there have been more than a few 1-minutes here delivered about Governor Clinton.

It seems to me that the thing that is very disconcerting is the fact that this man, unlike President Bush, has waffled and tap danced on virtually every issue to come down the pike. He has indicated early on that he supported the concept of exporting United States goods through a free-trade policy with Canada and Mexico. Now that he is interested in maintaining the support of the AFL-CIO, he has backed down on that position and is tap dancing around the issue.

He said during the lead-in to his Brokaw interview that he supported a tax increase.

□ 1100

And what does he plan to do with what will amount to the largest tax increase in American history? He plans to deal with all the environmental problems, the homeless problem, the housing problem, and he plans to basically provide a cradle-to-grave health care for virtually everyone.

How does he plan to pay for it? With this tax on the rich? Every economist in analyzing this knows that he will not provide the revenues that will maintain the requirements of all of those multifarious programs which Mr. Clinton has offered.

Mr. Speaker, it is clear he has tap danced and promised that he will be all things to all people. The policy of tax and spend cannot be perpetuated.

VETO FAMILY LEAVE? IT BOGGLES THE MIND

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

Mr. SCHEUER. Mr. Speaker, the fact that there is even any controversy whatsoever about the Family Home Leave Act bespeaks more than anything else of President Bush's total alienation, total distance, total detachment from the problems that are hurting American families, hurting fathers, hurting mothers.

He does not seem to understand the fact that when you have a family emergency, a pregnancy, an illness, a death, that simple basic compassion calls out for these folks to be relieved of their employment obligations for a short period of time to tend to the basic, essential compassionate needs of their families.

Now, this is absolutely the rule in developed countries around the world, and many of them require pay, 100 percent pay, 90 percent pay. This family leave policy is without pay, and yet the President has the total insensitivity and total lack of comprehension of what is going on there out in the precincts of America, to say that this bill, which demands so little of industry and provides so much in the way of decent compassion to families, that he would veto that bill. It boggles the mind that he could say that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The time has expired for all 1-minutes on both sides of the aisle.

CONFERENCE REPORT ON S. 5, FAMILY AND MEDICAL LEAVE ACT OF 1992

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 560

Resolved, That during consideration of the conference report to accompany the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, points of order against the conference report for failure to comply with clause 3 of rule XXVIII are waived. The conference report shall be debatable for ninety minutes, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 560 provides for the consideration of the conference report for S. 5, the Family and Medical Leave Act of 1992. The resolution calls for 90 minutes of general debate, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the House Administration Committee.

Clause 3 of rule XXVIII, which prohibits conference reports from exceeding the scope of legislation committed to conference, is waived against the conference report.

This bill comes to the floor in the midst of a highly charged election season, and in some ways that is unfortunate. It is unfortunate if that partisan edge takes away from a proposal that can stand alone, on its merits, on the difference it would make for American workers and American families.

It is unfortunate if rhetoric obscures the fact that this bill is a bipartisan bill, which has benefited from the leadership of minority Members such as Senator KIT BOND, and Representatives HENRY HYDE and MARGE ROUKEMA.

During this debate, let us not lose sight of the fact that this bill is supported by a veto-proof majority of the Senate—that the Gordon-Hyde substitute which is reflected in this agreement passed the House last year with two-thirds of the vote. And most importantly, that this bill is supported by the majority of the American people.

The Family and Medical Leave Act is substance, not filler; it is real change, not an imitation; it is a response by this body to a very real need—the need of the American family for flexibility in the workplace.

The family. In Congress, we hear about it a lot, we talk about it a lot, we proclaim it the cornerstone of our great country while worrying about whether it is becoming extinct.

Meanwhile, American families out there are asking, "What have you done for us lately?"

A realistic look at the American family shows this: Whether two parent families or single parent families, people are wearing more than one hat, mother and manager, father and foreman. Parents hold down jobs while trying to hold together families. It is a constant struggle.

And in many ways, especially in terms of women joining the work force,

this is a change in the family dynamic. Today, two-thirds of women with school-aged children are in the work force. By the year 2000, 2 out of 3 people entering the work force will be women. This bill is about adapting to these changes.

So what happens when these two priorities, family and job, come into conflict?

When a child is hospitalized, do we make their mother choose—give up her job, her income and security, her health insurance, to be with her son when he needs her? Is that profamily?

Or do we offer her the security of knowing her job will be there when the crisis is over, and that her health insurance won't be cut off while she's gone?

When a worker learns his father has had a serious relapse, what options do we offer him?

Family emergencies do occur. Elderly parents become ill, babies are born. These are times when being part of a family becomes one's overriding concern. This is an American tradition, and our workplaces must give Americans the flexibility to fulfill this commitment.

The result: Stronger families and more productive, satisfied workers.

The Family and Medical Leave Act is a compromise, hard fought and hard won. At its core is the provision of 12 weeks of unpaid leave to be used in case of a family emergency. In crafting this compromise, every effort has been made to meet the needs of business. The bill does not apply to small businesses, in fact 95 percent of employers are exempted.

It allows businesses to exempt their key workers and sets minimum work requirements before employees become eligible.

It is a reasonable bill. And this is not just opinion, this is fact: Family medical leave has been adopted by 11 States and the District of Columbia; every other industrial nation has similar leave in place; and research shows it would actually save businesses money by reducing turnover and holding down the costs of retraining.

We can talk all we want about leaving it up to companies to provide this benefit but the fact is, that is not happening. Currently, only 37 percent of women in larger firms have the option of taking maternity leave, never mind family medical leave. So while the CEO's are in their corner offices making millions their secretaries outside can't even be with a newborn child.

This bill has been considered and reconsidered, debated, and modified. The agreement we have before us is the product.

Voting against this bill because you want 1 week added here or 1 percentage point deleted there is a copout and every Member here knows that. If we are going to pass a family medical leave bill we need to pass this bill.

There is only one reason to vote against this bill, and that is if you think family medical leave is a bad idea. If you think workers shouldn't be given the option of being with their families in a time of crisis then you should vote no. But if you call yourself profamily, then put your vote where your mouth is.

American families want this flexibility. Do not stand in the way.

□ 1110

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. Speaker, while I have more than a few concerns about this so-called Family and Medical Leave Act conference report, I do have no objection to the rule. Traditionally I am opposed to rules that waive points of order, and this rule does waive points of order against scope violation; however, it is my understanding that the only scope violation problem in the conference report pertains to a conforming technical change to a provision extending leave benefits to Senate employees.

Mr. Speaker, I also support the objective of this legislation, which is to help working families cope with the physical and financial strain of childbirth and the need to care for a family member who is ill.

I would like to underscore, responding to the statement of my friend, the gentleman from Tennessee, that if you are supportive of family values you have to support this legislation. The fact of the matter is I am very supportive of the concept, but I am not supportive of the idea of having the Federal Government mandate it.

Unfortunately, this conference report will not accomplish the objective which we want to pursue. Instead it will saddle small businesses with onerous, inflexible, and costly new mandates that will further drive up the cost of doing business and may lead to higher unemployment, clearly exacerbating the economic challenges that we face today.

A letter came to us from the National Federation of Independent Businesses. They oppose this conference report. In their letter they say:

> Given the economic conditions currently facing our Nation, it is imperative that additional burdens not be placed on business if growth is to occur.

Now, that is a statement from the largest organization of small businesses in the country.

Mr. Speaker, this bill appears to be nothing more than a cynical election year ploy by the Democrat leadership. There was very little difference between the House and the Senate passed bills. The leadership decided to wait almost a year so that consideration of the final conference agreement could be brought to the floor of the House 54 days before the election, trying to label the President as being opposed to parental, family, and medical leave. This strategy only adds to the confidence crisis that voters have in this institution. It is considered highly unlikely that this body can override the expected Presidential veto, which is clearly justified given the concern of working Americans about the stability of their jobs and the condition of the economy.

Mr. Speaker, it is very clear. President Bush supports family and medical leave. This gentleman from California supports family and medical leave.

We want the private sector of our economy to offer leave policies as an incentive for hiring, and to create job opportunities. It seems to me that having this mandated by the Federal Government would be a terrible mistake, but since we have this legislation that has been brought before us, I am not going to oppose the rule which will allow for its consideration.

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

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for his tireless effort in bringing the Family and Medical Leave Act to the floor with strong bipartisan support.

I thank the chairman of the committee and the chairman of the Subcommittee on Education and Labor and the members of that committee for their efforts also on this very important legislation.

Mr. Speaker, we cannot have a meaningful debate on this floor about restoring our economy without first talking about the need for strong families and a strong national family policy. There is a direct correlation between the health of our families and the health of our economy.

Families are the basic building blocks of society. They are where values are formed, where we first learn about love, and discipline, and responsibility; they are where we go for support, and care, and direction so that we may lead productive lives.

But America's families are under siege as never before. Too many families need two or even three paychecks just to stay afloat. Too many families are being forced to choose between caring for their newborns and keeping a job.

Because it has been left to the private sector, we are probably the only industrialized nation in the world where a mother can lose a job for having a baby. Why should hard-working Americans be forced to make this kind of a choice?

Now, with political speeches about family values swirling around, here comes a chance to take some real action to help our families. It is called the Family and Medical Leave Act, and it deserves our wholehearted support.

Despite all his profamily rhetoric, the President turned his back on families last year by vetoing the Family and Medical Leave Act. His action showed that he is not willing to put families first by signing meaningful legislation to protect them.

At a time when every other industrialized nation in the world has a family and medical leave policy, at a time when our families are fighting for their survival, 12 weeks of unpaid leave is the least this great Nation can do to help employees who are caring for a newborn, or a seriously ill family member, or who are recovering from a serious illness themselves.

The argument made by opponents—namely, that this bill would hurt small business—is sheer nonsense. The legislation before us takes the special situation faced by small businesses into account by excluding any firm with fewer than 50 employees. In addition, GAO statistics show that businesses affected by this legislation would pay only $5.30 per year per eligible employee. And in Oregon, which has the most comprehensive parental leave policy in the Nation, nearly 9 of every 10 employers have said there is no problem in complying with the law.

As one of those who helped draft this legislation, I hope my colleagues will show hard-working Americans that their Government really does care about them and their families. This time, I hope the President will join those families and join us.

Mr. DREIER of California. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished gentleman from Jacobus, PA, Mr. GOODLING, the ranking member of the Committee on Education and Labor, who has led the charge in opposition to this ill-conceived legislation.

□ 1120

Mr. GOODLING. Mr. Speaker, I do not have any problem with the rule other than that after all these speeches I just heard about how important this legislation is with the American people, my problem with the rule is that it seems to have come 10 months late.

In October 1991, the Senate found it possible to pass this legislation, in November the House passed the legislation, and all of a sudden we wait until 1 month before an election so that we can bring up this great piece of legislation which is so needed by the American people that we sat on it or the leadership sat on it for almost a year, 10 to 11 months. It is unbelievable.

The Harris poll said that 73 percent of the employees say that their employers are responsible to the emergency and regular needs of their employees. The Gallup poll said that 69 percent believe the mandate is not needed. What I say is this: Is it not a tragedy that the Congress of the United States will set certain people against other people and say that some people are more important than other people? That is what the legislation does.

The legislation says:

If you can't afford to take 12 weeks of leave, you don't get it and you're not worth it. Now if you can afford it, you take it.

Is that discrimination? It sure is against those employees less well off in this society. It also says in the legislation that if you work for a company of 50 or more, you are much more important than somebody who works for a company with less than 50 employees.

Let us not get up and give these pious statements about how great this legislation is, and how it is needed, and how important it is when we are discriminating against all sorts of people and in fact do not really allow very many people to participate in the whole idea in the first place.

Mr. Speaker, I will have a whole lot more to say about this political maneuver when we get to general debate.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in support of House Resolution 560, providing for the consideration of the conference report to accompany S. 5, and to briefly explain why this rule is necessary.

Since the Senate initially passed the family and medical leave bill, it has extended the protection of the Civil Rights Act to its employees and has adopted specific procedures to handle allegations of discrimination raised by Senate employees. The provisions extending family and medical leave protection to Senate employees have been modified in conference to conform to the Senate's current procedures for handling allegations of discrimination. Since the House had adopted the language originally passed by the Senate when we considered the family and medical leave bill, conforming the Senate language to the Senate's current practices technically exceeds the scope of conference and necessitates this rule waiving all points of order against the conference report.

With the exception of those provisions relating to coverage of Senate employees, the conference agreement is, in effect, the same legislation that was previously passed by the House. As initially passed by each body, there was only one policy difference in those provisions of the legislation affecting the private sector or State and local governments. As passed by the Senate, leave was afforded to employees upon the birth of a child. The House language added the requirement that such leave must be for the purpose of caring for the newborn child. Though the additional House language does not alter the substance of the bill, as passed by the Senate, it does clarify our intentions in affording workers parental leave, and it has been retained in the conference agreement. The only other changes in the legislation as it affects private sector and State and local public employers are corrections to conform the language of title I and title II, clarify the legislation's intent, and correct technical drafting errors. In every instance, these changes are wholly technical and do not alter the substance of the legislation as previously passed by the House.

As initially passed by each body, the family and medical leave bills were substantially similar. To the extent the bills differed, it was in those provisions extending family and medical leave benefits to Federal and congressional employees. The House bill extended family and medical leave protection to employees of the House while the Senate bill was silent on the subject.

As it relates to Federal employees, the conference agreement is identical in substance to the bill initially passed by the House. Also, the conference agreement includes the House-passed language relating to coverage of House employees.

The Family and Medical Leave Act is intended to strengthen American families by ensuring that workers need not jeopardize the financial security of the family when faced with the necessity of taking leave due to a medical emergency or to provide care for a dependent family member.

Mr. Speaker, I urge the adoption of the rule in order that the House may complete its consideration of this important legislation.

The SPEAKER pro tempore (Mr. MCNULTY). Members are reminded to refrain from characterizing the motives of other Members.

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

Mr. DREIER of California. Mr. Speaker, I do not plan to characterize the motives of any Members.

Mr. Speaker, I am happy to yield 3 minutes to my friend, the gentlewoman from Ridgewood, New Jersey (Mrs. ROUKEMA), the ranking member of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor.

Mrs. ROUKEMA. Mr Speaker, I rise in support of the rule to accompany the conference report on S. 5, the Family and Medical Leave Act.

The rule is necessary to waive all points of order against the conference report primarily because of Senate employee coverage provisions added during the House/Senate conference committee meetings on this legislation.

What needs to be made perfectly clear is that the Family and Medical

Leave Act has been so dramatically compromised under the substitutes adopted by the House and Senate last year, that this conference report should once and for all lay to rest any objections that business has with respect to complying with the bill.

It is time to pass the Family and Medical Leave Act with a veto-proof margin that says that this Congress, Democrat and Republican, is taking concrete steps to put family values rhetoric into action. What we are talking about here is a modest period of unpaid, job protected leave for working families which experience a grave medical emergency.

We need this minimum labor standard to protect workers. Just as we have through 60 years of labor law, child labor, anti-sweatshop. I would reiterate that business is not offering family and medical leave voluntarily in numbers sufficient to obviate the need for a minimum Federal labor standard. A 1990 study by the Bureau of Labor Statistics found that only 37 percent of employees in firms with 100 or more workers had maternity leave, and a 1991 study found that only 14 percent of workers in firms with fewer than 100 employees had leave to care for a newborn child. Paternity leave is even rarer—the BLS study finds that only 18 percent of employees at large- and medium-sized firms are covered by a paternity leave policy, and only 6 percent of employees at smaller firms have paternity leave. These figures fail to change appreciably from year to year.

In the meantime, those States which have enacted family and medical leave laws find that employment and business growth is not affected negatively by those laws. A Ford Foundation commissioned study conducted by the Families and Work Institute found that 91 percent of employers in four States with leave laws found that the State laws were not difficult to comply with; 93 percent said that the State laws had not forced them to provide fewer health benefits; 73 percent reported that the laws had not driven up health insurance costs; and a majority stated that the laws resulted in no increase in training costs, unemployment insurance payments or administrative expenses.

Yet, in this day and age, because of the lack of a Federal minimum labor standard for unpaid, job secured leave, countless hard-working Americans are losing their jobs and their health insurance when a family medical crisis strikes.

Deborah, from Belmont, MA, had to choose between her dying father and her job as a nurse-practitioner for a clinic in Portland, OR, when her father was diagnosed with terminal bone cancer. When Deborah asked her employer for a leave of absence to care for her father, during his last months, her employer refused. She quit her job, and went to care for her father in another city. Had family leave been available to her, she could have helped her father in his final weeks of life, and kept her job and health insurance.

Brenda, of DeRidder, LA, asked for a 6-week leave of absence so she could care for a new baby. She reports that she was asked to resign, and told there was no leave to care for adopted children, even though Brenda had been employed for 7 years with her department store employer. Although she had been promised that she would be rehired when she was ready to return to work, there was no job available and she had been replaced. The loss of her income devastated her family economically, and they later lost their home and filed for bankruptcy.

Harrison, of Stratford, NJ, taught in the public schools in Pennsylvania. In 1983, his 7-month-old daughter Rachel was diagnosed with leukemia, and began undergoing chemotherapy treatments. Harrison requested individual days off at intervals to accompany Rachel to her chemotherapy. His school allowed only 10 days of sick leave and 3 days of personal leave per year. However, Harrison says that his principal threatened him with disciplinary action after he had taken only 5 days of absence. Since Harrison's family depended upon his income and health insurance which covered Rachel's considerable medical expenses, he felt that he had to keep his job no matter what. In the meantime, Rachel's condition worsened. Harrison asked for an extended leave of absence to care for her during her final months of life and was denied. Harrison worked straight through until his daughter's death in 1986.

To those who argue that we should not enact family and medical leave because of the burdens a new labor standard would place on businesses during a weak economy, I think they should consider the economic burdens placed upon working families who lose their jobs because of medical crises such as I have just described—and put themselves in the shoes of those who are forced to keep reporting to work to pay a dying child's medical bills rather than attend to the needs of their child. Family values, indeed.

The conference report is virtually identical to the substitute amendment passed by the House last November. If differs from that substitute in the following ways: It adds my language requiring that leave be taken for a newborn child must be in order to care for the child. It makes several changes to title II to make it more consistent with other laws on Federal employees, and it improves the coverage of Senate employees by including the enforcement mechanism that was part of the civil rights bill passed last year.

The conference report contains a hard-won series of compromise proposals which protect employers and ensure that the right to take family and medical leave is narrowly applied to prevent abuse of leave. It provides that leave may be taken only in the event of a serious medical emergency involving the employee, or that employee's child, parent or spouse, in addition to leave to care for a newly born or adopted child.

It exempts firms with 50 or fewer employees;

Eligibility for leave is confined to only those employees who have worked for the firm for 1 year, for 1,250 hours during that year. This means an employee will have to work at least 25 hours per week for 12 months to take family or medical leave.

Employers may deny leave to key employees; the top 10 percent or highest paid 5 employees, whichever is greater, to avoid serious economic injury to the business.

Employers may recover health insurance premiums if an employee does not return to work following a period of family or medical leave.

Employees must provide 30 days notice for foreseeable leave based on planned medical treatment, and make a reasonable effort to schedule treatment so as not to disrupt the firm.

Employers may request up to three medical certifications of illness serious enough to merit leave.

Medical certifications will have to state not only the diagnosis of illness and prospects for recovery, but the duration of medical treatments as well as a statement that the employee is needed to care for a family member in the event of a request for family leave.

An employer may transfer an employee who requests intermittent leave to an equivalent alternative position.

An employer may substitute accrued paid leave for any portion of the 12-week unpaid leave period.

The enforcement provisions have been changed to parallel those of the Fair Labor Standards Act, restricting damages to double the amount of lost wages or other monetary losses. Employers who act in good faith and have reasonable grounds to believe their actions did not violate the act may have damages reduced at the discretion of a judge.

Our most competitive trading partners have family and medical leave laws, and have had for years. It is inexcusable that we in the United States cannot enact a modest bill such as this to give working families some minimum floor of protection in medical emergencies. While the work force has changed and while the whole world has changed, we have persisted in out-of-date labor standards. Face the realities of life for working families who today are working out of economic necessity. Listen to your constituents and all the polls—fear of losing ones job in a harsh economy and the health care crisis are

primary concerns and anxieties of American voters. Don't turn your backs on them. They will remember in November.

Support the conference report to the Family and Medical Leave Act.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of the Family and Medical Leave Act. The issue of family values has taken center stage during this election season. Rather than just talk about family values, we can do something about it by passing the Family and Medical Leave Act.

The Family and Medical Leave Act is a sound and reasonable policy. It guarantees jobs for individuals who need to take leave to care for a family member.

Nowadays, economic necessity dictates that two parents work in order to make ends meet. Two-thirds of women with school age children are in the work force. It is unconscionable to make them choose between working and caring for a new child or sick parent. Yet, most Americans do not have job protection when they need to take a leave of absence. A recent Bureau of Labor Statistics study found that only 37 percent of female employees in companies with more than 100 employees were covered by maternity leave, while only 14 percent of all female workers in companies with fewer than 100 employees were covered. The Family and Medical Leave Act addresses these changes in the composition of the work force and provides job-security for working families.

This is a very modest proposal that should not be a burden on businesses. A GAO report found that family and medical leave policies reduce turnover and eliminate unnecessary hiring and training costs. Furthermore, this legislation provides a continuation of health benefits for working families. The Family and Medical Leave Act sets a standard that is long overdue in today's job market.

Again, let us demonstrate our commitment to family values by passing the Family and Medical Leave Act.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Earlysville, VA, Mr. ALLEN, a very able member of the Committee on Small Business, the Committee on Science, Space, and Technology, and the Committee on the Judiciary.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to this bill.

Unpaid leave to give birth or adopt a child or to care for a sick family member is certainly desirable, and I would encourage businesses to offer such a benefit.

However, let us examine this congressional edict. First and foremost the Government has no right to dictate employment contract provisions onto the free enterprise system. This legislation places an enormous financial burden on small businesses, and it would lead to the loss of many jobs because employers can't afford this expensive Federal mandate. This intrusive mandate can adversely affect efficiency and productivity in all business, large or small.

Aside from costing the American economy thousands of jobs, this misguided bill can discourage employers from hiring people during their childbearing years or with sick relatives. In addition, the cost of complying with this mandate will prevent employers from providing other more desirable benefits for all employees, such as health care coverage.

Many employers already offer some kind of family leave benefit, as well as other important benefits, in order to compete for the best employees. But, this is a matter which should be negotiated between employers and employees. This Congress has already done enough to harm the economy and cost Americans their jobs. I implore the House to stop meddling in matters which are not its concern, and I urge my colleagues to vote down this harmful, interfering, counterproductive legislation.

□ 1130

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I strongly support the rule and the bill, and I make this observation today: If President Bush vetoes this bill to give emergency leave and family leave for critical priorities of the American family, then President Bush does not understand the problem in America, the problem with American families, and in fact is out of touch with family values and the rhetoric that surrounds it.

But my concern here today is while I support family leave and emergency leave, I am concerned about what good is it if an American worker does not have a job?

Congress must work to stabilize the economy. We are not doing that. We are extending unemployment benefits.

We are granting family leave, and this should be done. But someone tell me, where are the jobs? Where are the new jobs coming from?

The American people today are not worried about this bill, they are worried about keeping the job they have, or they are worried about being able to find a job that does not exist.

Look at the facts: for the first time in American history government jobs have surpassed factory jobs. There are 18.6 million Americans being paid by taxpayers at the State, Federal, and local levels, and there are 18.2 million Americans working in our factories.

It is starting to look like an old pension plan—more retirees, fewer workers. We are in trouble.

America invented the telephone; we do not make a telephone. America invented the television; we do not make a television. America invented the VCR; we do not make a VCR. America invented the typewriter; we do not make a typewriter.

Where the hell are these high tech jobs, folks? What is more high tech than these electronic communicative devices? Why do we not make them here and what is the plan for America?

We are going to engage in a barrier-free trade agreement with an unregulated low wage economy that has already taken damn near 1 million jobs.

I support this. Congress should pass it. If the President vetoes it, in my opinion he vetoes his candidacy, because he is out of touch with the American family.

Before I conclude, I want to make this statement: Congress must work to create jobs in the private sector. We cannot afford hiring more people by the Government. We have more people than we need, and the policies that exist in this country are not producing the jobs.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Ohio [Mr. TRAFICANT], makes a very compelling case against this legislation because the gentleman, like me, is concerned about job creation. Tragically, this bill itself will play a major role in decreasing job opportunities in this country.

Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Bensonville, IL, Mr. HYDE.

Mr. HYDE. Mr. Speaker, I thank the gentleman from California for the commercial for my hometown.

Mr. Speaker, I cannot comment on this bill without saying that I regret the political taint to the timing of the bringing of this bill. There is no question but that politics plays a role in this. Maybe that is all right, but this issue it seems to me transcends mere political consideration.

Mr. Speaker, I want to say that the arguments in opposition to this bill are not frivolous. They are cogent. A real possibility exists that some employers will reduce overall employee benefits to accommodate mandatory leave benefits. If we want to create more jobs, as the gentleman from Ohio [Mr. TRAFICANT] so eloquently spoke of a moment ago, we need to reduce the cost of labor, not add to it. So if one is asking where are the jobs, adding to the cost of labor does not help create jobs. So that argument I do not think is too helpful to this bill although, again, it is a good argument.

But the law is a teacher, and to make a worker risk his or her job when cir-

cumstances require compassionate leave, and that is a term we get from the military, and it is very descriptive, compassionate leave, is at least dehumanizing, and, as a matter of policy, I think we should encourage employers to place personal and human considerations for their work force at the very top of the employment relationship.

Profits are critical, I know that. Productivity is important, and I know that. But a relationship of caring, of concern for the work force, is the best way I know of to develop loyalty to the company, mutual resepct, and enhance productivity.

We are told this election season that all that matters is the economy. Well, I do not accept that the consideration of humanity must be shoved aside. A woman should not have to choose between having a baby and keeping her job.

Today if there is any reality out there it is the assault on the family. People say to me, media people, "What do you mean by family values?"

Well, it reminds me of Louis Armstrong, who was once asked, "What is jazz?" He said, "If you have to ask, you will never really know."

Well, if you have to ask what family values are, maybe you will never really know. But certainly one of the family values is caring about your spouse, caring about your children, caring about your parents.

I do not see that this will ever be abused, because there is no pay involved. Oh, they say it is the foot in the door. I do not buy into that. No pay is involved. All you are doing is giving one less thing to worry about to someone who is pregnant, to some father whose child is sick or whose spouse is ill, and it seems to me as a statement of policy this is a good idea.

Mr. Speaker, I assert that if one is for family values, it seems to me to require one to support this bill. Not that it cannot be improved, not that there are not ways to perhaps accomplish this that are less onerous to business, and we should continue to look at those ways and to accomplish this. But I hope an employer does not force on somebody a Sophie's choice—my baby or my job.

Mr. Speaker, I hope this bill will pass.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in very strong support of this legislation. I think the previous speaker in the well, the gentleman from Illinois [Mr. HYDE], put his finger on it. Absent the passage of this legislation, thousands and thousands of people a year are confronted with the choice of their child or their job, a sick spouse or their job, an ailing parent of their job.

That is not speculation. As the gentlewoman from New Jersey [Mrs. ROUKEMA] pointed out, as we have taken testimony in the Select Committee on Children and Families, as the Committee on Education and Labor has taken testimony, thousands of individuals are confronted with this choice every year. They are told if you have to have time off to take care of a newborn child, you are fired. Do not come back tomorrow. Do not come back 3 weeks from now.

□ 1140

If your parent has a stroke and you need 1 week or 2 weeks to stabilize your family, you are fired, do not come back in 2 weeks. That is the choice that is confronting tens of thousands of American workers every year in this country.

Absent this legislation, that will continue.

When we talk about what we expect of our families, we are telling people that decide to express basic maternal instincts, parental instincts, to go to a member of their family in trouble, to give up wages, to give up their time, to take care of that individual, what we are saying is, the policy of this country is, "You can be fired for that."

There is only one way to change that policy. That is by the passage of this law.

Do not tell me about relying on the wonderful, beneficial employer because there are thousands and thousands of employers out there that fire tens of thousands of people every year for this.

Absent this law, they will continue to do that. That is why this is such a very, very important piece of legislation.

It is important that we pass it. And if the President is so uncaring as to veto it, it must be overridden.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the very hardworking ranking member of the Subcommittee on Human Resources, the gentleman from Naperville, IL, Mr. FAWELL.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in opposition to this rule.

To begin, let me make this very clear—this employee leave bill is much, much, much more than parental leave. It mandates uniform personnel leave rules for all of America's public and private employment entities—profit and not for profit. Employee leave for a child's birth or for adoption is just a small part of the arcane and vast coverage of this bill. It is simply another Washington mandate on business that blithely disregards the diversity of America's public and private employment structures. It ignores that both public and private entities have to dovetail their particular personnel leave policies not to what Washington mandates in our glorious intelligence here but what meets their unique private and public missions.

For instance, this bill assumes that the personnel leave policies of a dress shop in Kansas City can also fit the coming and going of top security personnel of the New York or Chicago Police Departments; it assumes the personnel leave policies of a trauma unit operating out of a hospital or fire department in Los Angeles let's say, can be the same as one governing hamburger flippers at McDonalds in Naperville, IL.

The U.S. Department of Labor must mandate this monster personnel leave plan upon all of America's defined employers. No one has dared estimate what the costs will be. Furthermore, any employer who, innocently or otherwise, breaches any of the bill's myriad provisions and resultant DOL regulations can be sued in Federal court for substantial damages plus attorney's fees, expert witness fees, interest, and costs.

But this House, which employs over 12,000 employees, will not suffer such a fate. We have a perk. We're special. We're exempted from being sued in Federal court for liquidated damages, attorney's fees, expert witness fees, ad infinitum. Under this bill, employees of this House are second-class employees. They do not have the right to enforce their claims in Federal court, no, siree. No day in court for them. The House employees must be content to enforce their rights under this bill by appealing to the friendly House-administered Fair Employment Practices Office. That is to say, any aggrieved employee can appeal only to a panel where their rights, protections, and damages will be reviewed—of course—by a House panel which will be prosecutor, judge, and jury. But, then, if you can't trust your Member of Congress to protect you, who can you trust?

I ask this question; it has to be asked, not as a hard-hearted Harry, but what is this mad malady affecting the U.S. Congress which tells us that we, inside the beltway, know better than employers and employees and their unions, as to what employee benefits are most important and/or needed? Do not employee needs and desires differ from one business to another? Does not the mandating of one benefit limit the ability of employers, employees, and unions to agree upon other benefits which better fit the needs of the employers and employees? Experience and polling data confirm my assumption—family and medical leave is not at the top of anyone's benefits wish list except in Congress.

As a former managing partner in a small law firm for many years, I can't help but think that the drafters of this bill are woefully misinformed as to how business works. This bill, like all previous versions, requires that an em-

ployee taking leave be restored in the very same job 12 weeks later or "an equivalent one with equivalent pay and equivalent terms and equivalent conditions." I can't help but ask "what happens if there is no such job left or anything similar to it?" That question is especially relevant today because of the weak economy. Layoffs and business closures can only increase with the imposition of costly mandates on business.

Mr. Speaker, everyone supports family and medical leave but, just because Congress hasn't mandated it in a specific and detailed form, doesn't mean it doesn't exist in America.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of the rule on this very important legislation.

I would like to take a moment to commend the gentleman from Illinois [Mr. HYDE] for his very compassionate remarks just a few moments ago. We disagree on a lot of things, but I find that we are in strong agreement on this rule and on this legislation. He began to put a real face on what we are doing, and I would like to continue and try and do that.

Prior to my great-grandmother's death, I was just a little child. But I sat with her. I was able to read the Bible to her because she was losing her sight. I was able to comb her hair and to stroke her limbs because she had arthritis and she was in terrible pain.

All of the adults were at work, and they could not be there. I was a little girl, not even 13 years old, but I remember the comfort that I brought to her.

I also remember as a young mother how I left my babies crying with high temperatures because I had to go to work or I would be fired. I remember those tears. I remember the anguish that I felt having to leave them.

This is not about whether or not business will like what we are doing. I am tired of Members of this Congress in the name of business trying to undo the very good public policy work that many Members of this Congress are trying to put forward.

My colleagues are right. This is about family values. I value my family. I valued my grandmother. I value my children, and most Americans value their family.

It is not about whether or not business will like what we do or whether or not we are going to drive people out of business. Compassionate businesses want satisfied employees. They want people not to be on the job wasting their time while they are worried about their babies and their grandparents and their mothers and their fathers.

I ask support for the rule and the bill. It is the only compassionate thing that good Americans and good Members of Congress, who can take leave whenever they want to, can do. I ask support for the legislation.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to the chief deputy whip, the gentleman from Pennsylvania [Mr. WALKER].

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

The bill that we have before us today is not a bill about family as much as those who claim that families are not an issue in this campaign would like Members to believe that this is the place where we ought to address it. That is not the issue. Only if we believe that our family is simply an extension of Government policy will we believe that this bill is about families.

This bill is about the Democrats, who think that if one's family has a problem, what one needs to do is get more government involved. That is not the way most families think.

Most families believe that fundamental to their economic survival is a good job. This bill kills jobs. This bill is a bill which fundamentally undermines the job-creation ability of this economy and means that families will not have jobs for their livelihood in the future.

We could encourage employers to make a good economic decision here by giving them tax credits and giving them an economic incentive to provide family leave, but we do not want to do that.

□ 1150

We are going to approach this issue the way the Democrats approach every issue, with more litigation, with more regulation, with more taxation.

The Democrats believe that for any problem that we have in society, what we need is more lawyers, more regulators, and more tax collectors. That is exactly what they have in this bill: More lawyers, more regulators, more tax collectors. That is all this bill is about, bigger government, more bureaucracy: get more regulators involved, get the lawyers involved in suing businesses, get the tax collectors involved; get them all involved, and somehow the families will be better off.

The families will not be better off, because this bill will eliminate jobs. Thousands of employees will lose the work they badly need if this bill passes. The Democrats don't particularly care about killing jobs. They kill jobs all the time in Congress, because what they plan to do is blame the job losses on George Bush.

The fact is that those jobs that are lost, those people who are out of work, will have had their jobs killed right here in the Congress. Those jobs will have been killed with more litigation, with more regulation, with more taxation. Lawyers, regulators, and tax collectors will have killed the jobs. It will have been done in the name of family leave, but the only thing families will be left with is an unemployment check.

Mr. GORDON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in support of this rule for family medical leave.

Mr. Speaker, it has become very popular in recent months to talk about family values, to claim to be the pro-family candidate representing the pro-family party.

Our President made this one of the central issues of his party's convention last month. Now that he has the opportunity to prove his commitment to America's families, he has threatened to veto for a second time a bill that will do more for working families than any other single piece of legislation: the Family and Medical Leave Act.

I do not quite know what the President means by family values, 75 percent of Americans think it means helping parents have the time to care for a newborn or newly adopted child, without fear of losing their jobs, or health benefits. It means giving workers the flexibility to care for a parent or spouse who is ill. That is what the conference report before us would do.

And, Mr. Speaker, this is a very modest bill. It does not tell a business that it must pay an employee taking leave for his child with meningitis or her parent who has fallen and fractured a hip. It just says hold that job for 3 months: unpaid family or medical leave.

Times have changed; our work force has changed. We no longer have the luxury of single income families: 70 percent of mothers with school-aged children and more than half of women with preschoolers are in the paid work force.

Family and medical leave can actually save businesses money. A survey by the Small Business Administration found that the costs of replacing an employee permanently far outweighed the average cost of granting leave.

Presently, many Americans must choose between their families and their jobs—not a very good choice for families or our economy. Is this a policy that reflects family values? I do not think so.

We need to follow in the footsteps of States like my own State of Connecticut that have enacted their own family and medical leave laws. From all indications, the law is working very smoothly. Surely American workers deserve a minimum assurance of time off without pay for family emergencies.

The Family and Medical Leave Act does more than talk about family values—it values families. It is good for families; it is good for business; it is good for America.

I urge my colleagues to support the conference report.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise in support of the legislation.

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 revolu-

tion, 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 American families should not have to make.

The State of Oregon, which has more small businesses per capita than any other State in the Union, has already implemented parental leave legislation. The 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 prevailed with covers almost 70 percent of the private work force in the State. A higher percentage than this legislation will cover nationwide.

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 this legislation will compliment the Oregon parental leave law and 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 vote to support American families and pass this legislation.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I would like to answer a lot of the allegations that have been made out here. First I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Illinois [Mr. HYDE], and many others on the other side of the aisle who have not made this partisan and who have worked very hard.

I think today we also want to salute the group of Republican women in Rockford, IL, who had a press conference saying they were in the room in 1988 when the President of the United States, George Bush, promised to sign this bill and he did not. I salute them for their courage for saying that.

Mr. Speaker, I want to answer some of the things we have heard. We have heard that we cannot do this because it is all being timed, it is being timed partisanly. We try very hard to get the President to talk to us about this bill. All sorts of people have tried very hard to get him to talk to us about this bill.

It is not that the President is against mandates, either, because in his term he did negotiate on the civil rights bill and finally we got a civil rights bill out and it mandates things. He did negotiate on the Americans With Disabilities Act. Those are mandates he negotiated, and we did on that.

However, the pediatricians, the Catholic Conference, all sorts of Members of Congress on both sides of the aisle, and any number of people for the last 4 years have tried to meet with the White House on this side and have been denied entrance, so the timing of it is really more the White House's fault. We really wanted a bill to protect America's families. We hear people talking about jobs. Yes, we all feel terrible that jobs are gone, and we must work on getting more jobs, but let me tell the Members that in a recession when people are losing their jobs everywhere, it is even harder on families. People are much more hesitant to take family leave for any reason at all. Therefore, this becomes much more important than any other time to pass this bill.

If all one's neighbors feel they are in jeopardy of losing their jobs, and if someone has a baby or their mother has a heart attack or some other such thing happens, and their boss tells them to get to work and not stay there, they are going to do it, no matter what happens.

Therefore, the sentence by the gentleman from Illinois about "your baby or you job," or "your father and his stroke or your job," a person has to go with the job in a recession more than ever. I think that is why we see rising incidences of domestic violence and all sorts of stress in an era of recession, because people are totally incapable of meeting their family responsibilities because of their fear of losing a job.

That should not be. We know we have the least family friendly workplace of any country. That is a shame. I cannot believe that American businesses cannot do what other businesses do in every other industrialized country in the world.

We make room for everything else in the workplace. It is time to recognize the essential elements of a young family bonding early on, and of people being able to extend the caregiver role to dependent family members when they are in critical need. That is what it is about. I hope everyone puts politics behind them and votes for this bill today. I hope the President signs it.

Mr. DREIER of California. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank my good colleague for yielding time to me.

Mr. Speaker, to my respected colleagues on the other side of the aisle, I think they have forgotten the words of Paul Tsongas in the Democratic Presidential primary when he said, "no goose, no golden egg." The translation: We cannot love employees and not love employers.

However, if Tsongas' words do not convince the Members, listen to George McGovern in the Wall Street Journal in June. George McGovern, in a guest editorial, guest commentary in the Wall Street Journal, wrote about his experience as a business owner, the proprietor of a hotel, restaurant, and public conference facility.

This is a very, very insightful article, because Mr. McGovern spent 24 years in high public office creating policy which dictates business regulation. Then he had come, in writing the article, to realize first hand the enormous hardships those policies create for entrepreneurs.

In the article he writes:

> I wish that during the years I was in public office I had had this firsthand experience about the difficulties that business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

The eyewitness testimony of career Democrat George McGovern reveals that public regulations have for too long been made with complete disregard for those who must abide by them. The Family and Medical Leave Act is just another well disguised measure that would adversely affect the small business person and business owner. By the way, these are the folks who give us most of our new job creation in the private sector.

I do not contest the fact that it is desirable for parents to spend time with newborns—I am the father of three young children myself—or that family members should be allowed time to care for seriously ill loved ones. We all agree on these humanitarian issues.

The policy question, though, remains: What is the most appropriate and effective method for securing this leave and how to implement it while avoiding suffocating costs to small businesses and inadvertent ramifications to employees.

Federally mandated family leave will do the following: No. 1, reduce the flexibility necessary to meet the needs of a changing work force; No. 2, encourage employers to reduce overall employee benefits to accommodate mandatory leave benefits; and No. 3, it will impose further operating costs on employers regardless of their ability to absorb them, thus reducing productivity and competitiveness.

For family and medical leave policies to meet the specific needs of individual companies and employees, the negotiation process must be a voluntary one between management and labor. Regardless of how well intentioned, this endless litany of oppressive legislation and overregulation on American businesses must end.

I, therefore, strongly urge my colleagues to vote "no" on the rule and to vote "no" on the conference report.

Mr. Speaker, I include for the RECORD a copy of the article written by Mr. McGovern in the Wall Street Journal on June 1, 1992.

[From the Wall Street Journal, June 1, 1992]

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

"Wisdom too often never comes, and so one ought not to reject it merely because it comes late."—Justice Felix Frankfurter

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. Speaker, I rise in support of the rule, in support of the bill, and in support of an override, if the President were to veto the bill.

This is a family value bill in its most fundamental sense. It is a bill that will keep families, American families, together, intact, and keep those American families functioning. This is a working woman, working mother bill. In Jefferson County, there are some 48,000 working mothers; that's just in my home area.

This is a working couple bill. More and more families are, for economic reasons, together in the work force. This is an efficient workplace bill. It will reduce turnover of employees, reduce training costs of replacement workers.

This is a bipartisan bill. We have heard some eloquent speeches by the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Illinois [Mr. HYDE], and the junior Senator from Missouri in the other body is a main mover of this bill.

Foremost, Mr. Speaker, and beyond all, this is a bill about love. This is a bill about caring. This is a bill about sharing. It is a bill about the American family. Mr. Speaker, this bill ought to pass and this bill ought to become law.

Mr. Speaker, as I have each time the House has taken up the Family and Medical Leave Act, I rise once more in strong support of the bill. This legislation is a natural response to profound changes in families and in the workplace that have occurred over the years. Regrettably, these changes have not been mirrored in leave benefits afforded by businesses.

I would like to share with our colleagues some statistics on the work force in the Third District of Kentucky—the district I proudly represent—based on the 1990 census: In Jefferson County, KY, there are 172,302 women employed, 13,934 of whom have preschool children, and 34,545 of whom have school-aged children.

These statistics are a reminder of the need not only in my district, but across this country, to allow workers the opportunity to take leave from their jobs when children are born, become ill, or when aging parents require care. Simply stated, having to choose between meeting family responsibilities or holding onto one's job is a choice no one should have to make.

Furthermore, Mr. Speaker, we should proceed to enact a family and medical leave bill, since the United States is among the last of the countries of the industrialized world to require business to provide such benefits to its families.

This bill only applies to companies which employ more than 50 people; 95 percent of all American businesses are exempt, and 50 percent of the American work force is not covered under this legislation. It allows companies to exempt essential personnel from their family leave policy. All of these provisions are exemptions that came from hearings—some of which were conducted by the Small Business Committee on which I sit—to keep the bill from being burdensome or expensive to small business.

Mr. Speaker, it is important to remember that the bill before us is a bipartisan compromise, drafted with the help of Republicans in this Chamber and the other body, explicitly designed to avoid hurting small businesses. So, I am not persuaded by arguments that this legislation is too onerous on business.

But beyond all the questions relating to business and economics, the Family and Medical Leave Act is about how our Nation treats its people and about the kind of society we are to be. It asks whether or not we are to be a compassionate, caring, and loving society that promotes the family and family values with more than just rhetoric. The answer to that question must be a resounding "yes."

Mr. Speaker, I urge the House to pass this bill. And should the President veto the Family and Medical Leave Act, I urge our colleagues to override his veto.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would advise Members that the gentleman from California [Mr. DREIER] has 8 minutes remaining, the gentleman from Tennessee [Mr. GORDON] has 4 minutes re-

maining, and the gentleman from Tennessee has the right to close.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Minnetonka, MN, Mr. RAMSTAD.

□ 1200

Mr. RAMSTAD. Mr. Speaker, I rise, as I did last year, in support of the rule and the Family and Medical Leave Act conference report.

The bottom line here is that no person should be forced to decide between having a child or pursuing a career. Nor should any person be unable because of his or her job to care for a seriously ill family member.

All too often today workers face great dilemmas when they want to spend time with a newborn or a newly adopted child or a family member who is seriously ill. Most cannot afford to give up their job permanently or take the risk of losing that job.

Mr. Speaker, with all due respect to the opponents, I believe that passage of this rule and the conference report today will ensure that fewer American workers will be forced to make that difficult decision. I have heard several of my colleagues on the other side of the issue express concern that the legislation might hurt small businesses. Based on my experience with a very similar statute that I helped craft as a Minnesota State senator that we have had in effect for a number of years in our State of Minnesota, I have not received one complaint from any small business man or woman. So I take issue with that. I just cannot think that it has that negative impact.

As a member of the House Small Business Committee, I am convinced that this compromise bill provides the necessary protection for small businesses while helping working men and women raise and care for their families.

Mr. Speaker, the Family and Medical Leave Act is well-balanced, profamily legislation, and I urge its passage today.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. MFUME].

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

Mr. Speaker, 4 weeks ago the President said to the Nation that he supports American families period. And then 1 week after that the President said he does not support providing unpaid family medical leave to those same families.

And then a week after that the President said in his defense that family medical leave, even though it is unpaid, would drive American businesses out of business.

And then a week later, the President failed to acknowledge, as he knows, that 90 percent of all businesses are exempt.

And finally, the President said he does not like this bill. It is no good. He has his own plan.

Well, the only difference between the President's plan and Elvis is that people have seen Elvis.

I urge my colleagues to support American families; stand up for what is right, and vote in support of this conference report and this bill.

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

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

Mr. Speaker, there is a cliche in the courtroom that if you have the facts, you argue the facts. If you have the law, you argue the law. The opponents of this bill have added a new facet. They have neither the facts nor the law, so they are arguing obscurities.

Let us set the record straight. One of the obscurities that the opponents of this bill are arguing is they are saying they are for the concept of family and medical leave, but it should be voluntary. Well, Mr. Speaker, voluntary actions are not working, and two-thirds of the men and women in this country who are eligible are not receiving voluntary family and medical leave. Their jobs or their families are in jeopardy.

So if we are going to talk about the voluntary aspect of it, why not make child labor laws voluntary, why not make sweatshops come back in? Voluntary action is not working.

The other obscurity that the opponents of the bill are arguing is that it is going to harm small business. Small business is not going to be affected by this bill, Mr. Speaker. The compromise that the gentleman from Illinois [Mr. HYDE] and myself introduced sets aside businesses of 50 or less not to be affected, meaning that 90 percent of the workers in this country are not affected by this bill. Part-time workers who work less than a year or less than 25 hours a week are not affected. Major management positions are not affected. Small business is not affected.

Every other industrialized nation in the world, all of our business and trading partners in the world have a family and medical leave bill. This is beneficial to their countries. It can be beneficial to our country.

Finally, Mr. Speaker, let me just say to the opponents of this bill, you can run from the issue but you cannot hide. Do not say on the one hand you are for the concept, but then you are going to vote against the bill. That dog will not hunt. If you are for family and medical leave, vote for this bill. If you are against family and medical leave, vote against this bill.

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

Mr. DREIER of California. Mr. Speaker, I am happy to yield a minute to my friend, the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time. I just wanted to take this opportunity to rise again and point out to the gentleman from Maryland, who is one of the most eloquent speakers in the House, that I believe he misstated the case when he said that the President did not have a competing proposal. He certainly did when this side of the aisle offered the Goodling substitute when we first debated the family and medical leave bill when it came to the floor, and that provision would require employers to offer family medical leave as a part of a menu of benefits for employees. But it would make it subject to the collective bargaining process, which that side of the aisle so strongly supports.

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

Mr. RIGGS. I am happy to yield to the gentleman from Maryland.

Mr. MFUME. Mr. Speaker, if I may take a moment to correct the gentleman, I did not say the President did not have a plan. I said he has a plan that he talks about. It is that the difference between his plan and Elvis is that people have seen Elvis. I have not seen the President's plan, and I doubt that most Members in this Chamber have seen it.

Mr. RIGGS. Reclaiming my time, I would simply point out that if the gentleman did not see it, then he obviously missed it when we had that debate some months ago, and that that very clearly was the family medical leave proposal that the President would sign into law tomorrow if it was presented to him. But it was defeated by a straight party-line vote in this body.

Mr. DREIER of California. Mr. Speaker, I urge support of the rule and opposition to the legislation.

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

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2, the Family and Medical Leave Act.

Over the last several months we have been inundated with campaign rhetoric about the importance of family values. While the Presidential candidates continue to orate on this subject, we have the chance here today to enact legislation that is truly pro-family.

What could be more important to a parent than taking care of a newborn, newly adopted, or seriously ill child. For children with sick or elderly parents the conflict of caring for aging parents and responsibilities at work is often unmanageable.

As one of the few industrialized countries without a national family and

medical leave policy, American workers are forced to make the intolerable choice between work or their parenting and family responsibilities.

Over the last 25 years the American family and the American workplace have undergone unprecedented changes. Economic pressures and social reform have resulted in large numbers of women entering the work force—as contributors to family income or as sole heads of households. In 1965, less than 40 percent of American women were in the work force; today that figure is nearly 60 percent.

The days of the one-income family are over. The rising cost of living has made two incomes a necessity in many areas of the country. And for families with children, the double-income couple is now the norm. Both parents work in 48 percent, or nearly half, of all families with children in the United States.

Single parent families have also grown rapidly, from 11 percent of all families with children in 1975 to 19 percent in 1988.

These working men and women should not be forced to sacrifice their means of livelihood to care for children or elderly parents. American workers must be assured the right to take leave from their jobs to have a family, to care for that family, and return to a job that will allow them to provide for that family.

But current law and current business practice often does not allow parents this flexibility. It still operates under the antiquated notion that one of the parents, the mother, will stay home to raise children full time.

American businesses have failed to adopt flexible policies to accommodate the dual parent/worker role most employees play today, even though such policies would improve morale, productivity, and stability of the American work force.

Mr. Speaker, how can we be a nation truly committed to the family if we do not allow our workers the time necessary for them to fulfill their family responsibilities?

The conference report before us today is a modest bill. It provides 12 weeks of unpaid leave—the bare minimum necessary to allow workers the flexibility to remain dedicated to their jobs, while attending to their family needs.

I urge my colleagues to vote for the conference report on the Family and Medical Leave Act. It is pro-family, pro-worker, and pro-business.

The SPEAKER pro tempore (Mr. MCNULTY). All time for debate has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. DREIER of California. 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 329, nays 71, not voting 34, as follows:

[Roll No. 389]

YEAS—329

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Bacchus
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—71

Allard
Allen
Armey
Baker
Barton
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Callahan
Coble
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Duncan
Edwards (OK)
Ewing
Fawell
Fields
Franks (CT)
Gallo
Gekas
Goss
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Hunter
Inhofe
Ireland
Kasich
Kyl
Marlenee
McCandless
McCollum
McCrery
McEwen
Nichols
Oxley
Packard
Rhodes
Riggs
Roberts
Santorum
Schaefer
Schulze
Sensenbrenner
Smith (TX)
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wylie

NOT VOTING—34

Alexander
Atkins
AuCoin
Brown
Chandler
Donnelly
Dymally
Hatcher
Holloway
Jones (NC)
Kolter
Lancaster
Levine (CA)
Lewis (CA)
Lloyd
Lowey (NY)
Mavroules
McCurdy
Miller (WA)
Moody
Morrison
Mrazek
Pease
Pursell
Schiff
Smith (OR)
Solarz
Studds
Synar
Thomas (GA)
Towns
Traxler
Weiss
Wilson

□ 1231

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

Ms. KAPTUR, Messrs. GALLEGLY, LAGOMARSINO, and GINGRICH, and Mrs. BENTLEY changed their vote from "nay" to "yea."

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.

PERSONAL EXPLANATION

Mrs. LOWEY of New York. Madam Speaker, I would like the RECORD to

show that had my beeper not malfunctioned, and had I been present for rollcall 389, I would have voted "yea."

CONFERENCE REPORT ON S. 5, FAMILY AND MEDICAL LEAVE ACT OF 1992

Mr. CLAY. Madam Speaker, pursuant to House Resolution 560, I call up the conference report on the Senate bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 10, 1992, at page 22362.)

The SPEAKER pro tempore. Pursuant to House Resolution 560, debate time on the conference report will be divided as follows:

The Committee on Post Office and Civil Service will be recognized for 30 minutes, equally divided and controlled by the gentleman from Missouri [Mr. CLAY] and the gentleman from New York [Mr. GILMAN]; the Committee on Education and Labor will be recognized for 30 minutes, equally divided and controlled by the gentleman from Michigan, [Mr. FORD] and the gentleman from Pennsylvania [Mr. GOODLING]; and the Committee on House Administration will be recognized for 30 minutes, equally divided and controlled by the gentleman from Missouri [Mr. CLAY] and the gentleman from Nebraska [Mr. BARRETT].

The Chair recognizes the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Madam Speaker, I ask unanimous consent that the time allocated to the minority on behalf of the Committee on House Administration be yielded to the gentleman from Pennsylvania [Mr. GOODLING] and that he be permitted to yield the time as he determines.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of the conference report on the Family and Medical Leave Act, legislation I have sponsored for 7 years.

I want to begin by telling you what this bill is not. The Family and Medical Leave Act is not a woman's bill; it is not a man's bill; it is not a young person's bill or an old person's bill; and it is not a Democratic or Republican bill. The Family and Medical Leave Act is everybody's bill.

The purpose of this legislation is simple: It will help those families who want to help themselves. We are talking about making it possible for working men and women to care for seriously ill children or ailing parents without the risk or fear of losing their jobs.

In the past few weeks we have heard, loud and clear, the political rhetoric from the Bush administration about the importance of family values. This bill will do more to strengthen the institution of the family in this country than any legislation ever passed by the U.S. Congress. There is no better way to demonstrate commitment to the families than to vote for the conference report. This bill defines what the phrase "Family Values" is all about.

Let us set the record straight. The conference report includes language that will ease its impact on employers. There are safeguards throughout this bill to ensure it is not burdensome to employers and that the protection afforded workers is not abused.

This bill has nothing to do with mandated benefits. When a child is sick, when a parent is sick, it is not a question of wanting time off. Workers do not want time off, they need time off. The only thing mandated about this issue is that without it, many workers are not getting fired for taking care of their families.

There are some who still say it will be too expensive for employers; But according to a recent study by the U.S. Small Business Administration the cost of providing family and medical leave would be less than 2 cents a day per employee.

Our President still says we cannot afford the luxury of family and medical leave. I ask: Is our society so cruel, so callous that it cannot afford to accommodate the needs of families in time of crisis? Is this Nation so destitute financially and spiritually that we cannot see the way to let people keep their jobs while they care for their newborn kids or dying parents?

Poll after poll shows overwhelming support for this legislation. Both the House of Representatives and the Senate have twice passed family and medical leave legislation. Two-thirds of the Senate are on record supporting this bill.

The record is absolutely clear: The American people want a kinder and gentler work place. The Congress wants a kinder and gentler work place. One man can stand in the way of this modest, humane and progressive proposal. And that man is President Bush who promised a kinder and gentler administration.

Madam Speaker, the President has talked about family values. Now he has the opportunity to really do something about it. When this legislation reaches his desk in the next few days, I urge the President to demonstrate his commitment to the families of America and sign it. Do not let American workers for another day leave home without it.

Madam Speaker, I urge the adoption and enactment of this conference report.

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

Madam Speaker, I rise in strong support of the conference report on S. 5, the Family and Medical Leave Act of 1992. I commend the supporters of this legislation, particularly the chief sponsor of the legislation in this body, the gentleman from Missouri [Mr. CLAY], for their efforts in reaching consensus on this important issue.

I have been a supporter of this legislation since it was first introduced in 1986. While it has changed significantly in the intervening years, S. 5 signals congressional support for creating a positive environment for today's working families. Working families in this Nation should not be forced to choose between starting and maintaining a family, and career.

S. 5 not only favors working mothers who must take time off from work for childbearing purposes, but all workers who must take leave in cases involving a birth, adoption, or a serious health condition of a close family member. This statutory provision replaces administration guidelines for agencies to follow in cases of employees seeking leave for pregnancy or other medical reasons.

Specifically, title II of S. 5 provides for an employee to be entitled to a total of 12 administrative workweeks of leave during any 12-month period for family and medical leave. Where the need for such leave is foreseeable, the employee is required to notify his or her employing agency 30 days in advance. Upon return to the work force, the employee is entitled to his or her former position, or an equivalent position. Any family or medical leave granted under this legislation will be leave without pay, although an employee may elect to substitute any accrued or accumulated sick or annual leave in lieu of leave without pay.

An agency may require an employee requesting such leave to provide a medical certification for taking leave. If the agency doubts the validity of this certification, it can request a second opinion of a second health care provider to be paid at the agency's expense. Title II of S. 5 contains prohibitions on coercion of employees from attempting to exercise their rights under this legislation. Also important to note is the fact that an employee is entitled to health care coverage during the duration of any family and medical leave taken.

Madam Speaker, working families across our Nation will all benefit from

this legislation. However, it is important to realize that while both titles I and II of H.R. 2 grant 12 weeks of unpaid leave for employees, private sector and Federal employees will be treated differently under this compromise. Private sector employees are granted a minimum of 12 weeks of unpaid leave. The intention is to establish a floor which an employer has the discretion to increase. With the Federal sector, however, Federal agencies do not have the discretion to increase the amount of unpaid leave granted to employees.

S. 5 is fair legislation and ought to be enacted promptly. As more women enter the work force the need for such leave becomes even greater. And we should establish a national policy encouraging responsibility in caring for close family members. Because of the complexities of today's society, the Federal Government has an obligation to see that workers should not be penalized when family responsibilities compete with job demands.

S. 5 creates no burden for the Federal Government in its role as an employer. The legislation goes to great lengths to see that any disruptions in the workplace associated with an employee taking unpaid leave are minimal at best. In fact, worker morale, productivity, and retention should be enhanced by a clear stated policy not subject to arbitrary changes and discretionary grants of leave. Accordingly, Madam Speaker, I urge my colleagues to join today in supporting this legislation.

□ 1240

Madam Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Speaker, I yield myself 1 minute in the interest of trying to accommodate as many people as possible.

Seven years we have worked on this bill, the gentleman from Missouri [Mr. CLAY], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from New Jersey [Mrs. ROUKEMA], me and most of the members of my committee, and we have been up and down the road, and we have tried to accommodate every concern that has been raised over those 7 years.

So, Madam Speaker, we bring our colleagues today a bill that really 7 years ago I would have voted against because it really is a very faint gesture at a time when everybody is beating their chest and talking so much about what they want to do for families.

The truth of the matter is that people on that side of the aisle are saying, "You ought to do this by collective bargaining," and then later we will hear them boast about the fact that only 17 percent of the work force in this country belongs to a union.

I say to my colleagues, "If you assume that everybody that belongs to the union has a collective bargaining agreement, you would only have 17 percent of the people covered."

The truth of the matter is with the small business exemptions we have put in this act the people who are going to be covered are the only people who now have protection from union membership, and I am glad to hear people over there suggesting that, rather than having a government mandate, they would force people to join a union to get this kind of protection.

Madam Speaker, over the last 7 years, I have worked with BILL CLAY, PAT SCHROEDER, and many others to enact family leave legislation that protects America's working families while imposing the least possible burden on American employers and businesses. The resulting compromise is S. 5, the Family and Medical Leave Act, which guarantees up to 12 weeks of unpaid leave for family members who need time off from work to care for a newborn infant or a seriously ill child, parent, or spouse, or to recover from their own disabling illness.

I could speak at length about the importance of this legislation, but let me instead quote a higher, less partisan authority, Bishop James W. Malone, the chairman of the U.S. Catholic Conference's Domestic Policy Committee:

> The Bishops' Conference was one of the earliest supporters of the Family and Medical Leave Act because we see the bill as helpful in two ways: First, it would send a message that our Nation really believes its pro-family rhetoric and that we back up that belief with the power of the law.
>
> Second, the bill would protect people when they take time off from work for important family responsibilities. Parents should not have to choose between the jobs they need and the children who need them. Mothers and fathers should not risk unemployment when they stay home with their newborn or newly adopted children for the first few months. Workers should not be forced to stay on the job when they are needed at home to help a mother with a broken hip, a husband going for chemotherapy, or a child facing surgery.
>
> In summary, the Catholic Bishops' Conference supports this legislation as an affirmation of human dignity and family life.

Whether you are pro-choice or pro-life, if you are pro-family the Family and Medical Leave Act of 1992 is legislation you can support wholeheartedly.

This conference report we bring before the House today is virtually identical to the bill the House passed last year. It exempts small businesses and excludes certain key employees from coverage if their absence would cause serious economic injury to their employer. The bill reflects a careful balance between the needs of America's families and the interests of public and private employers. It is fair to all.

And let there be no confusion—the conference report applies the new law to both the House and the Senate.

We have heard a great deal about family values during the course of the current Presidential campaign. But family values must be more than a partisan campaign slogan if our Government is to make a difference in peoples' lives. In fact, the protection of the family is not a partisan issue, and the Family and Medical Leave Act is a bipartisan bill, supported and cosponsored by Democrats and Republicans alike.

No bill before Congress would do more than S. 5 to protect family values and America's children. There is no higher family value than taking care of a newborn baby, a sick child, or a sick parent. The Family and Medical Leave Act would make it possible for working Americans to provide that care when it is needed without fear of losing their jobs.

To one degree or another, almost everyone agrees with the core principle of this legislation—that a parent should not be fired for taking care of a seriously ill child or a newborn baby. Several years ago, President Bush, himself, told a group of Republican women:

> 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. This is what I mean when I talk about a kinder, gentler nation.

I hope that the President will be true to that vision of America and sign S. 5 after we pass it today. But if he doesn't sign this bill into law, the Congress will not give up because the issue is too important to America's families. We will try to override his veto and, if unable to do so, you have my word that we will continue to fight for this legislation until such time that we have a President who will sign it.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a distinguished member of the committee.

Mr. BALLENGER. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me.

First, Madam Speaker, I rise in opposition to the conference report on the Mandated Leave Act, and I frequently said during the many times that we have debated this legislation that family leave is a good employee benefit. It is the Federal mandate that is a bad policy.

The timing of this vote, obviously, is straight partisan politics, and we all know it. The bill is not going anywhere, and it has been held since last November waiting for the election.

But my opposition to another Federal mandate can best be explained in simple business terms. As many of my colleagues know, I operate a small business that prints and converts plastics. My business, like other small firms across the country, sets aside a certain amount of money for benefits and benefit programs. In my company in Hickory, NC, we provide a number of employee benefits including a retirement plan, health insurance, life insurance, maternity, and family leave. Under the Mandated Leave Act, Madam Speaker, my company and my employees lose the flexible option of choosing benefits that meet their specific needs, the specific needs of individual employees. If this bill becomes law, we will have to cut off or reduce some of the current benefits. This is a lose/lose situation for everyone concerned. My em-

ployees lose the choice of benefits that they currently enjoy, and, as an employer, I lose my flexibility to tailor benefit programs that fit the needs of my individual employees. Single, young employees do not want this benefit but will have to take it and sacrifice a benefit or pay that they would rather have.

If I may, I would also like to make one more observation. Recent studies show that between 74 and 90 percent of all businesses are providing unpaid leave to their employees who require it. This suggests to me at least that the private sector is working to address this issue.

In addition, this legislation is just one more burden placed on businesses struggling to remain competitive in a sluggish economy. Small businesses, America's job creators, do not need or want further regulatory burden. It is too bad this Congress does not believe in free enterprise, only in Government mandated, anticompetitive issues.

The bottom line is that employers will look out for their workers. If they don't they soon will find that their best employees have been lost to their competitors. We should continue to encourage employers to provide their workers with leave benefits, as well as other benefits. However, Washington politicians and Federal bureaucrats should not be the ones to make that decision. They have never met a payroll, and they have never tried to make a profit.

The Democrats say this will cost nothing. I ask my colleagues, "How do you keep a job open for 12 weeks without providing a permanent replacement? When will that person return? According to this bill they do not have to say they will return or when they will return. I would like to see you try this on your office here in Washington. Is overtime premium-free?"

Join me in voting "no" on the conference report.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding this time to me, and let me say at the outset that I want to commend the gentleman from Michigan [Mr. FORD], the gentleman from Missouri [Mr. CLAY], the gentleman from Tennessee [Mr. GORDON], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from New Jersey [Mr. ROUKEMA] and all the people who have worked so hard on this bill to bring it forward.

Madam Speaker, right now if American workers need time off to take care of a newborn child—or a sick parent—too many just get a pink slip.

Working families should not have to choose between their children and their jobs.

They shouldn't fear losing their jobs because they need some time off to care for a parent with cancer or Alzheimer's; 12 weeks of unpaid leave under these circumstances is not too much to ask.

Nearly every industrialized nation in the world—including our toughest competitors—has some form of family leave policy.

Some of America's most successful corporations already have it.

Now it is time for the rest of America's large corporations to join in.

What could better demonstrate family values?

And that's why this carefully worked out legislation has so much bipartisan support.

Many of my colleagues on the other side of the aisle know that this compromise exempts small businesses, and even saves money for taxpayers.

Madam Speaker, in Macomb County where I live, the percentage of women in the work force went from 30 percent to 57 percent between 1980 and 1990; 55 percent of mothers with children under 6 are working.

Isn't it time we gave these hard-working middle-income families a break?

Isn't it time we learned that what's good for these families is good for America?

Madam Speaker, middle-class American families do not need talk about family values. They need action. Today we can take action.

Those who support family leave show by our vote that we not only talk about family values that we value families.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. GOODLING. Because I am such a nice guy, Madam Speaker, I am also going to yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

The SPEAKER pro tempore (Mrs. KENNELLY). The gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 5 minutes.

Mrs. ROUKEMA. Madam Speaker, I thank the gentlemen.

Madam Speaker, this debate today is about both politics and policy. We have the opportunity to vote for historic landmark legislation that clearly says we value and support the real world of work and of family values. It is with our vote that we all talk about family values, and the lip service we give is not just politics as usual, and we can put our votes where our political rhetoric is. I say to my colleagues, "With your votes here today we are saying that we really value all those millions of hard-working, tax-paying American families that are working hard to help themselves. They are not working to get rich. They are working to get by, pay the mortgage, educate the kids and pay the doctor's bills."

It is time, my colleagues, that we have some straight talk about this legislation and separate fact from fiction in this bill. This is not a departure from traditional labor law. It is not a radical idea. It is completely consistent with minimum labor standards that we have promoted through the 60 years of American labor law.

Now let me stress that I and other strong probusiness Members, both in this House and in the other body, have gotten compromises in this bill to protect all the legitimate concerns of the small business community. In the first place, any small business with 50 employees or fewer are exempt. Key employees exemption is in here. Only permanent employees who have worked more than a year and have worked a minimum of 25 hours qualify for this leave. The other body put in, and we adopted as the Gordon-Hyde amendment added protections for the business community including medical certifications, the ability to substitute accrued sick leave and paid sick leave for time, and also notification of intention to leave. There is no evidence at all, and I will repeat it, absolutely not one shread of evidence, that this will be costly to business. Not one State or one business who has adopted similar or more far-reaching leave policies testified or gave any evidence that there has been any detrimental effect to productivity. In fact, Madam Speaker, all the studies show, including one done for the SBA, that it costs more to train a new employee than to hold the job open for a loyal and experienced employee. It is just plain good business to keep experienced workers on the job.

Now the politics to me are clear. Are we in Washington really going home from the beltway crowd in an election year to tell a pregnant woman or the mother of a child dying of leukemia to go find another job?

□ 1250

Why should we take a productive, taxpaying worker, and throw them off the payrolls when a medical crisis strikes the family? It may be just a short drop to welfare for that family.

Are these family values? Is this the way Congress responds during harsh economic times, where losing one's job is everyone nightmare? And when the crisis of health care haunts every American and where politicians are walking the campaign trails pledging themselves to family values, are we going to turn our backs on these families?

This debate over family leave is not about mandates or benefit packages. It is fundamentally about values, family values, and a standard of decency, and protecting the jobs of workers who are working hard to hold on to the American dream.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Speaker, our President has made a lot of claims.

He said he was for jobs, but unemployment is at a 9-year high.

He said he was for growth, but we have the worst growth rate since World War II.

He said he stood for the middle class, but the median income for average Americans dropped $1,600 in the last 12 years.

And he said he stood for family values, but he vetoed the most important pro-family legislation in years, the Family and Medical Leave Act.

Now we are about to pass this essential legislation again, providing 12 weeks of unpaid leave for workers experiencing childbirth or facing a medical emergency in their family.

It is a bill that responds directly to some of the most pressing concerns facing families today.

It allows workers to fulfill their daily responsibilities without losing their jobs.

And it allows workers to maintain their essential health benefits while they are on leave.

Every opinion poll in America shows that families are most concerned about jobs and health care.

Yet the President intends to veto this bill again.

Today we are giving the President one more chance to prove that he means what he says, one more chance to prove that he stands with American families, not against them.

We all know that the President has embraced voodoo economics, but can it be that he is now embracing voodoo family values?

Madam Speaker, if the President vetoes the family leave bill, the American people are going to tell him to take all his talk about the family, and leave.

Mr. GOODLING. Madam Speaker, I yield 4 minutes to our beloved leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to the conference report. Some will say the bill deals with the issue of family values. Others will say that it deals with labor issues. I contend that this bill is only about one thing; election-year politics, pure and simple—or at least simple.

This issue has been debated now for two Congresses. During the 101st Congress the President vetoed virtually identical legislation and his veto was sustained.

The measure was reintroduced in the 102d Congress and both the House and the Senate passed the bill last fall.

If this bill was so important to the Democratic leadership, why has it been held in legislative limbo for almost a year? The differences between the House and Senate versions were, quite frankly, minimal. They could have been worked out quickly. The conference report could have been brought before the Congress last fall.

The Washington Post recently disclosed the notorious secret minutes of a Democratic caucus meeting. The Democrats' own words prove beyond any doubt that they treat legislation mainly as ammunition against their political enemies.

So much for the public good. So much for families. So much for anything but the desire to—and here I must edit the Democrats' language—"harm" the Republicans.

We all agree that 12 weeks of unpaid family and medical leave can be highly valued benefits for many workers. But federally mandating such a benefit would foreclose other benefits that might otherwise have been negotiated between employers and employees.

But there is even a more drastic impact involved in this bill. Many small businesses simply will not be economically able to meet these mandated requirements. They will either have to cut back on existing jobs or not hire new employees. How does fewer jobs help families?

Madam Speaker, this conference report symbolizes why the American people are so outraged against the Congress. The Congress cannot even run its own business. How dare we put ourselves in the place of workers and employers who might want to reach different agreements?

Here we are, leaping into the complexities of one of the most difficult labor-related issues.

Madam Speaker, let me tell you something: nobody believes in the myth of the all-knowing, all-wise, all-compassionate Congress anymore. Those days are over. Long gone. Caput. Finito. Nobody believes Congress has either the knowledge or the wisdom to dictate what benefits American workers need.

Let American workers and their families decide. That is my view. And then let us quickly gather about us our few remaining shreds of respectability and turn away from this one-size-fits-all monstrosity.

I urge my colleagues to vote against the conference report accompanying S. 5.

Mr. CLAY. Madam Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Speaker, you know, when this bill first came up last year, the year before, whenever it came up, I went to the leadership of one of the largest unions in my area and I said, "Tell me about this family leave bill. What do you think about it?"

He laughed.

I said, "What are you laughing about?"

He said, "Man, we have had paid family leave in our labor contract for years."

I ran a small business for 35 years. I ran a construction company. I do not believe I ever had over 50 employees, but we had a good company and we made enough money where I was able to retire when I hit 50 years old and become a full-time politician.

Let me tell you how we handled the situation. If a lady had a baby and she wanted to stay home 6, 8, 10, or 12 weeks with the baby, the other ladies in the office just doubled up and did her work. We never even thought of cutting her pay. It would not have crossed my mind.

If we had a problem with the guys out in the field, they would just double up and do the man's work if he had a terrible medical problem at home, until he got back.

It is just unthinkable to me that this Congress has not passed this family leave bill before now and the President has not signed it. It is the right thing to do.

All that is requested, and it is only going to apply to a very small and narrow slice of American business, because most American business is small and has less than 50 employees. So you exempt most of them automatically. So you are only talking about just a very few large corporations in this country, the larger corporations that do not have paid family leave in their labor contracts.

Do you mean to tell me if someone has a terrible medical problem at home and they have got to be there and they are going to take off at no pay, that you are not going to save their job for them when they come back, and at the very least continue to pay their health insurance?

It is incredible.

My gang over here in the Republican Party, if you or I or we collectively all think it is some kind of partisan political situation that we are involved in right here right now a couple of months before the election, then the thing to do is let us all vote for this family leave bill and send it to the President with a recommendation that he sign it.

It is the right thing to do. I was for it before and I am going to be for it again enthusiastically.

Mr. GILMAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Speaker, I rise in strong support of the family and medical leave conference report. I also want to thank the leadership for finally freeing family leave from the legislative limbo in which it has been suspended since November of last year, when it passed the House. It is just this kind of gridlock that the public is so fed up with. I would also note that we brought our troops back from the Persian Gulf faster than this bill was brought back to the floor.

Unfortunately it is once again issues important to women and families that

get pushed to the end of the session when there is little time to fully consider legislation as vital to the lives of Americans as this bill. But the day has finally come where Congress is facing the needs of American workers in this changing workplace.

Members of the House, Congress spends an extraordinary amount of time on issues and problems that are of little relevance or meaning to the daily lives of the American people.

Today, though, is different. This legislation can and will make an enormous positive impact on a very real problem many of our constituents face each and every day. That, of course, is the harsh fact that the demands and pressures on today's families are just not recognized by current employment policies.

In an age where, out of necessity and choice, men and women both work, the policies governing the workplace are anachronisms, reflecting the age of the single earner. I say it is time to bring workplace policies into the 21st century. We must do this now because the stresses and pressures of work and family take their toll in the workplace as well as at home.

Only at the peril to families and our national competitiveness can we continue to ignore these pressures. Women can't just stay home—fairness issues aside, they are needed in the workplace. Yet it is principally women who provide the bulk of the care for young children as well as ailing seniors, whose care would otherwise be thrust onto the Government and taxpayer.

Those pressures are exacerbated during times of economic stress, such as we are experiencing now. Job security becomes preeminent in an recession—yet it is more difficult to obtain in a period of economic uncertainty. Keeping the family together, which all of us desire, is an all encompassing struggle.

Can these goals be accomplished? Well, the experience in may own State of Maine provides that they can. Maine is predominantly a small business State. And we have had a family leave policy for the last 5 years, one that applies to businesses smaller than those included in the bill before us—employers with 25 or more employees. Yet the experience with family leave in Maine has been overwhelmingly positive and effective.

Last year when a bill extending the family leave policy moved through the State legislature, there was no dissent. The State official overseeing this legislation stated that the original concerns with the bill simply never materialized. Further, when I actively solicited from businesses their comments on problems they had with family leave, none emerged—not one. In fact, many employers have responded that leave policies improve employee morale, promote loyalty, increase productivity, and reduce absenteeism in the workplace.

The specter of disaster forecast by opponents of the family leave never materialized.

Members of the House, given this kind of track record, this body must ask itself one fundamental question today: What message are we sending to our constituents if family leave does not pass?

We would be saying that you should lose your job if you're sick. We would be saying that pregnancy and childbirth are legitimate reasons for dismissal. We would be saying that the demands placed on workers by ailing parents or sick children are of no concern to this Congress.

If family leave does not pass, we would be saying, simply and bluntly, that Congress and the Nation could care less; that we do not have an interest in helping families.

Is that the message this body wants to send the American people?

I do not think so. So my plea today is for working families in Maine and America: let us pass legislation that can make a difference in their lives. Don't leave families to flounder in the 1990's: Pass the family and medical leave conference report.

□ 1300

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Madam Speaker, America's families are changing, and so is the American work force. Today, two-thirds of our mothers are working and every day parents, male and female, are forced to chose between keeping the job they need or caring for the cancer-stricken child they love. That is not only wrong, it is bad economics.

My home State of Minnesota understands the importance of family values and sound economic policies. Our Minnesota family leave law not only allows Minnesota's parents to care for their sick children. It also allows Minnesota's businesses to compete and grow.

Our law in Minnesota saves unemployment compensation. It saves retraining costs. It is both pro-family and pro-business and costs less than $6 a worker, period.

When we compare America's nonexistent family leave policy to our economic competitors, we are sorely lacking. I hope before the President vetoes this family leave bill, he will look at Japan and Germany. They succeed brilliantly with paid family leave.

This legislation we are considering today is all about protecting America's jobs and America's families, values America holds dear. It is good public policy. It is good sense.

I commend the gentleman from Missouri Chairman CLAY, the gentleman from Michigan, Chairman FORD, and everyone else who acted on the conference. I encourage a strong vote in support of families and jobs in America.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON] a distinguished member of the committee.

Mr. GUNDERSON. Madam Speaker, I think one of my colleagues on our side of the aisle, the gentlewoman from New Jersey [Mrs. ROUKEMA] put it best when she said, "This bill is all politics and all policy."

I tell my colleagues, it is pure politics and we all know that. It is not very good policy.

I hope I am reelected so that I can be a part of a serious attempt in the next session of Congress to try to write a credible family leave policy that can be passed and that can be enacted into law. But it is kind of interesting. The House of Representatives passed family leave on November 13 last year. The Senate even did us one better. They passed it on October 2.

But do my colleagues know what? Nobody went to conference until August 4 this year. Funny thing. It was not very urgent. We did not care too much about families from November to August, did we?

Then it was not a difficult conference. We filed the conference report on August 5.

We waited until after Labor Day so we could bring it up and send it to the President. Anybody who does not believe that is not politics does not know what politics is in this country. We all ought to admit that.

I say to those advocates of the bill, compare this with the attempt at minimum wage where when a President vetoed it, they immediately came back with another new attempt, and another new attempt, trying to get something done, because they believed in that. I give them credit for that. But they really do not believe in this bill in this form at this time, because that gets into the policy question.

There is not one of us here that can decide if this is a legitimate Federal function; 26 States have already passed some kind of parental or family leave legislation, and we are trying to decide whether we ought to mandate this for the other 24 and preempt the 26 that have already done it.

Second, we are trying to decide if we are really profamily, is this what we ought to be doing? Think about it. If our goal were to help young families, probably what we ought to be doing is finding a way to fully fund WIC, fully fund prenatal care, and expand that program in this country, probably to fully fund Head Start. What we ought to do is really truly expand child care in this country. And most important, if we are going to mandate anything on business, probably we ought to mandate health insurance to cover these young families, not a mandate for 12 weeks.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER], a member of the committee.

Mr. ROEMER. Madam Speaker, today I am proud to join with a majority of my colleagues in the House in supporting the conference report on the Family and Medical Leave Act.

As a cosponsor of this bill, I am gratified that the House is completing consideration of this important measure today and sending it to the President. Although the President has threatened to veto this legislation again, I am hopeful that he will reconsider his earlier position and see this legislation as important for American families and strengthening family values.

No values are more important to Americans than their families and their work ethnic. Working Americans should not be forced to choose between keeping their jobs and caring for a newborn or newly adopted child, a sick child or a parent in failing health.

The Family and Medical Leave Act will redress a long series of injustices that have affected American families and the very foundation of our society. Increasingly, families have been forced to choose between two fundamental American values: Caring for their family members and keeping jobs that they so desperately need. Because this legislation will protect the future of American families and jobs, the people of our Nation will not have to face this conflict of values.

Today, almost two-thirds of the women in the United States are forced to hold jobs outside the home due to economic necessity. The typical American family, where the father works outside the home and the mother stays at home to care for the children, has nearly vanished in today's society. As our society changes, we must recognize and accommodate these changes in order to preserve the system of family values that hold our Nation together.

I believe that the legislation before us today represents a reasonable compromise that best meets the needs of working Americans while at the same time accommodating the legitimate concerns of business. By limiting coverage to firms with 50 or more employees, the bill exempts more than 95 percent of all employers. Under the bill, leave must be provided only to employees who have worked for the firm for at least 1 year, and who have worked at least 1,250 hours during that year. In addition, the measure requires employees to give up to 30 days advance notice for foreseeable leave. Finally, the bill would not disrupt business operations since it permits employers to exempt essential personnel.

Madam Speaker, I believe that this legislation promotes fairness, stability, and economic security for American families in time of crisis and need, while, at the same time, accommodating the concerns of employers. By passing this conference report, we can send a message to the people of America: The Family and Medical Leave Act recognizes and enhances family values and the value of families.

Mr. GILMAN. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Madam Speaker, I rise in strong opposition to the conference report. What the country needs is a job-creating, economic-growth package, not another job-killing mandated benefit program.

Family leave policies, like pay or vacation, should be decided through voluntary negotiations between employers and employees instead of a rigid national standard, we need flexibility.

Such flexibility is working across our Nation. Ninety-three percent of all small businesses are already providing some form of parental and medical leave, tailored to the needs of their employees. A vast majority of workers say their employers are responsive to their needs for leave.

Imposing mandated leave on business will mean other benefits may suffer. Some workers may not want such a policy, but will lose other benefits if this bill is passed. In fact, in an ABC news survey, parental leave ranked dead last among employee-benefit options.

Mandated programs and Government intervention have destroyed California's State business climate. If this bill passes, it says one thing to American jobs—"hasta la vista, baby."

Mandated leave is an unnecessary and costly burden on the American economy. I urge my colleagues to oppose this conference report.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. ACKERMAN].

□ 1310

Mr. ACKERMAN. Madam Speaker, I rise in strong support of the conference report that accompanies S. 5, the Family Medical Leave Act. This is a very modest proposal, and basically mandates nothing on American workers. It gives people the choice of whether or not, upon the birth of a child, or the adoption of a child, if they want to take off up to 12 weeks to help in the child-rearing experience.

It also allows people who are in a position of having to take care of and say goodbye to a family member who might be dying, that some opportunity.

I have been listening intently to some of my friends on the other side who are saying that this is a political issue. This is certainly not a political issue, and does not force this down anybody's throat. This is not brought up because this is a political year. This has been brought up since the 101st Congress.

I have been involved in this issue for better than 20 years. It was 22 years ago that my daughter, Lauren, was born. Upon her birth I was forced, because I wanted to stay home to participate in the child-rearing experience, to sue the Board of Education of the city of New York.

I have had 20 years working in this field. It is an idea whose time has come, and if this Congress will override the President's veto that is fine. Otherwise, we will be back with another President.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. HENRY].

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

Madam Speaker and my colleagues, I rise in opposition to the conference report. I am opposed to mandating one benefit at the expense of another. Let me emphasize that. When we mandate one benefit, it is going to come at the expense of something else.

Penn-Schoen Associates, a public opinion research group, did a survey of American workers and asked them to chose between the Federal Government mandating fringe benefits or leaving the decision up to employers and employees. Eighty-nine percent of the respondents said they preferred that employee benefits should be a matter decided by the employers and employees themselves.

George Gallup then did a survey of employees and asked "Which are the most important benefits to you?" The first benefit they chose was, first of all, the freedom to choose the benefits. The most popular benefit was having a benefit scheme which offered a cafeteria option to the employees.

Then he went on and said, "Name the three benefits on a cafeteria list you would most like to see." Here is what the employees responded to. This is George Gallup, this is not some sort of hatched job from one interest group versus another.

Of those, the benefit they would most like to include is, first of all, 62 percent said a health plan; 32 percent said pension plans; followed by vacation packages, 27 percent; life insurance provision, 21 percent; disability insurance came in at 18 percent; cash above regular salary came in at 15 percent; health care reimbursement accounts at 12 percent; dependent care assistance plans at 8 percent; dependent care reimbursement accounts at 6 percent; and other benefits at 5 percent.

If we mandate this, it is at the cost of something else.

At a time when our workers are already losing existing health care coverage, I do not want to put it at risk for something that opinion polls show is not high on their priorities.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gen-

tleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Madam Speaker, I rise today in wholehearted support of the Family and Medical Leave Act of 1991 which truly preserves and protects families. This bill does not create a new bureaucracy or a new appropriation—it only creates the long overdue policy of assuring job retention while families take care of a newborn or sick family member.

American families are working hard to survive against the odds of stagnant incomes, loss of job security, and skyrocketing costs for health care, higher education, and housing. The Family and Medical Leave Act removes some giant obstacles to the survival and security of our families.

This bill provides modest job security by comparison with family and medical leave laws of our major international competition. If the President really cares about family values he will sign the legislation into law within minutes of its arrival on his desk.

First, this bill supports the basic ability of parents to care for their children. Allowing parents to spend time with their newborn or their newly adopted child—now that is what I call a head start. In addition, pediatricians tell us that when a child is sick, having one or both parents at the bedside can increase the child's recovery rate and cut down on other complications.

Second, the bill supports the basic ability of sons and daughters to care for their parents without the fear of losing their jobs. It allows seniors, who are scared of being unable to care for themselves, to rely on working relatives for short-term care. Long-term care arrangements can easily be disrupted when the caregiver becomes ill or the condition of a patient changes to require new long-term care arrangements. Family leave provides an alternative to expensive nursing homes when the need is only for short-term family care.

I hope the full House will pass this conference report overwhelmingly and that President Bush will not veto this lifeline to the American family. This legislation is what family values is all about.

Mr. GILMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

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

Madam Speaker, I rise in strong support of this conference report on family medical leave. As one of the Members of this body who offered the bipartisan compromise in the last session to make it more palatable to business, I dispute the arguments that are made that this legislation will in fact hurt business. In fact, 95 percent of the business community is exempt from this provision. Of the other 5 percent, 3 percent already have family and medical leave policies in place. Half of the States already have a policy in place, and many of our competitive partners around the world also have family leave policies.

This is not going to, in fact, hurt the business community. It is going to send a strong signal that *we* support the retention of the family unit.

We have heard that it is a mandated benefit. I would say that it is no more of a mandated benefit than military leave without pay or Federal jury duty without pay, both of which we have had as a part of our society for years in this country.

This legislation does send a strong signal, a signal that we want to support the family unit, which has changed in the last 20 to 30 years. Actually, one could make the case that in the case of terminal illness and other illnesses and diseases, we could actually save money and health care costs by having people able to be at home to care for loved ones.

I do have a problem, Madam Speaker. I have a problem with the political tone of the debate coming from some of the majority, and the timing of this conference report before us today. I stood in this well just 1 month ago and argued for a bipartisan child welfare bill, a bill that has strong support from Democrats as well as Republicans that would have doubled the amount of kids that we could be servicing with child welfare funds today. The leadership on the other side denied me and my democratic colleagues the opportunity to offer that bill on this floor, so do not put the political rhetoric forth, because this is not the time or place for it. I saw the games played 1 year ago on the extension of the unemployment comp benefits when all the President was doing was living up to his terms of the bargain.

Madam Speaker, I ask that my colleagues support this bill, and I also ask my colleagues to demonstrate their support by showing me they have a family leave policy in place in their offices, rather than be hypocrites on family values issues.

Madam Speaker, I rise today to offer my strong support for the Family and Medical Leave Act [FMLA]. By approving the FMLA conference report, the House can demonstrate its firm commitment to the American worker. During a medical emergency, many Americans are forced to choose between their jobs or their family. Today, we have the historic opportunity to help resolve this terrible economic and personal conflict.

Before I discuss the specifics of the bill, it is important to put this debate into the proper context. Although I have supported this legislation for several years, I would like to register some reservation about this debate. Specifically, I am deeply concerned about the politicization of this issue and the hypocrisy of some of my colleagues.

Instead of working on a compromise that the President could agree to, many supporters have felt it necessary to play politics and to bash him in the head. Obviously, I would like the President to sign this bill, and I have urged him to do so on many occasions. However many Democrats don't want to send him anything that he would sign because it would be more politically valuable to have a veto. Here's a novel idea: It might just be valuable to pass a bill to help our constituents.

On too many occasions, I have witnessed the Democratically controlled Congress absolutely gut good legislation for partisan political advantage. In many cases, the Democrats won't even allow Republican alternatives to the floor. Before some of my colleagues climb onto their political high horse, search your consciences.

Prior to the August recess, for example, I introduced a child welfare bill that had overwhelming bipartisan support. The Democratic leadership wouldn't even allow it to be considered on the floor of the House. Instead, the Democrats purposefully sent him legislation that was dead on arrival. That sort of game playing doesn't help any child. As a Republican who has bucked the administration on many occasions, I feel it is important to say that the Democrats need to get their house in order.

Both sides need to stop playing the family values game and work together to pass legislation that values the family. The American people, our bosses, deserve better than rhetoric.

As a working parent of five children, I feel that it is unjust to fire an employee who needs to temporarily care for their newborn or adopted child or terminally ill parent. It is a simple fact of life that every American will one day face some sort of medical emergency. This type of situation creates a tremendous amount of stress, and it makes perfect sense to help safeguard someone's economic security. The conference report will do this.

Over the last several decades, the structure of the American family has changed dramatically. The traditional family, where the father earns the wages and the mother raises the children, is now the exception, and not the rule. It is time to change our Nation's laws to reflect this new reality, and the Family and Medical Leave Act is a solid step in the right direction.

The Family and Medical Leave Act would require employers with more than 50 employees to provide up to 12 weeks of unpaid leave per year for the birth or adoption of a child or for the serious illness of the employee or member of the family. During leave, health care coverage must be maintained and the employee would not lose seniority. Furthermore, every employee returning from leave has the right to be reinstated to the same or comparable position.

Every major, industrialized country in the world, except for the United States, has some form of protected leave for employees. In fact, most of the least-developed countries of the Third World have this important guarantee. If the United States is to effectively compete in the global economy, it is imperative that our Nation equal the pace and meet the standards set by our competitors.

For a civilized nation like the United States to deny workers the simple decency to care

for their child is abomination. While I understand the concerns of some in the business community, I believe that this legislation will ultimately benefit our economy.

Again, I urge my colleagues on both sides of the aisle to support the conference report. Also, I would like to reiterate my concern about keeping the debate on this issue fair. Although this conference report extends leave benefits to congressional employees, chances are that we will be unable to override a veto. Therefore, I urge my colleagues who say they support family and medical leave to actually institute a policy for their offices. Instead of playing politics, let's get serious.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Madam Speaker, we are the only country that is industrialized that does not have health insurance for every American. We are also the only industrialized country that does not have as public policy a family leave.

I heard one of my friends talk about statistics. I want to forget statistics for a minute and let us talk about what this really means in terms of people. It is the families in this country who are the caregivers. They are the ones who minister to their loved ones, particularly in a time of crisis.

What good mother who is in the work force, whose child is chronically, critically ill, would not take off work to be with her child? This is what it is all about. Can a mother be with her sick child when that child is critically ill? Can a father be with his spouse when the spouse may be critically ill, take off work for up to 12 weeks and not get paid for it?

As a matter of fact, other countries pay for their medical leave. We are not even advocating that. What about sick parents? Are we to say that we do not care about our parents when they are dying?

This is about family values. We heard a lot about that in August. Let us live up to that here today and vote for the conference report.

□ 1320

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Madam Speaker, I thank the chairman for his hard work and for the time he has allotted me.

My colleagues, there is a difference between talking about family values and acting to help America's families. There is a difference between bragging about your family values and coming through for America's families. And there is a difference between posturing about family values, and my God we saw enough of that, and voting for America's families. And today is the day we can act.

We can act. We can come through and we can vote for our families, not to criticize them but to honor them, not to punish them for having a newborn child or an illness.

If you believe that newborn babies need their parents around, vote "yes" today. If you fight for those newborn babies' right to be born, then fight for their right to be loved. If you think that a mom or a dad with cancer or a stroke needs a loving daughter or a son around, then vote "yes" today.

This is unpaid leave. And small business is exempt. So let us not camouflage the issue.

Vote "yes" if you value families.

And what about the timing of this? We have heard a lot about that. We have had this bill before us three times, three times, and yes, we are trying again. And if the election year means that it might be signed, then I say hurray for an election year and for the guts of this majority in this House.

I would also say that we are here to pass good legislation, not to make life easy for George Bush or DAN QUAYLE or anybody else. If the Vice President can change his mind and make a commercial for Murphy Brown, then surely the President can change his mind and sign this family-friendly bill.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. DELAY].

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

Madam Speaker, our economy is in a slump, American businesses are trying to gain a profit and create jobs. American families are hurting because they cannot find jobs and what does this body propose to do? Let us slap another Federal mandate on the already heavily burdened backs of our Nation's businesses—that is the answer.

Well, Madam Speaker, that is not the answer. This bill will push American businesses and our economy even deeper into the quagmire of inefficiency and economic contraction by raising the ever growing hurdles our companies must clear before effectively entering the arena of competition.

For those Members who believe that mandating family and medical leave will just add small costs to our Nation's employers, consider that such a mandate comes on top of the cost of fulfilling provisions of the Clean Air and Water Acts, providing a minimum standard of living for workers, engaging in recycling, carrying an expensive insurance policy against product liability, ferreting out illegal aliens, providing costly packages of medical benefits to employees that may have to include acupuncture, wigs, pastoral services and drug treatment, providing special accommodations to disabled employees and promoting equal opportunity as determined by race, sex, and sexual activity, and more and more and more.

For all its noble intent, the Family and Medical Leave Act is an unwieldy, burdensome, regulatory nightmare that will slow productivity, reduce efficiency, lessen flexibility, and increase costs. Moreover, it will backfire on those the legislation proposes to help: It invites discrimination against women of child-bearing age and will thwart the ascension of women into the more prominent positions of our society.

Madam Speaker, mandating family and medical leave is bad public policy. The fact is, we in Congress have no business, no right and no ability to legislate how the American family should apportion the burden of caring for its own. This bill is a perfect illustration of the liberal Democrats' mind-numbing proclivity to set social norms through paternalistic mandates. And make no mistake, each Member who votes for this conference report is voting to increase the Federal burden already breaking the backs of American businesses.

I urge my colleagues to vote against mandating family and medical leave. Vote "no" on this conference report.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Madam Speaker, the major fears we have heard this afternoon to family leave is the objection that somehow the bill will be wildly abused and drive millions of Americans out of work.

That is not true.

Wisconsin, as many of you know, has had a family leave law for years. And it works, and amazing Wisconsin workers keep working too. Our economy is in much better shape than most of America.

Keep in mind there is a huge disincentive not to use the family leave provisions of this bill, it's unpaid leave.

So the bill in Wisconsin is rarely used, period. The percentage of women taking unpaid leave after childbirth in Wisconsin is 78 percent, the same as it was beforehand.

The average duration of the leave was virtually unchanged, increasing a 3-month leave perhaps 1 day. When I talk to employers back home we have found it tough to find a single case of dad's exercising their option for family leave.

In a day and age when many American families are struggling to juggle the demands of work, home, and kids, this law is a simple little promise. If your child is sick, if a parent is dying take some time off, and your job will be there when you get back.

As we have found in Wisconsin, companies have less frazzled workers. And workers have less hassled families. Mr. President, Wisconsin families and Wisconsin companies can tell you family leave works.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Madam Speaker, supporters of family and medical leave are

hopeful, that we will once again locate the gentleman who announced as a candidate in 1988 that he was supportive of family and medical leave. I believe that then-candidate George Bush was sincere when he made the announcement before the Illinois Federation of Republican Women that, and I quote, "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 a serious illness." Four years later, the President still has not removed that worry. He can, however, take an important step by signing the agreement and removing this fear from millions of working women, men, and their families.

Opponents of family and medical leave legislation contend that it is an undue burden on business, adding costs which will cripple our ability to compete in the world market. Yet, this argument ignores the facts that every industrial nation in the world except the United States has a family and medical leave policy, and that the costs of providing family and medical leave is minimal. As the General Accounting Office study indicates, the cost to employers is estimated to be $5.30 per employee, per year. Germany, Japan, and the rest of the industrialized world seem to effectively compete in the world market while providing their workers with family and medical leave. I am confident that American business can do the same.

It is time that we assure workers of this Nation that they no longer need to choose between a job which they desperately need, and the child which they love. Four years ago, then-candidate Bush shared my desire to see this worry removed. We will today provide now-President Bush with one more opportunity to act on his previously stated concern and compassion for Americans and their families.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], whose father was a great friend of mine when we served in Congress together.

Mr. KYL. Madam Speaker, I thank the gentleman for yielding me the time and for those kind remarks.

Madam Speaker, this is another bill which, despite good intentions, I think is going to produce a result quite opposite of that which is intended. Therefore, I rise in opposition.

Though proponents of the Family and Medical Leave Act suggest that this legislation will aid employees in times of need by protecting their jobs, I think it will actually not protect their jobs, because many of them will not have jobs. It is estimated by a report of the Joint Economic Committee that this bill will result in the loss of 60,000 jobs. And that is because of the increased cost on the employers who will, of course, be responsible for this particular leave policy.

As a matter of fact, there may be some who end up discriminating against the very people who we are trying to bring into the workplace, because they are the most vulnerable in terms of the leave policy, the young woman who may become pregnant and need to take the time off to have her child being prime in that category.

This legislation is, therefore, another Federal mandate which not only places burdens on the business owners, and will place an additional expense on the business owners, but will actually take away the power of the employee as well as the employer. Employees have different needs. Each would like to have their own ability to negotiate benefits according to individual needs. And yet, this bill says we the Federal Government, knows what is best, and there is only one need, and that is this particular kind of mandated benefit.

We believe that negotiation of leave is best left to the individual employee and employer, not to the Federal Government. I appreciate and sympathize with the people who need to take time off to care for their families. And as a matter of fact, the facts show that most employers also sympathize with this need, as a result of which, in most cases, some kind of leave is already granted voluntarily, without the mandate of the Federal Government.

□ 1330

So I think for all of these reasons, it makes sense for us to avoid this kind of Federal mandate.

There has been much talk, in conclusion, about the desire to protect the family. Madam Speaker, I am submitting for the RECORD an article from U.S. News & World Report which bears upon this issue, and I think makes it clear one reason why we ought to vote against another Federal Mandate rather than for it.

SNEER NOT AT 'OZZIE AND HARRIET'

(By John Leo)

"Family values" are not an invention of Dan Quayle, not code words for racism, not a complaint that women should quit the work force, not an unsophisticated yearning for the family of the 1950s. It is simply the current term for resistance to the long assault on the nuclear family that began in the 1960s.

The liberation movements of the '60s asserted the rights of individuals against the power of institutions, and the institution hit hardest was the family. Feminism, of necessity arose as a reaction to the traditional family, and the other movements fed into its early antifamily mood; the New Left, sexual liberation and the me-first pop therapies that preached personal fulfillment over social obligation. On all sides, the family was loudly denounced as a nest of oppression and pathology. Flak was not aimed just at the rigid, father-as-dictator family but at the idea of family itself. A psychiatrist named David Cooper called the family "a secret suicide pact . . . an ideological conditioning device in any exploitative society."

This assault from the left bred its own reaction, which plugged into the wide trend toward social conservatism. By the time of Jimmy Carter's disastrous White House Conference on the American Family in 1980, both the pro-family and pro-rights "liberationist" positions were set in stone. Liberationists got the meeting's title changed to the White-House Conference on Families (plural), which in effect downgraded the intact family to one family form among many. One attendee said this verbal change was necessary to reflect "the impressive diversity" of the American family, an early use of the word "diversity" to mean "anything goes."

BAD IS GOOD?

Two sociologists, Brigitte Berger and Peter Berger, zeroed in on the enormous significance of the insistence on "families" over "family:" What appeared to be—in plain English—the growing disintegration of the American family was to be relabeled as something healthy and positive. In their book, "The War Over the Family," the Bergers wrote that "The *empirical fact* of diversity is here quietly translated into a *norm* of diversity . . . demography is translated into a new morality." The allegedly innocent semantic shift, they wrote, "gave governmental recognition to precisely the kind of moral relativism that has infuriated and mobilized large numbers of Americans."

The entire war over the family is implied in that word change. The war has been about the conditions under which children are raised and the conflict between self-fulfillment and sacrifice. One side says what everybody thought was obvious until the 1960s: that stably married parents are best, especially if those parents are willing to put children's interests ahead of their own personal fulfillment.

The other side, shaped by social movements born in hostility to the family, has emphasized freedom from family obligations and the alleged resilience of children in the face of instability at home. It has been chiefly interested in the family for pathologies it can address (wife-beating, incest) and for rights that can be asserted against it (a residue of the '60s view of family as inherently oppressive, and an increasingly narrow rights-based version of morality). Its honorable insistence that single mothers be treated with respect has been used as a wedge to normalize the no-father home. This justified the short-changing of the young. (If the father who runs out on his kids is merely creating another acceptable family form, how is he any better or worse than the father who stays committed to his "double-parent family"?)

Data on the devastation of families have begun to turn the debate around. So has the soaring rate of births to unwed mothers: 27 percent in 1989, 19 percent for whites and 66 percent for blacks. The Rockefeller commission last year emphatically called attention to the need for two-parent families, a breakthrough after so much propaganda on "alternative family forms." Black intellectuals have begun to relegitimize discussion of the connection between family form and social ills—forbidden by the left since the Moynihan Report of 1965. For instance, columnist William Raspberry says, "My guess is that the greatest increase in child poverty in America is a direct result of the increase in the proportion of mothers-only households." Some prominent feminists now talk about the subject without bristling hostility, emphasizing family over the old agenda of sexual politics. Polls have started to show shifts from stark individualism to concern for the family, responsibility and community. In short, a call for bolstering the family is beginning.

Yet in the media the old howitzers boom as if it were still the 1960s. The almost daily fusillade of "Ozzie and Harriet" jeering derides the goal of the intact family as a form of nostalgia. An op-ed piece said that the nuclear family is "fast becoming a relic of the Eisenhower era." The New York Times recently referred to the intact family as "the Republican ideal." (Do all Democrats idealize nonintact families?) A week later, it reported that the current "family values" campaign is based on "the warm appeal of the idealized 1950s family as embodied in 'Father Knows Best.'" This sort of tiresome sniping serves no function. It is the work of people who do not realize that the '60s are over, the family is in crisis and the discussion has moved on.

Mr. GILMAN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, the favorite theme of this campaign year is the need to return to family values. There is no legislation that is more pro-family than the Family and Medical Leave Act.

Recent statistics demonstrate this overwhelming need. According to a poll published in the September 1992 issue of Money magazine, the Family and Medical Leave Act is supported by Americans by a margin of almost 4 to 1. According to Cornell economist Eileen Trzcinski, since 1990, more than 300,000 workers with serious medical conditions lost their jobs because their employers did not provide medical leave. During that same period, employers without medical leave policies could have saved almost $500 million in hiring and training costs had this legislation been in effect—and these lost savings do not reflect the cost to employers resulting from the lack of family leave policies.

Madam Speaker, the United States is the only industrialized nation without a family and medical leave policy. This bill has undergone countless changes to address the concerns of the business community. It is a modest program affecting only 5 percent of the businesses in this country.

Many opponents of the bill argue that most large businesses already provide job guaranteed family and medical leave. In fact, this is not the case. A 1990 study by the Bureau of Labor Statistics indicates that only 37 percent of all female workers and 18 percent of all male employees in companies with 100 or more workers are covered by unpaid family leave.

Too many American workers have been forced to choose between their families and their jobs. These choices have had devastating consequences in many cases. Last year, the Women's Legal Defense Fund published a compilation of case studies of Americans who needed family and medical leave. The case studies portray countless examples of employees who were fired as they or their families prepared to undergo surgery, leaving them without health insurance and with full financial responsibility for the medical costs, despite the fact that their employers had granted the leave beforehand.

Families lost their life savings in an effort to care for a dying child, or lost their jobs for taking time to care for a newborn, even though they had made prior arrangements with their employer and had worked long hours to make up the lost time. The case studies included in this report have been repeated over and over again throughout this country year after year.

Madam Speaker, today's families already face tremendous stress, and that stress is having a serious impact on our children. Every Member of this House professes to be deeply concerned with the breakdown of the family in this country and the high poverty rate among our children. Anyone who is truly concerned with these issues will vote for this bill. It is pro-family legislation that is desperately needed. It is long overdue and we simply cannot afford to delay any longer.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, we have heard a great deal in the last couple of months about the family and family values. This is our first chance in this House since we have returned from the recess to address that issue.

I would say to the Members that today is the day, whatever the delays have been in the past, when we ought to address that issue and pass this conference report.

It has been suggested by some that this is going to be very disruptive and expensive for American industry. But this is far from an unprecedented burden. The fact of the matter is Federal law and State law mandate that employers provide time off for jury duty, and Federal law required time off for reserve or active service in the military, and employers have long since learned how to live with these provisions and manage their work forces so that they are not intrusive.

We are simply asking them to do the same thing they already do in cases of reserve service or in cases of jury duty, to deal with the situation where a family member has a situation, a childbirth, an adoption, a serious illness in the family and needs some time off to deal with it.

I cannot think of anything that is more intrinsic to family values than allowing a member of a family that kind of unpaid time off. If we really believe in helping families help themselves, it seems to me that this legislation is really a small step, a very modest step, in that direction. If we believe that the family has not been given sufficient status in the hierarchy of American values and we want to elevate that status, at least give the same status of jury duty, at least give the same status as participation in the Armed Forces Reserves and vote for the Family Leave Act.

I hope the President will sign it, but if he does not and we come back again, then I hope we will vote to override the veto.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], a prime sponsor of this bill.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 4 minutes.

Mrs. SCHROEDER. Madam Speaker, I thank the gentlemen for leading on this bill and for yielding me this time on this bill.

I want to say that there is no question why people are coming down here and screaming partisan, partisan and all sorts of things, because today we find out who is for families and who is just faking. You know, I cannot think of anyone who has ever run for office who has run against families. W.C. Fields would not make it in the political arena.

Yet, we so rarely have legislation that puts families first. This is one piece of legislation that we have been working on for over 7 years, as I remember, and so let us not talk about timing. It is not like we have sprung this thing out here. We have had this thing up four different times. We have been working on it 7 years, and it is terribly important today.

We have put politics aside and put America's families first. America's families are under great stress.

You can poll families all over America and ask them if in the morning something has happened in their family, say, their elderly father had a heart attack or one of their children had some terrible problem, would they be better off calling their employer and saying that, or would they be better off calling and lying and saying their car broke down. Guess what, they say it is better to call and say your car broke down.

We seem to be the only industrialized nation where you are better off saying you are taking care of your car than if you are taking care of your family member, and I think there is something terribly wrong about that.

We are hearing all sorts of things here about how expensive this is and on and on, but you have heard many Members who have adopted this in their States and said it worked very well.

The Small Business Administration commissioned a study in 1990, and the Small Business Administration is not exactly a bunch of radicals. The study

they commissioned found that this would hardly cost anything to America's employers, because one more time, it is unpaid leave, one more time, you do not call unpaid leave a benefit, and very few people could take advantage of it, because they need the paycheck so badly.

So I think all of those are the real facts, and I do not think people should be waffling on this. I think it is so long overdue, and we have seen so much stress in America's families over this issue, and we have some of the worst family statistics of any industrialized nation. I think that this is one of the things that would relieve some of the stress on America's families.

But think about it, if you personally can come to work and focus on your job the day your mother had a heart attack, fine; then vote against this bill, because you are way beyond anything I could do. If you personally could leave a newborn when you feel terribly uncomfortable about it and come to work because your employer told you you had to and focus on that job, then, fine, do it. Vote no on this bill. But I must tell you, as a mother and a parent, I could not do that. I would be not much good to any employer if I had to come to work under those conditions as the way I saved my job.

Productivity is very essential to this country, too. Every other industrialized country has found that this affects productivity. When people are there, they are focused on their job. If people are there when there is some critical disaster in their family, they are not focused on their job. They are not productive.

So this does not cost a lot of money. We have had that proven by all sorts of States that have put it into law, by Federal agencies that have studied it and everyone else. Let us put family first today. Let us put politics aside today.

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Let us pass family leave and let us get the President of the United States to sign it and let us salute those courageous Republican women in Rockford, IL, who at that press conference said that he promised that he would sign it 4 years ago, "Do it now."

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Madam Speaker, Congress should not be involved in this issue. We cannot even take care of the things we have constitutional responsibility for. We have driven the country into debt, we tax our citizens with no restraint—we cannot even run our own bank and post office. We have no right trying to run our citizens' lives and businesses.

Yesterday, I talked with Vicky Henry, a business owner in my district. She is opposed to federally mandated one-size-fits-all leave packages. As a mother of two, Vicky is sensitive to the needs of her employees and their families. She works with her employees in times of need.

Now Vicky's company is right at 50 employees, an arbitrary number cut out in the bill. But she will not expand if this bill passes. It is a death sentence to small business expansion. This legislation leaves employers like Vicky Henry out of the picture. Most importantly, it cuts new jobs out of the picture.

What we are debating today is whether we trust Americans to make decisions for themselves, or, if we think that Government knows best what is good for everyone. I, for one, have great faith in the American people and the American way. I urge my colleagues to show their support for employers like Vicky Henry and vote against the mandated leave act.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the distinguished Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY].

Mr. FORD of Michigan. Madam Speaker, I yield an additional 2 minutes to the Speaker.

The SPEAKER pro tempore. The distinguished Speaker, the gentleman from Washington [Mr. FOLEY], is recognized for 4 minutes.

Mr. FOLEY. Madam Speaker, this is a conference report which reaches the House, at a time when the country has been asked to focus on family values and on the restructuring and strengthening of the American family. No legislation we will consider this year addresses as intently and clearly family values as does this family and medical leave legislation.

The idea that Americans are going to use family leave with great abandon is argued against, as the gentlewoman from Colorado [Mrs. SCHROEDER] pointed out by the fact that although this is a fair, needed, necessary bill, it is not a generous one. It does not provide a day of paid leave. It does not encourage anyone, without sacrificing his or her income, to take the family leave provided in the legislation.

People taking leave to help a spouse, a child or a parent will only occur if they are of the view that this is a great emergency. The reality is that because most families today require two incomes to survive they do not have the luxury of going on leave without pay. For this reason it is critically important that workers be able to keep their jobs when faced with a family emergency, that they not be forced to choose between the two.

Madam Speaker, 70 percent of the American people feel that this is a valued and needed bill; 70 percent of the people believe Congress should enact this legislation.

Since it was approved in a previous Congress and was vetoed, this legislation has incorporated even more steps to insure that businesses are not harmed by it. It allows, for example, for the exemption of key employees if they are in the top 10 percent of income levels in the business and it permits the application of the leave legislation only for businesses of more than 50 employees. That in itself eliminates about 50 percent of American workers and all but 5 percent of American employers. Yet it is still key to the needs of those remaining workers and businesses.

We are, as has been said many times, the only industrial country that does not now provide such leave. If this legislation is passed, we will still be, by the way, among the few such countries that do not provide paid leave for those who are facing family emergencies.

Madam Speaker, I am confident that we will pass this conference report by a great and very commanding majority. It is my hope, however, that the House will go beyond that to pass it by an overwhelming vote and, with the greatest respect, that the President will reconsider his earlier judgment, and sign this bill.

Let us give him both the encouragement and the opportunity to do so.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], a member of the committee.

Mr. BOEHNER. Madam Speaker, my colleagues, today the American people might think that we are really serious about passing family leave legislation. They might think we are really trying to do something to address one of the needs in our society.

Well, America, I am sorry, that is not what we are doing today. We are playing another political charade on the American people.

Now let me explain: The House considered this legislation last November 13, 1991, the Senate considered it a month before, in October, October 2, 1991. When did we decide to sit down and work out 12 words of difference between the House and the Senate? On August 5, 1992. And why do we have this bill before us today, 53 days before the election? Why did it take 9 months to get to conference? For one reason: So we could come here today right before the election, to try to embarrass the President of the United States.

You all know this bill is not going to become law. There has been no effort to work out the differences. One simple reason we are here: To go on with another political charade.

I have been here 20 months as a freshman Member of this body, and it has shocked me the number of times we have gone through one charade after another. I think it is time we stopped and get on with the real issues that affect Americans.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding to me.

Madam Speaker, watching the evening news the other day, they showed two homes devastated by the hurricane. Both sustained damage. One had followed the standards set out by the government in Florida. It at least kept its roof on, kept the walls in place, and the family would be back in their home much more quickly.

Government standards are not just simply arbitrary concepts, a place to burden people. It provides some protection to society.

The Germans that we defend today with $100 billion of American taxpayers' money have family medical leave for their workers, far better benefits than we put forth in this bill.

When you think about the pain and suffering of the families, the families that are no longer together in a small community but mom and dad are in Florida or California or Arizona, in times of crisis, for this Government not to provide some protection for people who work for a living and pay the taxes that run this country, that provide protection for the entire free world, is an outrage.

Madam Speaker, we have here an opportunity to take a small step forward, to provide some standard protection for the people who work and pay the taxes in this country.

Madam Speaker, it's time for George Bush to stop substituting campaign rhetoric for action. In 1988, George Bush was elected on a promise that working men and women would not risk losing their jobs if they took time off to meet important family needs. Today, 4 years and one critical veto later, Bush continues to say he stands by the family. In fact, he's made the family—family values—a campaign theme in this year's election. Well George Bush, the American family needs more from the administration than one more catchy campaign theme. The American family needs serious policy to ensure them that the family comes first in a time of need.

Yet still today, when a mother takes time off to care for her newborn son, there's a serious chance that when she returns there will be no job, and there will be no health insurance. Mr. Bush, your empty promises have not strengthened the American family. Your hollow commitment has added unnecessary stress and pressure to our family structure. Is this what you call building family values, Mr. President?

The status quo is costing American workers and costing American businesses. Each year, workers lose close to $12.2 billion in earnings because they can't return to their jobs after taking time for family emergency.

We all lose when workers cannot return to their jobs because of illness or the care of a new child. The rest of society pays the bill in lost tax revenues and higher payments for social programs like unemployment compensation, Medicaid, and food stamps.

In reality, the Family Leave Act does not ask for much. In fact, what we are asking for is something our toughest economic competitors already provide their workers. Both Japan and Germany offer their workers at least 3 months of paid leave. The United States is the only major industrial nation in the world without a family and medical leave policy.

I look forward to this Congress approving the Family Leave Act and having George Bush honor his long-term commitment to the American families.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding.

Madam speaker, it was a little more than a year ago that the promise was held out to Americans that we might once again lead in a new world order.

My colleagues, 19 countries in the European Common Market have legislation on the books similar to what we are considering today, and that is protection, maternal and parental leave for their workers.

Eighteen countries in Asia have it, 27 countries in North and South America have it, 37 countries in Africa have the protections we are fighting about today for America's workers.

□ 1350

Fifteen countries in the Middle East have this protection, parental and medical leave for their workers.

Iran has this protection.

Kuwait has this protection.

My colleagues, Iraq has this protection for its workers.

I submit that before America can lead in the new world order, we must first join it.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, it is an election year, so it is time for politicians to offer something for nothing. The public has caught on to this shell game when they were talking about Federal dollars that were being given away. The public finally realized it was their dollars and their indebtedness that the politicians were talking about. So now the game in Washington is mandating local government and business to provide benefits.

Well, there has not been much talk about it, but there is a cost to be paid, even though over and over again you hear people claiming there is almost no cost to be paid. We have heard over and over again how Europe and the other industrialized countries have generous family leave mandates. What you have not heard is that during the 1980's when that horrible Reaganomics was creating 20 million new jobs, those countries with all these mandates created almost no new jobs.

And oh, yes, the mandate only applies to companies with 50 or more employees. If this is enacted, how many successful companies that should be expanding their payroll will now struggle not to hire their 51st employee? In fact, they will forego hiring 10 or 20 people to avoid an avalanche of regulation which will smother them upon hiring their 51st employee.

And will the mandated employers be less or more likely to hire women of childbearing age? It speaks for itself. This is going to discourage people from hiring women.

Mr. and Mrs. America, there is nothing that can be given to you for nothing. There is a cost for everything. Vote no on this mandate.

Mr. CLAY. Madam Speaker, I yield 2 minutes to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Madam Speaker, I rise to speak in support of the Family and Medical Leave Act, not as an abstraction, but out of real experience close to where this debate is taking place today. The District of Columbia enacted its own Family and Medical Leave Act in 1990. I can report to this body that the District's experience shows that "there is nothing to fear but fear itself."

Rather than 12 weeks, the District's law permits an employee of private business or local government to take up to 16 weeks of unpaid leave every 2 years to care for a newborn or newly adopted child or a seriously ill family member. There is, in addition, a separate medical leave entitlement of 16 weeks of unpaid leave every 2 years for a worker's own serious illness. For the first 3 years after enactment, the D.C. law applies to employers with 50 or more workers. Thereafter, the act will cover all employers with 20 or more employees. Even with this lower threshold, only 14 percent of employers in the District of Columbia will be subject to the law, while 81 percent of employees will be covered.

With significant opposition from the local business community, the District took several years to get its family and medical leave legislation enacted. Yet, there has been no litigation bonanza as predicted, and the business community has adapted admirably to the law's requirements.

District of Columbia government employee statistics for the first year that the law was in effect should erase doubts and opposition to the modest bill before us. Of the 27,000 eligible D.C. government employees, only 20 actually took family or medical leave. Of these employees, only two took the maximum amount of leave available, while the rest took an average of 2 to 3 weeks. The overwhelming majority of these employees used their family and medical leave for maternity leave. The average annual salary of the workers who took family or medical leave under the D.C. law was $19,348.

The bill before us today doesn't go as far as the District's legislation, and doesn't go nearly far enough. But S. 5 is the start American families of every configuration need and deserve. There is, my friends, incalculable desperation

and anxiety in American families trying to cope with the impossible today. Give them a break. Pass S. 5.

Mr. GOODLING. Madam Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Madam Speaker, this new Federal mandate is part of a larger issue, and I call it mandate madness. Our economy is already creaking under the weight of the mandates of Congress. Our State and local taxpayers are being drained by Federal mandates.

In Pennsylvania, Medicaid and health care mandates have wreaked havoc on the State's budget. Pennsylvania local governments currently comply with 7,000 Federal mandates, and that number grows each year. Businesses, our job creators, are already swamped by new Clean Air Act mandates, new Americans With Disabilities Act mandates, OSHA mandates, EPA, the list goes on and on.

Does anyone doubt that the sum total of all these mandates may well be the economic sloth and stagnation that we are experiencing?

All this has had a severe negative impact on our jobs and our potential to create new jobs. It is as if you or I would order an expensive meal at a swanky restaurant and continually pass the bill on to American employers, workers, and taxpayers.

Madam Speaker, I am voting today against the Family and Medical Leave Act of 1992, H.R. 2. This is a very tough vote because I believe that if an employer is able to offer this benefit, the company should. But I believe that mandated leave will hurt the very people it's trying to help.

If an employer is forced to budget for every employee that may take family or medical leave in a year, those costs will cut into the employer's overall budget for employee compensation. This will force cutbacks in other areas of compensation, such as flextime, job-sharing, child care, paid leave, and even health care. In difficult economic times, mandated benefits may be paid for by job loss and lower pay.

This mandate would impose significant new costs on business. A 1991 Small Business Administration [SBA] study indicates that slightly more than 2 million men and women would take up to 12 weeks of unpaid leave if Congress passed a federally mandated leave policy. The cost per new leave-taking worker is estimated at $1,995 to cover continued health benefits and handle the leave takers' workload. Payroll costs would increase 8.9 percent for the average full-time worker. The new labor cost burden on America's employers would exceed $3.3 billion a year. Many businesses will be forced to lay off employees in order to meet the increased costs. SBA estimates that nearly 60,000 jobs will be lost due to mandated leave.

Who will really benefit from mandated leave? Mandating a benefit does not mean that all employees will be able to use it. Taking advantage of this benefit will depend upon its price to the employee. Single worker families, particularly female-headed households and low-income families are the least likely to be able to afford the luxury of 12 weeks of unpaid leave. But high income-earners, either married or single, can more easily afford to take 12 weeks off. As a result, high-income workers will opt for the leave benefit, even though all workers will bear the cost.

When faced with employees on mandated leave, most employers will shift the work load burden to workers who remain on their jobs and pick up the slack for their higher income colleagues and bosses who can afford 3 months off. As low- and middle-income workers are least likely to use the benefit, they will bear the brunt of its burden.

This legislation also makes the assumption that all workers want the same benefit. This rigidness puts employers backs against the wall as Congress determines the type, duration, and benefits of leave. Once a Federal benefit is mandated, employers will be much less willing to work out individualized arrangements with employees, particularly when faced with the threat of legal reprisals from other employees.

I am also concerned that the Family and Medical Leave Act will result in discrimination against young, married women. Research shows that women of child-bearing age take more leave than men, so the effect of this legislation, everything else being equal, is to make women more expensive to employ. Women will be less likely to be hired and more likely to face discrimination on the job.

Proponents of S. 5-H.R. 2 argue that it is pro-family legislation that allows men and women to retain their jobs while taking unpaid leave for childbirth, adoption, or a family medical emergency. But it will do more harm than good by reducing the worker's preferred benefits package, causing employers to discriminate against women and lower skilled workers, decreasing the flexibility of benefits, and forcing low-income workers to work harder and longer to compensate for absences of their high-income co-workers.

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

Mr. BOEHLERT. Madam Speaker and my colleagues, I have been consistent and strong in my support for family leave legislation. Each time I go back home, I am always faced with people who want to ask questions about it. Most, the overwhelming majority, support it, but there are those who have doubts. Usually the doubts fall into three categories.

First of all, they say it is going to be too costly.

Well, Madam Speaker, we all know this is unpaid family leave we are talking about.

Then they say it would be too burdensome, particularly on small businesses. You take one employee out of a shop with 10 or 12 people and that is disruptive. We recognize that. So we have exempted small business; but the one that offends me the most is when they say, but if you give 12 weeks of unpaid leave as an entitlement, you know what they will do—the "they" being the women of America. I am told by the opponents of this legislation that "they" will take advantage of it and stay home and treat it as a vacation.

Well, my colleagues, let me tell you why the women of America work. They work for the same reason that the men of America work. They want to eat. They want to educate their children. They want a roof over their heads. They are not going to take advantage of it.

We talk a lot in this town about family values. It is time to put our votes where our mouths are. Support this family legislation.

Mr. GILMAN. Madam Speaker, I yield one-half minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mr. GOODLING. Madam Speaker, I yield 1 additional minute to the gentlewoman from Connecticut.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for a total of 1½ minutes.

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank my colleagues very much for yielding this time to me.

Madam Speaker, this is an important issue. Life has changed and public policy must respond to the need for families to have the help they need to better balance family and work responsibilities; but this bill is only a shadow of an answer and is for most a false promise. It will help very few parents.

Most women work for small businesses not covered by this bill. Of those covered, the majority enjoy superior benefits. Most others cannot afford to take 12 weeks of unpaid leave.

So this is a response to a real problem, one I am going to support reluctantly, but an inadequate response and a political response.

Both the House and the Senate passed this bill almost a year ago. If we had moved forward at that time, we could have used the inevitable veto to get the right debate going and a better leave policy in place.

I am pleased that the White House will now support the kinds of rewards to business for progressive family leave policies that will enable small businesses as well as large businesses to offer this very important benefit, and that will encourage what is really needed, paid leave.

While I will support this legislation, I respect the veto it will meet and look forward to passage of the kind of incentives the administration now supports, admittedly late, because they will help more women more effectively and turn a weak mandate into a constructive national leave policy.

□ 1400

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

Madam Speaker, first I would like to review a few of the comments that I heard from the other side; from both sides, as a matter of fact, about the other side of the issue. I heard someone say that employees in many cases cannot take leave for family problems, and the only question I would ask is: Where in the world in this legislation does it guarantee 70 percent of the American employees, those less well off, that somehow or other they are going to be able to take advantage of this legislation? They could not take 12 days if they took 1 day per month.

The second thing I heard someone say is that the reason this political issue became such a political issue, although she was saying she did want it to be a political issue, was that they were waiting for the White House. They could not get the White House to negotiate. Now I was a part of this negotiating, and that is nonsense. As a matter of fact, anytime "negotiate" is mentioned, the word "mandate" first was placed on the table. We will negotiate, but we will not have anything to do with anything that would eliminate the word "mandate." I do not call that negotiating.

As a matter of fact, Madam Speaker, I offered an alternative that would not even be considered. The gentleman from Minnesota [Mr. PENNY] offered the smallest change that could possibly be offered. That could not be negotiated.

So, let us not say we wasted a whole year's time on this valuable legislation because we were trying to get the White House to negotiate, and so we now know that we do not have a law and will not have a law after we are finished with this exercise.

I have the Secretary's letter indicating the veto which I am attaching to my remarks. The numbers are there to sustain it. So, we have lost all of this time and provided nothing to anybody.

The third thing I heard, and it made my point, was a colleague from my side from South Carolina said that this is the way they do it in his business, and they pitch in, and everybody pitches in. He made my point. Seventy-three percent of the American workers are saying that this legislation is not what they need, that 73 percent of their employers come forth with these kinds of benefits when they ask for them.

And then I heard someone linking this, and it was the most humorous of the discussions; they said we already have mandated benefits from the Federal level. We have the National mandate, and we have jury duty mandate. Benefits? Take that into a negotiating session with management and labor and say, "These are benefits, buddy." I do not believe the employee would agree that this is some kind of benefit that they have.

Then I heard a list of many countries and all the things these many countries have, and, as my colleagues know, in a large percentage of those counties there is a barely livable standard. If they had an opportunity to ask for something or negotiate, they would say, "Hey, could you give us some viable wages so as a matter of fact we could think about putting some clothing on the backs of our children or some food in their mouths? I thought that was also a rather humorous comment.

Well, again, let me reiterate that we have not done anything with this legislation to help at least 70 percent of the American people participate because they cannot take that kind of leave—they can't afford to. I know when it was presented originally they said, "Well, of course this is just to lead to another kind of paid benefit."

Again, all of the statistics that we have, the studies that have been done, would indicate that 73 percent of the employees say they have these benefits available when they ask. Sixty-nine percent say that this is not one of their leading ones that they would like to have negotiated. As a matter of fact, they would like to have an opportunity to have cafeteria-style benefits. They would like to have an opportunity to choose and select what they negotiate as what they think are the most important benefits.

And let me make one other point. I see the bill does extend coverage, and I use that term very loosely to the House, but I also note that enforcement is solely through the House's internal Office of Fair Employment Practices. Now contrast this with private sector employers and State and local governments, which face enforcement by the U.S. Department of Labor—in all its glory—and private civil actions in court, all with jury trials.

Now, I can see that enforcement by the Labor Department on behalf of congressional employees may pose some problems, but we should strive to apply the same enforcement mechanisms to ourselves as we apply to those upon which we impose these laws. A private cause of action in court at least could have been included here, and I would like to emphasize that my compromise bill did include such a cause of action. In this regard I have to note that the Senate did provide for a review mechanism in court. While I do not believe this is adequate, it is a start.

So, again, I am afraid it is one more time when the Congress of the United States is holding out a false promise to 70 percent of the work force that is out there, and this legislation delivers nothing for them; it is just a false promise.

U.S. DEPARTMENT OF LABOR,
Washington, DC, September 9, 1992.

Hon. NEIL ABERCROMBIE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: As the House prepares to consider the conference report to the Family and Medical Leave Act, I reiterate that the Administration's strong opposition to this legislation has not changed since the President's veto of a similar bill in the last Congress.

The Administration's economic policy is committed to establishing the economic climate necessary for strong and sustained employment growth; to enhancing job security for the 118 million Americans on the job today; and to creating new productive employment opportunities for individuals who want a job. Passage of mandated leave legislation is not appropriate Federal labor market policy. Imposing new, additional burdensome Federal regulation in the current economic climate is the surest way to strangle business growth and job creation, especially in smaller and medium size businesses, which are the source of most new job creation.

The President strongly encourages family leave policies through voluntary negotiations between employers and employees. He does not support the Federal Government mandating these benefits. Workers and managers should have the needed flexibility to develop a compensation package of wages and benefits that best meets their specific needs. The Federal Government should not intrude in these negotiations that can best serve to meet employees' individual needs. Whether higher take home pay, health insurance, pensions or other benefits are more important than 12 weeks of unpaid leave is not a decision for lawmakers to make. Mandates from the Federal Government requiring employers to establish specific benefits will cause other valuable voluntarily-provided benefits to be reduced or eliminated.

In a recent Lou Harris survey, almost three out of four working Americans (73 percent) responded that employers are responsive in making adequate provisions for both the regular and emergency needs of working parents. Another survey done by the Gallup Organization found that only 31 percent of those polled think a parental leave benefit is something that employers should be required to provide. The Society for Human Resource Management found from their survey group that only 23 percent believe the government should mandate this type of leave. Survey data also show that while employers have provided family-sensitive benefits for many years, the proportion of employees with access to these benefits is growing. Employers, feeling the competitive pressure to attract and retain the best workers, are increasingly providing employees with the compensation packages they desire, including increased flexibility in both the workplace and workforce.

The President has consistently stated his opposition to mandated leave legislation. It is unfortunate that the highly political nature of this issue prevented discussion of alternative legislation that did not include a mandate. Since S. 5 does include a mandate and that mandate will cost jobs, the President will veto the bill if it is presented for his signature.

The Office of Management and Budget advises that there is no objection to the submission of this letter and that enactment of S. 5 would not be in accord with the program of the President.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for what he is saying. I did hear the gentleman criticizing, I think indirectly, what I had said about the fact that we had wanted to negotiate with the White House on this, and for a year the congressional caucus on women's issues has tried very, very hard to talk to the President about his disagreements. Pediatricians have been trying to get in, all the religious groups like the Catholic conference, and many others who have been supporting this. As my colleague knows, he has been willing to talk about the civil rights bill and the disability bill.

Mr. GOODLING. Madam Speaker, reclaiming my time, I would say that all those people were not the committees of jurisdiction, the committees of jurisdiction I mentioned. Anytime we mentioned anything about negotiating and my colleagues wanted to say something against mandates, immediately those negotiations stopped. So, we tried to negotiate, the gentleman from Minnesota [Mr. PENNY] tried to negotiate, I tried to negotiate, but we were not successful.

Mrs. SCHROEDER. Madam Speaker, if the gentleman would yield further, as the one who introduced the bill first 7 years ago, we started with much tougher standards that covered many more than the people my colleague is talking about, but we have been negotiating, and that is why we are now only covering people who employ 50 or more people, and it was because of those negotiations. So, we have been negotiating internally what we could not get from the President.

Mr. GOODLING. That makes my point that 70 percent of the people out there do not have the opportunity to benefit.

Mrs. SCHROEDER. We started by trying to do more.

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

Mr. GOODLING. Madam Speaker, do you mean my entire time?

The SPEAKER pro tempore. The entire time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

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

Mr. HOYER. Madam Speaker, I rise in very strong support of this legislation. I would like to thank and commend Chairmen FORD and CLAY and the members of the conference committee for working diligently to bring this conference agreement to the floor for consideration before adjournment.

How many of us have mentioned family values? How much is that discussed in the political campaign? It is because we know that in America today families are in trouble, families are being divided. The economics of raising families in America is crushing many parents. This bill responds to that problem, a problem that is a nation's problem. It is in a very small sense a step toward solidifying families in America. It allows for families to come together.

Unfortunately, we are faced with societal problems of significant magnitude. Many of us believe that strengthening the family is a critical national security objective. No parent should have to explain to his or her child that they cannot hold their hand and nurse them through a traumatic illness or injury because they fear losing their job.

A child's confidence of a parent's presence at a time of illness will be strengthened, a spouse's sense of security at a time of crisis will be enhanced, and a parent's peace of mind that the child for whom they cared can care for them.

Arguments have been made that this bill will have an adverse effect on the business community. I disagree. Since this legislation was first introduced several years ago, significant changes have been made in order to address the concerns of the business community. The legislation before us applies to only those employers with 50 or more employees. In addition, it provides that an employer can exclude from coverage 10 percent of the company's highest paid employees.

I have become very sensitive to the concerns of the business community with regard to federally mandated benefits and I intend to support efforts to come to reduce the burdens we place upon our business community. The obligation provided in this bill is, I think, small and the necessity to respond to the crisis in our families is great. We must strike a balance. And, I believe this bill accomplishes that goal.

□ 1410

The President of the United States, George Bush, when he was running for President, said this: "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 kinder, gentler Nation."

We talk about timing. Americans have not missed the fact that the President is changing his positions on some things as he campaigns in Texas, in New Jersey, and other States of this Nation. Perhaps he is hearing the people. The people say that this is a small step, but an important step, to strengthening families.

It is unconscionable that America, a highly industrialized world leader, has been unable to enact a family leave policy. There is no other industrialized country in the world without such a policy. It is time, I suggest to redeem promises, to redeem observations about a kinder, gentler nation. It is time for us to act: for parents, for elderly or sick mothers and fathers, and certainly for our children.

Let us pass this bill. Let us hope the President signs this bill.

Mr. FORD of Michigan. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Madam Speaker, I rise in opposition to the Conference report on S. 5, the Family and Medical Leave Act.

S. 5 attempts to paint all employees the same color without regard to the uniqueness of the workplace or of worker needs. It removes the flexibility of having leave policies suited to the business and in providing a buffet of employee benefits to the worker such as health care, education, pension, child care, or flextime.

Those who support the conference report have a point that we should recognize. Employers should offer leave to their workers, because providing job security to an employee who is facing a family emergency is good business for it makes for a better work environment.

But those of us who oppose S. 5, are not a bunch of angry old men who are heartless and insensitive to the needs of workers. Many of us who have been through the grind of running a small business, like I did for 30 years, offered leave to employees whenever an employee needed time off to care for a child or emergency. We should not need the Government to tell us of our Christian duty of compassion and understanding to others.

Nor do we need to have some sort of litmus test, which some are trying to make by way of S. 5, for family values in a Presidential election year. The only thing we are testing today is the patience of the American people by going through a beguiling attempt to establish a family Congress. I hope the next Congress can do better, it will need to.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Madam Speaker, through the years I have listened to the debate, for the last 6 or 7 years, and I am always amazed at the opposition to this particular measure. Members say, "My goodness, this is a liberal proposal." Well, the gentleman from Illinois [Mr. HYDE] supports it. I will rest my case with that issue.

People say it is not really a matter that we ought to mandate. What should be mandated, if not job security for a legitimate reason such as a terminal illness? What other reason would you mandate?

I cannot imagine the tone of the opposition to this type of legislation. Why have we not brought it up before now? It has been here for 7 years. It has been here for 7 years trying to get a sufficient majority, or a President to sign it.

Why do we do it now? Well, we are now in a Presidential election and the President should hear from the people. If the people want this, they ought to tell him that they want mandated leave, and I think they have, by 70 percent.

The arguments that have been made in opposition are terribly weak arguments, and some day every Member of this House will be faced with this issue. I urge Members to vote for this bill.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Madam Speaker, I want to talk about family values—real family values. It is time to give American families a chance. We have a mandate, a mission, and a moral obligation to stand up for the American family. This Nation's families are wallowing in the pain of an economic recession. It is time to put the needs of the American family first.

We all need to wake up. Our country has changed. The American family has changed. We must help the American family and their employers adapt to these changes. If we do not, our economy will continue to suffer. The fabric of our society will continue to unravel.

As the Atlanta Constitution pointed out in an editorial today in support of this bill, the President, along with others, happens to believe that with all of the talk about family values, that family is of secondary importance to the right of business to hire and fire whom it pleases, when it pleases. Yet, we already restrict that right when national interest requires it under law. The jobs and positions of national guardsmen who are cleaning up after Hurricane Andrew are protected by law.

If we truly believe in the importance of family, should not the same right be extended to parents who are forced to stay home with a very sick child. It is time for us to stop talking, it is time for us to act. Let us pass this legislation with a big margin and send a message of hope to all who work in America that the Family and Medical Leave Act will lift a heavy burden off the shoulders of working people.

Mr. CLAY. Madam Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Speaker, for 15 years I was a single parent, and I know what it means when you have a 3-year-old daughter who is very sick and you cannot responsibly leave them at a day care center and cannot find someone to care for them. You will do the responsible thing. You will stay home at the risk of losing your capacity to provide for them economically.

That is what parenting is all about. That is what family values are all about.

In my congressional district more than 70 percent of the adults in our households work. Some of them want to work; most of them work because they have to work if they are going to provide for their families adequately.

Madam Speaker, it is also true that it is unfair to those employers who accept responsibility for their employees, who are willing to accept the cost of decent benefits, employee benefits, when they have to compete against other companies who do not. If we do not pass this legislation, we are benefiting those irresponsible employers who care less about their employees.

Madam Speaker, there is no question this is the most important family values legislation that has hit the Congress this year. It has to be passed.

Madam Speaker, I rise today in support of the Family and Medical Leave Act.

Few can deny that our work force is changing. Our communities no longer predominantly contain the households we remember from our childhood—where husbands and fathers were the primary breadwinners who often worked 9 to 5 while the wives and mothers stayed home and cared for the children. Today, we live in communities with families that are far different from the ones we remember in the past; families where both spouses work—sometimes out of choice, most times out of need. Furthermore we are increasingly seeing single parent households dependent on one income. It is these families, the families of the 1990's—not the 1960's—that we are seeking to protect through this legislation.

I represent a district which dramatically illustrates the need for this pro-family legislation. Because of the high cost of living and the expensive Washington real estate market, over 70 percent of the women in my district are forced to work full time to help their families make ends meet.

Every day in northern Virginia, and in communities across the country, these working women are being forced to choose between their jobs and their families. Often women are forced to use all of their leave, all of their vacation time, and any compensatory leave they may have accrued to tend to the birth of a child or an ailing family member. If they are fortunate, they can return to their jobs without a loss of benefits or an interruption of health insurance. If, however, the newborn is not ready for day care, or if there is a prolonged illness, an individual can be forced to either sacrifice their careers and incomes or compromise their familial responsibilities.

Working Americans should not be forced to make this type of sacrifice. They deserve greater job security and the opportunity to care for a loved one during a time of personal crisis. The Family and Medical Leave Act we are debating today would provide this sense of security for over 64 percent of America's employees while impacting only 5 percent of America's businesses. Most importantly, this legislation would cost business less than $7.10 per covered employee per year while saving more than $12.2 billion in lost wages annually.

Working men and women in our districts want this legislation and deserve our support. I urge my colleagues to join me in supporting the Family and Medical Leave Act.

Mr. CLAY. Madam Speaker, I yield 3 minutes to our majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, American families are living in an age of anxiety. As many experts have observed, the recession has been prolonged because people are reluctant to spend money—if they have the money—to buy that new car or new refrigerator. Americans are anxious about their jobs, their health care, the cost of education—they are anxious about the future.

Imagine what it would mean, living in anxiety, living frugally, to get the call at work that every parent fears—come home, your child is sick, or your parent is desperately ill. Imagine the heartache that comes when a family is in crisis, and a parent or a spouse is denied time off because of an inflexible workplace policy on leave.

They are told to choose between their families and their jobs; and this is a choice no working family can willingly make.

When I got the phone call—when Jane called me and said "come home, something's wrong with Matt"—when I learned my 2-year-old boy had cancer—I was lucky. I had a compassionate employer.

I was given the time we needed—the time I needed—to meet with the doctors, to attend his treatment, and to stay with him when he was scared or in pain. I was lucky, and Matt was lucky. Against all odds, he made it. And I did not have to choose between my job and my son.

For the parents whose employers do not provide this benefit voluntarily, the choice between keeping one's job or caring for a new child or sick family member is a choice no American should have to make. We can honor the values of work and family, and the family and medical leave bill shows us how that can be done.

Do not be distracted by the issue of competitiveness; the industrialized world has these benefits, and many other countries offer paid leave. Do not be distracted by the burden on small business; small business is exempt, only 5 percent of firms are covered. But pay close attention to what this benefit can mean to working families who are in crisis, and who look to a compassionate government to intervene on their behalf.

Today we can demonstrate our commitment to family values by our deeds not just by our words. We can rise above the partisan differences that often justifiably divide us. We can provide some meaningful assistance to families in crisis without burdening the business community. And we can

demonstrate to the American people that their government can do something meaningful for them.

I urge support for the legislation, and I urge the President to sign into law the Family and Medical Leave Act.

Mr. MARLENEE. Madam Speaker, today we are engaged in another political sham that is designed more for press releases and soundbites than to provide solutions to real world problems.

According to the proponents of this legislation, only 5 percent of America's businesses—only 2 percent of Montana's 24,779 business establishments—will be covered by this new mandated 12 week unpaid leave policy. Why all this hype and hysteria over who is really for "family values" when so few businesses will be covered? It sounds to me like Montana's small business employers and employees will be asked to foot the bill for another big city "solution" in terms of higher prices for consumer goods and higher taxes to pay for enforcement.

I support providing employees with some type of family and medical leave policy. But it should be negotiated between the employer and the employee on what those benefits should be. We shouldn't mandate these benefits from Washington; they should be flexible and adoptable to the specific circumstances of the company.

Seventy-two percent of small businesses surveyed by the National Federal of Independent Businesses in 1989 already provide some form of voluntary leave policy. Only 1 percent of Americans, according to a 1990 Gallup poll, believe family and medical leave is the most important benefit. By far, most respondents believed that health care, retirement pensions, child care, and savings plans were more important benefits than a leave policy. Why should we mandate this one benefit to the exclusion of the others?

Perhaps this is just one more nail in the coffin of our competitiveness. As a nation, we are going down the slippery slope of more and more mandates from Washington. What next?

As sure as I am standing here today, this mandated leave bill is only the first step. Next year, the liberals will call for covering all businesses under this act. Later, they will press for fully paid leave. And, then they will ask us to adopt Sweden's socialist model, which is suffering from a stagnate economy, to provide paid leave for up to 6 months. Can our businesses bear these horrendous costs of the liberal's antijob providing business attitude?

Am I the only Member who has heard repeated complaints from business owners in their district protesting more and more onerous mandates from Washington, DC? Why should Congress force the Department of Labor to put its nose in determining what leave benefits employers provide to its employees? Why should Congress force another mandate on American businesses without providing any means to help them pay for it? Do the liberals in Congress think businesses have an unlimited supply of money to pay for these social mandates from Washington?

Madam Speaker, I ask my colleagues to oppose this well-intentioned but misguided piece of legislation. I know it will be tough to oppose. You will be vilified in the press for opposing family values and young mothers with a newborn at home.

But the facts speak for themselves. This bill is meaningless to over 95 percent of businesses in America and nearly 98 percent of businesses in Montana. This bill is crafted more for political soundbites than in devising real solutions to this problem. In fact, this legislation could provide an unintended side-effect—businesses will be very reluctant to hire young women of child-bearing age, who will most likely take most advantage of this new benefit.

That's why I supported last year the substitute amendment offered by my good friend and colleague from Texas, Mr. STENHOLM, to this legislation. If passed, it would have provided preferred rehire status for up to 6 years for workers who leave a job for family or medical reasons. This would allow a person to leave their employment with the flexibility to come back to the same or similar job over 6 years—not forcing them to return after 12 weeks.

I also support encouraging the remaining 28 percent of small businesses to adopt a family and medical leave policy by providing Federal tax credits to them. At least, we would be honest by not shifting the cost of this Government policy onto business.

Finally, I support covering Congress with this same policy. This legislation speaks nothing about mandating a leave policy for the staff of Members of Congress. It is the height of hypocrisy to force private businesses to adopt a leave policy when we don't cover ourselves.

Madam Speaker, let's address real solutions to these problems that don't cripple our ability to create jobs. Vote against S. 5.

Mr. SWETT. Madam Speaker, I rise today in strong support of the conference report for H.R. 2, the Family and Medical Leave Act. Given the dramatic changes in the American work force, there is an urgent need to help people accommodate job responsibilities and family obligations. Working Americans should not have to choose between keeping their job or taking time off to care for a new baby or a sick parent or child.

This legislation ensures that employees can take unpaid time off when they really need it, and because it will strengthen the family, it will also help to generate a happier, more productive work force.

This is a balanced and practical bill which represents the product of long years of debate and compromise. Small businesses—with fewer than 50 workers—are exempt from this legislation.

Every other industrialized nation, including our toughest international competitors, has some form of family leave law. The time is long overdue for our country to join this list.

Madam Speaker, I urge my colleagues to join me in supporting this measure. I am also hopeful that President Bush will see his way clear to signing this vital legislation into law. He has spent a lot of time recently talking about family values; strengthening the family is what this bill is all about.

Mr. MARTINEZ. Madam Speaker, this year we hear a lot of sound bytes calling for an America that is able to compete in increasingly competitive world markets. We also hear a lot about "family values."

Today, when most mothers and fathers hold down paid jobs outside the home, it is little more than an empty sound byte to say that jobs have nothing to do with family values.

Many of the changes we are seeing to make American firms more competitive involve modernizing the workplace and the organization of work to provide the flexibility needed to more efficiently utilize all the human resources in our workplaces. This legislation encourages firms to flexibly utilize all their human resources, to invest and upgrade their work forces. Studies of business show that it usually costs more to replace an employee than to provide some flexibility that allows that employee to meet his or her obligations to his or her family, including children and aging parents. Moreover, it is simply not good business to require an employee to choose between caring for a seriously ill child and keeping the job that is needed to support the child.

The President tells us that American business cannot allow employees the flexibility they need to meet their family responsibilities. The fact is that many firms already are doing it. This legislation provides a level playing field for those firms who are already doing the right thing.

The fact is that our international competitors are already quite successfully competing in world markets with family medical leave statutes that are considerably stronger than the modest provisions of this bill. Where in the world is the President when he says America cannot keep up with its competitors and defend real family values?

Today, about two-thirds of all mothers, 70 percent of all mothers with school age children, and 56 percent of women with preschool children work outside the home. Hearings on this legislation documented horror story after horror story of good long-term employees who had been confronted with a seriously ill aged-parent or child and the need to chose between keeping their job or caring for these family members who needed help. If our Nation values families, we simply cannot allow Americans to be faced with that unconscionable choice.

Clearly, the American people agree. According to a recent Gallup poll, 76 percent of the American people believe that employers should be required to provide workers with a job-guaranteed family leave. Protecting working families from losing their jobs in order to protect family values helps keep them from joining the 35 million uninsured Americans, saving money for all of us who pay for those who lack health coverage.

The President is threatening to veto this legislation. The President seems to believe that a mother should be faced with the choice between caring for a seriously ill child or keeping the job and the health insurance that is needed to support that child. Business after business—both in the United States and abroad—has demonstrated that in today's workplace there is no reason why the flexibility in organizing work that is needed to meet both workplace and family needs cannot be provided. it is good business, it is competitive, and it is a true family value rather than a glib sound bite.

This legislation ensures adequate flexibility for firms and it provides a level playing field among firms. I urge that my colleagues join in

supporting this vital legislation that protects the reality rather than just the rhetoric of family values.

Mr. HOUGHTON. Madam Speaker, Parental leave is a difficult issue for me. I believe in the concept, I've started parental leave programs far better than this in my prior life, but here the approach is way off, and for one simple reason: Frankly, this law will help a few and hurt many businesses who cannot handle the burden. Is that any way to pass legislation?

When I served as CEO of Corning, Inc., we implemented a leave plan of 3 months or longer and it was paid leave. My concern then is not for large companies such as I worked for or even middle-sized ones. My concern is for the small firms who are now struggling to keep their heads above water.

The definition of a small business by the Small Business Administration is 100 employees or less. This bill drops way below that figure to a level of 50 people. What that means is that it puts the same requirement on a small business as it does on General Motors. That's just not right. I wanted an opportunity to change the employee exemption from 50 to 100, but no one listened. It was not permitted.

Also, frankly I think our priorities are way off when we bring up an issue such as parental leave before we touch health care. This is like having a second car in the garage without having a first. Concept good, timing bad.

Parental leave is something whose time has come. But let me ask, can't we keep the octopus-like tentacles of the Federal Government off even the tiniest of businesses? First, raise the critical number—apply this to a company that can fend for itself—then I'm for this needed legislation. But don't load big company costs and pounds of paperwork on those who can't handle it.

Mr. LIGHTFOOT. Madam Speaker, I rise in opposition to the Family and Medical Leave Act conference report. While I do not support the legislation as it is written, I do support the concept of a family and medical leave. I believe workers deserve leave time in cases of childbirth, adoption, and medical emergency. That's why I, as a small business owner, work with my employees to allow them adequate leave time when family crises arise. Employees should not be placed in a position where they are forced to choose between their careers or caring for their families.

However, I disagree with the concept of the Federal Government mandating 12 weeks leave time for every business. This would adversely affect small business which is a crucial element of Iowa's economy. The intention of this legislation may be well-meaning, but its practical impact has not been properly considered.

Mandated leave time may actually work against those it is designed to help. Single worker families and low income two-earner families are least likely to be able to afford 12 weeks of unpaid leave. They simply cannot afford the loss of income. On the other hand, high income families, with greater resources, will more likely opt to take this benefit.

In most cases, employers and employees are able to work out a leave schedule which meets the needs of both parties. A federally mandated leave policy may prompt employers, assuming job applicants are equally qualified, not to hire women of child-bearing age.

I don't believe another Government mandate is the answer. Smart, responsible employers offer this benefit voluntarily to keep good workers. I am concerned that a mandated leave policy would affect the availability of other employee benefits. We should encourage employers to work with employees to fashion a flexible, workable leave policy. We should not be trying to force employers and employees into a policy which may not fit every situation

Ms. DELAURO. Madam Speaker, I rise today in support of the conference report on the Family and Medical Leave Act. This bill represents real progress for working families, a real chance to ensure that working parents are not forced to choose between the demands of their jobs and the needs of their families.

In Connecticut we have family and medical leave protections. We know that they work. We know that businesses can support them. We know that family and medical leave does not hurt businesses; it helps them by improving worker productivity and morale, and by reducing worker turnover.

It is time for working Americans across this country to enjoy the type of protections Connecticut families have. We are the only industrialized nation that does not have a family and medical leave policy.

The protections under this bill are not onerous—they are the bare minimum that workers fighting to balance work and family deserve. They are the least we can do for those working parents who are doing something to promote strong families—instead of those who are just talking about so-called family values.

I urge my colleagues to support families by passing the Family and Medical Leave Act. And I challenge the President to make good on his promises by signing this bill.

Mr. OWENS of New York. Madam Speaker, I rise in strong support of S. 5, the Family and Medical Leave Act.

We have done precious little for the average American worker so far in this Congress and this bill gives us an opportunity to do something—not much, but something—for the people who elected and sent us here in the first place.

It would be hard to weaken and water down this bill any more than it has been during the past 7 years it has been under consideration in the Congress. Every time this legislation has been brought forward to the floor, we have pared away more and more of the protections this bill would provide workers in order to make it more palatable to more Members of this body. There is precious little left. Most businesses are not even covered by this bill anymore. Small businesses with fewer than 50 employees are now completely exempted. This bill will have no effect at all on 95 percent of the businesses and 44 percent of the employees in this country. Let me repeat that: 95 percent of American businesses are completely exempt from this legislation.

The sponsors of the bill have also dramatically reduced the amount of leave that would be available to employees. When we started this process we were talking about providing 18 weeks of family leave and 26 weeks of disability leave. What we're down to now is a total of just 12 weeks of leave for any reason.

And, as from the beginning, we are only talking here about unpaid leave. Unpaid. That means that workers who are not independently wealthy are not going to be able to take the leave provided by this bill unless they have absolutely have to. Unless there is a crisis, an emergency or an important family event like the birth or adoption of a child that requires them to be home for a while.

In other words, this bill is not—or should not be—a big deal.

Workers in 135 other countries—including nearly every industrialized nation and some Third World nations—already have the kind of job-protected family leave H.R. 2 would provide to Americans. In 127 nations—including some of our chief economic competitors like Japan and Germany—workers even get paid family leave. And workers in some of these countries have had these basic rights since before World War I.

Unpaid family leave is not going to be too expensive for business to bear. The General Accounting Office estimates that S. 5 will cost the 5 percent of businesses covered by the bill about $5 per year per employee. That amounts to a little more than a penny per day per worker. You don't get much cheaper than that. In the last Congress, George Bush and the big business PAC's said $4.35 an hour was too much to pay minimum wage workers at the bottom of our society. This week they're telling us that even a penny a day more is too much for working people. A penny a day.

So it's not a big deal. It's not a radical concept. Most American workers won't be covered by this bill. Many of those who are covered won't take the leave because they can't afford it or don't need it. And for the few who are covered and do take the leave, S. 5 won't provide any great windfall or benefit—just one less problem to worry about at a time of family stress and turmoil. That's not much to ask.

Big business, however, says it is. The sponsors of this bill have worked for 6 years to come up with some kind of compromise that would be acceptable to the big business PAC's who are fighting this bill tooth and nail. But big business opposes any bill and any family and medical leave standard—no matter how short it is or how few workers it applies to. This is nothing new. Fifty years ago they opposed any restrictions on child labor. Twenty years ago they said we didn't need any workplace health and safety protections. And now here they are fighting for the unfettered right to fire a worker for having a baby.

That's an outrageous position that only the most fanatical advocate of shark-tank capitalism could support. This is a modest bipartisan compromise which should receive the overwhelming support of this body.

Vote for S. 5 and do something good for your constituents. Vote against it and you just might find your constituents giving you—and the putatively profamily President who still vows to veto it—52 weeks of unpaid leave come election day this November.

Mr. DOWNEY. Mr. Speaker, over the past several weeks, the American people have heard more about family values than ever before. They have been bombarded with a barrage of rhetoric on family values and both political parties have claimed to be the champion of this deal. It is unfortunate that partisan poli-

tics has overshadowed this important issue. It is even more unfortunate that while George Bush has a real opportunity to do something about it, the same President who espouses his support of family values, has once again indicated that he will veto the Family and Medical Leave Act, which we have before us today, just like he did 2 years ago. It is time to give the American people a real example of what family values are all about. We must not let this opportunity pass to provide meaningful support, in the form of job guaranteed family and medical leave, to the working people of this country.

Recent years have seen dramatic changes in the composition of the American work force, and equally dramatic strains on the American family. Today, more than 50 percent of women work. Most have young children. At the same time, the population is aging. It is an unfortunate fact that, for the most part, employers have not adapted to the needs of a changing work force. There is an urgent need for a national policy which will balance employees' job responsibilities with their family obligations. The Family and Medical Leave Act will do just that by requiring businesses with more than 50 employees to permit their workers to take up to 12 weeks of unpaid leave each year to care for a newborn or adopted child or for a seriously ill child, parent, or spouse, or to use as medical leave for themselves.

As a nation, we must be aware of the needs of our families. It is an economic necessity for many families to have two incomes, and at the same time they must meet the special needs of new children, ill relatives, or their own health problems. American workers need to be secure in the knowledge that they will not be forced out of their jobs when they are called to answer the needs of their families. That is why I support this legislation.

Lastly, I would like to remind you that while many people view this legislation as an attempt to distinguish the differences between the Democrats and the Republicans, the chief sponsor of this bill is a Republican, and this bill enjoys a wide bipartisan base of support in Congress. I urge my colleagues to put politics aside and join me in passing this much needed family values legislation.

Mr. WEISS. Madam Speaker, I rise in support of S. 5, the Family and Medical Leave Act. Less than a year ago, I stood here with my Democratic colleagues in protest of President Bush's veto of this same measure. Unfortunately, we did not override Mr. Bush's callous veto, but we did vow that we would continue to fight for the American family. Well Mr. President, here we are again. Mr. Bush talks about family values, but in this campaign season, his words are mere political sound bytes that fade after the evening news. The Family and Medical Leave Act is desperately needed legislation that will help millions of Americans balance the changing demands of the workplace and their families.

In the past, the popular definition of the traditional American family was a constant entity: 2 parents, 2.5 children, the male was the breadwinner who worked outside the home, the female was the housewife who cared for the kids. Yet, today's American family cannot be singularly defined. Today's family is continuously evolving to adjust to the changes in American society. And today's United States needs a medical leave policy that will adapt to these family changes the majority of which are women. According to the Women's Legal Defense Fund, 66 percent of women with children work in the paid labor force. Women account for 62 percent of the increase in the paid labor force since 1979. This revolution is expected to continue into the year 2000, when as many as 2 out of 3 new entrants into the job market may be women.

Recent data also indicates that the American working family is changing in other ways. The U.S. Census Bureau just released statistics which indicate that American families are running in place when it comes to wages. Although they are working longer and harder, American workers are earning less. The average wage of an entry level worker with a high school education has dropped 26.5 percent for men and 15.4 percent for women since 1979. College graduates are also struggling for competitive salaries. For this same time period, the average entry-level wage for an individual with a 4 year degree has fallen 9.8 percent. We cannot allow these working parents to risk losing their jobs merely for taking care of a sick relative or deciding to begin a family.

Medical advancements have further contributed to the need for family leave. The U.S. Department of Commerce reports that the projected life expectancy of a U.S. citizen has increased from 70 to 75 years of age since 1960. Over 12 percent of all Americans are 65 or over. The National Council on Aging reports that 95 percent of this elderly population relies on informal, unpaid care from their relatives and family members. This large number translates into one-fifth of all American workers having to personally care for an older individual. Disproportionately, two-thirds of those nonprofessional caregivers are working women.

The escalating costs of health care insurance cause many Americans to live in fear of losing their jobs. Without a medical leave policy, a working American who chooses to care for a sick relative risks losing her entire family's health insurance if she loses her job. American workers should not have to sacrifice the health of one family member to retain insurance coverage for the rest.

The Family Medical Leave Act is the insurance policy that will protect American worker's jobs when a family member needs medical care. It will create a concrete leave policy in the United States that supports the American family. S. 5 requires that employers with more than 50 employees provide up to 12 weeks of unpaid leave per year to attend to the birth or adoption of a child or the serious illness of an immediate family member.

This legislation cannot be delayed any longer. The United States is the only major industrialized nation without some form of a minimal leave policy. Many countries have much more comprehensive and generous Federal leave policies that include paid annual leave and an annual child care provision. If the United States is to continue to compete on an international level, the American worker must be shown the respect of his or her worldwide counterparts.

We have passed this legislation before, and we will pass it again. The citizens of the United States deserve the Family and Medical Leave Act. Enough with rhetorical attacks on fictional television families; the struggling American family is a real problem—and a vote for the Family Medical Leave Act is the real solution.

Mr. EWING. Madam Speaker, I rise in opposition to the conference report on H.R. 2, the so-called Family and Medical Leave Act.

For those of my colleagues who spent any time with small business constitutents during the August recess, they know that one of the top concerns of these entrepreneurs is the explosive growth of Federal mandates and the crippling costs they impose on small companies. Well, now is the time for my collegues to take a stand for those struggling small businesses in their district and vote against this harmful legislation.

Make no mistake about it, this legislation will tie the hands of small businesses, it will drive their costs up, and it will kill jobs.

The Family and Medical Leave Act will establish a nationwide formula for all affected companies, painting them all with a broad brush and forcing them to provide the same type of family and medical leave policies. Instead of allowing individual businesses to determine the benefits they can afford to offer, and the kind their employees want, this legislation will shackle all employers to a single federally mandated formula.

In an economy in which every employment situation is different, and in which the work force is constantly changing, employers and employees should have the freedom to work together to establish benefits which provide benefits which are mutually acceptable. Congress does not have the answer to what works in each and every company throughout America.

Of course we all want companies to offer leave time to employees facing health problems, taking care of a sick relative, or welcoming a new baby to their families. We are ignoring the fact that most of them already do. In fact, a poll taken in April 1991 by Gallup and the National Federation of Independent Business found that well over 90 percent of small businesses already provide some type of family or medical leave.

However, the mandates contained in H.R. 2 will tie the hands of many businesses, forcing them to abide by the dictates of Congress, and drive up their costs. This, in turn, will force many to reduce the number of their employees or avoid hiring more. In the long run this could kill jobs. Obviously, this is not good for the working men and women of America, or for the economy.

The Governor from Arkansas and his friends in control of Congress have been touting the Family and Medical Leave Act as evidence of their commitment to family values. Family values do not come in the form of expensive job-killing Federal mandates on small employers. Families would be much better served with the flexibility of employers and workers working together to come up with benefits which both can accept. They don't need Congress telling them how to run their families and businesses.

Mr. OWENS of Utah. Madam Speaker, today I rise in support of the conference report on the Family and Medical Leave Act. Over the past several months we have heard much

talk from both sides of the aisle on family values. I have paid particularly close attention to our President. In a recent speech in Georgia, President Bush said he has a "belief * * * in strong families and in leaving the world a better and more prosperous place for the young kids here today." A few months earlier the President had this to say: "Every piece of legislation that comes my way, we're looking at it to see that it does nothing but strengthen the American family. * * * We must strengthen family values. And I will do my level best to do just that."

By not supporting the Family and Medical Leave Act, it seems to me the President has an incongruous policy—his policy—conceive—but 9 months later don't expect leave. While his rhetoric seems to champion family values, the President has threatened to once again veto this important legislation. This is downright hypocritical. By vetoing this measure, the President will turn the Family and Medical Leave Act to a family without relief act.

This bill requires employers with 50 or more employees to provide 12 weeks unpaid leave to their employees to care for a newborn baby or a sick family member. Ninety-five percent of all businesses would not be affected by this legislation. This bill also restricts employee eligibility to those who have worked at least 25 hours per week for at least 1 year. Employers may also exempt key employees—highest paid 10 percent of the work force—from coverage under the act.

This leave is not to be used for a holiday, nor for play, Mr. President, but is to be used for the caring and nurturing of family members. Isn't that, Mr. President, what family values are all about?

Simply put, on the one hand, Mr. President, you espouse family values. On the other hand, you veto the Family and Medical Leave Act. Mr. President, your actions are tipping the scales out of whack.

What else has our President been saying? He wants to help the economy? According to a Cornell economist, since Mr. Bush vetoed the Family and Medical Leave Act in 1990, 300,000 workers with serious illnesses lost their jobs because of lack of medical leave. And, if the President had not vetoed this bill, businesses with 50 or more employees who did not have a leave policy could have saved approximately $500 million in hiring and training costs. This same study shows that providing family and medical leave is more cost effective than permanently replacing employees who need leave.

Our country is the only industrialized country in the world that does not offer family and medical leave. In fact, many countries offer more time and paid leave.

Enactment of the Family and Medical Leave Act would be a positive investment in our work force and could be implemented easily and inexpensively, without placing an undue burden on the business community. This is an investment we can no longer afford to lose.

I ask the President, if you truly want to do your level best to strengthen family values, do not veto this bill.

Mr. LAGOMARSINO. Madam Speaker, I rise in opposition to the conference report.

I doubt that any Member in this body questions the value of unpaid leave for certain family or medical situations. But this is not a debate about whether or not unpaid leave is a good idea, and it is certainly not a debate about family values.

This is a debate about whether or not the Federal Government in Washington, DC, should be telling a worker in Santa Maria, CA, what kind of employee benefits he or she wants and needs.

At their best, Federal mandates limit choice and opportunity in employee benefit packages. Parental and medical leave are certainly appropriate benefits for some. However, wage increases, dental benefits, education benefits, paid vacations, or flexible work schedules may be more suitable for others. Employers and employees should be the ones to determine which benefits are best suited to their own circumstances—not the Federal Government.

At their worst, Federal mandates force job losses and kill job creation. Clearly, smaller businesses suffer the most when the Federal Government mandates benefits. However, the United States is counting on small businesses for up to two-thirds of the new jobs created in this decade. Adding extra weight on the back of our best horse is no way to win a race.

And why now? Why after months and months, when this bill could clearly have been passed and sent to the President? Everyone knows the answer—politics.

I urge my colleagues to join me in opposing this federally mandated leave policy.

Mr. DORGAN of North Dakota. Madam Speaker, I rise today to express my support for the Family and Medical Leave Act. In the last several months, we've heard a lot about family values, and a lot of discussion about what family values mean.

To me, family values mean, first and foremost, supporting family members when they need you most. And today, we have the chance to give millions of working Americans the opportunity to be there for their families and to strengthen the family ties that are the lifeblood of this Nation.

The Family and Medical Leave Act will provide up to 12 weeks of unpaid leave to employees to care for a seriously ill family member, a new baby, or their own serious illness. This is what family is all about—working together as a family to overcome new challenges and tragedies. Without this act, working Americans will continue to be forced to choose between keeping their jobs and supporting their families during a medical crisis. And I don't think that's a fair choice to require them to make.

I agree with those who say that Congress should be careful that employee leave legislation doesn't create such burdens for businesses that it makes them unable to function effectively. That's why I opposed initial proposals for family and medical leave that would have applied stringent leave requirements to small businesses. A business with 5 or 10 employees depends fully on every employee every day, and doesn't have the flexibility that larger companies do to provide extended leave benefits. I was at the forefront of the fight to make sure that those small businesses were protected.

The Family and Medical Leave Act that I'm voting for today has an exemption for small businesses, and imposes leave requirements only on employers with 50 or more employees. The act also has a key employee exemption for businesses of all sizes to make sure that no business is unduly burdened by this law.

This legislation is not overly burdensome or expensive, and I think it makes good business sense for America's employers. A 1989 GAO study estimates that compliance with the law will cost employers only about $7.10 per covered worker per year. That's a small price to pay to retain experienced, productive employees who return to their jobs after responding to a family emergency.

I'm supporting the Family and Medical Leave Act because I think that it's probusiness and profamily. This is the real family values issue of 1992. We can help families stay together by passing this bill today.

Mr. HUGHES. Madam Speaker, I rise in strong support of the conference report on S. 5, the Family and Medical Leave Act.

This legislation is intended to strengthen the family unit in America by permitting workers to take up to 12 weeks of unpaid leave from their jobs to attend to family medical emergencies.

As two-income families increasingly have become the norm in America, the need for minimum standards for family and medical leave has become more apparent. More than 135 countries already have such a standard, including many of the United States competitors such as Japan, Canada, and West Germany.

In the United States today, nearly two-thirds of all mothers work outside the home, including some 70 percent of women with school-aged children and 56 percent of women with pre-school children. They do so in most cases because they need the income to support their families.

Unfortunately, when a child is born or a family member is ill or dying, many workers are forced to choose between their jobs and their families, because their employer does not allow for unpaid medical or maternity leave.

Under such circumstances, those who choose to meet their family responsibilities face the prospect of losing not only their jobs, but also their health benefits and their very ability to maintain their family's standard of living. In other words, families which choose to stay together in times of crisis are penalized for their actions. That's just not right.

The Family and Medical Leave Act will ensure that workers can take time off from their jobs to attend to family emergencies, and return to their jobs when the family crisis has ended.

For those who may be concerned about the impact of this legislation on small business, I would point out that the bill only applies to businesses with 50 or more workers. As such, it exempts some 95 percent of all employers in the country. The bill also provides employers with the flexibility to deny unpaid family or medical leave to part-time workers or those considered to be key employees.

Madam Speaker, I believe this bill is a very modest attempt to try to strengthen the family unit in America without imposing an unfair burden on the business community.

It tells the millions of working men and women in America that it's OK to put their families first, and that they should not have to

live in fear of losing their jobs to attend to a newborn baby or seriously ill parent.

It assures employers that they will not have to incur the expense of training permanent replacements for workers who must take time off for family emergencies, and that they can recoup health premiums paid on behalf of employees who do not return to work.

At a time when traditional family values has become a rallying cry, this bill represents a genuine opportunity for Congress and the President to take a stand in favor of the American family.

I urge my colleagues to join with me in supporting this legislation, and just as importantly, I urge the President to sign this landmark profamily bill into law.

Mrs. COLLINS of Illinois. Madam Speaker, I am proud to rise in strong support of the conference report on S. 5, the Family and Medical Leave Act. Not only is this balanced measure good for America's families, it just makes good common sense.

The conference agreement requires private employers as well as State and local governments to provide their employees with 12 weeks of unpaid leave in order to care for a seriously ill child, spouse, or parent or as medical leave if the employee herself is ill.

The need for this measure could not be greater since three-quarters of all American women with children work, and the number of single-headed households has risen to unprecedented levels in recent years. In my district covering parts of Chicago and some of its western suburbs, 46 percent of all families are headed by single women. Having been a single parent, I can appreciate the dilemma of these mothers when one of their children becomes seriously ill and they face losing their jobs in order to attend to their parental duties.

Opponents of this measure will argue that it will hurt businesses to allow employees this option. This is far from true. Any caring parent will tell you that they can not function effectively on the job with the knowledge that their child is in grave danger. Allowing parents to see to the needs of their sick loved one can only speed the recovery of the ill child and hasten the return of the employee's full attention to his or her job tasks.

To ensure that this bill does not harm small businesses, the framers have included a safeguard that would limit this benefit to businesses with 50 or more employees so that there is no unintended negative impact on marginal small businesses which may be unable to cope with long absences of key employees.

With all the recent talk about family values, I would hope that we can pass this commonsense bill that will bring a small measure of help to beleaguered parents and caregivers. I will vote for the conference report and I urge my colleagues on both sides of the aisle to do likewise.

Mr. FAZIO. Madam Speaker, I rise in strong support of S. 5, the conference agreement on the Family and Medical Leave Act, the bill that will allow American workers to take time off for family emergencies without fear of losing their jobs. If we are really serious about our commitment to family—if we really believe in the so-called family values theme has been repeated throughout this Presidential campaign—this is one good way to show it.

The Family and Medical Leave Act will require employers with 50 or more employees to provide their employees with up to 12 weeks of unpaid leave each year for either caring for a new or seriously ill child, parent, or spouse, or for medical leave if the employees themselves are seriously ill. During the leave, the employee's job and health insurance benefits would be protected.

Because the act only applies to employers with 50 or more employees, only 5 percent of employers and 50 percent of workers would be covered. Small businesses are truly exempt from the Family and Medical Leave Act.

We must all accept the fact that the American family has changed over the years. Most women of childbearing age are working. We have seen a 20-percent increase in the number of married mothers in the work force and a more than 100-percent increase in the number of mothers who work year-round, full-time in order to keep their families' incomes from plummeting. About two-thirds of all mothers—more than 70 percent of women with school-aged children and 56 percent of women with pre-school children—work outside the home. And, for the most part, women are the ones who end up caring for our children and ailing parents. That is why working women, in particular, need the relief that this bill will give them.

In two-parent households, it is likely that both parents have to work in order to try to make ends meet. Times have been difficult for our middle-income working families, and they are getting tougher. As a result, our families in the middle are placed under tremendous strain when someone is sick, or when a child is born or adopted.

As it is, most Americans cannot afford to take time off without pay, even under these circumstances. Many will end up not being able to exercise this option, even for a short period of time, because they need their paychecks. But for those workers who can somehow manage to take the time off, the Family and Medical Leave Act will make all the difference in the world.

Without the option that the Family and Medical Leave Act provides, workers who meet their family responsibilities will risk losing their jobs. We will see more families exiting the economy, becoming reliant on public assistance and yes, we will even see more homelessness.

According to the Institute for Women's Policy Research, unemployment compensation and other public benefits for people who lose their jobs because they do not have job-guaranteed medical leave cost taxpayers over $4 billion each year. Taxpayers pay an additional $100 million annually for women who lose their jobs for want of job-guaranteed parental leave. We all lost when workers cannot return to their jobs because of illness or the care of a newborn.

The Family and Medical Leave Act gives us a balanced solution to this problem because it is good for all concerned—our workers, our families, our taxpayers, our businesses, and our economy. According to the Families and Work Institute, providing parental leave is much more cost effective than permanently replacing employees who need leave. Unpaid leave amounts to about 20 percent of the employee's annual salary, whereas the cost of replacing that employee varies between 75 and 150 percent of his or her annual salary. Additionally, 94 percent of all leavetakers return to work and therefore do not need to be replaced. And, their performance improves upon their return. Job-guaranteed medical and parental leave is good business.

The Family and Medical Leave Act also does not just protect the worker's interests. There are special provisions to ensure that employers are not unfairly treated. For example, not all employees are eligible for leave—only those who have worked an average of 25 hours per week for at least 1 year are covered. In cases where the need for leave is foreseeable—such as an expected birth or adoption or planned medical treatment—employees must provide the employer with 30-days' advance notice. In order to prevent substantial and serious financial harm, an employer may also exempt key salaried employees who are among the highest paid 10 percent. Also, an employer does not have to provide health benefits during the leave if these benefits were not provided when the leave began, and an employer may recapture any health insurance premiums paid during a leave if an employee does not return from leave. The employer may also require that an employee who wants leave provide medical certification from a doctor supporting his or her claim.

The American people overwhelmingly support the notion that they should be able to take time off from work to be with a baby or an ailing or dying parent, or if they themselves are sick, without having to worry about whether or not they still have a job. We cannot avoid this issue. It keeps resurfacing and it will continue to come back before us until we address it once and for all.

Now that we have the opportunity to do something positive for American workers and their families, I don't see how we can fail to take advantage of it. American workers should be able to balance their home and family responsibilities, without having to choose between two of their most important values: Family and work. Let's give them some job protection for family emergencies. Instead of a lot of rhetoric about family values, let's give them some real choices that we can all comfortably live with.

Mr. BEREUTER. Madam Speaker, the mandatory family and medical leave bill we are considering today is a seriously flawed bill that will cost jobs and this Member intends to vote against it.

The measure coming before the House would require businesses to provide as much as 12 weeks of unpaid leave annually to any employee for their own sick leave, for the care of a sick child, spouse, or parent, and for the birth or adoption of a child.

Businesses, especially the small businesses that are the backbone of Nebraska's economy, will be hurt by H.R. 2. The National Federation of Independent Businesses estimates that it could cost each small business as much as $12,832.60 per employee per year to comply with all requirements of the bill. That kind of cost could kill small businesses and the jobs they provide. It doesn't make much sense to try to guarantee someone a job in a business

that will be wiped out as a result of too much government intrusion.

Madam Speaker, there is almost unanimous opposition to this bill among the small business community in this Member's State. An editorial from yesterday's Omaha World-Herald, which this Member requests be inserted in the RECORD at this point, makes clear that mandatory leave is not good for families, good for business, or good for the Nation.

Smaller business are especially hurt by this kind of requirement as they are more likely to have specialized employees. When those specialized employees take leave, the business must temporarily replace them. Currently, businesses have the flexibility to accommodate both the replacement and the returning employee. The mandatory leave bill would take the flexibility away. While the legislation currently only applies to businesses with more than 50 employees, Nebraska businesses expect that once such legislation is enacted it would soon be applied to smaller businesses as well.

While this Member does strongly support private businesses establishing family and medical leave policies, he opposes H.R. 2 as this Member does not believe that the Federal Government should move so intrusively into the policies or practices of those private businesses and local entities. Both families and businesses will be better off negotiating benefits and leave between themselves without government interference. Most Americans—89 percent in a recent poll—don't want the Federal Government telling them how and when to take family related or medical leave. The mandatory family and medical leave bill not only would take that decision away from the individual, but would force businesses with already established, successful leave programs to switch to a rigid, government-controlled policy. While the goals of H.R. 2 are laudatory, the means of reaching those goals would result in much greater governmental intrusion into business and family matters. That is the wrong direction.

Madam Speaker, in this Member's own office, he established a flexible leave policy that is fair to the taxpayer and which considers the individual's situation. This Member's staffers have taken maternity leave, sick leave, and leave to care for critically ill family members. In each case the time away from the office was determined by the needs of that individual and the needs of their family. In all cases, their jobs were waiting for them when they returned. This is the type of flexible, sensible set of policies that employers should be allowed to implement for their employees, not some policies forced by a heavy-handed Federal Government.

Madam Speaker, it is an example of the liberal, big government inclinations of the supporters of this bill that they would take a matter best left to employers and employees and give the authority to an already over-regulating, stifling Federal Government, not even pausing to let States regulate at a more appropriate level.

[From the Omaha World-Herald, Sept. 9, 1992]

FAMILY LEAVE BILL IS BACK; IT'S A PHONY CAMPAIGN ISSUE

One of the phonier campaign issues of this election year is materializing in Congress. Democratic leaders in the House are getting ready for another attempt to pass a family leave bill.

President Bush vetoed similar legislation in 1990. Capitol Hill observers have reported no significant shift in the lines of support to indicate that the chances of overriding a veto have improved.

But the Democrats are trying nontheless. George Mitchell, the Maine Democrat who serves as the Senate's majority leader, says there are few more important pieces of legislation on this autumn's agenda.

To understand how a recycled piece of veto bait could receive such lofty status from the majority leader, consider the failure of Mitchell's party to come up with a coherent position on the family values concerns that Dan Quayle raised in his San Francisco speech last May.

The first Democratic response was to distort Quayle's throwaway line about Murphy Brown, making it falsely appear that the vice president held single mothers, and even working mothers, in contempt.

It didn't silence Quayle. The Democrats' problem was that not everyone shared their one-dimensional view of Quayle's concerns. More than a few mainstream voters recognized that Quayle was telling the truth when he traced violence in American cities in part to dysfunctional families in which kids grow up in poverty and sometimes anger, lacking respect for other people, lacking the values they need to succeed in the workplace and even lacking the knowledge to form stable, self-sufficient families of their own. And when he pointed out that cultural elites often mock values that are associated with stable family life.

So now the action shifts to Congress. If things go according to some people's plan the family leave bill will be passed before the election, sent to the White House and vetoed. Then Bush's critics will accuse him of being a hypocrite who supports family values but vetoes "pro-family" legislation.

The tactic is morally bankrupt. It suggests a profound lack of familiarity with what Quayle was talking about. And it reflects no understanding of the damage the government could cause in the business climate by forcing employers to provide more benefits.

Such a bill would allow a key employee to take an extended leave. Insurance coverage would be preserved even though the person was contributing nothing to the revenues of the business. A replacement would have to be found and trained. Perhaps other employees would have to do double duty. Then the person could return, nudging aside the replacement.

Granted, some employers allow their people to take time off without pay when a relative is seriously ill, or when a new baby arrives in the household.

But it's one thing for employers to provide a family leave program voluntarily with precautions tailored to preserve efficiency of their particular operation and to be fair to all their employees. It would be something else again for the government to mandate a benefit willy-nilly, as the Democrats propose to bash Bush for refusing to do.

The issue has been dead since 1990. It deserves to stay dead, not only because it is a phony campaign issue but also because it would be bad for the economic recovery.

Mr. MILLER of Ohio. Madam Speaker, this last year, the Gallup organization conducted a survey regarding family leave policies among 950 randomly selected small business owners on behalf of the National Federation of Independent Business Foundation.

The survey says mandated leave harms employees most. Family leave laws appear to produce little to no positive benefits for employees while imposing significant costs on them.

Mandated unpaid leave discriminates against those who cannot afford to take extended leave without pay. They bear the costs but receive no benefits.

Mandated leave reduces employment opportunities for women.

Mandated leave reduces employment opportunities for low-skilled workers.

The survey indicated that 90 percent of the businesses granted leave while the other 10 percent granted some form of requested leave, with virtually no denials.

Small businesses are accommodating the leave needs of their employees. They are meeting those needs in a flexible and individualized manner.

The myth that a Federal mandate is in the employee's best interest is just that—a myth.

Mr. CONYERS. Madam Speaker, I support passage of the conference report on the Family and Medical Leave Act. Every year since 1985, when a similar bill was first introduced, we have heard the Reagan/Bush administrations tell us that American workers don't deserve unpaid family medical leave and job security—this is their idea of good old family values. Meanwhile, the workers of nearly every other industrialized nation have these rights—nations which, I might add, are beating us in the global marketplace. We're not talking about some unreasonable plan for employees to skip out on their jobs for vacation, we're talking about a simple guarantee. A simple guarantee that you won't have to live in fear of losing your job when you're forced to take a brief leave for a legitimate family or medical reason. A simple guarantee that you won't lose your health insurance benefits just when your family needs them the most. A simple guarantee that makes sense for American workers and American business.

Every proposal for a minimum family medical leave standard has been met with a Reagan/Bush administration veto stamp. Once again, George Bush has promised to stand firmly on the side of his buddies in Big Business, and vote against improving the welfare of financially overburdened workers and their families. And once again, George Bush is turning a deaf ear to the majority of Americans who overwhelmingly support a responsible and reasonable leave policy.

The President has argued that any mandatory leave policy will irreparably damage small businesses. It's easy to see how ridiculous this argument is—with the 50-employee limit in our bill, 95 percent of all small businesses will be exempted from coverage. We aren't hurting small businesses in this country, we're helping all businesses maintain healthy stable workforces. If this Congress, and this administration, is serious about preparing our country for the 21st century, we have to begin at the most elementary level—the welfare of America's working families.

Some opponents to family and medical leave say that a national policy is completely unnecessary because many Americans already have these rights in their jobplace—meanwhile, the experts have told us that white

collar executives are really the main recipients. What about the assembly line workers, the police, the teachers, the firefighters, and everyone else?

There are some opponents to family and medical leave who have said that this legislation is bad for workers because it will deprive labor unions of the bargaining power to obtain leave benefits on a company by company basis. Well if that's true, then why are hundreds of union organizations, representing everyone from university professors to firefighters, in wholehearted support of this legislation? Does anyone actually believe that unions are supporting a Family and Medical Leave Act which would harm the workers of America?

If George Bush and DAN QUAYLE want to talk about "family values" in America, then they should put their money where their mouth is. This legislation gives our families the time and job security they require in times of crisis, and in times of need. It is high time that American workers finally receive the respect they deserve, the rights they're entitled to, and a meaningful family-medical leave policy that is long overdue.

Mr. PENNY. Madam Speaker, I rise in opposition to the conference report on H.R. 2, the Family and Medical Leave Act. I do so because we are not engaged in addressing the very real needs of working women and men for job protected leave, but instead in playing out a political game. We all know the President will veto this legislation and we all know the veto will be sustained. Are we presented with a real compromise? The answer is clearly no. Is there a chance this bill will become law? The answer is no once again. Are we again promising something that cannot be delivered? The answer is yes. Instead of engaging in a political charade today, we could be hammering out a compromise that could bring enough support to override a veto.

I have no objection to leave from work for the purpose of caring for a sick child or parent, for pregnancy, or for personal reasons. Most firms already provide time off for these types of leaves, frequently as a result of negotiations between workers and their employers. I have resisted efforts, however, to impose on workers and small employers a Federal mandate to provide leave, feeling that mandating this benefit can only result in reduced flexibility in providing other desired fringe benefits to employees.

Despite my concerns, I have become convinced that minimal requirements for leave should be guaranteed. For several years, I have sponsored legislation to guarantee job-protected time off from work for the birth or adoption of a child. During the debate last fall, I was prepared to support a family and medical leave amendment that I authored to provide 6 weeks of medical leave each year and 12 weeks of maternity leave; with no more than 12 weeks of unpaid leave for all purposes each year. Although my amendment was supported by a broad coalition of organizations, including family rights and labor groups, the House Rules Committee would not allow me the right to offer it during House floor debate on H.R. 2. Consequently, I voted for an amendment offered by Congressmen GORDON and HYDE because it further narrowed the scope of leave and made enforcement of the leave guarantees simpler, but voted no on final passage of H.R. 2 since I felt the total grant of leave was too great. The conference report we are considering closely mirrors the House-passed bill.

President Bush's veto threat means that a two-thirds majority of the Congress will be required for family leave legislation to be implemented. When the Congress further refines the Family and Medical Leave Act to answer my concerns, I will support final passage. In the interim I will continue to actively work for a compromise that can become law and address the real needs of American families for job protected time off from work.

So, let us more forward to address not political needs but real family needs. That is the goal I will be working for in the coming months. I encourage other Members who feel as I do that family leave should be guaranteed to join me in a true compromise that can become law and begin to assist needy families.

Ms. PELOSI. Madam Speaker, I rise today in strong support of S. 5, the family and medical leave conference report.

In 1988, President Bush said in a speech, "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." Four years later, workers are still worrying about losing their jobs during pregnancy and illnesses. This legislation is a concrete commitment to Americans that family values are impact. Currently, workers must bear the burden of balancing family life against work. They are forced to choose between their families and work; staying home and taking care of their ailing child or parent and losing their job or leaving their job when they are having a baby. Our workers deserve better choices than these, and have a right to job protections.

Madam Speaker, I want to emphasize that this bill is a bipartisan compromise, the result of years of discussions and negotiations among both Democrats and Republicans, Congress and the White House, and big businesses and small businesses. It weighs the concerns and needs of businesses with those of workers and families, and distributes the burden more evenly.

Madam Speaker, I urge my colleagues to join me in supporting the family and medical leave conference report. American workers and families deserve a fighting chance.

Mr. SERRANO. Madam Speaker, I rise in strong support of the family and medical leave conference report. This bipartisan bill is a step in the right direction to help keep families together and parents on the job by providing unpaid leave to workers during family crises.

In 1991, 96 percent of fathers and 65 percent of mothers worked outside the home. In addition, single parents accounted for 27 percent of all family groups with children under the age of 18. This family and medical leave would help workers who are parents, particularly of young children, or who have elderly parents.

Why should working adults be forced to choose between their jobs, parenting and serious family illness?

Madam Speaker, the President of the United States might stop putting so much faith in catchy phrases and buzz words to win an election, and instead put faith in parents to raise children with healthy minds and bodies when given the best chance to do so.

The Japanese are very successful at keeping working families together through worker-friendly leave policies, while at the same time, making deep inroads into the American automobile and electronics industries.

We can spend a few additional dollars today per employee on prevention, or we can continue to watch family structures crumble under the mounting pressures of keeping a home and food on the table. Read the lips of any family Mr. President, these are the basic needs they value.

Madam Speaker, I urge my colleagues to vote for the family and medical leave conference report. This country must make an investment in its working families.

Mr. PASTOR. Madam Speaker, let me join my colleagues in urging support for S. 5, the Family and Medical Leave Act.

This historic legislation simply ensures that working Americans can care for their newborn or newly adopted children or a sick family member, or recover from their own serious illness, without risking their jobs.

Today, according to the Bureau of Labor Statistics, 96 percent of fathers and 65 percent of mothers work outside the home. Approximately 75 percent of women age 25–54 are in the work force. Equally dramatic is the fact that single-parent households—predominantly women workers in low paying jobs—have more than doubled over the last two decades. Moreover, the fastest growing segment of the American population is the elderly. The National Council on Aging estimates that about 25 percent of the more than 100 million American workers have some caregiving responsibility for an elderly relative.

With these demographic realities and the growing conflict between work and family, we need to support our workers and strengthen the American family. It is cruel to have a woman choose between her job and becoming a mother. It is cruel to punish a couple for becoming a family. It is equally cruel to deny a family unpaid medical leave to care for a seriously ill family member.

According to a 1991 Gallup poll, about 76 percent of Americans believe that employers should be required to provide workers with job-guaranteed family leave.

The Family and Medical Leave Act makes good sense and is good business. Let's join the majority of the industrialized nations by establishing a right to unpaid family and medical leave for all eligible workers.

I strongly urge my colleagues to join me in supporting the conference report to accompany S. 5, the Family and Medical Leave Act.

Mr. RICHARDSON. Madam Speaker, we have heard a lot recently about the importance of family values. Today we will consider legislation, the conference report on the Family Medical Leave Act, which would do more than just pay lip service to family values—it would deliver job protection for America's families during a medical crisis or immediately following the birth or adoption of a child.

This is an important piece of pro-family legislation that would give employers greater flexibility in managing their work force while

providing employees with job protection in times of family need. Additionally, many compromises have been included to address the concerns of businesses—employers would be allowed to exempt 10 percent of their highest paid employees and most part-time employees. Additionally, this legislation would not effect those businesses with 50 or less employees.

It appears, however, that our illustrious family-oriented administration disagrees with the importance of a family medical leave bill—President Bush has already said he would veto this legislation. Our President has failed to realize that the composition of our work force has changed dramatically in the last two decades—women are now the fastest growing segment of the labor market. In fact, less than 10 percent of American families are headed by a single male breadwinner—most American families are either headed by two working parents or are headed by women. And shamefully, America is the only major industrialized nation without a leave policy for its employees.

Therefore, it is absolutely critical that working families be assured job security for the birth or adoption of a child or if an illness or an accident befalls a family member. Without this legislation Americans will be forced to continue to choose between maintaining their economic livelihood and meeting their family responsibilities.

Madam Speaker, we have the opportunity today to show America's working families that, unlike the current administration, we understand and sympathize with their family and medical needs. I encourage my colleagues to join me and vote in favor of the Family Medical Leave Conference Report.

Mr. KLECZKA. Madam Speaker, today we consider legislation which puts the American family, and the American worker, first. Finally, we join with every other industrialized nation in the world in approving a family and medical leave policy for our people.

The Family and Medical Leave Act does not increase the Federal deficit. It does not increase spending. It is not pork-barrel legislation. It simply permits employees up to 12 weeks of unpaid leave in certain instances. Covered employers are those having 50 or more workers.

What is hard to comprehend is the fact that President Bush has vetoed such legislation before, and intends to again. This year's family leave conference agreement is an even greater compromise than past measures. It requires part-time workers to have 1 year on the job, plus 1,250 hours the previous year, to qualify. The measure also exempts the top paid 10 percent of a firm's employees, which is important to small businesses.

In this election year, we have heard so much about the importance of family values. The Family and Medical Leave Act is good family values policy, and good employment policy. But the overriding issue, the bottom line, is this: No U.S. worker should lose his or her job because, in a time of urgent need, that person puts the family first. It is just not the American way.

This legislation has a twofold benefit. It provides workers peace of mind, and job security, so they can tend to a family crisis. This important fact should not be lost to employers, who also benefit from the policy. An employee who feels comfortable in a job, is more productive. Increased productivity, of course, is good for business, and good for the economy. It is a win-win for both employers and employees.

Some question the implementation of family leave policies. My home State of Wisconsin approved family and medical leave in 1988. Last year, the Families and Work Institute conducted a survey of Wisconsin employers, and employers in three other States with leave policies, to examine costs, and to determine whether the policy was burdensome. Ninety-one percent of employers interviewed reported no difficulty in implementing the State laws. The majority of employers had no increased costs associated with leave, and two-thirds relied on other workers to pitch in while one used leave.

Madam Speaker, the vast majority of Americans want a family and medical leave policy. So do Congressmen and Senators. It is time to enact the Family and Medical Leave Act. Let us show the President our strong support for this conference agreement.

Mr. SAXTON. Madam Speaker, as Congress works through the complex problems with our Nation's health care system, I believe there are steps we can take now to help American families adjust to an ailing mother's sickness, a newborn child, or even a spouse's illness. By alleviating the concern of the employee about taking time off from his or her job, the employee will have the opportunity to help when needed at home.

Today, the House will be considering the conference report to the Family and Medical Leave Act. This legislation is similar to laws currently in effect in my home State of New Jersey. The Federal act will provide an employee the ability to leave his or her employment for up to 12 weeks every year, without pay, to help with the sickness of a family member or to spend time with a newborn child.

After observing the dilemma families must face between caring for a family member or a job, I believe that opposition to this legislation will only perpetuate our health care problems and be ultimately harmful to the families and our work force.

Mr. TOWNS. Madam Speaker, I rise in support of the conference report on the Family and Medical Leave Act. Regrettably, in today's economy, most couples need two incomes to maintain the standard of living their parents enjoyed with just one income, while single parents struggle to survive. Today, about two-thirds of all mothers, more than 70 percent of women with school-aged children, and 56 percent of women with preschool children, work outside the home.

Despite these changes in the work force, our Nation stands alone in its failure to have a Federal policy guaranteeing job-related family or medical leave for workers. Therefore, many American businesses do not allow their workers to take time off from their jobs, even without pay, to deal with major family emergencies and allow them to return. Employees should not be made to have to choose between meeting their family responsibilities or keeping their jobs. Currently, those who choose to meet their responsibilities to their families face the grim possibility of losing their jobs which often includes their family's health benefits.

A study by the Small Business Administration found that the costs of granting a worker's request for leave are significantly less than permanently replacing that employee. Every other industrialized country in the world grants some form of family leave, usually paid. Because the Family and Medical Leave Act mandates 12 weeks of unpaid leave per year it is not about working families getting rich but rather about working families getting by.

The Family and Medical Leave Act goes beyond the administration's rhetoric of family values to address real problems faced by millions of working Americans every day. It is not enough to say that workers and employers should negotiate over family and medical leave. Workers deserve such leave as a basic right like other basic guarantees such as the minimum wage, health and safety on the job, and other fair labor standards.

This conference report contains many compromise provisions which address concerns about how the Family and Medical Leave Act will affect businesses. The report's 50-employee coverage threshold exempts 95 percent of all employers including small businesses. This legislation also alleviates disruptions to business operations by allowing employers to exempt essential personnel and requiring workers to give 30 days notice when the need for family or medical leave is forseeable.

Legislation to establish a Federal policy to guarantee job-related family or medical leave for employees was first introduced 7 years ago. It is disgraceful that this has not yet become law. Despite the President's emphasis on family values he has threatened to veto this critical pro-family legislation yet again. It is therefore critical that we follow the lead of the Senate and approve this conference report with enough votes to override the expected veto. This legislation deserves the support of all those who truly support family values.

Mr. MINETA. Madam Speaker, I rise today in strong support of the Family and Medical Leave Act conference report.

Unlike the 1950's, and the idealized family paragons of Ward and June Cleaver, the America of the 1990's has more single-parent families than ever before, and in an increasing number of two-parent families both parents work outside of the home.

A new American family evolving in which men and women share household responsibilities and both parents follow individual career paths. Unfortunately, as part of this evolution, many American children are bearing the brunt of these changes. That is why it is crucial that we pass the Family and Medical Leave Act conference report here today.

We have a President who claims that he believes in so-called family values, but he has vetoed this legislation before and threatens to do so again. Why? Because the only American family he sees in our Nation are the Cleavers. That shortsightedness is forcing other Americans to choose between having a job and having a family, and no American should ever have to make that choice.

The initiative the House must adopt today is one needed throughout the United States. American women will benefit greatly from the

realities of life recognized in this law. Women now represent the fastest growing segment of our Nation's work force. Sixty percent of women with children aged 3 to 5 years old have careers. California has long-recognized these realities, and established a visionary family and medical leave program. It is now time to make that standard available to all Americans by approving the Family and Medical Leave Act conference report.

Mr. LEWIS of Florida. Madam Speaker, H.R. 2, the Family and Medical Leave Act, would require employers nationwide to provide up to 12 weeks of unpaid leave per year to employees for childbirth, adoption, or serious illness of the employee, a dependent child, spouse or parent. In addition, employers would be required to maintain health benefits for a worker who takes such leave.

Family and medical leave is a desirable employee benefit, and most employers provide such leave in order to recruit and retain good employees. However, it is counterproductive for Congress to impose one set of leave benefits for every employer with 50 or more employees in the entire country.

Leave is one of a package of benefits negotiated by employers and employees. A congressional mandate on leave, or any other employee benefit, would deprive businesses and workers of latitude in these negotiations. Other, perhaps more desirable benefits would have to be sacrificed in order to comply with a mandate on one specific benefit.

While no tax money may be involved in this legislation, mandated benefits come at a cost to our economy. It is estimated that nearly 60,000 jobs would be lost as a result of the costs of compliance with H.R. 2. In dollar terms, these costs are estimated at $3.3 billion.

I oppose H.R. 2 because I feel employers and employees should retain flexibility in establishing benefits packages. Employers and employees should be able to make these decisions for themselves; they should not be shackled by mandates handed down from self-appointed employee benefits managers on Capitol Hill.

Mr. VENTO. Madam Speaker, I rise in support of the conference report on S. 5, the Family and Medical Leave Act. As a cosponsor of this legislation in the last Congress and again this session, I strongly support its passage as a means to promote the security of the American family. The United States is alone among the world's leading industrial societies in having no national parental leave policy.

The Bush administration pays lip service to family values then turns around and vetoes legislation which supports those same values. The family and medical leave bill that we will vote on today gives needed support to families experiencing increasing stress due to the policies of the Reagan and Bush administrations and the continuing recession.

The majority of American families today often find both parents in the work force and certainly in the majority of American families which are led by a single parent. Being a two-income family does not mean you are living a life of luxury. The family and medical leave act gives parents the flexibility they need to take care of ailing children or their own aging parents. It is not possible to rely solely on conservative rhetoric to restore pro-family policies in the private and public work force.

The Family and Medical Leave Act is not an extreme measure. It is a fair and realistic approach to the situation American families find themselves in more than ever before. Greater demands are placed upon the family while their social and financial resources decline. When attempting to be both caretakers and wage earners, families inevitably suffer financial difficulties, guilt, and stress. Too often today, workers must choose between the need to provide physical and emotional care for family members and the need to keep their jobs. This measure will help take a little bit of the worry out of carrying for your family, especially in these difficult economic times.

Certainly, the most significant changes during the past 50 years has been the increased participation of women in our work force. Not only is the administration's opposition to the family and medical leave bill unfair to families, it is discriminatory to women. The Bush administration tries to rationalize and justify a contradictory message—have children, work, maintain the household, cook, bake, and be home for your kids to display the values represented in the TV family of Beaver Cleaver as espoused by George Bush. The President says he wants families to take care of themselves but then opposes measures that will allow families to take care of one another.

The administration's opposition to family leave is yet another sign of how out of touch they are with today's American families. If the family is to remain our most basic social institution, we must ensure that our social policies reflect economic realities. The Family and Medical Leave Act balances the interests of employers and employees in an equitable manner and places the proper value on nurturing the American family values we all agree are needed today and tomorrow.

Mr. STOKES. Madam Speaker, I rise today in strong support of the conference report to accompany the bill S. 5, the Family and Medical Leave Act. This legislation is absolutely vital to help working families in America today, and I urge all my colleagues to support this extremely worthwhile legislation. I also want to take this opportunity to commend the Members of this House who have led us in the fight to enact this legislation for many years, especially my good friend from Missouri, Chairman BILL CLAY, and the gentlewoman from New Jersey [Mrs. ROUKEMA] who have worked so hard together to see this legislation enacted. They deserve the thanks of all of us for their tireless efforts.

Madam Speaker, over the last three decades, major changes have taken place in the composition of the work force in the United States, and in the economics of the family. Greater numbers of women with young children are now wage earners, and many families are dependent on these wages. With the increasing emphasis on family values, and public discussion of how to preserve the American family, the time is right to enact the Family and Medical Leave Act, as a necessary first step toward preserving the family.

According to recent census data, less than 10 percent of families are made up of a married couple with children, where the husband is the sole provider. Single-parent households now account for over 23 percent of all families with children. In addition, the labor force is now approximately 44 percent female, and married women with young children now comprise the majority of new entrants to the work force. Currently, more than 80 percent of working women are in their prime childbearing years, and 65 percent of all American women in this age group are in the labor force.

With these changes, it is becoming increasingly difficult for working parents to perform the functions of a traditional family, including caring for young children, family members who are seriously ill, or a seriously ill parent. Too many American workers are being forced to choose between keeping their jobs and meeting their family responsibilities. The Family and Medical Leave Act would help solve this dilemma by allowing employees to take short leaves, not to exceed 12 weeks in a single year, for family and medical reasons, with the security of knowing they can return to their jobs.

The conference report to S. 5 has been crafted to meet many of the objections of the business community, including limiting the total number of weeks of leave available, and restrictions on employee eligibility for the family and medical leave benefits. The conference report provides up to 12 weeks of unpaid, job-protected leave per year for the birth or adoption of a child, or the serious illness of the employee or an immediate family member. The bill also permits the employer to substitute an employee's accrued paid leave for any part of the 12 week period. The bill exempts small businesses from its provisions, and permits employers to exempt key employees from coverage under the act. In addition, employee eligibility is restricted, and employees are required to give 30-day notice of planned medical leaves.

Madam Speaker, the people of the 21st Congressional District of Ohio have overwhelmingly indicated their support for this legislation in their letters to me. They have asked us to enact legislation to help families stay together, and help working parents meet their obligations to their families without fear of losing their jobs. Providing job protected family and medical leave is the first step to preserving the American family, and I strongly urge all my colleagues who value the family to support the conference report to S. 5, the Family and Medical Leave Act.

□ 1420

Mr. LAFALCE. Madam Speaker, I am pleased to rise in strong support of what I believe is a responsible, truly bipartisan compromise family and medical leave bill, legislation to provide American workers with a fair amount of unpaid leave to deal with family emergencies or when new children are born or adopted.

In 1990 I voted to sustain the President's veto of that year's version of the Family and Medical Leave Act. I didn't and don't agree with the President's rationale—that Government should not mandate a program of this kind—but I did feel that the bill in question sought to go too far, too fast, and that American businesses would be unduly burdened by it.

President Bush has indicated that he may veto this bill, too. I hope he doesn't. I hope instead that he takes a careful look at the bill, comparing its provisions with those in the 1990 bill, and concludes that American businesses can and should absorb this small and appropriate contribution toward improving American family values.

Some say that we'll be hurt in terms of international competition if we enact this program. Why is it, then, that every single industrialized country in the world except the United States has a family and medical leave policy of one kind or another? Many countries have programs that go far beyond what this bill would provide. If other nations can afford to provide their workers with this benefit, surely we can, too.

When a child is born, shouldn't one of its parents be able to have a reasonable amount of unpaid time off to care for that baby? Surely the answer must be yes.

When a child is adopted, shouldn't one of its parents be allowed unpaid leave to help its adjustment to its new family and new surroundings? Surely the answer must be yes.

When a child is grievously ill and hospitalized, shouldn't one of that child's parents be able to take unpaid leave to be by his or her side at such a time of need? Surely the answer must be yes.

Mr. Speaker, the bill before us has received strong support from both sides of the aisle, both here and in the other body. Republican Senator KIT BOND of Missouri, working closely with Senator CHRIS DODD and other proponents of family leave, crafted this compromise. Both of my Senators—Democrat PAT MOYNIHAN and Republican ALFONSE D'AMATO—strongly supported the bill. And of course a good number of other Senators and Representatives, Democrats and Republicans, voted for this legislation.

In assessing whether or not to sign the bill, I would hope that the President would consult, not with me, but with Senator BOND, Senator D'AMATO, and the scores of other Republicans in Congress who believe that this bill is a good one that will provide families in the United States with a fair and reasonable family leave policy.

I would hope also that the President would listen to two of the leading women in his administration: Lynn Martin, Secretary of Labor, and Pat Saiki, Administrator of the Small Business Administration. Both of these women, one his principal spokesperson on behalf of American workers and the other his principal spokesperson on behalf of small businesses, are former Members of the House of Representatives who voted affirmatively for a family leave bill that included substantially more leave than does this compromise. Those votes show what they felt about this issue when exercising their independent judgments. I would like to think that this might give the President pause and hopefully sway him to sign this bill.

It's time to end the rhetoric and put our concern about family values on the line. A large bipartisan majority in Congress wants this program, as do the vast majority of American families. I hope that the kinder, gentler George Bush will reconsider his position and decide, this once at least, to help the average hard-working citizens of our Nation.

Mr. MCMILLEN of Maryland. Madam Speaker, I rise in support of the conference report for S. 5, the Family and Medical Leave Act. The Family and Medical Leave Act provides job security and health insurance coverage for workers who need to take leave to care for a newborn, newly adopted, or seriously ill child, or to care for a seriously ill parent or spouse. H.R. 2 also provides job security to workers who need to take leave in order to recover from their own medical difficulties.

As we all know, legislation similar to this bill was vetoed by the President after it was passed by the Congress in 1990 and 1991. Prior to 1990, similar legislation had been before the House of Representatives for 5 years. The Congress has persisted in its efforts to draft a bill that can be enacted into law for the simple reason that this country needs a policy to ensure a minimum level of job security for circumstances where an employee must take extended leave.

The face of the work force is changing, there are more women in the labor force than ever before. Seventy percent of mothers with school age children are in the labor force and women have accounted for more than 62 percent of the increase in the civilian labor force since 1979. In the future, two out of three new entrants into the work force will be women. How can the United States have a healthy, prosperous economy and society without providing for medical and parental leave to address these changes in our work force? Who will take care of sick children and elderly parents with both parents working, neither of which is entitled to medical leave? How will dual income households remain above the poverty line if a woman must give up her job to have a child? How can the President continue to preach family values and continue to veto this pro-family legislation?

The concept of parental/maternity leave is not new. Every industrialized country in the world, except the United States, has a policy in this area. Japan, Canada, France, Italy, Sweden, West Germany, the list goes on. All of these countries have minimum government standards for parental or maternity leave. The United States, as a country, has no policy. However, in the vacuum which exists because of lack of Federal action in this area, individual States have begun to pass laws to provide for family and medical leave.

The people who object to the bill call themselves pro-business. Does being anti-family equate with being pro-business? I don't think so. I cannot understand why the business community prefers to have a different law in every State rather than support passage of this legislation which will reduce the pressure on individual States to enact more far-reaching legislation.

Repeatedly I hear from the small business community who say that the mandates proposed in this bill will be impossible to meet. I am told that they cannot afford to offer these kinds of benefits. These concerns have not gone unheard. Ninety-five percent of all employers are exempt from these mandates. Employers with less than 50 employees are exempt from the mandates of the bill. An employee must work 1,250 hours over a 12-month period before becoming eligible for leave. In addition, the employer could exclude from coverage the highest paid 10 percent of his or her employees. It will require that damages awarded because of violation of this law be capped at twice the actual damages with a clause allowing for employers to have damages reduced if they can show "good faith." This legislation provides that in cases where the leave is foreseeable or planned, the employee give their employer 30 days notice. The business community comes to me each year with the same refrain, "no mandated benefits." My response is that it is too late, we cannot put the genie back in the bottle. The States are already mandating benefits. S. 5 is a compromise and does address the concerns of the business community.

I support this legislation because I believe that a woman should not have to choose between having a job and having a baby. I also support this bill because I believe a family should not have to go into poverty to have a child, or to take care of a sick parent. This has been a long, long fight for those of us who support family and medical leave. We have compromised in order to secure some minimum benefits, now it is time for the other side to compromise as well. I urge my colleagues to support the conference report and to vote for final passage of S. 5.

The SPEAKER pro tempore (Mrs. KENNELLY). All time has expired.

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. GOODLING. Madam 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 241, nays 161, not voting 32, as follows:

[Roll No. 390]

YEAS—241

Abercrombie	Cardin	Durbin
Ackerman	Carper	Dwyer
Anderson	Chapman	Early
Andrews (ME)	Clay	Eckart
Andrews (NJ)	Clement	Edwards (CA)
Andrews (TX)	Coleman (MO)	Engel
Annunzio	Coleman (TX)	English
Anthony	Collins (IL)	Erdreich
Applegate	Collins (MI)	Espy
Bacchus	Condit	Evans
Beilenson	Conyers	Fascell
Bennett	Cooper	Fazio
Berman	Costello	Feighan
Bevill	Coughlin	Fish
Bilbray	Cox (IL)	Flake
Blackwell	Coyne	Foglietta
Boehlert	Davis	Ford (MI)
Bonior	de la Garza	Ford (TN)
Borski	DeFazio	Frank (MA)
Boucher	DeLauro	Frost
Boxer	Dellums	Gaydos
Brooks	Derrick	Gejdenson
Brown	Dicks	Gephardt
Bruce	Dingell	Gibbons
Bryant	Dixon	Gillmor
Bustamante	Dooley	Gilman
Campbell (CA)	Dorgan (ND)	Gonzalez
Campbell (CO)	Downey	Gordon

Green	McGrath	Sabo
Guarini	McHugh	Sanders
Hall (OH)	McMillen (MD)	Sangmeister
Hayes (IL)	McNulty	Savage
Hefner	Mfume	Sawyer
Hertel	Miller (CA)	Saxton
Hoagland	Mineta	Scheuer
Hochbrueckner	Mink	Schroeder
Horn	Moakley	Schumer
Horton	Molinari	Serrano
Hoyer	Mollohan	Sharp
Hubbard	Moran	Shays
Hughes	Morella	Sikorski
Hyde	Murphy	Skaggs
Jacobs	Murtha	Slaughter
James	Nagle	Smith (FL)
Jefferson	Natcher	Smith (IA)
Jenkins	Neal (MA)	Smith (NJ)
Johnson (CT)	Nowak	Smith (TX)
Johnson (SD)	Oakar	Snowe
Johnston	Oberstar	Solomon
Jontz	Obey	Spratt
Kanjorski	Olver	Staggers
Kaptur	Ortiz	Stark
Kennedy	Owens (NY)	Stokes
Kennelly	Owens (UT)	Swett
Kildee	Pallone	Swift
Kleczka	Panetta	Tallon
Klug	Pastor	Thornton
Kolter	Payne (NJ)	Torres
Kopetski	Pelosi	Torricelli
Kostmayer	Perkins	Traficant
LaFalce	Peterson (FL)	Unsoeld
Lantos	Peterson (MN)	Vento
Leach	Pickle	Visclosky
Lehman (CA)	Poshard	Volkmer
Lehman (FL)	Price	Washington
Levin (MI)	Rahall	Waters
Lewis (GA)	Ramstad	Waxman
Lipinski	Rangel	Weldon
Long	Ravenel	Wheat
Lowey (NY)	Reed	Whitten
Machtley	Regula	Williams
Manton	Richardson	Wise
Markey	Rinaldo	Wolpe
Martin	Roe	Wyden
Martinez	Roemer	Yates
Matsui	Ros-Lehtinen	Yatron
Mavroules	Rose	Young (AK)
Mazzoli	Rostenkowski	Young (FL)
McCloskey	Roukema	Zimmer
McDade	Roybal	
McDermott	Russo	

NAYS—161

Allard	Callahan	Ewing
Allen	Camp	Fawell
Archer	Carr	Fields
Armey	Clinger	Franks (CT)
Aspin	Coble	Gallegly
Baker	Combest	Gallo
Ballenger	Cox (CA)	Gekas
Barrett	Cramer	Geren
Barton	Crane	Gilchrest
Bateman	Cunningham	Gingrich
Bentley	Dannemeyer	Glickman
Bereuter	Darden	Goodling
Bilirakis	DeLay	Goss
Bliley	Dickinson	Gradison
Boehner	Doolittle	Grandy
Brewster	Dornan (CA)	Gunderson
Broomfield	Dreier	Hall (TX)
Browder	Duncan	Hamilton
Bunning	Edwards (OK)	Hammerschmidt
Burton	Edwards (TX)	
Byron	Emerson	

NOT VOTING—32

Alexander	Levine (CA)	Schiff
Atkins	Lewis (CA)	Smith (OR)
AuCoin	McCrery	Solarz
Barnard	McCurdy	Studds
Chandler	Miller (WA)	Synar
Donnelly	Moody	Thomas (GA)
Dymally	Moorhead	Towns
Hatcher	Morrison	Traxler
Hayes (LA)	Mrazek	Weiss
Holloway	Pease	Wilson
Jones (NC)	Pursell	

□ 1445

The Clerk announced the following pairs:

On this vote:

Mr. Wilson of Texas for, with Mr. Barnard against.

Mr. Synar for, with Mr. Lewis of California against.

Mr. AuCoin for, with Mr. McCrery against.

Mr. Towns for, with Mr. Smith of Oregon against.

Mr. Miller of Washington for, with Mr. Schiff against.

Mr. Solarz for, with Mr. Pursell against.

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. FORD of Michigan. Madam 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 S. 5.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SOLARZ. Mr. Speaker, unfortunately, I was unable to be present in the House of Representatives during rollcall vote No. 390. Had I been present, I would have cast my vote as follows:

Rollcall No. 390, "yea" on passage of the conference report on S. 5, the Family and Medical Leave Act.

ANNOUNCEMENT BY CHAIRMAN OF RULES COMMITTEE REGARDING H.R. 3298, FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1991

Mr. MOAKLEY. Madam Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 3298, the Farm Credit Banks and Associations Safety and Soundness Act of 1991. The committee is planning to meet during the week of September 14, 1992, 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. 3298 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, September 16, 1992.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 3298.

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP, FISCAL YEAR 1991—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 Banking, Finance and Urban Affairs.

To the Congress of the United States:

I transmit herewith the 23rd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending December 31, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

ANNUAL REPORT OF FEDERAL PREVAILING RATE ADVISORY COMMITTEE—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 Post Office and Civil Service:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1991 annual report of the Federal Prevailing Rate Advisory Committee.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1992.*

CHILD SAFETY PROTECTION AND CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENT ACT

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to House Resolution 555 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. 4706.

□ 1449

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. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes, with Mr. HOAGLAND 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 gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, and the gentleman from North Carolina [Mr. MCMILLAN] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

□ 1450

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Child Safety protection and Consumer Product Safety Commission Improvement Act (H.R. 4706), is designed to strengthen the Consumer Product Safety Commission [CPSC] and insure that our families will be less likely to suffer physical and economic loss due to dangerous consumer products. This legislation takes important steps to protect our children.

American consumers rely on the CPSC, which Congress created in 1972, to alert them to dangerous products that may be in their homes or on store shelves in their communities.

The CPSC estimates that there are 28.5 million injuries and 21,600 deaths associated with consumer products each year. It is estimated that these accidents cost society $150 billion a year.

One clear goal of H.R. 4706 is to make sure that our youngest family members—our children and grandchildren—are protected from potentially hazardous consumer items such as toys, buckets, and bicycle helmets.

Regarding toys, while they seem very safe, some toys can easily choke children. In 1979, the CPSC banned the sale of certain toys intended for children under 3 which present a choking hazard due to small parts.

Even with this law in place, the CPSC has discovered that our children are still choking to death on toys. According to the CPSC, between January 1980 and July 1991, 186 children choked to death on toys with small parts, balloons, marbles, small balls and other children's products. In addition, the CPSC estimates that each year from 1980 to 1988, an average of 3,200 ingestion and aspiration injuries to children under the age of 6 which were treated in hospital emergency rooms were toy-related.

One reason for these tragic numbers is that some of the parents let their children under 3 play with toys that were recommended for children over 3. This happened because the parents thought that the ages on the package referred to how smart the child had to be to play with the toy. What the parents did not know was that a particular toy was not recommended for younger children because it could easily choke a young child.

Noting that children were still choking to death in spite of the 1979 law, the CPSC began proceedings to develop new laws to address choking hazards to children associated with toys.

After looking at the evidence and listening to the public's concerns, the CPSC staff recommended to the CPSC Commissioners that the 1979 law needed to be supplemented. The CPSC investigators told the Commissioners that warnings labels should be required on toys and certain other products.

This recommendation was supported by other evidence. For example, a study published in the June 5, 1991, issue of the Journal of the American Medical Association entitled, "The Impact of Specific Toy Warning Labels," found that the current voluntary labels used by manufacturers "may not be sufficiently explicit to alert buyers of toys with small parts to the potential choking hazards to children under 3 years of age." The study concluded that an explicit label that warns of the hazards, "might substantially reduce inappropriate toy purchases without imposing any substantial cost on the consumer, the Government, or the manufacturer."

On March 18, 1992, the Commissioners ignored their own staff's recommendations and ended the proceedings that would have saved the lives of children. The bill before us today takes up where the CPSC left off. It requires toys intended for children between ages 3 and approximately 6 that contain small parts, balloons, marbles and small balls to have labels to warn parents of the choking hazards. The legislation also requires all small balls intended for children under 3 to meet a minimum size requirement.

The labeling requirements of H.R. 4706 do not make the toymakers change their toys; it only requires them to let parents know that a particular toy could choke a young child. Most toymakers already put age recommendations on toys, so all they would need to do would be to add a few words of caution. Similarly, the minimum diameter requirement, does not make toymakers stop selling toy balls to kids under 3; it only says that the balls that are sold to that age group must be large enough to be choke proof.

Mr. Chairman, the National Safe Kids Campaign, whose honorary chair is First Lady Barbara Bush and whose chair is former Surgeon General, Dr. C. Everett Koop, supports this legislation and has been a strong advocate of the toy safety provisions.

Another hazard addressed by this bill is the 5-gallon bucket. It is common to find these buckets sitting around American homes. Consumers typically take them home from work and use them for household chores, such as mopping the floor or washing the family car.

These buckets are not as innocent as they seem. The CPSC says that between January 1984 and November 1991, 199 children under the age of 2 were reported to have drowned and 13 were reported to have nearly drowned, when they fell head first into for the most part 5-gallon sized buckets containing liquid. The CPSC staff estimates that each year, about 50 children drown in buckets.

Parents and child caretakers frequently are not aware that buckets filled with even a few inches of water present a drowning hazard to a young child. This type of drowning hazard may not be obvious since it is logical to expect a bucket to tip over if pulled on. As the CPSC Chairman puts it "One of the biggest hurdles facing the Commission * * * is the very nature of the hazard. Who would suspect that infants or toddlers could pull themselves up and into a 5-gallon bucket without tipping the bucket over?"

In August 1990, the CPSC and some bucket makers and industrial users, started to encourage voluntary labeling of these buckets to warn of the potential drowning risk. However, CPSC estimates that only about 10 percent of all 5-gallon buckets are labeled to warn of the drowning risks to children. H.R. 4706 addresses this problem and protects our children by making the CPSC begin a proceeding to consider both required labeling and a safer product design for 5-gallon buckets.

For most kids, their bicycle is their most prized possession and bicycling has long been an American family past time. Over the course of the last few years, bicycle helmets have become as common as bicycles. Parents are buying helmets for themselves and their children to protect against head injuries.

It is a good thing too, because according to the CPSC, each year there are approximately 1,200 bicycle-related deaths. Head trauma is responsible for 70 percent of the deaths. In addition, each year, over half a million injuries related to bicycles are treated in hospital emergency rooms. Approximately 30 percent of these injuries involve the face or head.

Currently, helmets sold in the United States that meet voluntary standards conform to either the American National Standards Institute or the Snell Memorial Foundation bicycle helmet standards. The American Society for Testing and Materials [ASTM] is in the process of developing a third voluntary standard.

H.R. 4706 will make sure that all helmets are designed to protect kids and their families from bicycle-related head injuries. Under H.R. 4706, the CPSC must develop a new Federal standard by harmonizing the differences between the voluntary standards, developing requirements to protect helmets against rolling off of the heads of riders, developing specific requirements for children's helmets and

including any other appropriate requirements. While the CPSC is working on the new standard, H.R. 4706 would require all helmets made after a certain date to meet at least one of the voluntary standards.

Mr. Chairman, I would like to make one last point. The programs set out in H.R. 4706, three of which I have mentioned today, will become fruitless if the CPSC is not given enough funds to do its job.

The CPSC needs adequate funding to be able to write regulations to keep hazardous products off the market as well as to alert consumers to hazardous products that are already out there. Despite its important job, this small independent agency is usually low on the funding scale. Unfortunately, during its history it has experienced its share of decreased funding.

According to the CPSC's records, from 1980 to date, full time staff equivalents decreased from 978 to 515. In addition, the CPSC's funding level of $42,140,000—in 1981 dollars—in fiscal year 1981 declined to $37,109,000 in fiscal year 1991. When one accounts for inflation, the decrease in funding is even more apparent.

If we give the CPSC adequate funding on the one end, not only will less people be harmed, but society will benefit economically on the other end. The CPSC estimates that consumer product-related accidents cost society $150 billion a year. This cost would be sure to go down along with the consumer injuries. The bill authorizes $42.1 million for fiscal year 1993, which is the President's budget request, and $45 million for fiscal year 1994.

Mr. Chairman, H.R. 4706 improves the CPSC's ability to carry out its mandate to protect consumers from hazardous products. It will help ensure that our families are protected from the hard associated with consumer products. Rather than just talking about family values, let us do something. I urge my colleagues to support this bill.

□ 1500

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

Mr. MCMILLAN of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to discuss H.R. 4706, the Child Protection Safety and Consumer Protection Improvement Act. It is a bill that centers on the physical safety of the Nation's children. Chairwoman COLLINS has worked diligently to craft a bill that keeps the safety of children throughout America at the forefront. She should be commended for her tireless efforts on their behalf.

However, for all of the good features of this bill, there are a number of provisions that cause me concern.

The first concern is product specific legislation. This bill contains three product specific sections: Small toys and parts; 5-gallon buckets; and bicycle helmets; the intent of these sections is commendable: To provide for increased safety for those products.

However, we must remember that Congress has already set out specific standards by which the Commission determines whether or not a product is an unreasonable hazard and whether or not regulation will address that hazard. Likewise, Congress has directed the Commission to defer to voluntary standards under certain circumstances. When Congress enacts product specific laws it second-guesses the Commission, or by-passes it altogether, and undercuts the statutory standards and procedures. If Congress sets the standards for products we think are hazardous, why do we expect the Commission to set them for other products?

My second concern deals with the authorization levels of the bill. At the full committee markup we adopted an authorization level of $42.1 million for fiscal year 1993 and $45 million for fiscal year 1994. While the fiscal year 1993 authorization level was later adopted by the House in the form of an appropriation which did comply with the caps in the budget resolution, the fiscal year 1994 authorization level reflects a growth rate of almost 7 percent, when CBO estimates inflation at only 2.8 percent.

If we are ever going to get control of our spiralling deficit, we must limit growth in discretionary spending at least to the rate of inflation. While the fiscal year 1993 authorization adopted by the full committee reflects a realistic approach to the business of budgeting for the CPSC, we must impose a similar restraint for fiscal year 1994 and I will be offering an amendment to do just that.

I do not wish to be misunderstood—there is a great deal in this bill which is worthy of our consideration and support; likewise, there are also sections that cause concern. We have all labored hard and long to ensure that agreement was reached on those issues where agreement was possible. Where it was not, we have agreed to disagree.

In the event that both my amendment and the amendment offered by Mr. BILIRAKIS are approved, I will lend my support to the bill.

I look forward to the consideration of this bill and the amendments before us today.

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

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will yield, let me mention right away and assure the gentleman from North Carolina [Mr. MCMILLAN] that I am prepared to accept his amendment and the amendment of the gentleman from Florida [Mr. BILIRAKIS] as well.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I thank the gentlewoman, and I appreciate her statement.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

No amendment to the committee amendment in the nature of a substitute is in order unless printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to the beginning of consideration of the bill.

The Clerk will designate section 1.

Mrs. COLLINS of Illinois. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Child Safety Protection and Consumer Product Safety Commission Improvement Act".

(b) REFERENCES.—

(1) TITLES I AND III.—Except as otherwise specifically provided, whenever in title I or III an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

(2) TITLE IV.—Whenever in title IV an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Hazardous Substances Act.

(3) TITLE V.—Whenever in title V an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Flammable Fabrics Act.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 32(a) (15 U.S.C. 2081(a)) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting in lieu thereof a comma, and by adding at the end the following:

"(3) $42,100,000 for fiscal year 1993, and

"(4) $45,000,000 for fiscal year 1994.".

(b) FEES.—Section 32 (15 U.S.C. 2081) is amended by adding at the end the following:

"(d) Fees collected by the Commission shall be deposited as an offsetting collection in and credited to the accounts providing appropriations for the Commission.".

(c) RELOCATION EXPENSES.—In addition to the amounts authorized to be appropriated to the

Commission under section 32 of the Consumer Product Safety Act, there are authorized to be appropriated to the Commission $6,500,000 for fiscal year 1993 for expenses for the relocation of the Commission and such amount shall be available until expended.

TITLE II—TOY SAFETY

SEC. 201. REQUIREMENTS FOR LABELING AND BANNING.

(a) TOYS OR GAMES FOR CHILDREN AGE 3 TO 6.—

(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years or such other upper age limit as the Commission may determine which may not be less than 5 years old, any descriptive materials which accompany such toy or game and the bin, container for retail display, or vending machine from which it is dispensed shall bear or contain the cautionary label described in paragraph (2) if the toy or game—

(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

(B) includes a small part, as defined by the Commission.

(2) LABEL.—The cautionary label required under paragraph (1) for a toy or game shall be as follows:

WARNING

CHOKING HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(b) BALLOONS, SMALL BALLS, AND MARBLES AND TOYS AND GAMES.—

(1) REQUIREMENT.—In the case of any balloon, small ball intended for children 3 years of age or older, or marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, small ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

(A) the packaging of such balloon, small ball, or marble or toy or game,

(B) any descriptive materials which accompany such balloon, small ball, or marble or toy or game, and

(C) the bin or container for retail display of a balloon, small ball, or marble or toy or game or the vending machine from which the balloon, small ball, or marble or toy or game is dispensed, shall contain the cautionary label described in paragraph (2).

(2) LABEL.—The cautionary label required under paragraph (1) for a balloon, small ball, marble, or toy or game shall be as follows:

(A) BALLOONS.—

WARNING

Children under 8 can CHOKE TO DEATH on uninflated or broken balloons.

Adult supervision required.

Keep uninflated balloons from children. Discard broken ballons at once.

(B) SMALL BALLS.—

WARNING

CHOKING HAZARD—This toy is a small ball that presents a choking hazard.

Keep away from children under 3 years old. Remind 3 and 4 year olds to keep small balls out of mouth.

(C) MARBLES, TOYS, AND GAMES.—

WARNING

CHOKING HAZARD—This toy has small parts.

Keep away from children under 3 years old.

(3) DEFINITION.—For purposes of this subsection, a small ball is a ball with a diameter of 1.75 inches or less.

(c) GENERAL LABELING REQUIREMENTS.—All labeling required under subsection (a) or (b) for a toy or game or balloon, small ball, or marble shall—

(1) be prominently and conspicuously displayed on the packaging of the toy or game or balloon, small ball, or marble, on any descriptive materials which accompany the toy or game or balloon, small ball, or marble, and on the bin or container for retail display of the toy or game or balloon, small ball, or marble or the vending machine from which the toy or game or balloon, small ball, or marble is dispensed, and

(2) be visible and noticeable.

(d) ENFORCEMENT.—A toy or game which is not labeled in accordance with subsection (a) and a balloon, small ball, marble, toy, or game which is not labeled in accordance with subsection (b) shall be considered a misbranded hazardous substance under the Federal Hazardous Substances Act.

(e) OTHER SMALL BALLS.—A small ball—

(1) intended for children under the age of 3, and

(2) with a diameter of 1.75 inches or less,

shall be considered a banned hazardous substance for purposes of the Federal Hazardous Substances Act.

SEC. 202. REGULATIONS AND EFFECTIVE DATE.

(a) REGULATIONS.—The Consumer Product Safety Commission shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of section 201 by January 1, 1993.

(b) EFFECTIVE DATE.—Section 201 shall take effect February 1, 1993.

TITLE III—AMENDMENTS TO CONSUMER PRODUCT SAFETY ACT

SEC. 301. TECHNICAL AMENDMENTS

(a) SECTION 4.—Section 4(g)(1)(A) (15 U.S.C. 2053(g)(1)(A)) is amended—

(1) by striking out "Associate Executive Director for Compliance and Administrative Litigation" and inserting in lieu thereof "Assistant Executive Director for Compliance and Enforcement" and by striking out "Associate Executive Director of Compliance and Administrative Litigation" and inserting in lieu thereof "Assistant Executive Director for Compliance and Enforcement", and

(2) by striking out "Director for Office of Program, Management, and Budget" and inserting in lieu thereof "Director for Office of the Budget, an Assistant Executive Director for Office of Hazard Identification and Reduction".

(b) SECTION 19.—Section 19(b) (15 U.S.C. 2068(b)) is amended by striking out "rules" and inserting in lieu thereof "standards".

(c) SECTION 20.—Subsections (b) and (c) of section 20 (15 U.S.C. 2069) are each amended by striking out "nature of the product defect," and inserting in lieu thereof "nature of the failure to comply, nature of the product defect, nature of the risk of injury presented,".

(d) SECTION 27.—Section 27 (15 U.S.C. 2076) is amended—

(1) in subsection (b)(3), by striking out "documentary",

(2) in subsection (b)(6), by striking out "665(b)" and inserting in lieu thereof "1342",

(3) by adding after paragraph (6) in subsection (b) the following:

"If the Commission issues a subpena under paragraph (3) for non-documentary evidence and if a motion to quash or limit the subpena is filed with the Commission, the Commission, in acting on such motion, shall consider the burden imposed by the subpena and the need of the Commission for the subpenaed evidence.", and

(4) in subsection (f), by striking out "this Act" and inserting in lieu thereof "any of the Acts administered by the Commission".

(e) SECTIONS 29 AND 30.—Section 29(d) (15 U.S.C. 2078) and section 30(e)(1)(A) (15 U.S.C. 2079(e)(1)(A)) are each amended by striking out "National Bureau of Standards" and inserting in lieu thereof "National Institute of Standards and Technology".

(f) SECTION 32.—Section 32(b)(1) (15 U.S.C. 2081(b)(1)) is amended—

(1) by striking out "Interstate and Foreign Commerce" and inserting in lieu thereof "Energy and Commerce", and

(2) by striking out "on Commerce" and inserting in lieu thereof "on Commerce, Science, and Transportation".

(g) SECTION 36.—Section 36 (15 U.S.C. 2083) is repealed.

SEC. 302. OTHER AMENDMENTS.

(a) REVIEW BY OTHER FEDERAL AGENCIES.—Section 6(a) (15 U.S.C. 2055(a)) is amended by adding at the end the following:

"(9) The provisions of paragraphs (2) through (6) do not prohibit the review at the offices of the Commission by officers or employees of another Federal agency of information described in paragraph (2) which is received after the date of the enactment of this paragraph if the Commission has determined that such agency has made a showing of having jurisdiction over the matter involving such information. Such review does not affect the confidentiality of such information prescribed by paragraph (2).".

(b) INSPECTION OF RECORDS AND REPORTS.—The second sentence of section 16(b) (15 U.S.C. 2065(b)) is amended by striking out "this Act" each place it occurs and inserting in lieu thereof "any Act administered by the Commission".

(c) RELIANCE ON VOLUNTARY STANDARDS.—Section 15(b)(1) (15 U.S.C. 2064(b)(1)) is amended by inserting before the semicolon the following: ", subsections (f) through (j) of section 3 of the Federal Hazardous Substances Act, or subsections (g) through (k) of section 4 of the Flammable Fabrics Act".

(d) CIVIL PENALTIES.—

(1) CONSUMER PRODUCT SAFETY ACT.—Section 20 (15 U.S.C. 2069) is amended—

(A) in subsection (a)(1), by adding after the first sentence the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (b), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of section 19(a), the Commission" and inserting in lieu thereof "the Commission or the court".

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264) is amended—

(A) in subsection (c)(1), by adding after the first sentence the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (c)(3), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of section 4, the Commission" and inserting in lieu thereof "the Commission or the court".

(3) FLAMMABLE FABRICS ACT.—Section 5 of the Flammable Fabrics Act (15 U.S.C. 1194) is amended—

(A) in subsection (e)(1), by adding at the end the following: "The Commission may assess and collect such civil penalty in an administrative proceeding or in an action brought in a district court of the United States.", and

(B) in subsection (e)(2), by striking out "to be sought upon commencing an action seeking to assess a penalty for a violation of a regulation or standard under section 4, the Commission" and inserting in lieu thereof "the Commission or the court".

(e) RULEMAKING.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 3(h) of the Federal Hazardous Substances Act (15 U.S.C. 1262(h)) is amended by adding at the end the following: "Any proposed regulation under section 2(q)(1) classifying an article or substance as a banned hazardous substance or regulation under subsection (e) of this section shall be issued within 12 months after the date of the publication of an advance notice of proposed rulemaking under subsection (f) relating to the article or substance involved, unless the Commission determines that such proposed rule is not reasonably necessary to eliminate or reduce the risk of injury associated with the article or substance or is not in the public interest. The Commission may extend the 12 month period for good cause. If the Commission extends such period, it shall immediately transmit notice of such extension to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such notice shall be governed by the provisions of section 9(c) of the Consumer Product Safety Act.".

(2) FLAMMABLE FABRICS ACT.—Section 4(i) of the Flammable Fabrics Act (15 U.S.C. 1193(i)) is amended by adding at the end the following: "Any proposed regulation under this section for a fabric, related material, or product shall be issued within 12 months after the date of the publication of an advance notice of proposed rulemaking under subsection (g) relating to the fabric, related material, or product involved, unless the Commission determines that such proposed rule is not reasonably necessary to eliminate or reduce the risk of injury associated with the fabric, related material, or product or is not in the public interest. The Commission may extend the 12 month period for good cause. If the Commission extends such period, it shall immediately transmit notice of such extension to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. Such notice shall be governed by the provisions of section 9(c) of the Consumer Product Safety Act.".

(f) RULEMAKING FOR BANNED HAZARDOUS SUBSTANCES.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking out "the provisions of" through "That if" and inserting in lieu thereof "subsections (f), (g), (h), and (i) of section 3, except that if".

SEC. 303. ACTIONS BY THE COMMISSION.

(a) 5 GALLON BUCKETS.—Within 30 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin proceedings under an Act administered by the Commission to consider—

(1) requiring labeling of 5 gallon buckets as to the nature of the risk of injury to children presented by such buckets, and

(2) establishing a standard to reduce risk of injury to children from such buckets.

(b) BICYCLE HELMETS.—

(1) INITIAL STANDARD.—Within 60 days of the date of the enactment of this Act, all bicycle helmets manufactured after the expiration of such 60 days shall conform to—

(A) the ANSI standard designated Z90.4–1984,

(B) the 1990 Snell Memorial Foundation Standard for Protective Headgear for Use in Bicycling, B–90, or

(C) such other standard as the Commission determines is appropriate,

until a standard under paragraph (2) takes effect. A helmet which does not conform to such a standard shall, until the standard takes effect under paragraph (2), be considered in violation of a consumer product safety standard under the Consumer Product Safety Act.

(2) PROCEEDING.—Within 90 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(A) harmonize the requirements of the ANSI standard, the Snell standard, and other appropriate standards into a standard of the Commission,

(B) include in the standard of the Commission provisions to protect against helmets rolling off the heads of riders,

(C) include in the standard of the Commission standards which address risk of injury to children, and

(D) include additional provisions as appropriate.

The standard developed under subparagraphs (A) through (D) shall be considered a consumer product safety standard under the Consumer Product Safety Act.

SEC. 304. REPORTS AND STUDIES.

(a) ACTIONS UNDER SECTION 6(b).—The Consumer Product Safety Commission shall report semiannually to the Congress, beginning January 1, 1993, on activities taken under paragraphs (1) through (3) of section 6(b) of the Consumer Product Safety Act. The report shall not disclose brand-specific information, except that the Commission may list the names of persons in civil actions brought under section 6(b)(3) of such Act which names are available to the public. The report shall include—

(1) the number of requests made to the Commission under section 552 of title 5, United States Code (hereafter in this subsection referred to as "FOIA requests") during the period reported on for information not subject to such section 6(b) of such Act, the instances in which the person making the FOIA request received all the information requested and the instances in which the person making the FOIA request did not receive all the information requested because of the withholding of documents or redaction, the number of such requests processed by the Commission during such period, the time it took to process such requests expressed in 30 day increments, the number of such requests pending at the end of such period and the time such requests were pending expressed in 30 day increments,

(2) the number of FOIA requests received during the period reported on which request information subject to section 6(b) of such Act, the instances in which the person making the FOIA request received all the information requested and the instances in which the person making the FOIA request did not receive all the information requested because of the withholding of documents or redaction showing which withholding or redaction was prescribed solely by section 6(b)(1) of such Act, the number of such requests pending at the end of such period, the time pending expressed in 30 day increments, the number of such requests processed by the Commission during such period, and the time it took to process such requests expressed in 30 day increments,

(3) the number of instances during the period reported on where information was sent to manufacturers or private labelers for comment, the number of requests for comment made by the Commission pending at the end of the period reported on and the time pending expressed in 30 day increments, the number of times during such period in which the Commission reduced the time in which the manufacturers or private labelers could make comments under section 6(b)(1) of such Act, the number of comments received from manufacturers and private labelers during such period, the time it took for them to submit comments expressed in 30 day increments, and the number of such comments which objected to the disclosure of information with a summary for the reasons given for such objection,

(4) the number of instances during the period reported on in which the Commission evaluated manufacturers' or private labelers' objections to the release of information, the time such evaluation took expressed in 30 day increments, the number of such objections pending at the end of such period and the time pending expressed in 30 day increments, the number of such instances in such period in which the Commission agreed, wholly or in part, with such objections and declined to release such information, the number of instances during such period in which the Commission has notified manufacturers or private labelers of intent to release information despite such manufacturers' or private labelers' objections, the number of instances during such period in which the Commission has released such information despite such manufacturers' or private labelers' objections,

(5) the number of instances during such period in which the Commission has reduced the time in which manufacturer or private labeler may object to the release of information,

(6) the number of civil actions during such period brought by manufacturers or private labelers to enjoin the release of information, the number and name of such cases in such period which were resolved, including the disposition and length of time of such actions, the number and name of such actions pending at the end of such period together with the current status of such actions and the time spent pending, and

(7) the cost to the Commission during the period reported on in implementing the requirements of such section 6(b) in response to FOIA requests, expressed in dollars, time, and full-time equivalents.

(b) STUDY OF EFFECTIVENESS OF CORRECTIVE ACTIONS.—

(1) STUDY.—Within one year of the date of the enactment of this Act, the Consumer Product Safety Commission shall complete a study of the effectiveness of the actions required to be taken under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act during fiscal years 1986 through 1991. Such study shall—

(A) examine the extent of consumer participation in corrective actions under such sections,

(B) determine methods of increasing such consumer participation,

(C) compare the rate of such consumer participation with consumer participation in corrective actions by other Federal agencies,

(D) consider the extent to which the consumer participation rates in corrective actions under such sections are affected by the type and frequency of notice used to inform consumers of such corrective actions, the type and price of products subject to such corrective actions, and the type of such corrective actions,

(E) consider the potential benefits, costs, and feasibility of requiring manufacturers to label products subject to the jurisdiction of the Commission with the name and address of the manufacturer,

(F) consider whether such a labeling requirement would assist the Commission in carrying out its functions under such sections, particularly in locating the manufacturer responsible for manufacturing a particular product and in informing consumers of corrective actions to be taken with respect to such product,

(G) consider if certain products should be exempt from such a labeling requirement,

(H) the extent to which the labeling required by such requirement is already required for a product or its packaging and the adequacy of such existing requirement.

(2) REPORT.—The Consumer Product Safety Commission shall report the results of its study under paragraph (1) not later than 30 days after the completion of such study. In its report to Congress on the study prescribed by paragraph (1), the Consumer Product Safety Commission shall, for the purpose of improving corrective ac-

tions under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act, make recommendations for increasing participation rates of consumers in corrective actions under sections 15 of the Consumer Product Safety Act and the Federal Hazardous Substances Act which shall include a consideration of the costs and benefits of such recommendations.

TITLE IV—TECHNICAL AMENDMENTS TO THE FEDERAL HAZARDOUS SUBSTANCES ACT

SEC. 401. TECHNICAL AMENDMENTS.

(a) REFERENCES TO THE COMMISSION.—Section 2 (15 U.S.C. 1261) is amended by striking out paragraphs (c) and (d) and inserting in lieu thereof the following:

"(c) The term 'Commission' means the Consumer Product Safety Commission.", and

the Federal Hazardous Substances Act is amended—

(1)(A) by striking out "Secretary" each place it occurs, except in sections 10(b), 21(a) and the references to the Secretary of the Treasury in section 14(a) and (b), and inserting in lieu thereof "Commission",

(B) by striking out "Secretary's" each place it occurs and inserting in lieu thereof "Commission's",

(2) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission",

(3) by striking out "his" each place it occurs and inserting in lieu thereof "the Commission's",

(4) by striking out "the Secretary of Health, Education, and Welfare" each place it occurs and inserting in lieu thereof "the Commission",

(5) by striking out "of the Department" each place it occurs, except in section 14(b), and inserting in lieu thereof "of the Commission", and

(6) by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Commission".

(b) SECTION 9.—The first sentence of section 9 (15 U.S.C. 1268) is amended by inserting before the period "unless filed by the Commission under section 27(b)(7) of the Consumer Product Safety Act".

(c) SECTION 20.—Section 20 (15 U.S.C. 1275) is repealed.

(d) SECTION 21.—Section 21 (15 U.S.C. 1276) is repealed.

TITLE V—TECHNICAL AMENDMENTS TO THE FLAMMABLE FABRICS ACT

SEC. 501. TECHNICAL AMENDMENTS.

(a) REFERENCE TO THE COMMISSION.—Section 2(i) (15 U.S.C. 1191(i)) is amended by striking out "Federal Trade" and inserting in lieu thereof "Consumer Product Safety" and the Flammable Fabrics Act is amended—

(1) by striking out "Secretary of Commerce" each place it occurs and inserting in lieu thereof "Commission",

(2) by striking out "Secretary" each place it occurs, except in section 9, and inserting in lieu thereof "Commission",

(3) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission",

(4) by striking out "his" each place it occurs, except in section 9, and inserting in lieu thereof "the Commission's",

(5) in section 4(e)(5) (15 U.S.C. 1193(e)(5)), by striking out "person occupying the office of Secretary or any vacancy in such office" and inserting in lieu thereof "membership of the Commission",

(6) in section 14(a) (15 U.S.C. 1201(a)), by striking out "Secretary of Health, Education, and Welfare in cooperation with the Secretary of Commerce" and inserting in lieu thereof "Commission", and

(7) in section 15(a) (15 U.S.C. 1202(a)) by striking out "Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')" and inserting in lieu thereof "Commission".

(b) SECTION 17.—Section 17 is repealed.

TITLE VI—TECHNICAL AMENDMENTS TO THE POISON PREVENTION PACKAGING ACT OF 1970

SEC. 601. TECHNICAL AMENDMENTS.

The Poison Prevention Packaging Act of 1970 is amended—

(1) in section 2 (15 U.S.C. 1471) by amending paragraph (1) to read as follows:

"(1) The term 'Commission' means the Consumer Product Safety Commission.",

(2)(A) by striking out "Secretary" each place it occurs and inserting in lieu thereof "Commission",

(B) by striking out "Secretary's" each place it occurs and inserting in lieu thereof "Commission's",

(3) by striking out "he" each place it occurs and inserting in lieu thereof "the Commission", and

(4) by striking out "his" each place it occurs, except the first place it appears in section 5(b)(1), and inserting in lieu thereof "the Commission's".

The CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: Page 3, strike out lines 11 through 15 and redesignate subsection (c) as subsection (b).

Page 20, line 23, insert after the comma the following: "and within the authorization provided in section 101(a) of this Act,".

Mrs. COLLINS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, this amendment makes two changes in the bill. First, the bill contains a provision that would allow the CPSC to keep the revenue from any user fees it receives. However, this provision raises potential problems under the Budget Act since it could reduce overall revenues to the Treasury. The amendment strikes that provision.

The second change merely clarifies that a study required by the legislation is to be conducted within the authorized amount of funding.

This amendment has been cleared with the minority. I urge its support.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I rise in support of the technical amendment offered by chairwoman COLLINS. The two portions of this amendment serve two functions. The first removes a requirement that the Commission deposit fees that it collects as an offsetting collection, and credit those fees to the accounts providing appropriations for the Commission. This section technically violates both section 311 of the Congressional Budget Act of 1974, and the pay-as-you-go rules under the Budget Enforcement Act of 1990. Since the Commission collects only around $94,000 in such fees each year, applying those fees as an offset to general expenditures has no measurable impact on the deficit, but it is a good idea to enforce rules if you have them at all.

The second part of the amendment merely clarifies that the study of corrective action effectiveness contemplated by the bill will be performed within the authorization levels set by the bill. Both of these changes, while technical, are useful. I commend Chairwoman COLLINS for the amendment and I am pleased to support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The amendment was agreed to.

□ 1510

AMENDMENT OFFERED BY MR. MCMILLAN OF NORTH CAROLINA

Mr. MCMILLAN of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCMILLAN of North Carolina: Page 3, strike out line 10 and insert in lieu thereof the following: "(4) $43,278,800 for fiscal year 1994.".

Mr. MCMILLAN of North Carolina. Mr. Chairman, the amendment I am offering today is similar to amendments that I offered both in the subcommittee and the full committee markups. Its purpose is simple—to ensure that the level of funding authorized for the Consumer Product Safety Commission complies with the intent of the budget resolution passed by the House.

While my first amendment was defeated in the subcommittee, the full committee adopted a substitute amendment which funded the CPSC at the President's requested level, $42.1 million, a reduction of $2.9 million from the original authorization level of the bill. While not initially consistent with the budget resolution, the authorization came into compliance when the VA, HUD, and independent agencies appropriations bill was passed, funding the CPSC at a level within the budget resolution caps.

However, the bill still contains an authorization level for fiscal year 1994 of $45 million. This is an increase of 6.89 percent over the fiscal year 1993 level. Given the budget resolution's assumption of only growth for inflation in this budget function for fiscal year 1994, and a CBO inflationary assumption of 2.8 percent, this authorization clearly exceeds the level contemplated by the budget resolution.

Likewise, the agency's own budget requests appear to utterly ignore the requirements of the budget resolution or the Budget Enforcement Act. The CPSC staff requested $44.73 million for fiscal year 1994, a 6.25 percent increase over fiscal year 1993, and the Commis-

sion itself added another $750,000 to this request for total growth of 8.17 percent in just 1 fiscal year. Such behavior is clearly inconsistent with the President's call for a freeze on all domestic discretionary spending to combat the deficit.

My amendment will simply lower the fiscal year 1994 authorization level to just over $43¼ million. This level reflects the $42.1 million authorized by the bill, and appropriated by the House, and adjusts it upward by 2.8 percent. We have an important responsibility to safeguard our children from harmful toys and other products and the CPSC has performed this job well. However, we also have a responsibility to safeguard our children's future, and we jeopardize that future every time we ignore our own deficit reduction targets.

I ask all of my colleagues to join me, not in cutting the CPSC's budget, but in limiting its growth to the rate of inflation. I ask all of my colleagues to vote in favor of my amendment and support our children's economic future as well as their physical safety.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCMILLAN of North Carolina. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I am more than happy to accept this amendment. It is a well-thought-out amendment and we think the gentleman has done the right thing. We are glad we are able to work together on this amendment.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I thank the gentlewoman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. MCMILLAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BILIRAKIS

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

The Clerk read as follows:

Amendment offered by Mr. BILIRAKIS: Page 15, strike out lines 6 through 14 and insert the following:

(a) ESTABLISHMENT OF BUCKET STANDARD.—

(1) REQUIREMENT.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act and effective 8 months after the date of the enactment of this Act, there is established a consumer product safety standard (enforceable under such Act) to require labeling for straight sided, open head, plastic or metal containers with a capacity for more than 4 gallons and less than 6 gallons (hereinafter in this section referred to as a "bucket"). The standard requires the following:

(A) The following shall be required to label a bucket, or cause the bucket to be labeled, in accordance with this subsection:

(i) Any person who fills a bucket for sale of the bucket and its contents.

(ii) If a bucket is sold by a retailer (as defined in section 3(a)(6) of the Consumer Product Safety Act) empty for use as a consumer product (as defined in section 3(a)(1) of such Act), the retailer who so sells the bucket.

(iii) Any person who acquires a bucket, other than for use or sale as a consumer product or for filling for the purpose of selling the bucket and its contents.

(B) The label, which shall be applied prior to release for shipment, shall be a paper, plastic, silk-screened, or off-set printed label which is 5 inches high and 2¾ inches wide or such larger size as a labeler may voluntarily choose and which has a border or other form of contrast around its edges to delineate it from any other information on the bucket.

(C) The label shall contain on a contrasting background the word "WARNING" in block print and the following: "Child Can Fall Into Bucket and Drown—Keep Children Away From Buckets With Even a Small Amount of Liquid".

(D) The label shall contain a picture of a child reaching into a bucket and shall include an encircled slash and a triangle with an exclamation point upon a contrasting field before the word "WARNING".

(E) The letters on the label shall be printed in contrasting colors.

(F) The label shall be easily removable only by the use of tools or a solvent.

(G) The label shall be placed on a side of the bucket just below the point where the handle is inserted.

(H) The label, when placed on a bucket, shall not thereafter be covered, obstructed, or removed by a retailer or distributor.

(2) PROCESS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this act, the Consumer Product Safety Commission shall, in accordance with section 553 of title 5, United States Code, initiate a rulemaking to ratify or modify or supplement the standard established under paragraph (1). As part of the rulemaking, the Commission—

(i) shall solicit comments on the standard established under paragraph (1) and any revision proposal by the Commission.

(ii) shall consider any voluntary labeling standard adopted by the ASTM which provides comparable notice and protection as the standard established under paragraph (1), and

(iii) shall initiate a review of the effectiveness of the standard established under paragraph (1) and any revision proposed by the Commission and include in such review focus groups.

(B) SIZE OF THE LABEL.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding to receive comments for 75 days on the size prescribed for the label under the standard in paragraph (1). Upon the expiration of such 75 days, the Commission shall, within 6 months of the date of the enactment of this Act, decide whether to initiate a rulemaking in accordance with section 553 of title 5, United States Code to revise such size.

(C) PETITION FOR TEMPORARY EXEMPTION.—Any person may petition the Commission for a temporary exemption from the requirement of the standard in paragraph (1). The Commission shall grant such a petition if the Commission finds that the petitioner has a label which was in use on April 3, 1992, and which is in substantial compliance with the standard and has a plan for coming into full compliance with the standard.

(3) COOPERATION.—The Consumer Product Safety Commission shall cooperate with States and political subdivisions to improve and enhance its data on incidents of drownings involving buckets.

(b) ACTION BY THE COMMISSION.—Within 30 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin proceedings under an Act administered by the Commission to consider a performance or other standard for buckets. In conducting such proceedings, the Commission shall meet the deadline and time requirements of such Act. The Commission shall report to the Congress 6 months after the date of the enactment of this Act and every 6 months thereafter on the progress of the Commission under such proceedings.

Redesignate subsection (b) as subsection (c).

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

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

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, the amendment I now offer seeks to protect one of our Nation's most precious resources—its children. It would establish a mandatory, uniform labeling standard for 5-gallon plastic or metal buckets, which represent a little-realized, but all-too-real drowning hazard to small children.

It is a bipartisan effort, supported by the chairwoman of the Consumer Protection Subcommittee, Mrs. COLLINS of Illinois, as well as its ranking minority member, Mr. MCMILLAN of North Carolina. I am also pleased and proud to say that it is fully endorsed by the National Safe Kids Campaign, the very first nationwide effort ever undertaken to address the No. 1 killer of children in America—unintentional injury.

During subcommittee and committee review of this legislation, I have worked with both industry and consumer groups—as well as both sides of the aisle—in an effort to reach a consensus, and this amendment indeed I think, achieves that goal.

As I said, this is an issue of child safety. The Consumer Product Safety Commission and a number of consumer advocacy organizations report that some 50 children every year drown after falling into 5-gallon buckets containing water or other liquids—sometimes only a few inches deep.

The Cook County, IL, medical examiner first brought this situation to the attention of our subcommittee, and I know that CPSC Chairwoman Jacqueline Jones-Smith has lent her personal support to the bucket safety campaign, speaking out often on the issue.

The buckets involved in these drowning deaths, Mr. Chairman, usually were 5-gallon industrial containers.

Mr. Chairman, I have here one of those 5-gallon industrial containers, along with the label that we plan to mandate be uniformly used throughout the country.

Although such buckets can be purchased new in retail stores, they are generally used to transport bulk or commercial quantities of food, paint, cleaning solutions, and construction

materials. When emptied of their contents, these containers sometimes find their way into homes.

While a voluntary—and I repeat, a voluntary labeling campaign to make the public aware of the danger these containers represent in the home is ongoing, I believe that a Federal, mandatory labeling standard would be more efficient and certainly more effective.

My amendment would establish this uniform standard; a standard supported by industrial users and producers represented by the Coalition for Container Safety, I might add.

It is, of course, impossible to stress too much the importance of public safety, and particularly the safety of our children. While I am concerned about overburdening our society and economy with too much Government regulation, the public good, in my opinion, requires that this be balanced with legitimate safety concerns, and I believe that my amendment strikes this very balance.

In formulating my amendment, Mr. Chairman, I believe I have honestly drawn a balanced compromise among competing factors. The minimum 5 by 2¾ inches warning label—and for those interested, I have a copy of it here, a warning label placed under the point where the handle attaches to the bucket is significantly large enough to command attention while not interfering with other labels.

I might add, that even though the bucket that I have shown here does not contain any other labels attached to it, there are other labels required under RCRA and other Federal regulations which would require labels on the buckets. This particular label is large enough to command attention while not interfering with those other labels that might be required by Federal laws.

The stipulation that it be bordered or otherwise in contrast to the bucket itself also will ensure this.

The fact that the CPSC is directed in my amendment to further review and receive comments on the labeling standard will ensure that the CPSC remains involved in an ongoing process to achieve the greatest child safety results possible.

In other words, we do not say that we have the resolution here. What we are saying is that this is something that can be very helpful in the meantime and we are still dictating that the CPSC continue to be involved in this issue.

Mr. Chairman, in closing I say to my colleagues that I have no bucket manufacturers in my district of which I am aware. I have no irons in the fire here, if you will. I simply want to help save children's lives. Plain and simple, that is it.

Mr. Chairman, I urge all of my colleagues here today to support my amendment—to take, with me, this modest step in the name of child safety.

Again, Mr. Chairman, my greatest thanks and gratitude to the gentlewoman from Illinois [Mrs. COLLINS] and to the minority member, the gentleman from North Carolina [Mr. MCMILLAN] and other members of the committee for their great cooperation in this regard.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of this amendment.

The Consumer Product Safety Commission has identified 5-gallon buckets as a hidden hazard. Curious infants have fallen into those buckets and then are unable to extricate themselves.

Between 1984 and 1991, about 200 infants have drowned in 5-gallon buckets. The average age of the victims was between 8 and 13 months. Some children have been as young as 4 months and as old as 2 years.

I have a particular interest in this problem because the Cook County, IL, Medical Examiner's Office played a crucial role in alerting the CPSC to this hidden hazard.

The bill before us requires the CPSC to consider two actions with respect to 5-gallon buckets—labeling, and establishing a safety standard. While the establishment of a safety standard appears to be the optimum long-term solution, further work needs to be done.

But all agree that warning labels are needed now. While industry has begun using warning labels on a voluntary basis, only a mandatory labeling standard will ensure compliance and uniformity.

The Bilirakis amendment strengthens the bill by mandating labeling as an immediate solution, while requiring the CPSC to formally consider further safety measures. And to keep the CPSC's feet to the fire, it requires the CPSC to periodically report to Congress on its efforts in this area.

As I indicated above, further technical work needs to be done to evaluate further safety measures. Let me emphasize the importance of the CPSC pursuing this issue as quickly as possible. The CPSC has delayed long enough.

The amendment is supported by the National Safe Kids Campaign, a major public safety advocacy group chaired by former Surgeon General C. Everett Koop, and chaired honorarily by First Lady Barbara Bush. In its letter of support, Safe Kids describes the amendment as "an important first step toward reducing the number of infants who drown each year in 5-gallon buckets."

And of particular importance to me, the amendment is supported by the Cook County Medical Examiner's Office—the office which first brought the matter to the CPSC's attention. As the executive director of the office, Roy Dames, points out.

I recognize that while this amendment may not be perfect, I sure don't understand leaving these buckets unlabeled while we fight over the size and number of labels.

We can wait for the States or the CPSC to act, hoping for the perfect solution, who knows when. After all, the CPSC's delays are legendary. Or we can take action now on a national level with a reasonable, but not perfect, labeling standard.

Mr. Chairman, I urge support of this amendment.

□ 1520

Mr. Chairman, I would like to engage the gentleman from Florida [Mr. BILIRAKIS] in a brief colloquy with regard to the review process the Consumer Product Safety Commission will undertake to determine the effectiveness of the standard in subsection (A)(1) of his amendment.

Is it the understanding of the gentleman that the focus group testing required by the review described in subsection (A)(2) of your amendment is intended to require the Commission to scrutinize a number of design issues with regard to the warning label outlined in subsection (A)(1) of your amendment?

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

Mrs. COLLINS of Illinois. I yield to the gentleman from Florida.

Mr. BILIRAKIS: I thank the gentlewoman for yielding. The gentlewoman has correctly described subsection (c)(2) of my amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, furthermore, is it the gentleman's understanding that such focus groups will study design issues such as the size of the label and the colors used in the label, with the objective of ensuring that the label is highly visible to the target population? Is it also your understanding that the focus groups will study both the pictorgram used on the warning label, to be sure that it is universally identifiable to the target population, and also the vocabulary used to describe the drowning danger, to be sure that this danger will be comprehensible to the target population?

Mr. BILIRAKIS. Will the gentlewoman from Illinois yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentlewoman for yielding. The gentlewoman has correctly described the understanding of subsection (a)(2) of my amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman from Florida for his comments and I commend him for introducing this important child safety measure.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I rise to speak in support of the amendment offered by the gentleman from Florida [Mr. BILI-

RAKIS]. I will be brief, but, as one who has recently become a grandfather with the addition of two youngsters, I am particularly sensitive to this issue. I do not ordinarily support product-specific legislation for the Consumer Product Safety Commission. I think they should do that under normal circumstances, but in this case the industry has essentially agreed to the well-worked-out amendment proposed by the gentleman from Florida, and I commend him for it, and I am delighted to add my support to it.

Mr. GEJDENSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

Mr. Chairman, I commend the gentleman for his amendment and the chair of the committee for her great work in a number of areas, including toy safety, that we have worked on together for a number of years. It seems to me that one of our critical responsibilities is to set up some standards so that all, not just responsible companies, not just those companies that think of it, have the kind of information on the products to give them maximum protection for our citizenry, and whether it is the budget or whether it is toy safety with the hazards of choking, it is important for us to make sure that this information is transmitted in a way that gives a clear message to the consumer.

I remember when my children were much younger and I would spend more time in the toy stores. As I read the old warning labels, the ones we have today which tell us age appropriateness, I knew my kids were smarter than the average kid. So, even if it said this was for a 5-year-old, I figured my kid could manipulate it. Well, it had nothing to do with intelligence or ability. It was a choking hazard, and it is not up to that company to give us that information and maybe give them a competitive disadvantage with other manufacturers. The company in the case of the gentleman from Florida [Mr. BILIRAKIS] that puts the label on this bucket might infer that their buckets are more dangerous than other buckets. It ought to be a standard for all manufacturers in the country to make sure that parents and consumers get the full and broadest information to protect themselves and their families.

Mr. Chairman, this seems to be something eminently reasonable, and I again applaud the chairwoman of the committee and the author of this amendment, and I am happy to see language on toy safety included in this bill as well. I commend the gentlewoman from Illinois for the terrific job she has done.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, Let me say that one of the reasons why we are able to move along so swiftly with this information was because of the groundwork the gentleman from Connecticut [Mr. GEJDENSON] had done much earlier, and we are grateful to him for the research he has given to this over the years and the fine work he has done, and we thank him for his help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 17, redesignate section 304 as section 305 and insert after line 3 the following:

SEC. 304. PRODUCT LABELING.

(a) REQUIREMENT.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

"(d) Every manufacturer of a product which is subject to a consumer product safety standard under this Act and which is distributed in commerce shall label such product in a prominent manner to disclose the country in which such product was finally assembled.".

(b) ENFORCEMENT.—Section 19(6) (15 U.S.C. 2068(6)) is amended by inserting after "(6)" the following: "failure to label a product in accordance with section 14(d);".

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

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment is straightforward. It states that every manufacturer of a product which is subject to a consumer product safety standard under this act and which is distributed in commerce shall label such product in a prominent manner to disclose the country in which such product was finally assembled. It is an addition to many of the safety procedures that we have had here today, and I, too, want to commend the gentlewoman from Illinois [Mrs. COLLINS] for her efforts, as well as the ranking minority member, and I say that it is good that the American consumer can now not only be concerned with safety, but find out where these products are actually made and perhaps know more about these particular assembly facilities. I think it leads to a more comprehensive knowledge of the product and awareness of the product and serves for safety purposes.

In addition to that, Mr. Chairman, hopefully consumers will be able to purchase those goods that are assembled, made, in America.

Mr. MCMILLAN of North Carolina. Mr. Chairman, I rise to speak in support of the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

Mr. Chairman, I simply would like to inform my colleagues that the minority has examined the amendment proposed by the gentleman from Ohio and finds it totally acceptable. We will support the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MCMILLAN of North Carolina. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, we accept the amendment as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 26, insert after line 20 the following:

TITLE VII—BUY AMERICAN

SEC. 701. BUY AMERICAN REQUIREMENTS FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Consumer Product Safety Commission shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 101.

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Consumer Product Safety Commission shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 101. Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreements Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF PROCUREMENTS OF FOREIGN PRODUCTS IF DISCRIMINATION AGAINST U.S. PRODUCTS.—No contract or subcontract made with funds provided pursuant to an authorization made by section 101 may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States businesses, as identified by the President pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979.

(d) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization made by section 101, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(e) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment that states that the buy-American law is the policy of our country and that this act be subject to the provision of the Buy-American Act.

In addition, Mr. Chairman, it has a section that deals with labeling, and, if someone maintains on a label a certain provision, that they should be truthful in disclosing that or they would lose an opportunity for any activity under the provisions of the bill.

□ 1530

MODIFICATION TO AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be modified, in that section (c) of this amendment be removed, and the subsequent paragraphs and alphabetical delineations of those be accordingly changed.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. TRAFICANT: In the matter proposed to be added as a new section strike out subsection (c), and redesignate the succeeding subsections accordingly.

Mr. MCMILLAN of North Carolina. Mr. Chairman, the minority has examined the proposal offered by the gentleman from Ohio [Mr. TRAFICANT] and has no objection thereto.

Mrs. COLLINS of Michigan. Mr. Chairman, the majority has examined the section in question and has no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. TRAFICANT: Page 26, insert after line 20 the following:

TITLE VII—BUY AMERICAN

SEC. 701. BUY AMERICAN REQUIREMENTS FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Consumer Product Safety Commission shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 101.

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Consumer Product Safety Commission shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 101. Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreements Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization made by section 101, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

The CHAIRMAN. Are there any other amendments printed in the RECORD under the rule? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. HOAGLAND, 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. 4706) to amend the Consumer Product Safety Act to extend the authorization of appropriations under that act, and for other purposes, pursuant to House Resolution 555, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. COLLINS of Illinois. 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 H.R. 4706.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 450, STOCK RAISING HOMESTEAD ACT AMENDMENTS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–859) on the resolution H. Res. 561) providing for the consideration of the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3724, INDIAN HEALTH CARE IMPROVEMENT ACT AUTHORIZATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–860) on the resolution (H. Res. 562) providing for the consideration of the bill (H.R. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5231, NATIONAL COMPETITIVENESS ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–861) on the resolution (H. Res. 563) providing for the consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, which was referred to the House Calendar and ordered to be printed.

H. RES. 563

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 consideration of the bill (H.R. 5231) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing

technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. In lieu of the committee amendment in the nature of a substitute now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. At the conclusion of 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. 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. 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 or without instructions. After passage of H.R. 5231, it shall be in order to take from the Speaker's table the bill S. 1330 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 5231 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1330 and to request a conference with the Senate thereon.

The following is the amendment in the nature of a substitute made in order as an original bill for the purpose of amendment under House Resolution 563.

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Competitiveness Act of 1992".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Goals.
Sec. 105. Definitions.

TITLE II—MANUFACTURING

Sec. 201. Short title.
Sec. 202. Findings, purpose, and statement of policy.
Sec. 203. Role of the Department of Commerce.
Sec. 204. Commerce Technology Advisory Board.
Sec. 205. Role of the Technology Administration in manufacturing.
Sec. 206. Miscellaneous and conforming amendments.
Sec. 207. Manufacturing Technology Centers.
Sec. 208. National Science Foundation manufacturing activities.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

Sec. 301. Findings.
Sec. 302. Study of semiconductor lithography technologies.

Subtitle B—Advanced Technology Program

Sec. 321. Development of program plan.
Sec. 322. Technical amendments.

Subtitle C—Technology Development Loans

Sec. 331. Technology development loans.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

Sec. 341. Short title.
Sec. 342. Definitions.
Sec. 343. Establishment of program.
Sec. 344. Advisory Committee.

PART II—PROGRAM STRUCTURE AND OPERATION

Sec. 351. Organization and licensing.
Sec. 352. Capital requirements.
Sec. 353. Financing.
Sec. 354. Issuance and guarantee of trust certificates.
Sec. 355. Capital for qualified business concerns.
Sec. 356. Limitation on amount of assistance.
Sec. 357. Operation and regulation.
Sec. 358. Technical assistance for licensees and qualified business concerns.
Sec. 359. Annual audit and report.

PART III—ENFORCEMENT

Sec. 361. Investigations and examinations.
Sec. 362. Revocation and suspension of licenses; cease and desist orders.
Sec. 363. Injunctions and other orders.
Sec. 364. Conflicts of interest.
Sec. 365. Removal or suspension of directors and officers.
Sec. 366. Unlawful acts.
Sec. 367. Penalties and forfeitures.
Sec. 368. Jurisdiction and service of process.
Sec. 369. Antitrust savings clause.

TITLE IV—MISCELLANEOUS

Sec. 401. International standardization.
Sec. 402. Malcolm Baldrige Award amendments.
Sec. 403. Cooperative research and development agreements.
Sec. 404. Clearinghouse on State and Local Initiatives.
Sec. 405. Competitiveness assessments and evaluations.
Sec. 406. Use of domestic products.
Sec. 407. Severability.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 501. Technology Administration.
Sec. 502. National Institute of Standards and Technology.
Sec. 503. Additional activities of the Technology Administration.
Sec. 504. National Science Foundation.
Sec. 505. Availability of appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

Sec. 601. References.
Sec. 602. Technical amendments.
Sec. 603. Clarifying amendments.

SEC. 102. FINDINGS.

The Congress finds that—

(1) the unprecedented competitive challenge the United States has faced during the past decade from foreign-based companies offering high-quality, low-priced products has contributed to a drop in real wages and standard of living;

(2) as international competition has intensified in advanced technology research, development, and applications, the passive nature of United States civilian technology policy has hindered the ability of American companies to compete in certain high technology fields;

(3) there is general agreement on which fields of technology are critical for economic competitiveness in the next century, but the United States Government lacks a comprehensive strategy for ensuring that the appropriate research, development, and applications activities and other reforms occur so these technologies are readily available to United States manufacturers for incorporation into products made in the United States;

(4) strategic technology planning, the support of critical technology research, development, and application, and advancement of manufacturing technology development and deployment are appropriate Government roles;

(5) the cost of and difficulty in obtaining venture capital are significant deterrents to the expansion of small high technology companies; and

(6) standardization of weights and measures, including development and promotion of product and quality standards, has a significant role to play in competitiveness.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) develop a nationwide network of sources of technological advice for manufacturers, particularly small and medium-sized firms, and to provide high quality, current information to that network;

(2) encourage the development and rapid application of advanced manufacturing processes;

(3) expand the scope and resources of the Advanced Technology Program of the National Institute of Standards and Technology;

(4) stimulate and supplement the flow of capital to business concerns engaged principally in development or utilization of critical and other advanced technologies;

(5) establish mechanisms to ensure synergistic linkages between Federal, State, and local initiatives aimed at enhancing the competitiveness of United States products; and

(6) enhance the core programs of the National Institute of Standards and Technology.

SEC. 104. GOALS.

The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) utilize the State and local capabilities in industrial extension to improve the efficiency, quality, and strength of national programs to improve the competitiveness of United States products; and

(4) expand the availability of low-cost patient capital to United States companies developing or utilizing critical or other advanced technologies.

SEC. 105. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Institute;

(2) the term "Institute" means the National Institute of Standards and Technology;

(3) the term "Secretary" means the Secretary of Commerce; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Technology.

TITLE II—MANUFACTURING

SEC. 201. SHORT TITLE.

This title may be cited as the "Manufacturing Technology and Extension Act of 1992".

SEC. 202. FINDINGS, PURPOSE, AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds and declares the following:

(1) United States manufacturers, especially small businesses, require the adoption and implementation of both modern and advanced manufacturing and process technologies to meet the challenge of foreign competition.

(2) The development and deployment of modern and advanced manufacturing technologies are vital to the Nation's economic growth, standard of living, competitiveness in world markets, and national security.

(3) New developments in flexible, computer-integrated manufacturing, electronic manufacturing communications networks, and other new technologies make possible dramatic improvements across all industrial sectors in productivity, quality, and the speed with which manufacturers can respond to changing market opportunities.

(4) The Department of Commerce's Technology Administration can continue to play an important role in assisting United States industry to develop, test, and deploy modern and advanced manufacturing technologies.

(b) PURPOSE.—It is the purpose of Congress in this title to help ensure the continued leadership of the United States in manufacturing by enhancing the Department of Commerce's technology programs to—

(1) provide, consistent with applicable provisions of law, to the greatest extent possible, within 5 years after the date of enactment of this Act, domestic manufacturers, especially small and medium-sized companies, with access to Federal advice and assistance in the development, deployment, and improvement of modern manufacturing technology; and

(2) encourage, facilitate, and promote the development and adoption of advanced manufacturing technologies by the private sector.

(c) STATEMENT OF POLICY.—Congress declares that it is the policy of the United States that—

(1) Federal agencies, particularly the Department of Commerce, shall work with industry and labor to ensure that within 10 years of the date of enactment of this Act the United States is second to no other nation in the development, deployment, and use of advanced manufacturing technology;

(2) because of the importance of manufacturing and advanced manufacturing technology to the Nation's economic prosperity and defense, all the major Federal research and development agencies shall place a high priority on the development and deployment of advanced manufacturing technologies, and shall work closely with United States industry to develop and test those technologies; and

(3) the Department of Commerce, particularly the Technology Administration, shall serve as a the lead civilian agency for promoting the development and deployment of advanced manufacturing technology, and other Federal departments and agencies which work with civilian industry shall be encouraged, as appropriate and consistent with applicable statutes and duties, to work with and through the programs of the Department of Commerce.

(d) CONSTRUCTION.—Nothing in this title shall be construed as modifying the duties and responsibilities of the Department of Energy with regard to its technology resources and expertise in matters under its jurisdiction.

SEC. 203. ROLE OF THE DEPARTMENT OF COMMERCE.

The Department of Commerce shall, consistent with the policies and purposes of section 202, be the lead civilian agency of the Federal Government for working with United States industry and labor to—

(1) develop new generic advanced manufacturing technologies; and

(2) encourage and assist the deployment and use of advanced manufacturing equipment and techniques throughout the United States.

SEC. 204. COMMERCE TECHNOLOGY ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a Commerce Technology Advisory Board (in this section referred to as the "Advisory Board").

(b) COMPOSITION.—The Advisory Board shall be composed of at least 17 members, appointed by the Under Secretary from among individuals who, because of their experience and accomplishments in technology development, business development, or finance are exceptionally qualified to analyze and formulate policy that would improve the global competitiveness of industries in the United States. The Under Secretary shall designate 1 member to serve as chairman. Membership of the Advisory Board shall be composed of—

(1) representatives of—

(A) United States small businesses;

(B) other United States manufacturers;

(C) universities and independent research institutes;

(D) State and local government agencies involved in industrial extension;

(E) national laboratories;

(F) industrial, worker, and professional organizations; and

(G) financial organizations; and

(2) other individuals that possess important insight to issues of national competitiveness.

(c) DUTIES.—The duties of the Advisory Board shall include advising the Secretary, the Under Secretary, and the Director regarding—

(1) the development and implementation of policies that the Advisory Board considers essential to industrial productivity and technology growth and adoption, with priority given to policies that would benefit small businesses;

(2) the development and rapid application of advanced technologies including advanced manufacturing technologies; and

(3) the planning, execution, and evaluation of programs under the authority of the Technology Administration.

(d) MEETINGS.—(1) The chairman shall call the first meeting of the Advisory Board not later than 90 days after the date of enactment of this Act..

(2) The Advisory Board shall meet at least once every 6 months, and at the call of the Under Secretary.

(e) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, while engaged in the business of the Advisory Board.

(f) CONSULTATION.—In carrying out this section, the Under Secretary shall consult with other agencies, as appropriate.

(g) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Board.

SEC. 205. ROLE OF THE TECHNOLOGY ADMINISTRATION IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGY

"SEC. 301. ADVANCED MANUFACTURING SYSTEMS AND NETWORKING PROJECTS.

"(a) PROGRAM DIRECTION.—The Secretary, through the Under Secretary and the Director, shall establish a Department of Commerce Advanced Manufacturing Program (in this title referred to as the 'Advanced Manufacturing Program') which shall include advanced manufacturing systems and networking projects.

"(b) PROGRAM GOAL.—The goal of the Advanced Manufacturing Program is to create collaborative multiyear technology development programs involving United States industry and, as appropriate, other Federal agencies, the States, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks.

"(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Program shall include—

"(1) the advanced manufacturing research and development activities at the Institute; and

"(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications through a direct manufacturing process.

"(d) ACTIVITIES.—The Advanced Manufacturing Program, under the coordination of the Secretary, through the Director, shall—

"(1) test and, as appropriate, develop the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

"(2) establish at the Institute and the technology development testbed or testbeds—

"(A) prototype advanced computer-integrated manufacturing systems; and

"(B) prototype electronic networks linking manufacturing systems;

"(3) assist industry to develop, and implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

"(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

"(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

"(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

"(7) involve, to the maximum extent practicable, both those United States companies which make manufacturing and computer equipment and those companies which buy the equipment, with particular emphasis on including a broad range of company personnel in the Advanced Manufacturing Program and on assisting small and medium-sized manufacturers;

"(8) identify training needs, as appropriate, for company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks, with a particular emphasis on training for production workers in the effective use of new technologies;

"(9) work with private industry to develop standards for the use of advanced computer-based training systems, including multimedia and interactive learning technologies; and

"(10) exchange information and personnel, as appropriate, between the technology development testbeds and the Network created under section 303.

"(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give particular consideration to applicants that have existing computer expertise in the management of business, product, and process information such as digital data product and process technologies and customer-supplier information systems, and the ability to diffuse such expertise into industry, and that, in the case of joint research and development ventures, include both suppliers and users of advanced manufacturing equipment.

"(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, independent research organizations, or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act).

"(f) ADVICE AND ASSISTANCE.—(1) Within 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States industry and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

"(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to Computer-Aided Acquisition and Logistics Support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

"(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out responsibilities under this section.

"(g) APPLICATION OF ANTITRUST LAWS.—Nothing in this section shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

"SEC. 302. DEPLOYMENT OF ADVANCED AND MODERN MANUFACTURING TECHNOLOGIES AND PRACTICES.

"(a) IN GENERAL.—The Secretary, through the Under Secretary and the Director, shall work with representatives of State and local governments, manufacturing extension programs, private industry, worker organizations, and academia to encourage and support the use of both advanced manufacturing technologies, including those developed by the Advanced Manufacturing Program, and current best available modern manufacturing technologies and practices to large, medium-sized, and small manufacturing firms throughout the United States.

"(b) MECHANISMS.—The Secretary, through the Under Secretary and the Director, shall carry out this responsibility through—

"(1) the National Manufacturing Outreach Network established under section 303;

"(2) the Manufacturing Technology Centers, Local Manufacturing Offices, and State Technology Extension Program supported under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k-1);

"(3) a National Quality Laboratory, which is hereby established within the Institute, the purpose of which is to assist private sector quality efforts and to serve as a mechanism by which United States companies and the Institute can work together to advance quality management programs and to share and, as appropriate, develop manufacturing best practices;

"(4) appropriate activities of the Technology Administration's Office of Technology Policy; and

"(5) such other means as may be appropriate or otherwise authorized by law.

"SEC. 303. NATIONAL MANUFACTURING OUTREACH NETWORK.

"(a) ESTABLISHMENT AND PURPOSE OF NETWORK.—There is hereby established a National Manufacturing Outreach Network (in this section referred to as the 'Network'). The Network shall organizationally and electronically link centers and other organizations throughout the United States that are engaged in manufacturing or technology extension and outreach activities. The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Network in accordance with an initial plan to be prepared and submitted to Congress within 6 months after the date of enactment of this title and a 5-year plan to be submitted to the Congress within a year after the date of enactment of this title and to be updated annually. The purpose of the Network is to assist United States manufacturers, especially small and medium-sized firms, to expand and accelerate the use of modern manufacturing practices, and to accelerate the development and use of advanced manufacturing technology.

"(b) MANUFACTURING OUTREACH CENTERS.—United States Government and private sector organizations, actively engaged in technology or manufacturing extension activities, are eligible for participation in this program as Management Outreach Centers. Participants may include Federal, State, and local government agencies, their extension programs, and their laboratories; centers and local manufacturing offices established under section 25 of the National Institute of Standards and Technology Act; small business development centers; and appropriate programs run by professional societies, worker organizations, industrial organizations, for-profit or nonprofit organizations, universities, community colleges, and technical schools and colleges. The Secretary shall establish terms and conditions of participation and may provide financial assistance, on a cost-shared basis and through competitive, merit-based review processes, to nonprofit or government participants throughout the United States to enable them to—

"(1) join the Network and disseminate its information services to United States manufacturing firms, particularly small and medium-sized firms; and

"(2) strengthen their efforts to help small and medium-sized United States manufacturers to expand and accelerate the use of modern and advanced manufacturing practices.

"(c) COMMUNICATIONS INFRASTRUCTURE.—The Department of Commerce shall provide for an instantaneous, interactive communications infrastructure for the Network to facilitate interaction among Manufacturing Outreach Centers and Federal agencies and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (d). Such communications infrastructure shall, wherever practicable, make use of existing computer networks. Communications infrastructure arrangements, including user fees and appropriate electronic access for information suppliers and users shall be addressed in the 5-year plan prepared under subsection (f)(2).

"(d) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using the National Technical Information Service and private sector information providers and carriers where appropriate, to—

"(A) identify expertise and acquire information, appropriate to the purpose of the Network stated in subsection (a), from all available Federal sources, providing assistance where necessary in making such information electronically available and compatible with the Network;

"(B) ensure ready access by United States manufacturers and other interested private sector parties to the most recent relevant available such information and expertise; and

"(C) to the extent practicable, inform such manufacturers of the availability of such information.

"(2) The clearinghouse shall include information available electronically on—

"(A) activities of Manufacturing Outreach Centers and the users of the Network;

"(B) domestic and international standards from the Institute and private sector organizations and other export promotion information, including conformity assessment requirements and procedures;

"(C) the Malcolm Baldrige Quality program, and quality principles and standards;

"(D) federally funded technology development and transfer programs;

"(E) responsibilities assigned to the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation under section 102 of this Act;

"(F) how to access data bases and services; and

"(G) other subjects relevant to the ability of companies to manufacture and sell competitive products throughout the world.

"(e) PRINCIPLES.—In carrying out this section, the Department of Commerce shall take into consideration the following principles:

"(1) The Network shall be established and operated through cooperation and co-funding among Federal, State, and local governments, other public and private contributors, and end users.

"(2) The Network shall utilize and leverage, to the extent practicable, existing organizations, data bases, electronic networks, facilities, and capabilities.

"(3) The Network, and the communications infrastructure provided for under subsection

(c), shall be subject to all applicable provisions of law for the protection of trade secrets and business confidential information.

"(4) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Network shall strive for geographical balance with the ultimate goal of access for all United States small- and medium-sized manufacturers.

"(5) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to manufacturers, actively work with, rather than supplant, the private sector, and to the extent practicable, maximize the exposure of manufacturers to demonstrations of modern technologies in use.

"(6) Manufacturing Outreach Centers shall focus, where possible, on the development and deployment of flexible manufacturing practices applicable to both defense and commercial applications.

"(7) The Department of Commerce shall develop mechanisms for—

"(A) soliciting the perspectives of manufacturers using the services of the Manufacturing Outreach Centers; and

"(B) evaluating the effectiveness of the Manufacturing Outreach Centers.

"(f) PLAN AND REPORTS.—(1) Within 6 months after the date of enactment of this title, the Secretary, after consultation with the Under Secretary, the Director, the Commerce Technology Advisory Board, and a cross-section of potential participants, shall submit a report to Congress—

"(A) describing how the Technology Administration will carry out its responsibility to create, operate, and support the Network, including interactive linkage of Manufacturing Outreach Centers to the programs of the Technology Administration and other appropriate Federal agencies;

"(B) identifying the Federal, State, local, and other appropriate organizations which the Secretary believes should be eligible to join the Network as Manufacturing Outreach Centers and those organizations eligible to apply for Department of Commerce support to connect to the Network and receive and disseminate its services;

"(C) establishing criteria and procedures for the selection of organizations to receive Department of Commerce services and financial assistance as part of the Network program; and

"(D) evaluating the need for and the benefits of a National Conference of States on Industrial Extension, similar in structure to the National Conference on Weights and Measures, and, if the Secretary determines that such a Conference is advisable, developing, in consultation with the States and other interested parties, a plan for the establishment, operation, funding, and evaluation of such a Conference.

"(2) Within 1 year after the date of enactment of this title, the Secretary, in consultation with the Under Secretary, the Director, and the Commerce Technology Advisory Board, shall prepare and submit to the Congress a 5-year plan for implementing and expanding the Network. Such plan shall identify appropriate methods for expanding the Network in a geographically balanced manner, including a merit-based process for the selection of additional Manufacturing Outreach Centers. In selecting Manufacturing Outreach Centers, and in awarding financial assistance to such Centers, the Under Secretary shall ensure that manufacturers using the Network are consulted as to the past performance of applicants. Such 5-year plan shall include a detailed implementation plan and cost estimates and shall take into consideration and build on the report submitted under paragraph (1).

"(3) Beginning with first year after submission of the 5-year plan under paragraph (2), the Secretary shall annually report to the Congress, at the time of the President's annual budget request to Congress, on—

"(A) progress made in carrying out this section during the preceding fiscal year;

"(B) changes proposed to the 5-year plan;

"(C) performance in adhering to schedules; and

"(D) any recommendations for legislative changes necessary to enhance the Network.

The report under this paragraph submitted at the end of the fourth year of operation of the Network shall include recommendations on whether to terminate the Network or extend it for a specified period of time.

"SEC. 304. ROLE OF THE SECRETARY AND OTHER EXECUTIVE AGENCIES.

"(a) SECRETARY.—The Secretary, acting as appropriate through the Under Secretary and the Director, shall—

"(1) consult with other Federal agencies, including the Department of Defense and the Department of Energy, to ensure consistent and, where possible, coordinated efforts to promote the development and adoption of modern and advanced manufacturing technologies;

"(2) assist the Office of Science and Technology Policy in its efforts to coordinate the manufacturing technology activities of the various Federal agencies; and

"(3) in carrying out the programs and other responsibilities set forth in this title, consult with representatives of industry, labor, and academia on ways to enhance manufacturing capabilities, including close consultation with the Commerce Technology Advisory Board.

The Secretary shall annually report to Congress on actions taken under this subsection.

"(b) FEDERAL AGENCIES.—To the extent permitted by other law, other Federal agencies shall assist the Secretary in carrying out this title.

"SEC. 305. AMERICAN WORKFORCE QUALITY PARTNERSHIPS.

"(a) PROGRAM AUTHORIZED.—The Secretary, in consultation with the Secretary of Education and the Secretary of Labor, may make grants to eligible applicants having applications approved under this section to establish and operate American workforce quality partnership programs in accordance with the provisions of this section. The Secretary shall award grants on a competitive basis to pay the Federal share for American workforce quality partnership programs to establish workforce training consortia between industry and institutions of higher education.

"(b) GRANT PERIOD.—Grants awarded under this section may be for a period of 5 years.

"(c) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate an American workforce quality partnership program.

"(d) CONTENTS OF PROGRAM.—An American workforce quality partnership program shall establish partnerships between—

"(1) one or more technology-based or manufacturing sector firms, in conjunction with a labor organization where available or worker representative group or employee representatives; and

"(2) a local community or technical college or other appropriate institutions of higher education, or a vocational training institution or consortium of such education institutions,

to train the employees of the industrial partners through both workplace-based and classroom-based programs of training.

"(e) FEDERAL SHARE.—The Federal share of the cost of an American workforce quality partnership program may not exceed 50 percent of the total cost of the program. The non-Federal share of such costs may be provided in-cash or in-kind, fairly valued. The total contribution of the proposed partnership should reflect a substantial contribution on the part of the industrial partners and appropriate contributions of the education partners, local or State governments, and other appropriate entities.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) PLAN.—Each application submitted under this subsection shall contain a plan for the development and implementation of an American workforce quality partnership program under this section. Such plan shall—

"(A) show a demonstrated commitment, on the part of the industrial partners, to adopt total quality management strategies or other plausible strategies to renew its competitive edge;

"(B) demonstrate the need for Federal resources because of the long-term nature and risk of such an investment, the inability to finance such ventures because of the high cost of capitalization, intense competition from foreign industries, or such other appropriate reasons as may limit the industrial partners' ability to launch programs where worker training and development is a substantial component;

"(C) demonstrate long-term benefit for all partners and the local economy, through an enhanced competitive position of the industrial partners, substantial benefits for regional employment, and the ability of the education partners to further their capabilities to educate and train other nonpartnership-affiliated individuals wishing to obtain or upgrade technical, technological, industrial management and leadership, or other industrial skills;

"(D) make full, appropriate, and innovative use of industrial and higher education resources and other local resources such as facilities, equipment, personnel exchanges, experts, or consultants;

"(E) provide for the establishment of an advisory board in accordance with subsection (h);

"(F) include an explanation of the industrial partners' plans to adopt new competitive strategies and how the training partnership aids that effort; and

"(G) include assurances that the eligible entity will maintain its aggregate expenditures from all other sources for employee training at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of the National Competitiveness Act of 1992.

"(3) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective American workforce quality partnership program in accordance with this section.

"(A) CRITERIA.—In reviewing grant applications, the Secretary shall give significant consideration to the following criteria:

"(i) Saliency of argument for requiring a Federal investment.

"(ii) Commitment of partnership to continue operation after the termination of Federal funding.

"(iii) The likelihood that the training will lead to long-term competitiveness of the industrial partners and contribute significantly to economic growth.

"(iv) The likelihood that the partnership will benefit the education mission of the education partners in ways outside of the scope of the partnership, such as developing the capability to train other nonpartnership-affiliated individuals in similar skills.

"(B) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to industries which are threatened by intense foreign competition important to the long-term national economic or military security of the United States and industries which are critical in enabling other United States industries to maintain a healthy competitive position. In addition, the Secretary shall give priority to applicants in areas of high poverty and unemployment.

"(g) USE OF FUNDS.—

"(1) APPROVED USES.—Federal funds may be used for—

"(A) the direct costs of workplace-based and classroom-based training in advanced technical, technological, and industrial management, skills, and training for the implementation of total quality management strategies, or other competitiveness strategies, contained in the plan;

"(B) the purchase or lease of equipment or other materials for the purpose of instruction to aid in training;

"(C) the development of in-house curricula or coursework or other training-related programs, including the training of teachers and other eligible participants to utilize such curricula or coursework; and

"(D) reasonable administrative expenses and other indirect costs of operating the partnership which may not exceed 10 percent of the total cost of the program.

"(2) LIMITATIONS.—Federal funds may not be used for nontraining related costs of adopting new competitive strategies including the replacement of manufacturing equipment, product redesign and manufacturing facility construction costs, or salary compensation of the partners' employees. Grants shall not be made under this section for programs that will impair any existing program, contract, or agreement without the written concurrence of the parties to such program, contract, or agreement.

"(h) ADVISORY BOARD.—

"(1) Each partnership shall establish an advisory board which shall include equal representation from each of the following categories:

"(A) Multiple organizational levels of the industrial partners.

"(B) The education partners.

"(C) Labor organization representatives where available, worker representative groups, or employee representatives.

"(2) The advisory board shall—

"(A) advise the partnership on the general direction and policy of the partnership including training, instruction, and other related issues;

"(B) report to the Secretary after the second and fourth year of the program, on the progress and status of the partnership, including its strengths, weaknesses, and new directions, the number of individuals served, types of services provided, and an outline of how the program can be integrated into the existing training infrastructure in place in other Federal agencies and departments; and

"(C) assist in the revision of the plans (submitted with the application under subsection (f)(2)(F)) and include revised plans as necessary in the reports under subparagraph (B).".

SEC. 206. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended by adding at the end the following new paragraphs:

"(14) 'Director' means the Director of the National Institute of Standards and Technology.

"(15) 'Institute' means the National Institute of Standards and Technology.

"(16) 'Assistant Secretary' means the Assistant Secretary of Commerce for Technology Policy.

"(17) 'Advanced manufacturing technology' includes—

"(A) numerically-controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(18) 'Modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers.".

(b) REDESIGNATIONS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) by inserting immediately after section 4 the following new title heading:

"TITLE I—DEPARTMENT OF COMMERCE AND RELATED PROGRAMS";

(2) by redesignating sections 5 through 10 as sections 101 through 106, respectively;

(3) by striking section 21;

(4) by redesignating sections 16 through 20, and 22, as sections 107 through 112, respectively;

(5) by inserting immediately after section 112 (as redesignated by paragraph (4) of this subsection) the following new title heading:

"TITLE II—FEDERAL TECHNOLOGY TRANSFER";

(6) by redesignating sections 11 through 15 as sections 201 through 205, respectively;

(7) by redesignating section 23 as section 206;

(8) in section 4—

(A) by striking "section 5" each place it appears and inserting in lieu thereof "section 101";

(B) in paragraphs (4) and (6), by striking "section 6" and "section 8" each place they appear and inserting in lieu thereof "section 102" and "section 104", respectively; and

(C) in paragraph (13), by striking "section 6" and inserting in lieu thereof "section 102";

(9) in section 105 (as redesignated by paragraph (2) of this subsection) by striking "section 6" each place it appears and inserting in lieu thereof "section 102";

(10) in section 106(d) (as redesignated by paragraph (2) of this subsection) by striking "7, 9, 11, 15, 17, or 20" and inserting in lieu thereof "103, 105, 108, 111, 201, or 205";

(11) in section 202(b) (as redesignated by paragraph (6) of this subsection) by striking "section 14" and inserting in lieu thereof "section 204";

(12) in section 204(a)(1) (as redesignated by paragraph (6) of this subsection) by striking "section 12" and inserting in lieu thereof "section 202";

(13) in section 112 (as redesignated by paragraph (4) of this subsection) by striking "sections 11, 12, and 13" and inserting in lieu thereof "sections 201, 202, and 203";

(14) in section 206 (as redesignated by paragraph (7) of this subsection)—

(A) by striking "section 11(b)" in subsection (a)(2) and inserting in lieu thereof "section 201(b)"; and

(B) by striking "section 6(d)" in subsection (b) and inserting in lieu thereof "section 102(d)"; and

(15) by adding at the end of section 201 (as redesignated by paragraph (6) of this subsection) the following new subsection:

"(j) ADDITIONAL TECHNOLOGY TRANSFER MECHANISMS.—In addition to the technology transfer mechanisms set forth in this section and section 202 of this Act, the heads of Federal departments and agencies also may transfer technologies through the technology transfer, extension, and deployment programs of the Department of Commerce and the Department of Defense.".

SEC. 207. MANUFACTURING TECHNOLOGY CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTERS.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), is amended—

(1) by amending the section heading to read as follows: "MANUFACTURING TECHNOLOGY CENTERS";

(2) in subsection (c)(5), by striking "which are designed" and all that follows through "operation of a Center" and inserting in lieu thereof "to a maximum of one-third Federal funding. Each center which receives financial assistance under this section shall be evaluated during its sixth year of operation, and at such subsequent times as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the evaluation is positive and the Secretary finds that continuation of funding furthers the goals of the Department. Such additional Federal funding shall not exceed one-third of the cost of the Center's operations";

(3) by striking subsection (d); and

(4) by adding at the end the following new subsections:

"(d) If a Center receives a positive evaluation during its third year of operation, the Director may, any time after that evaluation, contract with the Center to provide additional technology extension or transfer services above and beyond the baseline activities of the Center. Such additional services may include, but are not necessarily limited to, the development and operation of the following:

"(1) Programs to assist small and medium-sized manufacturers and their employees in the Center's region to learn and apply the technologies, techniques, and processes associated with systems management technology, electric commerce, or improving manufacturing productivity.

"(2) Programs focused on the testing, development, and application of manufacturing and process technologies within specific technical fields such as advanced materials or electronics fabrication for the purpose of assisting United States companies, both large and small and both within the Center's original service region and in other regions, to improve manufacturing, product design, workforce training, and production in those specific technical fields.

"(3) Industry-lead demonstration programs that explore the value of innovative nonprofit manufacturing technology consortia to provide ongoing research, technology transfer, and worker training assistance for industrial members. An award under this paragraph shall be for no more than $500,000 per year, and shall be subject to renewal after a 1-year demonstration period.

"(e) In addition to any assistance provided or contracts entered into with a Center under this section, the Director is authorized to make separate and smaller awards, through a competitive process, to nonprofit organizations which wish to work with a Center. Such awards shall be for the purpose of enabling those organizations to provide supplemental outreach services, in collaboration with the Center, to small and medium-sized manufacturers located in parts of the region served by the Center which are not easily accessible to the Center and which are not served by any other manufacturing outreach center. Organizations which receive such awards shall be known as Local Manufacturing Offices. In reviewing applications, the Director shall consider the needs of rural as well as urban manufacturers. No single award for a Local Manufacturing Office shall be for more than three years, awards shall be renewable through the competitive awards process, and no award shall be made unless the applicant provides matching funds at least equal to the amount received under this section.

"(f) In carrying out this section, the Director shall coordinate his efforts with the plans for the National Manufacturing Outreach Network established under section 303 of the Stevenson-Wydler Technology Innovation Act of 1980.".

(b) STATE TECHNOLOGY EXTENSION PROGRAM.—(1) Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 2781(a)), is amended—

(A) by inserting immediately after "(a)" the following new sentence: "There is established within the Institute a State Technology Extension Program."; and

(B) by inserting "through that Program" immediately after "technical assistance".

(2) Section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 2781) is amended by adding at the end the following new subsection:

"(c) In addition to the general authorities listed in subsection (b) of this section, the State Technology Extension Program also shall, through merit-based competitive review processes and as authorizations and appropriations permit—

"(1) make awards to States and conduct workshops, pursuant to section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988, in order to help States improve their planning and coordination of technology extension activities;

"(2) support industrial modernization demonstration projects to help States create networks among small manufacturers for the purpose of facilitating technical assistance, group services, and improved productivity and competitiveness;

"(3) support State efforts to develop and test innovative ways to help small and medium-sized manufacturers improve their technical capabilities;

"(4) support State efforts designed to help small manufacturers in rural as well as urban areas improve and modernize their technical capabilities, including, as appropriate, interstate efforts to achieve such end;

"(5) support State efforts to assist interested small defense manufacturing firms to convert their production to nondefense or dual-use purposes;

"(6) support worker technology education programs in the States at institutions such as universities, community colleges, labor education centers, labor-management committees, and worker organizations in production technologies critical to the Nation's future, with an emphasis on high-performance work systems, the skills necessary to use advanced manufacturing systems well, and best production practice; and

"(7) help States develop programs to train personnel who in turn can provide technical skills to managers and workers of manufacturing firms.".

SEC. 208. NATIONAL SCIENCE FOUNDATION MANUFACTURING ACTIVITIES.

(a) IN GENERAL.—The Director of the National Science Foundation, after, as appropriate, consultation with the Secretary, the Under Secretary, and the Director, shall—

(1) work with United States industry to identify areas of research in manufacturing technologies and practices that offer the potential to improve United States productivity, competitiveness, and employment;

(2) support research at United States universities to improve manufacturing technologies and practices; and

(3) work with the Technology Administration and the Institute and, as appropriate, other Federal agencies to accelerate the transfer to United States industry of manufacturing research and innovations developed at universities.

(b) ENGINEERING RESEARCH CENTERS AND INDUSTRY/UNIVERSITY COOPERATIVE RESEARCH CENTERS.—The Director of the National Science Foundation shall strengthen and expand the number of Engineering Research Centers and strengthen and expand the Industry/University Cooperative Research Centers Program with the goals of increasing the engineering talent base versed in technologies critical to the Nation's future, with emphasis on advanced manufacturing, and of advancing fundamental engineering knowledge in these technologies. At least one Engineering Research Center shall have a research and education focus on the concerns of traditional manufacturers, including small and medium-sized firms that are trying to modernize their operations. Awards under this subsection shall be made on a competitive, merit review basis.

(c) GRADUATE TRAINEESHIPS.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide traineeships to graduate students at institutions of higher education within the United States who choose to pursue masters or doctoral degrees in manufacturing engineering.

(d) MANUFACTURING MANAGERS IN THE CLASSROOM PROGRAM.—The Director of the National Science Foundation, in consultation with the Secretary, may establish a program to provide fellowships, on a cost-shared basis, to individuals from industry with experience in manufacturing to serve for 1 or 2 years as instructors in manufacturing at 2-year community and technical colleges in the United States. In selecting fellows, the Director of the National Science Foundation shall place special emphasis on supporting individuals who not only have expertise and practicable experience in manufacturing but who also will work to foster cooperation between 2-year colleges and nearby manufacturing firms.

(e) PROGRAMS TO TEACH TOTAL QUALITY MANAGEMENT.—The Director of the National Science Foundation, in consultation with the Secretary, the Under Secretary, and the Director, may establish a program to develop innovative curricula, courses, and materials for use by institutions of higher education for instruction in total quality management and related management practices, in order to help improve the productivity of United States industry.

TITLE III—CRITICAL TECHNOLOGIES

Subtitle A—Miscellaneous

SEC. 301. FINDINGS.

The Congress finds that—

(1) the rapid, effective use of a range of advanced technologies in the design and production of products has been a key factor in the success of foreign-based companies;

(2) our competitor nations in the global marketplace have been very successful in targeting critical emerging technologies, such as computers and advanced electronics, advanced materials applications, and biotechnology;

(3) investments in the development of civilian technology have tremendous long-term economic and employment potential;

(4) our most successful competitor nations in the global marketplace have created supportive structures and programs within their national governments to help their domestic industries increase their global market shares;

(5) agriculture and aerospace are two examples of industries that have achieved commercial success with strong support from the United States Government; and

(6) there is a need to strengthen the United States commitment to bridging the gap between research and development and the application of technology.

SEC. 302. STUDY OF SEMICONDUCTOR LITHOGRAPHY TECHNOLOGIES.

Within 9 months after the date of enactment of this Act, the Under Secretary shall, after consultation with the private sector and appropriate officials from other Federal agencies, submit to Congress a report on advanced lithography technologies for the production of semiconductor devices. The report shall include the Under Secretary's evaluation of the likely technical and economic advantages and disadvantages of each such technology, an analysis of current private and Government research to develop each such technology, and any recommendations the Under Secretary may have regarding future Federal support for research and development in advanced lithography.

Subtitle B—Advanced Technology Program

SEC. 321. DEVELOPMENT OF PROGRAM PLAN.

The Secretary, acting through the Under Secretary and the Director, shall, within 6 months after the date of enactment of this Act, submit to the Congress a plan for the expansion of the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), with specific consideration given to—

(1) closer coordination and cooperation with the Defense Advanced Research Projects Agency and other Federal research and development agencies as appropriate;

(2) establishment of staff positions that can be filled by industrial or technical experts for a period of one to two years;

(3) broadening of the scope of the program to include as many critical technologies as is appropriate;

(4) changes that may be needed when annual funds available for grants under the Program reach levels of $200,000,000 and $500,000,000; and

(5) administrative steps necessary for Program support of large-scale industry-led con-

sortia similar to, or possibility eventually including, the Semiconductor Manufacturing Technology Institute.

SEC. 322. TECHNICAL AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) in subsection (b)(1)(B)(ii), by striking "provision of a minority share of the cost of such joint ventures for up to 5 years" and inserting in lieu thereof "the option of provision of either—

"(I) a minority share of the cost of such joint ventures for up to 5 years; or

"(II) only direct costs, and not indirect costs, profits, or management fees, for up to 5 years"; and

(2) by adding at the end the following new subsection:

"(k) Notwithstanding subsections (b)(1)(B)(ii) and (d)(3), the Director may grant an extension of not to exceed 6 months beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government.".

Subtitle C—Technology Development Loans

SEC. 331. TECHNOLOGY DEVELOPMENT LOANS.

(a) AUTHORITY TO MAKE LOANS.—The Secretary may make loans—

(1) acting through the Under Secretary, to small and medium sized businesses eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), to the extent provided in section 504(b) of the Congressional Budget Act of 1974; or

(2) acting through critical technologies development companies licensed under section 351 of this title, to small and medium sized businesses eligible for assistance under subtitle D of this title, to the extent provided in section 355 of this title.

(b) PURPOSE.—Loans under this section shall be for sound financing of small and medium-sized businesses engaged in research, development, demonstration, or exploitation of advanced technologies and products, including those in fields such as automation, electronics, advanced materials, biotechnology, and optical technologies.

(c) INTEREST RATE, TERMS, AND CONDITIONS.—Loans under this section shall be made at an interest rate equal to the Government borrowing rate plus an insurance surcharge of up to 2 percent, and shall have other terms and conditions consistent with section 355(b) of this title.

Subtitle D—Critical Technologies Development

PART I—GENERAL PROVISIONS

SEC. 341. SHORT TITLE.

This subtitle may be cited as the "Critical Technologies Development Act of 1992".

SEC. 342. DEFINITIONS.

For purposes of this subtitle—

(1) the term "advanced technologies" means technologies eligible for assistance under the Advanced Technology Program established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(2) the term "articles" means articles of incorporation for an incorporated body, and the functional equivalent, or other similar documents specified by the Under Secretary, for other business entities;

(3) the term "critical technologies" means technologies identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d));

(4) the term "Department" means the Department of Commerce;

(5) the term "executive agency" has the meaning given such term in section 105 of title 5, United States Code;

(6) the term "license" means a license issued by the Under Secretary under section 351;

(7) the term "licensee" means a critical technologies development company licensed under section 351;

(8) the term "preferred securities" means preferred stock or a preferred limited partnership interest or other similar security, as defined by the Under Secretary by regulation;

(9) the term "private equity capital" means the paid-in capital and paid-in surplus, on hand or legally committed to be provided, of a licensee organized as a corporation, or the partnership capital, on hand or legally committed to be provided, of a licensee organized as an unincorporated partnership, but does not include any funds—

(A) borrowed by the licensee from any source;

(B) obtained from the sale of preferred securities; or

(C) derived directly or indirectly from any Federal source;

(10) the term "qualified business concern" means an incorporated or unincorporated enterprise, organized under the laws of a State, if—

(A)(i) the business of such enterprise includes the pursuit of commercial applications described in section 9(e)(4)(C) of the Small Business Act (15 U.S.C. 638(e)(4)(C));

(ii) the principal business of such enterprise is the development or exploitation of a critical technology; or

(iii) such enterprise is eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) such enterprise is principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available (within the meaning of section 851(e)(1) of the Internal Revenue Code of 1986);

(11) the term "State" means several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(12) the term "university sponsored licensee" means a critical technologies development company licensed under section 351 in which a single university or consortium of universities have at least a 25 percent investment interest in the private equity capital of such licensee; and

(13) the term "venture capital" means consideration for such common stock, preferred stock, or other financing with subordination or nonamortization characteristics, issued by a qualified business concern, as the Under Secretary determines to be substantially similar to equity financing, including subordinated debt with equity features which provides for interest payments contingent upon and limited to the extent of earnings.

SEC. 343. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—In order to stimulate and facilitate the formation and growth of privately managed technology investment firms, for the purpose of encouraging and enhancing the ability of such firms to make available long-term, patient capital needed for the formation, development, and growth of United States business concerns that are engaged principally in the development or utilization of critical and other advanced technologies, and thereby to contribute to United States economic competitiveness, employment, and prosperity, there is established within the Technology Administration of the Department of Commerce a Critical Technologies Development Program. The Secretary, through the Under Secretary and under the provisions of this subtitle, shall, through such Program, provide for the selection, licensing, and financial and technical support of technology investment firms which in turn shall provide financial, management, and technical assistance to qualified business concerns.

(b) RESPONSIBILITIES.—(1) The Secretary, acting through the Under Secretary, and subject to the availability of appropriations, shall be responsible for carrying out this subtitle, and in doing so shall—

(A) consult with and, to the extent permitted by law, utilize the capabilities of other executive agencies, as appropriate, to ensure the efficient and effective implementation of this subtitle;

(B) explore, with other executive agencies, ways to avoid duplication of effort by consolidating the administration of the program established by this subtitle with any other similar Federal program, and as part of such consolidation may delegate administrative functions, as necessary and appropriate, to another executive agency; and

(C) consult with the Secretary of Energy on all policy matters related to the Critical Technologies Development Program that deal with development or utilization of energy technologies.

(2) To the extent permitted by law, other executive agencies shall assist the Under Secretary in carrying out this subtitle.

SEC. 344. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Under Secretary shall establish an independent advisory committee to advise the Under Secretary on matters related to policy, planning, operation, and performance of the critical technologies development program under this subtitle.

(b) MEMBERS.—The advisory committee shall be composed of at least 7 but not more than 13 members representing industry, small business, academia, and the financial community.

(c) TERMINATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the advisory committee established under this section.

PART II—PROGRAM STRUCTURE AND OPERATION

SEC. 351. ORGANIZATION AND LICENSING.

(a) IN GENERAL.—A licensee shall be an incorporated body or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities contemplated under this subtitle, which, if incorporated, has succession for a period of not less than 30 years unless sooner dissolved by its shareholders, and if a limited partnership, has succession for a period of not less than 10 years, and possesses the powers reasonably necessary to perform such functions and conduct such activities.

(b) ARTICLES.—The articles of any licensee shall specify in general terms the objects for which the licensee is formed, the name assumed by such licensee, the area or areas in which its operations are to be carried on, the

place where its principal office is to be located, and the amount and classes of its shares of capital stock. Such articles may contain any other provisions not inconsistent with this subtitle that the licensee may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles and any amendments thereto adopted from time to time shall be subject to the approval of the Under Secretary.

(c) APPROVAL OF ARTICLES; LICENSING.—The articles and amendments thereto shall be forwarded to the Under Secretary for consideration and approval or disapproval. In determining whether to approve a prospective licensee's articles and permit it to operate under the provisions of this subtitle, the Under Secretary shall give due regard, among other things, to the general business reputation, character, suitability, and demonstrated ability in the growth of qualified business concerns, of the proposed owners and management of the critical technologies development company, and the likelihood of successful operations of such company including adequate profitability and financial soundness. After consideration of all relevant factors, if the Under Secretary approves the company's articles and determines that the applicant satisfies the requirements of this subtitle, the Under Secretary may approve the company to operate under the provisions of this subtitle and issue the company a license for such operation.

SEC. 352. CAPITAL REQUIREMENTS.

(a) CAPITAL REQUIREMENTS AND MANAGEMENT.—(1) The private equity capital of a licensee shall be adequate to ensure a reasonable prospect that the licensee will be operated soundly and profitably, and managed actively and prudently in accordance with its articles. Such private equity capital shall not be less than $10,000,000, except that, in the case of a university sponsored licensee, such private equity capital shall not be less than $5,000,000. At the time of issuance of a license, not less than 75 percent of the private equity capital of the licensee shall be available or committed to be available for new investment in accordance with section 355.

(2) The management and operational control of a licensee shall be carried out by the private sector.

(3) Private and public pension funds may contribute to the private equity capital of a licensee without restriction as to the amount of such contribution.

(4) State and local government entities may contribute not more than 40 percent of the total private equity capital of a licensee.

(b) LIMITATION ON STOCK OWNERSHIP.—The aggregate amount of shares in any such licensee or licensees which may be owned or controlled by any stockholder, or by any group or class of stockholders, may be limited by the Under Secretary.

SEC. 353. FINANCING.

(a) AUTHORITY TO PURCHASE AND GUARANTEE PREFERRED SECURITIES.—To encourage and facilitate the formation and growth of a licensee, the Under Secretary may purchase nonvoting, nonparticipating preferred securities with mandatory redemption issued by a licensee, or guarantee the payment of 100 percent of the redemption price of and dividends on such preferred securities, to the extent provided in section 504(b) of the Federal Credit Reform Act of 1990. Such purchases and guarantees shall constitute direct loans and loan guarantees within the meaning of paragraphs (1) and (3) of section 502 of the Federal Credit Reform Act of 1990, respectively. A trust or pool acting on behalf of the Under Secretary may purchase preferred securities that are guaranteed under this subsection.

(b) TERMS AND CONDITIONS OF PREFERRED SECURITIES.—(1) Guarantees and purchases of preferred securities under this section may be made on such terms and conditions as the Under Secretary shall establish by regulation or set forth in contract to ensure compliance with this section and to minimize the risk of loss to the United States in the event of default. Preferred securities issued under this section shall be of such sound value as to reasonably ensure that the requirements of paragraphs (3) and (4) will be satisfied.

(2)(A) Except as provided in subparagraph (B), preferred securities issued under this section shall be senior in priority for all purposes to all non-Federal equity interests in a licensee unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(B) The equity interests of a university or consortium of universities in a licensee shall be equal in priority to Federal equity interests in such licensee for all purposes unless the Under Secretary, in the exercise of reasonable investment prudence and in considering the financial soundness of the licensee, determines otherwise.

(3) Preferred securities issued under this section shall be redeemed by the issuer not later than 10 years after their date of issuance for an amount equal to 100 percent of the original issue price plus any accrued and unpaid dividends. Redemption of such preferred securities may be extended by mutual consent for no more than 5 years beyond such expiration date.

(4) Preferred securities issued under this section shall pay dividends at a rate determined by the Secretary of the Treasury at the time of issuance to equal the then current average market yield on outstanding marketable debt obligations of the United States with remaining periods to maturity comparable to the time to required redemption of such preferred securities, plus such additional charge, if any, toward covering expected defaults and reasonable administrative costs of carrying out this subtitle as the Under Secretary may determine to be reasonable and appropriate. Such additional charge shall not exceed 2 percent.

(5) Dividends on preferred securities issued under this section shall be cumulative and preferred and paid out of net realized earnings and returns of capital available for distribution, as defined by the Under Secretary by regulation.

(6) The payment of dividends on preferred securities issued under this section may be deferred by the issuer until such time as, and to the extent that, the issuer realizes earnings and returns of capital available for distribution. Accumulated and unpaid dividends on such preferred securities shall be paid by the issuer before or at the time of redemption of the preferred securities and before any distribution of net realized earnings and returns of capital of the issuer to its non-Federal equity investors, except as provided in subsection (e)(2)(B) and (C). With respect to preferred securities issued under this section to a party other than the Under Secretary, during the time of any deferral under this paragraph, the Under Secretary shall make, on behalf of the issuer, required dividend payments to the holder of the preferred securities, its agents or assigns, or the appropriate central registration agent, if any. The authority to make dividend payments provided in this paragraph shall be limited to the extent of amounts provided in advance in appropriations Acts for such purposes.

(7) For purposes of this subsection, the term "dividends" means dividends on preferred stock and returns on preferred limited partnership interests or other similar securities, as defined by the Under Secretary by regulation.

(c) LIMITATIONS AND RESTRICTIONS.—(1) Not less than 65 percent of the private equity capital of a licensee shall be invested or committed to be invested in qualified business concerns in accordance with its license, this subtitle, and regulations issued under this subtitle, before the Under Secretary may purchase or guarantee, or a trust or pool acting on behalf of the Under Secretary may purchase, preferred securities of the licensee under subsection (a).

(2) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, plus the total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a), issued and outstanding from a licensee shall not exceed 200 percent of the private equity capital of the licensee.

(3) The total face amount of preferred securities purchased or guaranteed by the Under Secretary under subsection (a) and outstanding from a licensee or a combination of licensees which are commonly controlled, as defined and determined by the Under Secretary, shall not exceed $100,000,000.

(4)(A) If preferred securities issued under this section are outstanding, then the issuing licensee shall be subject to the following restrictions:

(i) The total principal amount of debt, as evidenced by notes, bonds, debentures, or certificates of indebtedness, of a licensee issued and outstanding may not exceed 50 percent of the private equity capital of the licensee.

(ii) The annual management expenses of a licensee shall not exceed 2.5 percent of its invested assets plus .5 percent of its cash and cash equivalents, unless the Under Secretary approves a greater amount which the Under Secretary determines to be reasonable and appropriate.

(B) For purposes of this paragraph, the term "management expenses" includes expenses incurred in the normal course of operations, but shall not include the cost of legal, accounting, and consulting services provided by outside parties and by affiliates of the licensee which are not normal practice in making and monitoring investments consistent with the purposes of this subtitle.

(d) USE OF PROCEEDS BY LICENSEES.—(1) A licensee issuing preferred securities under this section shall invest or commit to invest an amount equal to the face value of such preferred securities that are outstanding in the venture capital of qualified business concerns in accordance with section 355.

(2) At least 50 percent of the amount of investments required under paragraph (1) shall be for early stage financing as necessary to prove concepts and develop—

(A) preprototypes or prototypes of products that constitute a critical or other advanced technology; or

(B) services that utilize, in a meaningful and substantial manner, a critical or other advanced technology.

The Under Secretary may alter the percentage requirement under this paragraph to the extent necessary, in the determination of the Under Secretary, to achieve and maintain prudent investment diversification.

(3) Proceeds to a licensee derived from preferred securities issued under this section may be used by the issuer to redeem any preferred securities issued under this section that have been outstanding at least 5 years, as provided in subsection (b)(3).

(4) Proceeds to a licensee derived from preferred securities issued under this section that have not been invested pursuant to paragraph (1) or used for redemptions pursuant to paragraph (3) and are not reasonably needed for the operations of the licensee shall be invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in certificates of deposit maturing within one year or less, issued by any institution the accounts of which are insured by the Federal Deposit Insurance Corporation.

(e) PROFIT DISTRIBUTION BY LICENSEES.—(1) Any distribution of net realized earnings and returns of capital made by a licensee that exceeds amounts required for the purposes stated in paragraph (2) shall be distributed pro rata to all investors entitled to such distributions. The United States shall receive no funds under this paragraph.

(2)(A) Except as provided in subparagraphs (B) and (C), any distribution of net realized earnings and returns of capital made by a licensee shall first be used to pay accumulated and unpaid dividends owed on outstanding preferred securities issued under this section and to satisfy the redemption requirements of subsection (b)(3).

(B) For purposes of subparagraph (A), the redemption requirements of subsection (b)(3) shall be considered to be satisfied if necessary and appropriate actions, as determined by the Under Secretary, have been undertaken by the licensee to ensure that such requirements will be satisfied.

(C) If a licensee is operating as a limited partnership or as a corporation described in subchapter S of chapter 1 of subtitle A of the Internal Revenue Code of 1986 or an equivalent pass-through entity for tax purposes, it may distribute to the partners or shareholders an amount equal to the estimated amount of Federal, State, and local income taxes due from such partners and shareholders on their share of undistributed taxable income for the current taxable year before payments described in subparagraph (A) are made.

(f) USE OF PAYMENTS TO THE UNITED STATES.—Amounts received by the United States from the payment of dividends and the redemption of preferred securities pursuant to this section, and fees paid to the United States by a licensee pursuant to this subtitle, shall be deposited in an account established by the Under Secretary and shall be available solely for carrying out this subtitle, to the extent provided in advance in appropriations Acts.

SEC. 354. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

(a) AUTHORITY TO ISSUE TRUST CERTIFICATES.—The Under Secretary is authorized to issue trust certificates representing ownership of all or a fractional part of preferred securities issued by licensees and guaranteed by the Under Secretary under this subtitle. Such trust certificates shall be based on and backed by a trust or pool approved by the Under Secretary and composed of preferred securities and such other contractual obligations as the Under Secretary may undertake to facilitate the sale of such trust certificates.

(b) GUARANTEE OF TRUST CERTIFICATES.—The Under Secretary is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Under Secretary or his agent for purposes of this section. Such guarantee shall be limited to the extent of the redemption price of and dividends on the preferred securities, plus any related contractual obligations, which compose the trust or pool.

(c) PREPAYMENTS AND REDEMPTIONS.—In the event that preferred securities or contractual obligations in such trust or pool are redeemed or extinguished, either voluntarily or involuntarily, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of redemption price and dividends such redeemed preferred security or extinguished contractual obligation represents in the trust or pool. Dividends or partnership profit distributions on such preferred securities and related contractual obligations, shall accrue and be guaranteed by the Under Secretary only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption, whether voluntary or involuntary, of all preferred securities residing in the pool.

(d) FEES.—Except as provided in subsection (f)(2), the Under Secretary shall not collect a fee for a guarantee under this section.

(e) PAYMENT OF CLAIMS.—(1) In the event the Under Secretary pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the Under Secretary of ownership rights in the preferred securities residing in a trust or pool against which trust certificates are issued.

(f) REGISTRATION AND INTERMEDIARY OPERATIONS.—(1) The Under Secretary shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale, identification of each licensee, the interest rate or dividend rate paid by the licensee, commissions, fees, or discounts paid to brokers and dealers in trust certificates, identification of each purchaser of the trust certificate, the price paid by the purchaser for the trust certificate, the interest rate paid on the trust certificate, the fees of any agent for carrying out the functions described in paragraph (2), and such other information as the Under Secretary deems appropriate.

(2) The Under Secretary shall contract with an agent or agents to carry out on behalf of the Under Secretary the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Under Secretary, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by securities guaranteed or purchased under this subtitle, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Under Secretary determines to be necessary to fully protect the interests of the Federal Government.

(3) Prior to any sale, the Under Secretary shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

SEC. 355. CAPITAL FOR QUALIFIED BUSINESS CONCERNS.

(a) PROVISION OF VENTURE CAPITAL.—Each licensee may provide venture capital to qualified business concerns, in such manner and under such terms as the licensee may fix in accordance with the regulations of the Under Secretary. Venture capital provided to incorporated qualified business concerns under this subsection may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis.

(b) LOAN AUTHORITY.—Each licensee may make loans, directly or in cooperation with other lenders, incorporated or unincorporated, through agreements to participate on an immediate or deferred basis, to qualified business concerns to provide such concerns with funds needed for sound financing related to development or utilization of critical or other advanced technologies, subject to the following conditions:

(1) The maximum rate of interest for the licensee's share of any loan made under this subsection shall be determined by the Under Secretary.

(2) Any loan made under this subsection shall have a maturity not exceeding 10 years.

(3) Any loan made under this subsection shall be of such sound value, or so secured, as to reasonably ensure repayment.

(4) Any licensee which has made a loan under this subsection may extend the maturity of or renew such loan for additional periods, not exceeding 5 years, if the licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(c) STATE USURY LAWS.—Any provision of the constitution or laws of a State which expressly limits the rate or the amount of interest or other charges related to a loan that may be charged or received by a licensee shall not apply to a loan made under subsection (b).

SEC. 356. LIMITATION ON AMOUNT OF ASSISTANCE.

If a licensee has issued preferred securities under section 353(a) and such securities are outstanding, then the aggregate amount of obligations and securities acquired and for which commitments may be issued by a licensee for any single qualified business concern shall not exceed 20 percent of the private equity capital of such licensee, unless the Under Secretary approves a greater amount.

SEC. 357. OPERATION AND REGULATION.

(a) COOPERATION WITH FINANCIAL INSTITUTIONS.—Wherever practicable the operations of a licensee, including the generation of business, may be undertaken in cooperation with banks or other investors or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the licensee under the provisions of this subtitle may be handled through such banks or other investors or lenders on a fee basis. Any licensee may receive fees for services rendered to such banks and other investors and lenders.

(b) USE OF ADVISORY SERVICES; DEPOSITORY OR FISCAL AGENTS.—Each licensee may make use, wherever practicable, of the advisory services of the Federal Reserve System and of the Department of Commerce which are available for and useful to industrial and commercial businesses, and may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services. Any Federal Reserve bank is authorized to act as a depository or fiscal agent for any licensee operating under the provisions of this subtitle.

(c) REGULATIONS.—The Under Secretary is authorized to prescribe regulations govern-

ing the operations of licensees, and to carry out the provisions of this subtitle, in accordance with the purposes of this subtitle. Regulations to implement this subtitle shall be issued not later than 180 days after the date of enactment of this Act.

(d) LIABILITY OF THE UNITED STATES.—Nothing in this subtitle or in any other provision of law imposes any liability on the United States with respect to any obligations entered into, or stocks issued, or commitments made, by any licensee operating under the provisions of this subtitle.

SEC. 358. TECHNICAL ASSISTANCE FOR LICENSEES AND QUALIFIED BUSINESS CONCERNS.

(a) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and services, as appropriate and needed, to licensees and to qualified business concerns receiving financial assistance under this subtitle, and shall ensure that such qualified business concerns have ready access to assistance available under title II of this Act, or under any other Act, in order to aid such qualified business concerns in their development or utilization of critical or other advanced technologies. Technical assistance and services under this subsection shall include providing licensees and qualified business concerns with—

(1) an assessment of the technological and scientific feasibility of a project, or an analysis of a specific field of technical or scientific endeavor;

(2) improved access to technology developed by the Institute and assistance in obtaining access to technology developed by other Federal agencies and laboratories;

(3) expert analysis of the economics of technology development undertaken by a qualified business concern; and

(4) any other assistance or service that the Under Secretary determines, after consultation with licensees and qualified business concerns, is necessary and appropriate to enhance prospects for success and to reduce technical risk for licensees and qualifed business concerns.

(b) FEES.—The Secretary may charge fees for services and technical assistance provided under subsection (a) in amounts sufficient to cover the reasonable cost of such services and assistance. The Secretary may waive fees established under this subsection.

SEC. 359. ANNUAL AUDIT AND REPORT.

(a) REQUIREMENT.—The Under Secretary shall prepare, in consultation with the advisory committee established under section 344, and submit annually a report to the Congress containing a full and detailed account of operations under this subtitle. Such report shall include an audit setting forth the amount and type of disbursements, receipts, and losses sustained by the Federal Government as a result of such operations during the preceding fiscal year, together with an estimate of the total disbursements, receipts, and losses which the Federal Government can reasonably expect to incur as a result of such operations during the then current fiscal year.

(b) CONTENTS.—In the annual report submitted under subsection (a), the Under Secretary shall also include full and detailed accounts relative to the following matters:

(1) The Under Secretary's plans to ensure the provision of licensee financing to all areas of the country and to all qualified business concerns, including steps taken to accomplish that goal.

(2) Steps taken by the Under Secretary to maximize recoupment of Federal Government funds incident to the inauguration and administration of the licensee program, and to ensure compliance with statutory and regulatory standards relating thereto.

(3) An accounting by the Treasury Department with respect to tax revenues accruing to the Federal Government from business concerns receiving assistance under this subtitle.

(4) An accounting by the Treasury Department with respect to both tax losses and increased tax revenues related to licensee financing of both individual and corporate business taxpayers.

(5) Recommendations with respect to program changes, statutory changes, and other matters, including tax incentives to improve and facilitate the operations of licensees and to encourage the use of their financing facilities by qualified business concerns.

PART III—ENFORCEMENT

SEC. 361. INVESTIGATIONS AND EXAMINATIONS.

(a) REPORTING REQUIREMENTS.—Each license issued under this subtitle shall require a licensee with outstanding preferred securities to provide the Under Secretary such information, including companies financed, disbursements made along with associated terms and conditions, receipts, portfolio valuation at cost and at estimated fair market value, and other financial statements, that the Under Secretary may require to determine, in a timely manner, compliance with this subtitle and regulations promulgated under this subtitle. Such reporting shall be—

(1) uniform for all licensees; and

(2) independently audited, at the expense of a licensee, in accordance with generally accepted auditing standards and submitted to the Under Secretary no later than 60 days after the end of a licensee's fiscal year, with interim unaudited financial statements provided to the Under Secretary no later than 45 days after the end of each 3-month period during a licensee's fiscal year.

The Under Secretary may exempt from making such reports any licensee which is registered under the Investment Company Act of 1940 only to the extent necessary to avoid duplication in reporting requirements.

(b) VALUATIONS.—The Under Secretary shall, by regulation, establish guidelines for estimating the fair market value of investments held by a licensee as required under subsection (a). The board of directors of a corporate licensee and the general partners of a partnership licensee shall have the sole responsibility for making a good faith determination of the fair market value of investments held by such licensee, based on guidelines established under this subsection.

(c) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary deems necessary to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle or any order issued under this subtitle. The Secretary shall permit any person to file a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a licensee, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(d) EXAMINATIONS.—(1) Each licensee shall be subject to examinations made at the direction of the Under Secretary by examiners selected or approved by, and under the supervision of, the Under Secretary. The Under Secretary is authorized to enter into contracts with private parties to perform such examinations. The cost of such examinations, including the compensation of the examiners, may in the discretion of the Under Secretary be assessed against the licensee examined and when so assessed shall be paid by such licensee.

(2) Each licensee shall be examined at least every 2 years in such detail so as to determine whether or not—

(A) it has engaged solely in lawful activities and those contemplated by this subtitle;

(B) it has engaged in prohibited conflicts of interest;

(C) it has acquired or exercised illegal control of an assisted qualified business concern;

(D) it has invested more than 20 percent of its capital in any individual qualified business concern;

(E) it has engaged in relending, foreign investments, or passive investments; or

(F) it has charged an interest rate in excess of the maximum permitted by law.

(3) The Under Secretary may waive the examination—

(A) for up to one additional year if, in his discretion he determines such a delay would be appropriate, based upon the amount of debentures and preferred securities being issued by the licensee and its repayment record, the prior operating experience of the licensee, the contents and results of the last examination and the management expertise of the licensee; or

(B) if it is a licensee whose operations have been suspended while the licensee is involved in litigation or is in receivership.

SEC. 362. REVOCATION AND SUSPENSION OF LICENSES; CEASE AND DESIST ORDERS.

(a) GROUNDS FOR REVOCATION OR SUSPENSION.—A license may be revoked or suspended by the Secretary—

(1) for false statements allowingly made in any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary;

(2) if any written statement required under this subtitle, or under any regulation issued under this subtitle by the Under Secretary, fails to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

(3) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this subtitle;

(4) for willful or repeated violation of or willful or repeated failure to observe, any

rule or regulation of the Under Secretary authorized by this subtitle; and

(5) for violation of, or failure to observe, any cease and desist order issued by the Secretary under this section.

(b) CEASE AND DESIST ORDERS.—Where a licensee or any other person has not complied with any provision of this subtitle, or of any regulation issued pursuant thereto by the Under Secretary, or is engaging or is about to engage in any acts or practices which constitute or will constitute a violation of such subtitle or regulation, the Secretary may order such licensee or other person to cease and desist from such action or failure to act. The Secretary may further order such licensee or other person to take such action or to refrain from such action as the Secretary considers necessary to ensure compliance with such subtitle and regulations. The Secretary may also suspend the license of a licensee, against whom an order has been issued, until such licensee complies with such order.

(c) PROCEDURES.—Before revoking or suspending a license pursuant to subsection (a) or issuing a cease and desist order pursuant to subsection (b), the Secretary shall serve upon the licensee and any other person involved an order to show cause why an order revoking or suspending the license or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters of fact and law asserted by the Secretary and the legal authority and jurisdiction under which a hearing is to be held, and shall set forth that a hearing will be held before the Secretary at a time and place stated in the order. If after hearing, or a waiver thereof, the Secretary determines on the record that an order revoking or suspending the license or a cease and desist order should issue, the Secretary shall promptly issue such order, which shall include a statement of the findings of the Secretary and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the licensee and any other person involved.

(d) SUBPOENAS.—The Secretary may require by subpoenas the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States. Witnesses summoned before the Secretary shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpoena, the Secretary, or any party to a proceeding before the Secretary, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

(e) JUDICIAL REVIEW.—An order issued by the Secretary under this section shall be final and conclusive unless within 30 days after the service thereof the licensee, or other person against whom an order is issued, appeals to the United States court of appeals for the circuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Secretary's order be set aside or modified in the manner stated in the petition. After the expiration of such 30 days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Secretary amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary. The filing of a petition for review shall not of itself stay or suspend the operation of the order of the Secretary, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. The court may affirm, modify, or set aside the order of the Secretary. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Secretary to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Secretary shall be considered by the court unless such objection was urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

(f) ENFORCEMENT.—If any licensee or other person against which or against whom an order is issued under this section fails to obey the order, the Secretary may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the application the court shall cause notice thereof to be served on the licensee or other person. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders.

SEC. 363. INJUNCTIONS AND OTHER ORDERS.

(a) IN GENERAL.—Whenever, in the judgment of the Secretary, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this subtitle, or of any rule or regulation under this subtitle, or of any order issued under this subtitle, the Secretary may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Secretary that such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction shall be granted without bond.

(b) EQUITY JURISDICTION.—In any such proceeding the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the licensee or licensees and the assets thereof, wherever located; and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

(c) TRUSTEESHIP OR RECEIVERSHIP.—The Under Secretary shall have authority to act as trustee or receiver of the licensee. Upon request by the Secretary, the court may appoint the Under Secretary to act in such capacity unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

SEC. 364. CONFLICTS OF INTEREST.

For the purpose of controlling conflicts of interest which may be detrimental to qualified business concerns, to licensees, to the shareholders or partners of either, or to the purposes of this subtitle, the Under Secretary shall adopt regulations to govern transactions with any officer, director, shareholder, or partner of any licensee, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any licensee, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any licensee. Such regulations shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

SEC. 365. REMOVAL OR SUSPENSION OF DIRECTORS AND OFFICERS.

(a) GROUNDS.—The Secretary may serve upon any director or officer of a licensee a written notice of its intention to remove him from office whenever, in the opinion of the Secretary, such director or officer—

(1) has willfully and knowingly committed any substantial violation of—

(A) this subtitle;

(B) any regulation issued under this subtitle; or

(C) a cease-and-desist order which has become final; or

(2) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of his fiduciary duty as such director or officer,

and that such violation or such breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer.

(b) TEMPORARY SUSPENSION.—In respect to any director or officer referred to in subsection (a), the Secretary may, if he deems it necessary for the protection of the licensee or the interests of the Secretary, by written notice to such effect served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. Such suspension and/or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by subsection (d), shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection (a) and until such time as the Secretary shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer, until the effective date of any such order. Copies of any such notice shall also be served upon the interested licensee.

(c) HEARING; ORDER OF REMOVAL.—A notice of intention to remove a director or officer, as provided in subsection (a), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such

hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Secretary at the request of (1) such director or officer and for good cause shown, or (2) the Attorney General of the United States. Unless such director or officer shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal. In the event of such consent, or if upon the record made at any such hearing the Secretary shall find that any of the grounds specified in such notice has been established, the Secretary may issue such orders of removal from office as he deems appropriate. Any such order shall become effective at the expiration of 30 days after service upon such licensee and the director or officer concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by section of the Secretary or a reviewing court.

(d) STAY OF SUSPENSION OR PROHIBITION.—Within 10 days after any director or officer has been suspended from office and/or prohibited from participation in the conduct of the affairs of a licensee under subsection (b), such director or officer may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director or officer under subsection (a), and such court shall have jurisdiction to stay such suspension and/or prohibition.

(e) FELONIES INVOLVING DISHONESTY OR BREACH OF TRUST.—Whenever any director or officer of a licensee is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Secretary may, by written notice served upon such director or officer, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the licensee. A copy of such notice shall also be served upon the licensee. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Secretary. In the event that a judgment of conviction with respect to such offense is entered against such director or officer, and at such time as such judgment is not subject to further appellate review, the Secretary may issue and serve upon such director or officer an order removing him from office. A copy of such order shall be served upon such licensee, whereupon such director or officer shall cease to be a director or officer of such licensee. A finding of not guilty or other disposition of the charge shall not preclude the Secretary from thereafter instituting proceedings to suspend or remove such director or officer from office and/or to prohibit him from further participation in licensee affairs, pursuant to subsection (a) or (b).

(f) HEARINGS AND REVIEW.—(1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the licensee is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Secretary has notified the parties that the case has been submitted to it for final decision, the Secretary shall render a decision (which shall include findings of fact upon which his decision is predicated) and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Secretary may at any time, upon such notice, and in such manner as he shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Secretary may modify, terminate, or set aside any such order with permission of the court.

(2) Any party to such proceeding may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the director or officer concerned, or an order issued under subsection (e) of this section), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Secretary be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of such paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Secretary. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Secretary.

SEC. 366. UNLAWFUL ACTS.

(a) PARTICIPATION.—Wherever a licensee violates any provision of this subtitle or regulation issued thereunder by reason of its failure to comply with the terms thereof or by reason of its engaging in any act or practice which constitutes or will constitute a violation thereof, such violation shall be deemed to be also a violation and an unlawful act on the part of any person who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions which constitute or will constitute, in whole or in part, such violation.

(b) BREACH OF FIDUCIARY DUTY.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a licensee to engage in any act or practice, or to omit any act, in breach of his fiduciary duty as such officer, director, employee, agent, or participant, if, as a result thereof, the licensee has suffered or is in imminent danger of suffering financial loss or other damage.

(c) DISQUALIFICATION.—Except with the written consent of the Secretary, it shall be unlawful—

(1) for any person hereafter to take office as an officer, director, or employee of a licensee, or to become an agent or participant in the conduct of the affairs or management of a licensee, if such person—

(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust; and

(2) for any person to continue to serve in any of the above-described capacities if such person—

(A) is hereafter convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(B) is hereafter found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

SEC. 367. PENALTIES AND FORFEITURES.

(a) CIVIL PENALTY.—Except as provided in subsection (b) of this section, a licensee which violates any regulation or written directive issued by the Secretary or the Under Secretary shall forfeit and pay to the United States a civil penalty of not more than $1,000 for each day of the continuance of the licensee's failure to file a report required under section 361(a), unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The civil penalties provided for in this section shall accrue to the United States and may be recovered in a civil action brought by the Secretary.

(b) EXEMPTIONS.—The Secretary may by rules and regulations, or upon application of an interested party, at any time previous to such failure, by order, after notice and opportunity for hearing, exempt in whole or in part, any licensee from the provisions of subsection (a) of this section, upon such terms and conditions and for such period of time as the Secretary deems necessary and appropriate, if the Secretary finds that such action is not inconsistent with the public interest or the protection of the Department. The Secretary may for the purposes of this section make any alternative requirements appropriate to the situation.

SEC. 368. JURISDICTION AND SERVICE OF PROCESS.

Any suit or action brought under section 357, 362, 363, 365, or 367 by the Secretary at law or in equity to enforce any liability or duty created by, or to enjoin any violation of, this subtitle, or any rule, regulation, or order promulgated thereunder, shall be brought in the district wherein the licensee maintains its principal office, and process in such cases may be served in any district in which the defendant maintains its principal office or transacts business, or wherever the defendant may be found.

SEC. 369. ANTITRUST SAVINGS CLAUSE.

This subtitle shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term "antitrust laws" has the meaning given it in subsection (a) of the first

section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13 et seq.), commonly known as the Robinson Patman Act, and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

TITLE IV—MISCELLANEOUS

SEC. 401. INTERNATIONAL STANDARDIZATION.

(a) FINDINGS.—The Congress finds that—

(1) private sector consensus standards are essential to the timely development of competitive products;

(2) Federal Government contribution of resources, more active participation in the voluntary standards process in the United States, and assistance, where appropriate, through government to government negotiations, can increase the quality of United States standards, increase their compatibility with the standards of other countries, and ease access of United States-made products to foreign markets; and

(3) the Federal Government, working in cooperation with private sector organizations including trade associations, engineering societies, and technical bodies, can effectively promote United States Government use of United States consensus standards and, where appropriate, the adoption and United States Government use of international standards.

(b) STANDARD PILOT PROGRAM.—Section 104(e) of the American Technology Preeminence Act of 1991 is amended—

(1) by inserting "(1)" before "Pursuant to the"; and

(2) by adding at the end the following new paragraph:

"(2) As necessary and appropriate, the Institute shall expand the program established under section 112 of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 (15 U.S.C. 272 note) by extending the existing program and by entering into additional contracts with non-Federal organizations representing United States companies, as such term is defined in section 28(d)(9)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)(9)(B)). Such contracts shall require cost sharing between Federal and non-Federal sources for such purposes. In awarding such contracts, the Institute shall seek to promote and support the dissemination of United States technical standards to additional foreign countries, in cooperation with governmental bodies, private organizations including standards setting organizations and industry, and multinational institutions that promote economic development. The organizations receiving such contracts may establish training programs to bring to the United States foreign standards experts for the purpose of receiving in-depth training in the United States standards system.".

(c) REPORT ON GLOBAL STANDARDS.—The Secretary, in consultation with the Institute and the Commerce Technology Advisory Board established under section 204 of this Act, shall submit to the Congress a report describing the appropriate roles of the Department of Commerce in aid to United States companies in achieving conformity assessment and accreditation and otherwise qualifying their products in foreign markets, and in the development and promulgation of domestic and global product and quality standards, including a discussion of the extent to which each of the policy options provided in such Office of Technology Assessment report contributes to meeting the goals of—

(1) increasing the international adoption of standards beneficial to United States industries; and

(2) improving the coordination of United States representation to international standards setting bodies.

SEC. 402. MALCOLM BALDRIGE AWARD AMENDMENTS.

(a) Section 108(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(4) of this Act, is amended to read as follows:

"(3) No award shall be made within any category or subcategory if there are no qualifying enterprises in that category or subcategory.".

(b)(1) Section 108(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following new subparagraph:

"(D) Educational institutions.".

(2)(A) Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report containing—

(i) criteria for qualification for a Malcolm Baldrige National Quality Award by various classes of educational institutions;

(ii) criteria for the evaluation of applications for such awards under section 108(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980; and

(iii) a plan for funding awards described in clause (i).

(B) In preparing the report required under subparagraph (A), the Secretary shall consult with the National Science Foundation and other public and private entities with appropriate expertise, and shall provide for public notice and comment.

(C) The Secretary shall not accept applications for awards described in subparagraph (A)(i) until after the report required under subparagraph (A) is submitted to the Congress.

SEC. 403. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 202(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), as redesignated by section 206(b)(6) of this Act, is amended by inserting "(including both real and personal property)" after "or other resources" both places it appears.

SEC. 404. CLEARINGHOUSE ON STATE AND LOCAL INITIATIVES.

Section 102(a) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended by striking "Office of Productivity, Technology, and Innovation" and inserting in lieu thereof "Institute".

SEC. 405. COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.

Section 101(e) of the Stevenson-Wydler Technology Innovation Act of 1980, as so redesignated by section 206(b)(2) of this Act, is amended to read as follows:

"(e) COMPETITIVENESS ASSESSMENTS AND EVALUATIONS.—(1) The Secretary, through the Under Secretary, shall—

"(A) provide for the conduct of research and analyses to advance knowledge of the ways in which the economic competitiveness of United States industry can be enhanced through Federal programs, including programs operated by the Department of Commerce;

"(B) as appropriate, provide for evaluations of Federal technology programs in order to judge their effectiveness and make recommendations to improve their contribution to United States competitiveness; and

"(C) prepare and submit to Congress annual reports which describe and assess the policies and programs used by governments and private industry in other major industrialized countries to develop and apply economically important critical technologies, compare these policies and programs with public and private activities in the United States, and assess the effects that these policies and programs in other countries have on the competitiveness of United States industries.

"(2) The head of each unit of the Department of Commerce other than the Technology Administration, and the head of each other Federal agency, shall furnish to the Secretary or Under Secretary, upon request from the Secretary or Under Secretary, such data, reports, and other information as is necessary for the Secretary to carry out the functions required under this section.

"(3) Nothing in this section shall authorize the release of information to, or the use of information by, the Secretary or Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

"(4) The head of any Federal agency may detail such personnel and may provide such services, with or without reimbursement, as the Secretary may request to assist in carrying out the activities required under this section.".

SEC. 406. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act and the amendments made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act, and the amendments made by this Act, to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 407. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby.

TITLE V—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. TECHNOLOGY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to carry out the activities of the Under Secretary and the Assistant Secretary of Commerce for Technology Policy, for fiscal year 1994—

(1) for the Office of the Under Secretary, $3,000,000;

(2) for Technology Policy, $5,000,000;

(3) for Japanese Technical Literature, $2,000,000; and

(4) for competitiveness research, data collection, and evaluation, $1,000,000.

(b) TRANSFERS.—(1) Funds may be transferred among the line items listed in subsection (a), so long as—

(A) the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection;

(B) the aggregate amount authorized under subsection (a) is not changed; and

(C) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives are notified in advance of any such transfer.

(2) The Secretary may propose transfers to or from any line item listed in subsection (a) exceeding 10 percent of the amount authorized for such line item, but such proposed transfer may not be made unless—

(A) a full and complete explanation of any such proposed transfer and the reason therefor are transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing Committees of the House of Representatives and the Senate; and

(B) 30 days have passed following the transmission of such written explanation.

(c) NATIONAL TECHNICAL INFORMATION SERVICE FACILITIES STUDY.—As part of its modernization effort and before signing a new facility lease, the National Technical Information Service, in consultation with the General Services Administration, shall study and report to Congress on the feasibility of accomplishing all or part of its modernization by signing a long-term lease with an organization that agrees to supply a facility and supply and periodically upgrade modern equipment which permits the National Technical Information Service to receive, store, manipulate, and print electronically created documents and reports and to carry out the other functions assigned to the National Technical Information Service.

SEC. 502. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) INTRAMURAL SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—(1) There are authorized to be appropriated to the Secretary, to carry out the intramural scientific and technical research and services activities of the Institute, $272,500,000 for fiscal year 1994.

(2) Of the amount authorized under paragraph (1)—

(A) $1,000,000 are authorized only for the evaluation of nonenergy-related inventions;

(B) $9,000,000 are authorized only for the technical competence fund; and

(C) $5,000,000 are authorized only for the standards pilot project established under section 104(e) of the American Technology Preeminence Act of 1991.

(b) FACILITIES.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary for fiscal year 1994 $25,000,000 for the renovation and upgrading of the Institute's facilities. The Institute may enter into a contract for the design work for such purposes only if Federal Government payments under the contract are limited to amounts provided in advance in appropriations Acts.

(c) EXTRAMURAL INDUSTRIAL TECHNOLOGY SERVICES.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Secretary, to carry out the extramural industrial technology services activities of the Institute—

(1) for Regional Centers for the Transfer of Manufacturing Technology, $35,000,000 for fiscal year 1994;

(2) for the State Technology Extension Program, $2,500,000 for fiscal year 1994; and

(3) for the Advanced Technology Program, $1,570,000,000 for the period encompassing fiscal years 1994 through 1997, of which—

(A) $150,000,000 are authorized only for Program support of large joint ventures; and

(B) $20,000,000 are authorized only for fiscal year 1994 and 1995 Program support of the Advanced Manufacturing Program established under section 301 of the Stevenson-Wydler Technology Innovation Act of 1980.

(d) TECHNICAL AMENDMENTS.—The American Technology Preeminence Act of 1991 is amended—

(1) in section 104(b)(1)(F), by striking "$12,000,000" and inserting in lieu thereof "$12,200,000";

(2) in section 104(b)(1)(H), by striking "$6,300,000" and inserting in lieu thereof "$6,800,000";

(3) in section 104(b)(2)(B)—

(A) by inserting "and" at the end of clause (i);

(B) by striking "; and" from the end of clause (ii) and inserting in lieu thereof a period; and

(C) by striking clause (iii);

(4) in section 105(b), by adding after paragraph (3) the following:

"Of the amounts authorized under this subsection, $5,000,000 are authorized only for the Institute's management of the programs described in paragraphs (1) through (3)."; and

(5) in section 201(d), by inserting ", except in the case of the amendment made by subsection (c)(6)(A)" after "enactment of this Act".

SEC. 503. ADDITIONAL ACTIVITIES OF THE TECHNOLOGY ADMINISTRATION.

In addition to the amounts authorized under sections 501 and 502, there are authorized to be appropriated to the Secretary—

(1) for the National Manufacturing Outreach Network, $120,000,000 for the period encompassing fiscal years 1994 and 1995;

(2) for the Technology Development Loan Program established under section 331 of this Act, $20,000,000 for fiscal year 1994; and

(3) for the Critical Technologies Development Program established under subtitle D of title III of this Act, $100,000,000 for the period encompassing fiscal years 1994 and 1995.

Amounts appropriated under paragraph (2) or (3) shall remain available for expenditure through September 30, 1995. Of the amounts made available under paragraph (2) for a fiscal year, not more than $2,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses. Of the amounts made available under paragraph (3) for a fiscal year, not more than $5,000,000 or 10 percent, whichever is greater, shall be available for administrative expenses.

SEC. 504. NATIONAL SCIENCE FOUNDATION.

In addition to such other sums as may be authorized by other Acts to be appropriated to the Director of the National Science Foundation, there are authorized to be appropriated to that Director, to carry out the provisions of section 208 of this Act, $20,000,000 for fiscal year 1994.

SEC. 505. AVAILABILITY OF APPROPRIATIONS.

Appropriations made under the authority provided in this title shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

TITLE VI—FASTENER QUALITY ACT AMENDMENTS

SEC. 601. REFERENCES.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provison of the Fastener Quality Act (15 U.S.C. 5401 et seq.).

SEC. 602. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 3(8) (15 U.S.C. 5402(8)) is amended by striking "Standard" and inserting "Standards".

(b) INSPECTION AND TESTING.—Section 5(b)(1) (15 U.S.C. 5404(b)(1)) is amended by striking "section 6; unless" and inserting "section 6, unless".

(c) IMPORTERS AND PRIVATE LABEL DISTRIBUTORS.—Section 7(c)(2) (15 U.S.C. 5406(c)(2)) is amended by inserting "to the same" before "extent".

SEC. 603. CLARIFYING AMENDMENTS.

(a) CHEMICAL TESTS.—(1) Section 5(a)(1)(B) (15 U.S.C. 5404(a)(1)(B)) is amended by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (d)".

(2) Section 5(a)(2)(A)(i) (15 U.S.C. 5404(a)(2)(A)(i)) is amended by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (d)".

(3) Section 5(c)(4) (15 U.S.C. 5405(c)(4)) is amended by inserting "except as provided in subsection (d)," before "state".

(4) Section 5 (15 U.S.C. 5404) is amended by inserting at the end the following new subsection:

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such state-

ment pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

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APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE QUENTIN N. BURDICK

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 559, the Chair appoints as members of the funeral committee of the late Quentin N. Burdick the following Members on the part of the House: Mr. DORGAN of North Dakota and Mr. SMITH of Iowa.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

NATIONAL GOOD TEEN DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 409) designating January 16, 1993, as "National Good Teen Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. TRAFICANT], chief sponsor of this resolution.

Mr. TRAFICANT. Mr. Speaker, I thank the vice chairman and the gentleman from Ohio [Mr. SAWYER] who have helped very much. This is not really my idea. This was a school that will be in the congressional district that I hopefully will represent next year, Salem City Schools. Mr. Robert Vinsik, who is the teacher of English decided that we take shots at a lot of teenagers and overlook the many things they do. He put together a local initiative that was sponsored in conjunction by the Columbiana County School System and the Salem City Schools.

They had January 16, 1992, to honor teenagers in the city of Salem. It was a tremendous event. It was very good. I have expanded upon that particular concept with Salem City Schools and Mr. Vinsik so the teenagers around America could get a day of recognition.

With that, I appreciate the support of the committee.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from Ohio for his resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 409

Whereas Salem City Schools in Salem, Ohio, have proclaimed January 16, 1992, as "Good Teen Day";

Whereas there are more than twenty-four million teenagers in the United States according to the 1990 Census;

Whereas our Nation's teenagers represent an important part of our society, and the many physical and emotional changes and character-building experiences which teenagers go through are an important concern;

Whereas it is easy to stereotype teenagers as either those who have problems or those who excel;

Whereas teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings;

Whereas as unique individuals, teenagers are encouraged to esteem the good as well as the potential that is within each of them;

Whereas a day should be created to focus on the positive qualities in America's youth; and

Whereas teenagers are the future of this great country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 16, 1993, is designated as "National Good Teen Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day by recognizing the teenagers of the United States and by participating in appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 303) to designate October 1992 as "National Breast Cancer Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object but would like to inform the House the minority has no objection to the legislation.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Illinois [Mrs. COLLINS], chief sponsor of this resolution.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in support of my bill, House Joint Resolution 393, which designates October, 1992 as National Breast Cancer Awareness Month. The purpose of this bill is to increase public awareness about the deadly danger of breast cancer and spread information about the preventative measures that can be taken to reduce the mortality rate of this disease.

Recently released statistics show that we all have reason to be encouraged by public awareness efforts over the last few years. Since 1990, 10 percent more women have undergone at least one mammogram. The new figures also show that during the last 2 years, more women are getting regular mammograms.

Since mammograms are crucial to identifying breast cancer in its early stages, these figures represent real progress in increasing women's understanding of the importance of early detection as well as tremendous results in the number of women's lives saved. In my home State of Illinois alone, it is estimated that 3,795 lives have been saved during the last decade because breast cancer was detected in its early stages.

Unfortunately, not all the new figures and statistics on breast cancer are as encouraging. Breast cancer is still the most common form of cancer in women today, striking approximately 1 in every 9 women. By the end of this year alone, an estimated 46,000 women will die from this ruthless disease.

Among African-American women, the situation is even more bleak. Breast cancer is now considered the leading cause of death among African-American women. One of the most evident reasons for this is that African-American women lag significantly behind other groups of women in undergoing mammograms and examinations by physicians. I am personally disturbed by these disparities and I urge my colleagues to join me in working toward closing this gap as well as increasing the number of women of all groups and backgrounds that take regular steps to monitor themselves for any signs of breast cancer.

Clearly, we have our work cut out for us in combating this destructive disease. It is my hope that the activities of National Breast Cancer Awareness Month, October 1992, will alert more women to the need for examinations which could lead to even more early detections of the disease and save more lives in the year ahead.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio [Ms. OAKAR], who has been so significant, spectacular and important in making

inroads in terms of preventing and eliminating breast cancer.

Ms. OAKAR. Mr. Speaker, I want to thank the chairman and the minority leader for agreeing to pass the resolution designating October 1992 as National Breast Cancer Awareness Month, a resolution that I cosponsored, but was originally introduced by the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Speaker, a lot of times people say, why do we have these resolutions, are they meaningless? I think this is a very important one because in October what we want to do, and indeed every day we ought to be pointing out to the country that there is an epidemic relative to breast cancer, that 1 out of 9 women get breast cancer. That means approximately 181,000 women in the United States will be diagnosed with breast cancer this year, and 46,500 will die this year of breast cancer.

Just to give an analogy, during the 10-year Vietnam war era where we had unfortunately 57,000 American men and women die in combat, we had 330,000 American women die of breast cancer. And it has increased so rapidly that since 1961 we have had a 200-percent increase. We used to say that 1 out of 20 women in this country would have breast cancer. Now it is 1 in 9, and we do not seem to be making the kind of progress that I would like to see.

What do we want? We want prevention. We want early detection. We want mammography included in every policy. When we were finally able to get mammography included in Medicare, they analyzed that we saved 4,000 lives of women every year because of that preventive health care being included. We want informed consent. We want women to understand their options with respect to treatment. And finally, and most importantly, we want a cure. We want every child, every child immunized against this disease. There are a small percentage of men who get this disease as well, and we want this disease treated as an epidemic, the same way we treat AIDS with respect to the research dollars.

Now I support those research dollars. We give about $1.1 billion for AIDS research. Lots of people think it is not enough and I am one of them. But we only have about $100 million for breast cancer research.

So I proposed a bill that would increase the amount of research to $300 million and establish a National Cancer Institute strictly related to breast cancer research. And it also provides scholarships for those who want to go into this field, as well as trying to establish an Office on Breast Cancer that would ensure a coordinated public approach to goals and priorities for breast cancer detection, education, treatment and research.

I think this legislation declares war on the scourge of this disease, and I think it really and truly should be adopted and, frankly, there is not anywhere I go in my district or throughout the country that you do not meet some family who has been victimized by this disease.

We know it costs $8 billion a year to deal with this terrible disease, and it does not only devastate the woman who has the disease. It devastates the men who are the husbands of these women and the children whose mothers die of this disease.

So I think it is about time we really pass comprehensively the piece of legislation that I and my dear colleagues, including my friend, the gentlewoman from Maryland [Mrs. MORELLA], have introduced relative to establishing total commitment to finding a cure for this disease.

While some people may think it is frivolous to declare October Breast Cancer Awareness Month, I think it is important that in every community they have seminars, they have speeches, they have people speak out and tell Congress and the President that they want to find a cure for this disease and address it comprehensively as we address foreign aid and all the other kinds of arms programs that sometimes get passed around this place.

This is a very terrible thing that has happened and devastated so many families, and I think this resolution is significant, and that is why I am so pleased, I say to the chairman, that he and others have seen to it that this is called to the floor on time and so many colleagues have cosponsored it so we can pass it tonight.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this resolution offered by the gentlewoman from Ohio [Ms. OAKAR] and by the gentlewoman from Maryland [Mrs. MORELLA] and to associate myself with their remarks.

Mr. GILMAN. Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to associate myself with the comments of my colleague, the gentlewoman from Ohio [Ms. OAKAR], and tell her that I am very proud to be a cosponsor of the legislation she alluded to and also to support this resolution, Senate Joint Resolution 303, the National Breast Cancer Awareness Month.

Mr. Speaker, I rise in support of this important resolution. It is critical that we continue our efforts to raise public awareness of this health crisis and to work for increases in Federal funding for breast cancer research.

Breast cancer continues to be the leading cause of death in women age 35 to 54, killing 1 woman every 11 minutes; 1.5 million new cases of breast cancer will be diagnosed in the next 10 years, and 46,000 women will die in 1992 from breast cancer. In my own State of Maryland, we lead the Nation in cancer mortality and rank ninth in breast cancer mortality rates.

A substantial Federal investment in research is critical if we are to finally find a cure for breast cancer. I urge my colleagues to join us in the fight against breast cancer, and I commend Congresswoman COLLINS for her sponsorship of this resolution.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to commend the gentlewoman from Illinois [Mrs. COLLINS] for her excellent presentation and for bringing the bill to the floor.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 393 which designates October 1992 as "Breast Cancer Awareness Month," and I would like to commend the gentlewoman from Illinois [Mrs. COLLINS] for her efforts in bringing this measure to the floor.

Mr. Speaker, I continually find the statistics on breast cancer very disturbing. In 1990, 44,000 women died of breast cancer—1 in every 9 women will contract breast cancer in this lifetime, yet only 150,000 cases will be diagnosed this year.

In spite of these shocking statistics many women do not practice routine breast examinations or utilize today's advanced mammography technology. I hope making October Breast Cancer Awareness Month will reveal to all Americans the importance of prevention and early detection, because 1 in every 5 deaths from breast cancer could be avoided by early detection.

Statistics show that women with early stages of breast cancer, when the disease is still localized, experience a 90-percent survival rate, while the survival rate for women with more advanced regional cancer is only 68 percent. Even more tragic is the fact that the survival rate for women with breast cancer which has advanced to more severe stages is only 18 percent.

Surely this is a disease for which "an ounce of prevention is worth a pound of cure." National Breast Cancer Awareness Month can help get this message out, and can actually save women's lives.

I urge my colleagues to vote in favor of House Joint Resolution 393.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER], chairman of our subcommittee.

Mr. SAWYER. Mr. Speaker, I thank the gentleman from New York for yielding to me and take this moment briefly to pause to associate myself with his comments, particularly in order to thank our friend and colleague from Illinois for her effort in bringing this matter before this body in this particular way.

There are many Members who view this particular mechanism in bringing matters before the House and elevating the attention that is brought to them as somehow less than serious. I offer the example that we have before us at the moment of a commemorative resolution whose purpose and substance and whose consequence can have profound beneficial effect on millions of lives all across this Nation.

It is an effort that she shares with our colleague, the gentlewoman from Ohio [Ms. OAKAR]. Their teamwork in making sure that this particular issue finds resonance, not only in the hearts and minds of Americans all across the United States but in the funding mechanisms of this body, is a tangible way to make sure that the kind of effort to prevent disease that is identifiable, treatable, ahead of time and to deal with it in the most cost effective way becomes the policy and intent and practice of this Nation.

It is with that that I thank her for her efforts.

Mrs. LLOYD. Mr. Speaker, with the passage of House Joint Resolution 393, October will be designated "Breast Cancer Awareness Month." Throughout the month, education activities will take place designed to increase women's awareness of breast cancer and the need to vigilantly practice early detection techniques such as self-examination and mammography.

National breast cancer awareness month can bring about changes in the way women receive health care in this Nation. I personally know the value of early detection of breast cancer. We need to spread awareness of this disease, to ensure the best medical care is made available to all women.

I now find myself in the midst of the growing numbers of American women that will be struck by breast cancer each year. I am fortunate though, simply because I had a mammogram every year. We must foster a greater awareness of breast cancer. If not, 1 in 9 American women will continue to develop breast cancer.

Mr. EWING. Mr. Speaker, I rise in my strong support of House Resolution 393, designating October 1992 as "Breast Cancer Awareness Month".

Breast cancer is a deadly disease of immeasurable concern and pain to many Americans. It affects 1 in every 9 American women and will result in more than 46,000 deaths this year. Not only does breast cancer afflict women, men are also victims. This year alone 1,000 men will be affected and 300 will die. Furthermore, breast cancer is the second leading cause of cancer mortality, and unfortunately, its incidence is increasing by almost 1 percent per year.

Designating October as "Breast Cancer Awareness Month" is one step we can take to encourage research, learning, and understanding of this disease which affects so many American families. I am very pleased to be a cosponsor of such a positive initiative by the House.

Mrs. VUCANOVICH. Mr. Speaker, today I am very proud to support House Joint Resolution 393 to designate October 1992 as Breast Cancer Awareness Month.

Each year in October, women and families are reminded of a devastating disease called breast cancer which affects us all. Plain and simple, breast cancer kills. This year over 46,000 women in the United States will perish from this disease. Some of them wives, mothers, and friends.

October is a month of opportunity for learning. Many cancer organizations and health groups will be sponsoring events to help women learn how to prevent and detect breast cancer. I wish I had taken advantage of such an opportunity 9 years ago, when I was faced with the reality of having breast cancer. It would have prepared me to take on the fight for my life and help me make informed decisions. I urge all women in our Nation to attend these events, take your friends and your family. The information available at these events may just save your life.

Last year, I hosted a breast cancer fair in Las Vegas, NV. Over 250 people took time out of a beautiful sunny Saturday to come indoors and learn how to save their lives. I was surprised and heartened to see many of the participants were men, concerned about the disease and offering support to their wives' future health. This year, I will be participating in similar events and I am certain that more husbands and wives will be joining me to learn about the only way, presently, to combat this disease—early detection.

October is a special month, it could be a new beginning for many women and their families. I encourage my colleagues to support Breast Cancer Awareness Month and House Joint Resolution 393.

Ms. SNOWE. Mr. Speaker, I would like to add my voice in support of House Joint Resolution 393, legislation designating October 1992 as National Breast Cancer Awareness Month.

This symbolic commemorative will bring needed attention to this tragic disease that will strike nearly 200,000 women this year alone. Organizations all over the country will mobilize during October to educate women about breast cancer and the life-saving importance of early detection.

For instance, organizations that belong to the Breast Cancer Coalition in Maine, of which I am a member, plan to hold breast cancer awareness walks and provide free breast cancer screenings for low-income women during National Breast Cancer Awareness Month. This important commemorative has also been officially designated in October by Maine's Governor McKernan.

As a cosponsor of House Joint Resolution 393, I am proud to be part of the effort to bring to the forefront breast cancer concerns and raise consciousness about this devastating epidemic. I am confident that women all over America will appreciate and benefit by the information about breast cancer provided during Breast Cancer Awareness Month. We must do all the education and outreach we can—information could save a life.

Mrs. LLOYD. Mr. Speaker, I am pleased today to lend my strong support for passage of Senate Joint Resolution 303, designating the month of October as "Breast Cancer Awareness Month." I commend my friend and colleague, Representative COLLINS, for her commitment and leadership in this area. No woman in this country is free from the potential threat of breast cancer. Far too many women, 44,500 this year, continue to die needlessly from breast cancer detected too late.

Last year, I joined with many of my colleagues in issuing a challenge to end the scourge of breast cancer by the year 2000. These goals included: understanding the causes and finding a cure for breast cancer; reducing the climbing incidence rate; cutting the mortality in half; ensuring that all women over age 40 get regular mammograms; and ensuring that those mammograms are of the highest quality by passing H.R. 3462, the Breast Cancer Screening Safety Act.

What will make this happen? First, if we are ever going to find a cure for breast cancer we must ensure that research is adequately funded. The $300 million endorsed by the Breast Cancer Coalition will go a long way to setting the necessary groundwork to achieve this goal.

We must also remove the barriers that prevent women from seeking mammography. We must pass legislation to allow for Medicaid coverage of mammograms and improve Medicare coverage to allow coverage for annual rather than biannual screening.

We must also ensure that the mammograms women receive are the highest quality current technology allows. H.R. 3462, the Breast Cancer Screening Safety Act, introduced by my distinguished colleague PAT SCHROEDER and me, will establish needed Federal standards for the technology and medical care in which women must place their trust. Early detection is all we have until we know how to prevent breast cancer or until we have a cure.

Last, we must continue making progress on getting the word out to women on the need to be vigilant advocates of their own health care and seek regular mammography screening. We must not let the fear of cancer overcome our ability to take control of our health and our lives. Early detection does save lives.

As a breast cancer survivor, I support the passage of this important bill and urge my colleagues to take part in activities to accomplish the goals of the Breast Cancer Challenge during October.

Mrs. MEYERS of Kansas. Mr. Speaker, as a cosponsor of House Joint Resolution 393 designating October 1992, as National Breast Cancer Awareness Month, I rise today in strong support of its passage. I also want to thank my colleague, Congresswoman COLLINS, for her tireless efforts on behalf of breast cancer awareness.

Breast cancer is having a devastating impact on our society. Statistics show that 1 woman in 9 can expect to develop breast cancer. This means that 175,000 women in the United States will be diagnosed with the disease this year. In my home State of Kansas alone, breast cancer took the lives of 448 women last year.

Until there is a cure for breast cancer, early detection and treatment is the only protection women have against breast cancer. This message is not meant to frighten women, but to increase awareness about breast cancer and to drive home the importance of preventive measures.

Earlier this year, the Breast Cancer Coalition of Kansas held a rally at the statehouse in Topeka, KS, to call attention to this dreaded disease. Over 50 women, including State and local officials, gathered to share with others their experiences with breast cancer.

Events such as this, and others like it that will take place during the month of October, will help raise the level of awareness among all women regarding breast cancer, and the importance of early detection and treatment. If every woman who should be screened had a mammogram, the breast cancer death rate could be reduced dramatically.

I beg of every woman in this country, if you haven't been performing monthly breast self-examinations, please start now.

If you haven't had a mammogram, especially if you are at special risk, make an appointment with your doctor.

And if your physician has not discussed breast cancer prevention measures with you, ask about it.

It could save your life.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 303

Whereas breast cancer will strike an estimated 180,000 women and 1,000 men in the United States in 1992;

Whereas, assuming an average life expectancy of 85 years, a woman's lifetime risk of developing breast cancer is 1 in 9;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1992;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representataives of the United States of America in Congress assembled, That October 1992 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEUROFIBROMATOSIS AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 422) designating May 1992, as "Neurofibromatosis Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but I would like to inform the House that the minority has no objection to this resolution.

Mr. SCHEUER. Mr. Speaker, I rise tonight to urge House passage of House Joint Resolution 422 declaring May 1992, National Neurofibromatosis [NF] Awareness Month.

NF is a potentially devastating genetic disorder which afflicts more than 100,000 Americans. The disease varies in severity, from mild skin discoloration to uncontrolled tumorous growths which can become malignant and possibly cause blindness, deafness, loss of limbs, disfigurement, deformity, cancer, and in some cases, death.

During the past 18 months, truly spectacular discoveries have occurred at breathtaking speed in NF research. These include back-to-back discoveries of the NF1 gene and gene product, the cloning of the NF gene, developing an animal model for NF, and finding a candidate gene for NF2. It is impossible to underscore the speed with which these discoveries have been occurring or the excitement, momentum, and enthusiasm they have been generating.

Since the NF gene produces the same tumor suppressor GAP protein as cancer, research into NF holds open enormous potential for finding a treatment and cure for cancer as well which afflicts more than 60,000,000 Americans. Indeed, within 6 months after discovering the NF1 gene and predicting this would lead to advances in cancer research, Dr. Raymond White discovered the gene that causes colon cancer.

In addition, 40 percent of the children afflicted with NF suffer from learning disabilities. Therefore, research into NF will also benefit the more than 35 million Americans affected by this disorder as well.

Although over three times as many Americans suffer from NF than from more commonly known disorders such as muscular dystrophy or cystic fibrosis, very few people have heard of NF. It is crucial that we achieve greater public knowledge and understanding of this disabling disorder. I urge all of my colleagues to join me in supporting House Joint Resolution 422 declaring May 1992, National Neurofibromatosis Awareness Month.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 422

Whereas neurofibromatosis is a genetic disorder that causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis leads to disfigurement, blindness, deafness, loss of limbs, scoliosis, and brain and spinal tumors;

Whereas neurofibromatosis is a potentially debilitating disorder that strikes males and females of all races and ethnic groups;

Whereas great strides have been made in neurofibromatosis research with the discovery of the neurofibromatosis gene and its product and function as well as the cloning of the NF1 gene;

Whereas the neurofibromatosis gene is known to be a tumor suppressor gene, research into neurofibromatosis has profound significance for investigations into the causes of cancer;

Whereas an animal model for NF1 has recently been found;

Whereas a candidate gene for NF2 has also been discovered;

Whereas because the incidence of learning disabilities in the population of individuals suffering from neurofibromatosis is 5 times greater than in the general population, progress in neurofibromatosis research is important to achieving a better understanding of the causes of learning disabilities, which affect more than 30 million Americans; and

Whereas the National Neurofibromatosis Foundation, Inc., a voluntary health organization with chapters across the United States, was established to serve individuals with neurofibromatosis and their families, to promote and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1992 is designated as "Neurofibromatosis Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

□ 1550

AMENDMENT OFFERED BY MR. SAWYER

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

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike "May" and insert "November".

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the

amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint Resolution designating November 1992 as 'Neurofibromatosis Awareness Month'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I would inquire of the distinguished majority whip the program for the balance of this week and next week.

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

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the distinguished minority leader for yielding to me.

Mr. Speaker, we will not be in session tomorrow. On Monday, September 14, we will meet at noon. We will consider three bills under suspension, and the votes on those bills, if ordered, will be postponed until Tuesday, September 15.

Then on Tuesday, September 15, we will meet at noon again. We will take up the following bills: The Indian health amendments bill, H.R. 3724;

H.R. 450, to amend the Stock Raising Homestead Act, and the National Competitiveness Act as well. We will just do the rule and the general debate on that bill.

Then we will go to three suspensions. Recorded votes on suspensions will be postponed until after the debate on all the suspensions. Those three suspensions are the Tourism Reauthorization, Government Security Offering Enforcement Act, and the Pipeline Safety Improvement Act.

Then on Wednesday, September 16, and the balance of the week, and we do plan to meet the whole week through Friday, we will meet on Wednesday at 10 o'clock, at 10 o'clock on Thursday, and Friday as well, and we will finish the National Competitiveness Act. We will also take up the Water Resources Development Act of 1992, subject to a rule; the Consumer Reporting Reform Act of 1992, also subject to a rule; and H.R. 3298, the Farm Credit Banks and Associations Safety and Soundness Act, subject to a rule.

Mr. MICHEL. Mr. Speaker, might I inquire, since we have, I think, some remaining primaries in New York, Massachusetts, and maybe Washington, and Minnesota, regarding all those suspension votes, whether they were carried over from Monday or considered on Tuesday, those votes would be later in the day?

Mr. BONIOR. If the gentleman will continue to yield, we hope to have as few votes as possible because of the large number of primaries in the country that day, and the votes will be held until later in the day on the suspensions that might have been ordered.

Mr. MICHEL. I did not see on the calendar here the conference report on the cable legislation.

Mr. BONIOR. If the gentleman will continue to yield, the cable conference report was finished last night, I believe. We have not received any notification up in the Committee on Rules yet, but I suspect that it is possible for next week.

Mr. MICHEL. And how about the disaster supplemental for the victims of Florida and Louisiana?

Mr. BONIOR. If the gentleman will continue to yield, it is my understanding that the Senate will attach the provisions that were suggested by the President, with some modifications, and we should get it back here next week, assuming, I might say to my friend from Illinois, that the conference works out their differences. However, because of the dire emergency that exists, I think that should move relatively quickly.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

REGARDING THE TRANSFER OF FUNCTIONS AND ENTITIES TO DIRECTOR OF NONLEGISLATIVE AND FINANCIAL SERVICES

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the transfer of functions and entities to director of nonlegislative and financial services pursuant to section 7 of House Resolution 423 be effected not later than September 25, 1992.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, if I understand what the gentleman is asking in his unanimous-consent request, it is a further extension of time in terms of the appointment of a House Administrator, is that correct?

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

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

Mr. BONIOR. Mr. Speaker, I would say to the gentleman, that is correct.

Mr. WALKER. I must say, Mr. Speaker, from the standpoint of this Member who served on the task force that considered these matters, I am becoming very disturbed about the length of time here. We came out of those meetings somewhat divided between the parties, but with a firm conviction that the House was going to move aggressively to reform itself.

The one reform of major significance that the majority suggested was the creation of this office of House Administrator, and it seems to me now we have gone a number of weeks and months with virtually no movement on getting that House Administrator in place.

What that means is that everything is continuing as is. The Clerk is continuing to do his job, just as he did before we wanted a reform. The Sergeant at Arms is doing the job just as he was before we decided to reform. We have an interim Postmaster whose office is supposedly being phased out, who is doing all the jobs just as he did them before, and the Doorkeeper the same way. We have really effected no reform here.

I just have a couple of questions for the gentleman. Has anyone at this point been interviewed for this job?

Mr. BONIOR. If the gentleman would continue to yield, the firm that is searching for qualified, competent candidates has been hired and they have suggested, I have been told, a number of people to be interviewed. I hope that would take place next week, as I understand it. The search is continuing for additional candidates, but my guess is that at some point next week the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Illinois [Mr. MICHEL] and whoever is involved on your side of the aisle, will be able to interview the first batch of candidates that we have. We hope to have in place such a person before the end of the Congress.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand the gentleman's point, but in all honesty, the firm that is out searching for candidates right now was not hired until we reached the first deadline. We got to the first deadline, and then it was decided that we were going to hire a firm to go search for one.

Now we come up against this deadline and that search has taken us to this deadline, and as I understand the situation, we still have not interviewed one candidate for the job. It may well be that we will get to it next week and begin to interview, but we are getting very close to the end of Congress and we have not yet even begun the interview process for this administrator that was the one substantive reform that supposedly the House was going to undertake.

My concern is that reform has become a nice term, but there is no afterflow of real actions that is going to get us the reforms that the country so badly wants to see.

Mr. BONIOR. If the gentleman will continue to yield, we mean to expedite the afterflow. We think it is important and we think we need to get on with this business.

As I said, we have a number of candidates already that the firm has come up with, and the process is a bipartisan process in selecting the firm, and will be a bipartisan process in selecting whomever gets the responsible position.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand it has now become an imperative, but the fact is that there was a deadline set in the first place. That deadline was ignored. We did not even have a firm in place doing any work until then. Now we have set another deadline, and we come up against that deadline and the firm has not even given a candidate yet.

Now we are going to set another deadline, and every time we set a deadline we have been assured that this is the last deadline that is going to be needed; that we are going to proceed ahead, and we are going to get this job done.

The gentleman is giving us that assurance again today. I appreciate that, but I will tell him, it is somewhat frustrating to watch this entire session of Congress go through with absolutely no reform in place whatsoever.

□ 1600

Mr. BONIOR. We are looking for the best-qualified person for this job, and we are working together with Members on your side of the aisle to find that person. We expect that we will have a person in place before we finish our business in 2 or 3 weeks.

Mr. WALKER. Further reserving the right to object, as your party is so fond of pointing out, we have 10 million people out there unemployed at the present time. A lot of those people are people who had white-collar jobs, who are experienced managers, who are people who have done very valuable work in industry. It is passing strange that out of that kind of a pool of talent that exists in the country we have now gone months without being able to interview someone in the process of establishing a House administrator. That is a very grave concern of this Member, and I am really concerned that the reform process has broken down in ways that are not reflecting very well on the institution.

Mr. BONIOR. I understand the gentleman's concern. But the way the process works is that most of these firms will do a preinterview before they recommend to us a group of people which we can select from. And they are about to do that, and we will get our chance to look at some very qualified people.

Mr. WALKER. I thank the gentleman for that. We wonder, however, why this firm was not even hired before the last deadline.

Mr. BONIOR. We need bipartisan agreement on it, and we were only able to reach that agreement at the point at which the decision was made.

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

Mr. WALKER. I am happy to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I would hope that the gentleman would not persist in this reservation or any objection to the request. As I understand it, the majority whip has asked for an extension until September 25, and that is 2 weeks.

While we were gone for the convention and the recess until after Labor Day, I had planned that we would at least make some cursory interviews next Wednesday, I think on at least our side of the aisle, and I intend, since the gentleman serves on that reform task force on our side, had intended to include that group of task force people plus the leadership. I have had a chance to look over very briefly the resumes of some of those who will be recommended. Whether or not we would have an opportunity or time to interview all of them, certainly some would tend to be on a front burner, and hopefully then the same action would be pursued on the majority side while we are trying to do this in concert with one another on whomever is selected.

I think the gentleman makes one whale of a good point that if we cannot get this thing resolved before we adjourn sine die, it really does reflect badly on our attempts to do what we said we wanted to do earlier by way of reforming this institution and providing for a full-time, competent administrator to look after the nitty-gritty details that we do not have time to do. So that is my commitment to do this this coming week, and hopefully the same will take place on the majority side. Then hopefully we can come to some agreement before the expiration of this extension period now that will run for two weeks.

Mr. WALKER. Further reserving the right to object, I certainly want to say to the distinguished minority leader and the distinguished majority whip, who I think has been very responsive here, it was not my intention to object to this. That would be an action that would simply throw a monkey wrench into the process, and I did not want to do that. But I do rise in a sense of frustration that we have come up at least on two deadlines before this, and we are proposing a third deadline, and we do not seem to be getting the job done. I would only suggest when we get to the deadline on September 25 that we had better be able to show some very substantive action toward getting this job done, or my guess is that you are going to have a hard time getting unanimous consent to go further on this matter.

Mr. Speaker, with that I am happy to withdraw my reservation of objection.

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

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 14, 1992

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMODORE JOHN BARRY DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 413) to designate September 13, 1992, as "Commodore John Barry Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object and would like to inform the House that the minority has no objection to this legislation.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to thank my colleagues for their generous support of this resolution, designating this Sunday, September 13, 1992 as Commodore John Barry Day.

Commodore John Barry, one of the great heroes of the American Revolutionary War, was a native of the County Wexford in Ireland. This resolution recognizes Commodore Barry's contributions to our Nation, both in fighting for our independence and assuring our fledgling Nation's survival.

John Barry first shipped out as a cabin boy. However, by adulthood, John Barry was the captain of his own ship in the American merchant marine. After the commencement of hostilities between the British and the American forces, then Capt. John Barry offered his services to General Washington and the Congress for the cause of liberty.

John Barry gave the Continental Navy its first victory in the war at sea with the capture of the Royal Navy sloop *Edward*. On another occasion, John Barry sailed into Philadelphia with a prize ship loaded with overcoats, a desperate commodity needed by General Washington's army in order to survive the cold winter. Another mission safely delivered the gold from France which paid the French and American Armies in the Yorktown campaign.

Furthermore, John Barry was principally responsible for organizing the Mablehead sailors and boats to effect Washington's famous crossing of the Delaware, which led to General Washington's victory at Trenton during the Christmas of 1776.

After the conclusion of the War for Independence, the Congress recognized Capt. John Barry as the premier naval hero of that conflict. Further, when George Washington, as president of the Constitutional Convention, could not achieve a quorum for the essential adoption vote, it was John Barry who organized the compellers, so-called because they sought out and compelled the attendance of enough delegates to assure passage of the Constitution of the United States.

Under the new Constitution, Congress authorized President Washington to create and maintain the U.S. Navy. President Washington turned to John Barry and conferred "Commission No. 1," dated June 14, 1794 upon him. Commodore John Barry then built and commanded the U.S. Navy including his flagship, the U.S.S. *United States* and the U.S.S. *Constitution*, popularly known as *Old Ironsides*.

Proclaiming September 13, 1992 as Commodore John Barry Day would be a fitting tribute to the sacrifices and contributions of this great American hero and would honor our Navy veterans and Irish Americans-who have sacrificed so much for our country.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 413

Whereas John Barry, an immigrant from County Wexford, Ireland, volunteered his services to the Continental Navy and was commissioned as captain on October 10, 1775;

Whereas during the War for Independence Captain John Barry achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organized General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Constitutional Convention in Philadelphia, thus ensuring the quorum necessary to adopt the Constitution and recommend it to the States for ratification;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1991 President George Bush proclaimed September 13th, the date of John Barry's birth, as "Commodore John Barry Day"; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish-Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1992, is designated as "Commodore John Barry Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1300

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1300.

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

There was no objection.

OUR QUESTIONABLE TAX CODE

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

Mrs. BENTLEY. Mr. Speaker, it has come to my attention that many Americans, especially senior citizens, are vulnerable to errors made by IRS employees assisting individuals in filing their tax returns.

For example, in 1977, an elderly constituent of mine was assisted by the IRS in filing her tax return.

Despite her age and her retirement pension of less than $7,000, she apparently was not informed that she could qualify for an elderly tax credit. And until 1988, the IRS failed to send her the proper Schedule R form required to claim the elderly tax credit.

Although the inadequate instructions in forms 1040 and 1040A were corrected in 1990, she could claim only $1,000 for the nearly $4,000 owed to her, because of the staute of limitations.

This is not an isolated occurrence, but rather endemic of our incomprehensible Tax Code. The 1986 Tax Simplification Act made it more difficult for Americans to file their returns.

We need meaningful tax reform. One should not have to be an accountant or a tax lawyer to file a tax return. If IRS employees cannot decipher our Tax Code, how can we expect our elderly citizens to do so?

ORDER OF BUSINESS

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to transpose the names of the gentleman from Michigan [Mr. DINGELL] and the gentleman from Michigan [Mr. BONIOR] in the special order calendar on September 16, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

CLINTON—THE ARTFUL DODGER

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

Mr. DORNAN of California. Mr. Speaker, I wish to discuss Mr. Clinton's draft dodging in a very thoughtful way.

I just heard the speech by our colleague, the gentleman from Pennsylvania [Mr. RIDGE]. Mr. Speaker, Mr. RIDGE asks a compelling and poignant question. What young man stepped forward and took Bill Clinton's place when he avoided the draft in June 1968 after he graduated from Georgetown?

However, it should be noted that not only one but three, three, young men from Hot Springs, AR, wore the uniform of our country in place of this Governor who is the artful dodger.

And, Mr. Speaker, what was the fate of these three dutiful young patriots? Did all three go to Vietnam? Was one them wounded? Is one confined to a wheelchair for life? Or, God forbid, are

all three names on the wall of the Vietnam Veterans Memorial? We pray not. Has Governor Clinton, a detail "wonk," ever tried to discover, out of guilt, who went in his place?

As I've visited our military installations around the world, Mr. Speaker, I have yet to find one enlisted person, one NCO, or one officer who wants to serve under a Commander in Chief who did everything in his power to shirk his call to service, including writing letters stating that he "loathed the military."

Have you ever watched the Old Guard drill at formal ceremonies for our Presidents. Can a draft dodger expect that honor? Do you know that the Army Band and the Marine Corps Band are called the President's Own? For a dodger like Clinton? God forbid it. Loyal veterans are appalled at the prospect of combat-decorated air crews on Air Force One flying around a draft dodger.

And, Mr. Speaker, not only did Bill Clinton dodge the draft, but he has tried his best to hide the truth about it. When he spoke to the American Legion a few weeks ago he said that he had told everything about his draft record. And then a few days later, the American people learned that Bill Clinton's uncle and his uncle's attorney lobbied the local draft board to delay his induction. His uncle even worked a deal to have a Navy reserve slot created, repeat created, at a time when those positions didn't exist for anybody else in Arkansas.

I will put in the RECORD again today, Mr. Speaker, the duplicitous, lying, cowardly, and ugly letter that Mr. Clinton sent to Col. Eugene Holmes where he says he ate compulsively at Oxford "out of lack of self-respect" for his ROTC scam, until he dropped of exhaustion from overeating while our POW's were being starved and tortured, some of them to death.

UNIVERSITY COLLEGE,
Oxford, England, December 3, 1969.

DEAR COLONEL HOLMES: I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations here Oct. 15 and Nov. 16.

Interlocked with the war and the draft issue, which I did not begin to consider separately until early 1968, for a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection, for those opposed to participation in a particular war, not simply to "participation in war in any form." From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation. The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea, an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill, and maybe die for their country (i.e., the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to put what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate then.

At that time, after we had made our agreement and you had sent my 1-A deferment to my draft board, the anguish and loss of self respect and self confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on September 12, I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help me in a case where he really couldn't and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible. I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes Scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disserve, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

JUDGE WILKEY'S LETTERS

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

Mr. MILLER of Ohio. Mr. Speaker, I yield to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, yesterday morning, I received this letter from Judge Mal-

colm Wilkey exonerating me from something that there was never any suspicion of my doing in the first place. A little late, since the fact that I was under this scrutiny certainly didn't help in my failed reelection bid. With all due respect, the good judge can take this letter, fold it four ways, tie a ribbon around it, and put it wherever it wishes.

Now, Mr. Speaker, comes a column by William Safire in this morning's New York Times which raises serious, and documented, allegations about this administration's attempt to influence the investigation of the Atlanta Branch of Banca Nazionale del Lavoro which was laundering our U.S. taxpayer-funded agriculture aid for Saddam Hussein's war machine.

Now that the Justice Department has finished with Congressman JONES and his seven overdrafts, how about looking into this matter—one which compromised American security, may have criminally violated our laws, and may have ultimately jeapordized the lives of American men and women.

A SMOKING GUN?

(By William Safire)

WASHINGTON.—Did the Bush Administration, eager to build up Saddam Hussein, interfere in the Atlanta U.S. Attorney's investigation of Iraq's corruption of our Department of Agriculture? Has the Attorney General committed an impeachable offense in refusing to permit a special prosecutor to investigate obstruction of justice, as Congress requested?

A memo dated October 26, 1989, suggests the answer to both questions is yes.

The damning memo is to Secretary of State James Baker III from John Kelly, head of State's Near East Bureau, and Abraham Sofaer, Legal Counsel. The issue for decision was whether to push for $1 billion of U.S. grain credits to Iraq despite our growing knowledge that Iraqi officials were breaking our laws.

"Earlier this month, the President signed NSD–26," Mr. Baker was reminded, "mandating pursuit of improved economic and political ties with Iraq." Although Treasury and the Fed opposed granting further credits to near-bankrupt Iraq, "Our ability to influence Iraqi policies . . . will be heavily influenced by the outcome of the Commodity Credit Corporation negotiations."

The idea was to pervert the grain credits program, which was set up to help U.S. farmers, and turn it into a backdoor foreign aid source, contrary to the will of congress.

How to accomplish this, as it was becoming known that Saddam was stealing us blind? ". . . *to wall off an FY90 CCC program from the BNL* [Lavoro] *investigation*" (italics now and later mine), goes the recommendation to Secretary Baker, get an Iraqi promise to "cooperate" in an investigation and to say it won't corruptly handle the new money. In the blank space next to "approve" are the initials "JAB III."

To do that, however, State's legal counsel—denominated "L" in the memo—first had to find out if any Iraqi officials were likely to be prosecuted as criminals. "L" has spoken with US Department of Agriculture and independently with the US Attorney's office in Atlanta."

Iraqgate buffs will recall the objections raised in Congress to evidence that the White House Legal Counsel had at least twice called the assistant U.S. Attorney in Atlanta. In rejecting any suggestion that repeated expressions of interest from the White House constituted undue interference in a criminal investigation, Attorney General Barr's apologia stated that "the words used in the calls did not include any attempt to influence or interfere," therefore "no interference occurred."

Mr. Bush's lawyer claimed he was "seeking only publicly available information." If that were true, a Nexis search could have been made at the touch of a computer button.

Now we have new evidence of Baker's State Department lawyer calling the Atlanta prosecutor a month before. Did the Attorney General, with the vast resources of the F.B.I., discover this in his "investigation"? No; the Criminal Division's assignment was to find no evidence.

The real purpose of this improper call from Baker's lawyer was to discover prosecutorial intent. This can be deduced from the "talking points" attached to the Oct. 26 memo, advising Baker how to persuade Agriculture Secretary Clayton Yeutter to forget his fiduciary responsibility and get with the backdoor aid program.

"Our information about the investigation," goes this script for Baker's call, "indicates that the prosecutor does not now intend to indict Iraqi officials." How's that for knowing prosecutorial intent—and for using the inside information corruptly?

Secretary Yeutter's roundheeled reply is recorded in Baker's handwriting on that same point sheet: "10/31 C[layton] Y[eutter]: 'I think we're seeing it the same way your guys are. I'll get into it.' JAB III."

Former counsel Abe Sofaer says he did not make the Atlanta call and is unfamiliar with the memo, but thinks State has a written procedure for contacting prosecutors. (He's wrong.) State's lawyers, Alan Kreczko and Ted Borek, have dived under desks. Justice has never interviewed them and says it knows of no procedures to limit calls to U.S. Attorneys no holds Barred.

House Judiciary chairman Jack Brooks is wimping out in the face of this stonewalling. Banking chairman Henry Gonzalez is preparing to answer the A.G.'s defiance with a bill of impeachment.

If elected, would Bill Clinton favor a special Iraqgate prosecutor? Answer: "Yes."

CONGRESSIONAL DELEGATION TO THE BALKANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I recently returned from an official visit to the former Yugoslav nation which is faced with such a difficult and complex issue. I visited Bosnia-Herzegovina, Voivodina, Serbia, Kosovo and Macedonia. I flew on a United Nations humanitarian relief flight to Sarajevo. While on the ground, I talked with the U.N. humanitarian aid coordinating team. I met at length with Yugoslav and Serbian leaders, public and private groups and clergy and inspected a Serbian prison camp in Bosnia-Herzegovina. I drove extensively throughout the region and met with opposition leaders in Kosovo. There was a good opportunity to observe the effect of the sanctions and to view, first hand, conditions and human rights violations which exist in the country.

On Sunday, August 30, I flew in a United Nations C–130 humanitarian resupply aircraft from Rhein Main Air Base near Frankfurt to Sarajevo. This aircraft was scheduled to deliver excess combat rations—meals; ready to eat—provided by the Defense Department to the beleaguered city of Sarajevo. As we approached Sarajevo, widespread destruction of the once beautiful city was apparent with buildings destroyed, shell craters everywhere and roads and highways torn apart. We could see shelling and mortar fire over Sarajevo as we prepared to land. While the cargo was being offloaded I met with the U.N. Humanitarian Relief Effort Coordinator and was briefed in his headquarters and observed the peacekeepers, their equipment and their personnel. U.N. troops at the airport are sitting ducks should aggressor forces decide to attack them and they should, at least, be authorized to return enemy fire. We retraced our route out of Bosnia-Herzegovina which was a direct line to the Adriatic Sea to minimize the time the aircraft remained over hostile areas. The professionalism and courage of this U.S. aircrew was reassuring. They and their commanders point out that with the onset of winter in another month bringing poor visibility and adverse flying conditions, it will difficult to sustain air resupply of humanitarian assistance to Sarajevo. The need to open secured land corridors is evident and has grown dramatically in the past few days with the attack on Tuesday's land convoy which killed two and injured two more French soldiers and the additional turning off of the Sarajevo water supply.

I next met with Yugoslav and Serbian leaders, with clergy, public and private groups and individuals in Belgrade. To get to Belgrade, it was necessary to fly to Budapest and drive through Voivodina to Serbia because the Belgrade airport was closed to all but a few in-country commercial flights. This drive afforded an opportunity to assess the effect of sanctions. It was apparent by the massive truck traffic along the main roads that the sanctions are only loosely enforced. Sanctions have, however, heavily impacted on the use of fuel and there are long, long gas lines at the few service stations which remained open throughout the country. There is also widespread concern about the toll sanctions will take with the approach of a cold and bitter winter.

In this regard, it could be concluded that more rigidly enforced sanctions can only help bring an end to this turmoil and tragedy. The United States and the European community of nations, including Eastern European Hungary, Romania, Poland, Czecho-

slovakia, and Greece should take steps to securely seal the former Yugoslavian borders to the passage of foods and commerce. This includes roadblocks and inspection stations at every highway and road to Yugoslavia, perhaps a coast guard like blockade at both points where the Danube River enters/exits the former Yugoslavia to be prepared to inspect every transiting vessel, and a naval force sufficient to board and inspect every ship in the Adriatic Sea approaching the coastline.

Concurrently, I believe it is absolutely imperative for our Congress to immediately withhold most-favored-nation trading status from Serbia. I have introduced in the House a bill which now has 115 cosponsors, to deny MFN and I call on Senator MITCHELL and the leadership in the other body to put this effort on the fast track and get legislation to the White House for the President to sign. This would put Congress on the record regarding this issue, which to date has not happened.

On September 1, I met individually with Prime Minister Milan Panic and President Dobrica Cosic of the so-called Federal Republic of Yugoslavia and Serbian President Slobodan Milosevic. The meetings were cordial; each mentioned the sanctions and the added difficulty that winter will bring. All expressed guarded support for the recent London agreement including arms monitoring. There is a certain hollowness to this rhetoric in light of continuing hostile acts toward Sarajevo including cutting off the water supply. The subject of the scheduled parliamentary vote of confidence for the Prime Minister came up at each meeting with Mr. Panic expressing concern, President Cosic voicing assurance that the Prime Minister would survive and Serbian President Milosevic noting that this was a parliamentary action over which he had no control. I stressed to each that the killing must end and ethnic cleansing is not an acceptable measure for governments to take. I proposed that there is a role for the church in the process of reconciliation and suggested that perhaps the Cardinal and the heads of the Orthodox and Moslem churches could appear jointly on television to call for the healing process to begin. This seemed acceptable to each of the leaders with whom I met.

I discussed with each the specific case of Ms. Shayna Lazarevich whose two children were kidnaped from her California home by her Yugoslavian ex-husband who is presently in a Serbian jail. He has refused to tell where he has hidden the children even though she has been awarded custody by both California and Serbian courts. Each of the leaders agreed to assist Ms. Lazarevich in her quest to find her children.

The Serbian Government agreed to my request to see a Serbian prison camp, so on the afternoon of September 1 we began the journey back into Bosnia-Heregovina to the town of Bathkovic. During the journey we passed impromptu checkpoints established by heavily armed civilians, many of whom were old men serving as self-appointed militia with an ill-defined mission and purpose. When the time to end hostilities is at hand, one wonders who will tell these men to put down their arms and return home. How will they know when it is over?

The prison camp housed 1,280 prisoners, mostly Moslem, mostly civilians with some soldiers. The discipline was harsh and conditions were stark and barren. A camp collaborator was produced who parroted that food was plentiful and conditions were good. He talked about recreational activity including games of chess and even pointed out a single lonely TV set dwarfed by the barn-like building which housed 500 or 600 prisoners. However, this testimony to the good life was not reflected in the expressions of his fellow inmates. The prisoners sat silently on a thin layer of filthy straw with the silence punctuated from time to time by subdued coughing which may preview sickness and influenza as winter grips this terrible place. Hopelessness clouded the faces of the men in this camp. The longer this siege goes on the more difficult the healing process will be. These prisoners just must be released soon. Conditions are terrible and winter will bring on a spreading sickness that will be intolerable.

Serbia is, without doubt, committing wholesale violence and brutal acts on Croats and Moslems throughout the region. It would be a serious error, however, to assign all blame to them. Croats and Moslems are guilty, as well, of brutality and reeking devastation and violence on innocent men, women and children. The combined aggression on all former Yugoslavs will create a refugee problem for the rest of Europe that has not been seen since the end of World War II.

We next moved to Kosovo where we met with members of the opposition parties. This largely Albanian populated province could be the next problem area and the leadership is clearly concerned about it. It is time to consider assigning CSCE representatives or even a United Nations peacekeeping force in Kosovo to deter future conflict. The province of Voivodino with large numbers of Hungarians is also a candidate for ethnic cleansing and could as well be considered for assigning CSCE representatives or peacekeepers at the border to serve as a buffer to Serbian aggression. Prevention in these areas is critical so that the violence is not allowed to spread further.

CONCLUSIONS

The complexity of this crisis was highlighted during the trip. Resolutions that are fairly served and implemented are difficult to establish. The following comments and observations are offered:

First, the killing in Yugoslavia has to stop and ethnic cleansing is not an acceptable alternative to peaceful coexistence.

Second, the humanitarian airlift into Sarajevo is providing much needed relief but with the onset of winter and poor flying conditions, an alternate secure land route must be established.

Third, the European Community of nations must take a larger role in promoting peace. Sanctions need to be made absolutely ironclad and leaks along routes of commerce must be plugged, particularly on the Danube River and across the Romanian border. In taking this step, however, it must be recognized that sanctions will also hurt the vulnerable who are already the real victims of this terrible course of events. Sadly, this may be the most humane option available to influence events in this part of the world.

Fourth, most-favored-nation trading status must be withdrawn soon. The Congress should act on this point now.

Fifth, compliance with the London agreement must be strongly encouraged. The United States should make clear that it will stay engaged until permanent resolution is found; however, no U.S. ground troops should be committed to bring peace. The United States should also insist that the European Community assume a major share of this burden.

Sixth, there is a role for the church to play in the reconciliation process and perhaps it is time for the leaders of the three churches to jointly call for the healing process to begin.

Seventh, conflict and ethnic cleansing can boil over into other provinces including Kosovo and Voivodino and the use of U.N. peacekeepers to serve as a buffer at the borders should be considered. Assignment of CSCE representatives to these potential troublespots now is warranted so they would be on-scene and able to avert new aggression before it gets a toehold.

Eighth, refugees are struggling to leave the former Yugoslavia and must receive the consideration of the European Community of nations.

Ninth, if all this fails, and the aggression and brutality continues; what then? It is time for the world community, in their legislatures and houses of parliament, to begin to debate this moral issue. What other options are there? Intervention by armed forces? The possibility of arming weaker factions in Yugoslavia; the Moslems, for example. These are compelling questions which must now be addressed. Others around the world are watching to see what our response will be. If brutality is allowed to go unchecked here, where and when will it spring up next?

I am reporting on my trip to the President, to Secretary Eagleburger and to my colleagues in Congress.

Lastly, I would like to commend the men and women in the world's press corps covering the unfolding events in Yugoslavia. They are doing a superb and often heroic job in telling about this tragedy under the most trying and hazardous conditions.

□ 1520

HURRICANE ANDREW RELIEF EFFORTS IN MARYLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, today I want to applaud the efforts of many local and statewide Maryland citizens, businesses, and groups to aid the victims of Hurricane Andrew in Florida and Louisiana as fine examples of the voluntarism that is in keeping with the spirit that made America great in the past and will in the future. Voluntarism is very special to the United States.

These fine people deserve to be saluted for the work they are doing still, and I am pleased that our district office in Towson has been able to assist in many ways thus far.

This has included intervention as a go-between with the Maryland National Guard, headquartered at the 5th Regiment Armory in Baltimore, for the American Red Cross Disaster Relief Center on Maryland's Eastern Shore in acquiring trucks to help ship needed items southward.

My office's call to the Guard's Adjutant General, Maj. Gen. James F. Fretterd, resulted in contact being made between Stuart Hopkins of the Red Cross on the shore and Col. Warner Sumtter, the Director of Military Support for the Guard. My thanks to both of them for the work they are doing.

Instrumental also in trucking-in materials to the disaster area has been the Queen Anne's Medical Center in Queenstown, where June Jewell and Dr. Gary Sprouse are working hard to send as many medical supplies as they can gather.

These trucks have been leaving daily from the parking lot of Eastern Vocational-Technical High School in Essex, where I visited the first shipment by those volunteers to wish them a safe trip south.

Supervising that night's work was our district office representative, Chuck Cresswell and his wife. Helping to pack and load boxes of groceries and clothing aboard the waiting trucks were Boy Scouts of local troop No. 372 of the Back River Neck United Methodist Church in Essex.

Present were Scoutmaster Mark Yost and Assistant Scoutmaster Chris Cassedy, plus scouts Frank Liberto, Jr., and his father, Frank, Sr.; Andrew Kirtland, Joshua Ruth, and Jason Walters, all of them working until well after dark.

Boxes and tape for the materials sent were donated by Selco's Jeff Feldmann, while a forklift was loaded by Dave Lilly of Lehman Rental and Sales Co. James Frock of P&H Auto Electric donated 183 new marine batteries.

James Vuncannon of Johnson and Towers in Middle River supervised sending 73 power generators to Florida and has assigned two employees onsite in the disaster area to help restore power to schools, police, fire, and other essential services. These Maryland generators represented a substantial portion of all generators transported to Florida after Andrew hit.

Ron Cox, vice president of Anchor Bay Yacht Sales, in conjunction with Lux Bay Boat Co., provided new boat tarp coverings as protection for homes and equipment.

Tom and Cynthia Debrowski of Essex have been working day and night to help sent popup campers for people left homeless by the hurricane, coordinating the shipment of their own unit as well as 14 donated others. People wishing to donate their own road-worthy campers should call Cindy at 391-9363.

Volunteering their tow trucks and time to bring the campers to Eastern Vo-Tech were Fred Hollingsworth and driver Aaron Crowl of Harford Towing of Fallston in Harford County, as did Pikeway Towing and Betty Cornwell of the Tow Truck Association.

Ferguson Trenching Co.'s Sam Norfolk provided trucks, and drivers Sonny Eaton and Randy Salisbury drove them.

Also, shipping donated campers south has been the International Christian Warehouse Ministries of Towson, MD, supervised by ICWM president Edward M. Canino and Bob Ritchie. My district office staff worked with that of Congressman BILL THOMAS of California to help transport wallboard and other building materials contributed to the effort.

Also worthy of a salute are Dr. Mayer Handelman, president of Woodhaven Pharmacy, Inc., in Towson, and his staff of eight who called their vendors for donations of drugs and other medical supplies for the hurricane victims.

Finally, Tony Valdez of the Federal Emergency Management Agency has responded swiftly to all calls from our office. These and other similar efforts show what we as a nation can do when we pull together for the common good.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992-96

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the 10th report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report 102-69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 9, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102-69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 121

REFLECTING COMPLETED ACTION AS OF AUGUST 13, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year—	
	1992	1992–1996
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,269,254	(1)
Outlays	1,205,909	(1)
Revenues	853,366	4,834,000
Current level over(+)/under(−) appropriate level:		
Budget authority	−46	(1)

REFLECTING COMPLETED ACTION AS OF AUGUST 13, 1992—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year—	
	1992	1992–1996
Outlays	+4,309	(1)
Revenues	+2,966	+2,000

[1] Not applicable because annual Appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority that is not included in the current level estimate, and exceeds $46 million in budget authority for fiscal year 1992, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121 to be exceeded.

OUTLAYS

Any measure that (1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and (2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $2,966 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in million of dollars]

	1992			1992–1996		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House Committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	(1)
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	−305	−270	−305	−329	−339	12,062
Difference	−305	−270	−361	−329	−339	−8,091
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2		+5	+5	
Judicary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(1)	0	0	(1)
Difference			(1)			(1)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,087	−33	0	112,621	−88	0
Difference	+1,729	−33	0	−5,178	−88	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	−3	2	378	−4	15	2,182
Difference	−3	+2	−106	−4	+15	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	8,016	8,016	8,986	12,835	12,835	14,295
Difference	+8,016	+8,016	+8,986	+12,835	+12,835	+13,675
Permanent Select Committee on Interlligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	+1

[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Commerce-Justice-State-Judiciary	21,070	20,714	21,088	20,721	18	7
Defense	270,244	275,222	262,763	272,658	−7,481	−2,564
District of Columbia	700	690	700	690	0	0
Energy and Water Development	21,875	20,770	21,870	20,718	−5	−52
Foreign Operations	15,285	13,556	14,295	13,449	−990	−107
Interior	13,102	12,050	13,077	12,186	−25	136
Labor, Health and Human Services, and Education	59,087	57,797	59,074	57,832	−13	35
Legislative	2,344	2,317	2,303	2,270	−41	−47
Military Construction	8,564	8,482	8,427	8,413	−137	−69
Rural Development, Agriculture, and Related Agencies	12,299	11,226	12,285	11,220	−14	−6
Transportation	13,765	31,800	13,752	31,798	−13	−2
Treasury-Postal Service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-Independent Agencies	63,953	61,714	63,315	61,707	−638	−7
Grand total	513,113	527,458	503,773	524,781	−9,340	−2,677

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 1992.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business August 13, 1992, and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,269,254	1,269,300	−46
Outlays	1,205,909	1,201,600	+4,309
Revenues:			
1992	853,366	850,400	+2,966
1992–96	4,834,000	4,832,000	+2,000

Since my last report, dated August 12, 1992, there have been no changes that affect the estimates of budget authority, outlays and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 102D CONGRESS, 2D SESSION—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS AUGUST 13, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation: Extension (P.L. 102–244)	2,706	2,706	
American Technology Preeminence: (P.L. 102–245)			(3)
Further Continuing Appropriations, 1992: (P.L. 102–266) [4]	14,178	5,724	
Extend Certain Expiring Veterans' Programs: (P.L. 102–291)	(3)	(3)	
1992 Rescissions (P.L. 102–298)	(8,154)	(2,499)	
Disaster Assistance for Los Angeles and Chicago (P.L. 102–302) [5]	81	15	

PARLIAMENTARIAN STATUS REPORT 102D CONGRESS, 2D SESSION—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS AUGUST 13, 1992—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Unemployment Compensation (P.L. 102–318)	980	980	
Transfer of Certain Naval Vessels (P.L. 102–322)			2
Higher Education Amendments (P.L. 102–325)	(305)	(270)	
Partial Restoration of Highway Obligational Authority (P.L. 102–334)	(427)	(33)	
Total enacted this session	9,056	6,621	2
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (P.L. 102–265)	(3)	(3)	
Total current level	1,269,254	1,205,909	853,366
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution		4,309	2,966
Under budget resolution	46		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (P.L. 102–145) that expired March 31, 1992.

[3] Less than $500,000.

[4] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown from P.L. 102–266 does not include $107 million in budget authority and $28 million in outlays in emergency funding for SBA disaster loans.

[5] In accordance with Section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for P.L. 102–302 does not include $995 million in budget authority and $537 million in outlays in emergency funding.

Note.—Amounts in parenthesis are negative.

FAMILY AND MEDICAL LEAVE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, this afternoon we witnessed a historic and tragic vote, the vote on the Family and Medical Leave Act, which was taken with 241 voting for it. Mr. Speaker, it fell short of the necessary amount to override a veto, if there is to be a veto.

I understand the White House, the President, has indicated that he will veto the Family and Medical Leave Act. It is quite tragic to have the Family and Medical Leave Act on its way to a second veto. The first veto took place on July 10, 1990. The President vetoed it. It was his 13th veto at that time. Since then he has vetoed many other bills, of course.

We know the total number of vetoes of the President adds up to 31 vetoes. Government by veto as been one of the hallmarks of this administration.

Mr. Speaker, voters are angry, and they have a right to be angry. There has been a lot of stalemate, there has been a lot of stagnation. The kinds of decisions that should have been made in the last 4 years have not been made, and therefore our economy is in terrible shape. People are hurting as a result of the wrong decisions being made, as a result of no decisions being made. The veto record of this administration is a good summary of the ineptitude and stagnation of the administration. The veto record is a very good display, portrait of an administration that is held hostage by its rightwing. The White House is held hostage by the rightwing ideology and rightwing dogma.

□ 1630

There is no logical reason why the Family and Medical Leave Act should not have been passed with the support of the administration. Of course, it did not get the necessary votes to override a veto because the administration is lobbying against the bill and they have continued to take their dogmatic position on the bill which will not cost the taxpayers one single dime. There is no money involved in the Family and Medical Leave Act. It does not cost anybody anything. The Government does not have to appropriate a single penny.

When people take off time from work, they will not be paid. It will be their own time. All that the Family and Medical Leave Act does is that it guarantees that a person who takes off time to take care of a family emergency such as a sick relative or the birth of a baby, that person would not lose their job. That is all the Family and Medical Leave Act that we voted on today and passed on the conference report without enough votes to override a veto, that is all the act does.

It is not like the provision they have in Canada or the provision they have in Great Britain or in Germany or Japan where people are not only given time off, but they are paid. So it does not hinder our industry in any way.

There is no logical reason why the Family and Medical Leave Act should not have been passed with the assurance that it would be signed into law by the President.

I serve on the Education and Labor Committee. We were responsible for the Family and Medical Leave Act from its inception. It has been a painful experience to watch how the original act has been watered down in the effort to seek a compromise and the effort to win the approval of the White House.

We have gone a long way in terms of lessening the provision. We cover fewer workers. We give less time. We have put in all kinds of provisions that were requested by business. Employers and businesses are not against the bill very much anymore, and really, there were not that many against it in the first place. Most of the businesses in America are not even covered because only the businesses that have 50 workers or more are covered.

So why is it that this bill which benefits families so much, why is it that this bill which is a family benefits bill, which does not cost the taxpayers one single dime, why is it opposed so vehemently by this administration?

Why does this administration have a pattern of opposing legislation that benefits families?

We hear a lot of talk about family values, but those who are really concerned about families voted for the Family and Medical Leave Act today. Those who are not concerned about families did not vote for it.

The White House and this administration which claims to care about families is hypocritical about families, because here is an incident, here is an example, an opportunity to vote on the side of families that is being opposed by the administration.

They are being held hostage by some ideology that says you should not interfere in any way with business. They are being held hostage by blind dogma.

The Family and Medical Leave Act conference report we passed today is on its way to a blind veto by the President. There is no reasonable consideration going to take place at the White House.

Let us take a look at the record of this administration, not only in the case of the Family and Medical Leave Act, but a number of other items that would have benefited families.

The very first veto of the Bush administration, and I am reading from a record of vetoes that was conveniently summarized for the American voters in the New York Times on Sunday, August 9, 1992. The record of the President's vetoes shows us why there has been stagnation. This record of the President's vetoes shows why voters have every right to get angry. But they should target their anger, they should focus their anger in the right place. The anger should be focused on the White House.

Starting in June 1989, June 13, 1989, this President vetoed the bill raising the minimum wage to $4.55 an hour from $3.35 an hour. That was the first veto of this administration.

I serve on the Education and Labor Committee, so I am aware of all the details that were involved in working toward a minimum wage bill.

We compromised even before the bill came to the floor. We brought down the amount of money that was being requested in the minimum wage even before the bill came to the floor of the House.

The bill that went to the President was already compromised, and yet he would not pass the bill for a minimum wage of $4.55 an hour.

We finally got a bill passed later on after he vetoed this one, but it was watered down greatly for much less, and it is already obsolete. Nobody will argue that $4.55 an hour will provide food, clothing, and shelter and a decent life for any family in America, yet we were trying to bring it up from $3.35 an hour, which was ridiculous. The minimum wage had not been raised in 10 years. So we were trying to help American families.

This was a family vote. This was a family bill. This was family legislation.

At that time the administration argued that it would hurt industry, to raise the minimum wage in America would hurt industry in this country. They argued that it would give our competition, our foreign competition in Germany and Japan an advantage. They already have minimum wages that are higher than this, but they argued that.

You might say there was room for some honorable disagreement. One could legitimize the fact that they had an argument of some kind when it came to their distorted perception of what would hurt or what would harm the American economy, but there is no legitimate reason for doing the same with the Family and Medical Leave Act, because no money is involved. No argument can be made that it is going to hurt American productivity. No argument can be made seriously that it is going to lessen the number of jobs, and certainly no argument can be made that our competition in Germany or Japan or Great Britain or Canada would be hurt or would be given an advantage and we would be hurt, because our competition already provides more generous family leave benefits than are provided in this bill. So that argument cannot be offered.

Families are being hurt by the position the administration is taking today without anybody being able to make an argument that they have a good reason to suspect or believe that the economy would be damaged in some way if we passed this bill.

The record of vetoes is a record which I think from day one to the last veto on July 2, 1992, veto No. 31, indicates how much this administration is being held hostage by rightwing dogma.

The first veto, as I said before, was June 13, 1989. The bill raised the minimum wage to $4.55 an hour from $3.35 an hour and was vetoed.

The last veto on July 2, 1992, the 31st veto of this administration, was legislation which would have required States to allow voter registration when citizens apply for drivers' licenses or government benefits. That was the last veto.

The rightwing says no, it is un-American to encourage people to register to vote.

Of all the democracies in the world, we have the least turnout, the lowest number of people registered, the lowest number of people who come out to vote, yet we are the originators of modern democracy.

We discourage, however, people registering. We discourage people from coming out to vote. We do not do what many other nations do. There are some nations which allow people to come to the polls and vote whether they are registered or not. There is no registration. You register when you vote. There are other nations that automatically register everybody at the time they are born. There are nations that register people when they get drivers' licenses. There are a number of ways to encourage people to vote if you really believe in democracy; but this administration is a captive of a group of people who do not believe in democracy. They insist that if you make voter registration easier, then automatically you are going to get more of those people, those Democrats registered.

Well, the American voters and American democracy is far more subtle than that, far stronger than that. No matter what we have done, we have gotten a strong two-party system over the years. I wish we had a third party sometimes. Maybe we could do with four parties; but, nevertheless, the two-party system works and works very well, regardless of what you do.

So why are we afraid of registering people. Why is the White House afraid of having more liberal laws in order to permit people to register when they apply for drivers' licenses or when they apply for government benefits? That was the last veto.

As I said before, this record of vetoes is a record of what is wrong with the country, what is wrong with the leadership.

□ 1640

My advice is: "If you're angry at politicians, don't be angry blindly. Know exactly why you're angry at poli-

ticians, and know that all politicians are not the ones to blame. The burden of blame should not be borne by those of us who have fought hard to produce legislation which benefits American families, which benefits the total economy."

Mr. Speaker, we have a record here of a White House, of an administration, that has consistently taken a no position and blocked decisions that would have moved us forward. I will not go through all of the 31 vetoes, but I think some should be highlighted. I think that this record should be made available if anyone wants to see it.

Mr. Speaker, I will include in the RECORD in its entirety the table from the New York Times of Sunday, August 9, 1992. It is entitled "A Roll Call of Resounding Noes, Bush's Veto Record," and his third veto again is indicative of where this administration is going and has been. It is indicative of how this administration is held hostage by the rightwing.

On August 16, 1989, the third Presidential veto was a bill on enrollment requirements for savings and loan bailout. It is a bill which would have made the savings and loan bailout effort stronger and given greater protection to the taxpayers. But that was vetoed on August 16, 1989.

The 10th veto took place on November 30, 1989. That is legislation that would have allowed Chinese students to stay in this country after their visas had expired.

Now how does this relate to our economy? How does it relate to American workers? How does it relate to democracy? It is very basic. The President consistently has taken the position that they do not want to do anything to offend China because China has trade going. They have opened up to trade with American business interests, and American business interests are very much afraid of offending the Chinese overlords, the Chinese dictators, the brutal oppressors of the Chinese student movement.

Business comes first even if business means squelching the rights of Chinese students. Business comes first because, after all, we get a lot of very cheaply manufactured products in from China, a lot of them made from prison labor, and, despite the fact that they are manufactured at a very cheap cost, the price is hiked up, and the stores sell them for amounts of money consistent with our standard of living, and they make huge profits. Huge profits are being made off of goods coming from China, so the administration took steps to protect our relationship with China.

No, no, no, we do not do anything to offend the Chinese. That was veto No. 10.

Veto No. 12 took place on June 15, 1990. That was a bill that would have allowed Federal workers to take part in partisan political activities on which they have been barred for over 50 years. That is called the Hatch Act, a bill which would have extended our democracy. The Hatch Act never had a good reason for being there in the first place, but certainly 50 years later there are safeguards to permit abuses by anyone on the Federal payroll in respect to elections.

It is just like veto 31, the bill that would have allowed greater voter registration. There is fear, fear that, if we create more freedoms, if we encourage people to participate in the democratic political process, somehow the right wing is going to be hurt, somehow the Republican Party is going to be hurt. That fear drives this administration to veto a bill that would have given workers the right to participate in political activities for the first time since they were barred 50 years ago.

Veto No. 14 is a bill that would restrict the growth of textile and clothing imports to 1 percent a year and freeze shoe imports at 1989 levels. We already have large numbers of textiles and shoes coming in, and there is free trade already which is robbing us of jobs and employment opportunities. Nobody was seeking to roll back the kind of free trade that already existed. We wanted to restrict the increase, stop the growth of textile and clothing imports to 1 percent, and freeze the shoe imports at the level of 1989. That bill was vetoed.

Do my colleagues want to know why we are in such terrible shape? First we start off with a veto by the President which will not raise the minimum wage. If we do not raise the minimum age, workers cannot keep pace with the cost of living. The workers cannot go out and buy the goods that are produced in this country, let alone those that are being poured into the country from outside the country.

We are destroying the great secret of the modern miracle. The locomotive which drives the free world market is the consumer market of the United States of America. Everybody has wanted to get in on our consumer market because we have the biggest consumer market in the world. The Japanese wanted in, the Germans wanted in, everybody wanted in, and everybody benefited from it.

Why do we have such a large consumer market? Why? Because we have the best paid workers in the world. We have the best distribution of the wealth. We once had it; we do not have it anymore. Those workers making decent wages went out and bought the products, and now not only do we insist on not keeping their wages at a reasonable level, but we will not protect them from imports from countries who are paying much lower wages. So, veto No. 14 had a direct relationship with veto No. 1.

Veto No. 16, October 22, 1990; that veto was a veto of a bill that would have reversed the Supreme Court decisions that would have limited the effect of Federal laws against job discrimination. The President said it would lead to job quotas.

That was the civil rights bill that the President vetoed. That was a bill which was based on the fact that we had gone along for years and reached a point where employers, and employees and civil rights organizations were very comfortable with the kind of procedures we had to deal with discrimination in industry, and at that point the Reagan-appointed Supreme Court began to turn around some of the provisions, and Congress sought to correct it, but the President would not go along with it. He branded it as a job quotas bill and vetoed it. He not only set us back in the eyes of the world in terms of the opportunities offered all groups and all races here in this country, but he also hurt the economy by creating opportunities for more litigation and interfering with a procedure, interrupting a procedure, that industry had come to accept, and understood and was perfectly comfortable with, as well as labor and civil rights organizations.

Veto No. 17, November 1990, was a pocket veto of a bill which was passed by the Congress, the Senate and the House, and my colleagues must understand that when a veto takes place that it means the bill has already gone to the House of Representatives and the Senate. Both of those bodies have agreed that this is good legislation. For the President to veto a bill of this nature, of the kind that he vetoed in his 17th veto of November 1990, requires an explanation.

Mr. Speaker, everybody cares about health care. All senior citizens write the White House and demand an explanation of why a bill that would have stopped companies from making huge and unintended profits on the production of drugs for rare diseases which the Senate and the House passed, a bill which was to plug up some loopholes and stop companies, drug-making companies, from making huge and unintended profits under a law to spur production of drugs for rare diseases, stop greed, stop gouging on people's illnesses and diseases, why that bill was vetoed by the President with a pocket veto in November 1990. It was the 17th veto.

The 23d veto was a veto of the bill that would extend unemployment benefits. Again, I served on the Committee on Education and Labor. We are very much in touch with the situation from day to day and week to week as to what the terrible impact of unemployment is on human beings, never mind some kind of abstraction called the economy. It is not the economy; it is the people, people who are suffering and hurt as a result of the decisions and the policies of this administration,

as a result of this administration being captured by rightwing dogma.

The bill that would extend unemployment benefits, would have given another 13 weeks, was vetoed by the President. There was a long series of negotiations, and while those negotiations were taking place, people were suffering, and even now we have a need to go again to extend unemployment benefits. We must, before this Congress adjourns, take one more step to make another extension. But the President has fought every step of the way.

□ 1650

Those people who are hurting out there and have no recourse but to apply for unemployment benefits should understand that it is not all politicians. The problem is not with Congress. The problem is clearly a problem that you can target: The problem is with the White House and the fact that the White House is bound up by rightwing dogma and unable to move even when it is obvious that the economy needs it and the people out there who have families need it.

Families, that is no concern of this administration. It is the blind dogma of the rightwing that says never do anything that business does not want you to do. Never do anything that upsets business. Business is blind and does not really know its own interests, but the White House plugs on, refusing to do the obvious.

It was obvious that we needed unemployment benefits on October 11, 1991. We were already in very serious trouble with this economy. Yet they kept telling themselves, fooling themselves, and letting their own public relations hype influence them about the economy, insisting things were better than they seemed to be, insisting things were going to get better. But, of course, they did not.

We needed those unemployment benefits then, and we need another extension now, but the President vetoed them. We have gotten unemployment benefits extended since then only through the efforts of those of us who continue to fight hard for those people out there who are hurting.

If you are hurting, do not blame everybody. Blame the White House.

Veto No. 26 took place on March 2, 1992. This is a veto of legislation that would put conditions on the renewal of China's favorable trade access.

Again, the Chinese cannot be upset because we have opened up trading relations with them. Very big American businesses have given the White House the order, don't do anything to upset the Chinese. Even if it means protecting our own trade interests, even if it means protecting the human rights of students who have no one else to defend them in China.

Veto No. 28 was legislation to overhaul campaign financing. If you are angry at the process, if you are angry at the corrupt politicians, don't be angry at all of us politicians. Don't be angry at all Members of Congress. Some of us fought very hard to get a bill which would overhaul campaign financing as one of the many things that have to be done to streamline the way our Government works.

The President vetoed the bill to overhaul campaign financing on May 9, 1992.

Veto No. 30 was June 23, 1992. It was a bill that would have lifted the administration's ban on federally financed research, on the use of tissue from aborted fetuses.

This is another example of dogma, subjection, bowing to dogma on the right, despite the fact that all the scientists, the doctors, everybody says that we need to use this tissue and that many lives of human beings who exist already would be saved, many elderly people, research for Alzheimer's disease and a number of other diseases, which would be benefited from the use of tissue from aborted fetuses.

In the face of science, in the face of reason, despite the fact that there was no logical argument to give justice to this veto, the administration vetoed that bill on June 23, 1992.

Again, on July 2, 1992, we had the last veto, the veto of the legislation that would have required States to allow voter registration when citizens apply for driver's licenses. Our Government would benefit.

Thirty-one vetoes so far. Today, the Family and Medical Leave Act headed for the White House will head into another blind veto by a White House that is held hostage by rightwing ideology, rightwing dogma.

I think every voter should examine this notorious and disgraceful record of vetoes, and every voter should understand why voters have a legitimate right to be angry at this kind of behavior and this kind of record. Every voter should understand that that anger should be properly directed.

It is not fair to brand every elected official as being irresponsible, every elected official as being corrupt and not caring. We do care about families, those 241 of us who voted today for the Family and Medical Leave Act. We do care about families. We do care about the economy.

The problem is not here in the Congress, the problem is in the White House. The problem is that we have a White House that is being held hostage by rightwing ideology, by rightwing dogma. We have a White House that has given up all reason. They do not do things in a reasonable way. They do not understand what is good for the country. They plod along blindly, obediently to an ideology that will take the entire country down to ruin.

The Soviet Union was a victim of the same kind of blind obedience to ideology. No matter what the truth told, the people who were making decisions in the Soviet Union refused to accept it. They were wed to an ideology that says that the market did not matter, that said that world opinion did not matter, that said all you had to do was keep building bombs and tanks and guns. Never mind raising the standard of living of the people.

The Soviet Union, a giant superpower just a few years ago, has collapsed. It is no more. The bigger they are, the faster and harder they fall.

It is possible for the United States of America to fall also if we continue to accept leadership that is being held hostage by blind ideology and blind dogma. We need a change. We need a change in the White House to a leadership that will not give us a record of 31 vetoes, not give us a record of blocking decent legislation, of stagnating the economy. We need leadership that cares about families. That not just talks about families, not just talks about family values, but when there is a time to act, when there is a simple bill like the Family Medical Leave Act which does not cost a single dime for any voter, for any taxpayer, that Family Medical Leave Act should be signed, because it will benefit families.

We care about families and we voted. We hope that the White House will change its ways and decide to shake off the shackles of rightwing dogma and support, sign into law, the Family and Medical Leave Act.

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. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mr. DREIER of California, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mr. WALKER, for 60 minutes each day, for today and September 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and October 1, 2, and 3.

Mrs. BENTLEY, for 60 minutes each day, on September 29, 30, and October 1, 2, 3, 6, 7, 8, 9, and 10.

Mr. BURTON of Indiana, for 60 minutes each day, on October 1, 2, and 3.

(The following Members (at the request of Mrs. COLLINS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today.

Mrs. KENNELLY, for 5 minutes, on September 15.

Mr. MURTHA, for 60 minutes, on October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. HOUGHTON.
Mr. BEREUTER.
Mr. DICKINSON.
Mr. RITTER.
Mr. CUNNINGHAM.
Mr. MOLINARI.
Mr. MICHEL.
Mr. RHODES.
Mr. BAKER in two instances.
Mr. PACKARD.
Mr. FIELDS.

(The following Members (at the request of Mrs. COLLINS of Illinois) and to include extraneous matter:)

Mr. LANTOS in two instances.
Mr. MAZZOLI.
Mr. FORD of Michigan.
Mr. FALEOMAVAEGA in five instances.
Mr. PALLONE.
Mr. ASPIN.
Mr. NOWAK.
Mr. SCHUMER.
Mr. LAFALCE.
Ms. KAPTUR.
Mr. DOWNEY.
Mr. SOLARZ.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.) under its previous order, the House adjourned until Monday, September 14, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4210. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1, 1992 through June 30, 1992, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

4211. A letter from the Acting Director, Resolution Trust Corporation, transmitting a report entitled "Progress of Investigations of Professional Conduct through June 30, 1992," pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

4212. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to Mexico, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

4213. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92-37), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4214. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Austria for defense articles and services (Transmittal No. 92-44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC-28-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4216. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Departments of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 92-38), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4217. A letter from the Deputy Assistant Secretary (Requirements and Resources), Department of Defense, transmitting the report on the military retirement system as of September 30, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4218. A letter from the Executive Secretary, Federal Reserve Employee Benefits System, transmitting the annual report of the retirement plan for employees of the Federal Reserve System as required by Public Law 95-595 prepared as of December 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4219. A letter from the Administrator, National Aeronautics and Space Administration, transmitting proposed use of R&D funds in the Spacecraft Systems Development and Integration Facility; to the Committee on Science, Space, and Technology.

4220. A letter from the Chairman, Federal Election Commission, transmitting the Commission's budget request for the fiscal year 1994, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House Administration and Appropriations.

4221. A letter from the Secretary of Energy, transmitting a report entitled "Toms Creek Integrated Gasification Combined Cycle Demonstration Project," proposed by Tampella Power Corp. and Coastal Power Production Co.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

4222. A letter from the Secretary of Energy, transmitting a report entitled "Milliken Clean Coal Technology Demonstration Project," proposed by New York State Electric and Gas Corp.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

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. BROOKS: Committee on the Judiciary. A report on the Inslaw Affair (Rept. 102-857). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3047. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion; with an amendment (Rept. 102-858). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 561. Resolution providing for the consideration of H.R. 450 to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes (Rept. 102-859). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 562. Resolution providing for the consideration of H.R. 3724 to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes (Rept. 102-860).

Mr. DERRICK: Committee on Rules. House Resolution 563. Resolution providing for the consideration of H.R. 5231 to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes (Rept. 102-861). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. GOODLING, Mr. PERKINS, Mr. GUNDERSON, and Mr. SMITH of Iowa):

H.R. 5925. A bill to amend title VII of the Civil Rights Act of 1964 to establish a revolving fund for use by the Equal Employment Opportunity Commission to provide education, technical assistance, and training relating to the laws administered by the Commission; to the Committee on Education and Labor.

By Mr. CRANE:

H.R. 5926. A bill to amend the Internal Revenue Code of 1976 to eliminate the provision that permits payments from the Presidential election campaign fund for the expenses of Presidential nominating conventions; jointly, to the Committee on Ways and Means and House Administration.

By Mr. HUNTER:

H.R. 5927. A bill to amend the Internal Revenue Code of 1986 to allow accelerated depreciation for equipment used to manufacture advanced materials or to develop advanced technologies, to reduce capital gains taxes, and to impose a minimum tax on foreign and foreign-owned corporations operating in the United States; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 5928. A bill to amend chapter 2 of title 3, United States Code, relating to the office and compensation of the President and related matters; to the Committee on Post Office and Civil Service.

H.R. 5929. A bill to amend title 5, United States Code, to provide that an individual

serving in a position in the competitive or excepted service, under an indefinite or temporary appointment, who performs at least 2 years of service in such a position within a 5-year period, and who passes a suitable noncompetitive examination, shall be granted competitive status for purposes of transfer or reassignment; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN of California (for himself, Mr. THOMAS of Georgia, Mr. LIVINGSTON, Mrs. SCHROEDER, and Mr. ATKINS):

H.R. 5930. A bill to establish the Office of Law Enforcement in the U.S. Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTINEZ:

H.R. 5931. A bill to assure the quality of security services and competence of security officer personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. RHODES (for himself and Mr. PASTOR):

H.R. 5932. A bill to provide for the resolution of the conflicting water rights claims for lands within the Roosevelt Water Conservation District in Maricopa County, AZ, and the Gila River Indian Reservation; 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. 78: Mr. HENRY.
H.R. 110: Mr. BLAZ.
H.R. 301: Mr. DOOLITTLE.
H.R. 386: Mr. HOYER and Mr. SANDERS.
H.R. 943: Mr. GEREN of Texas.
H.R. 978: Mr. PICKLE.
H.R. 1245: Mr. KLUG and Mr. DOOLITTLE.
H.R. 1430: Mr. SKAGGS and Mr. JEFFERSON.
H.R. 1468: Mr. CLEMENT.
H.R. 1541: Mrs. VUCANOVICH, Mr. JOHNSON of South Dakota, and Mr. LAUGHLIN.
H.R. 2070: Mr. HOAGLAND.
H.R. 2245: Mr. KOLBE.
H.R. 2248: Mr. PASTOR.
H.R. 2419: Mr. TORRICELLI and Mr. PAYNE of Virginia.
H.R. 2890: Mr. HALL of Texas.
H.R. 2916: Mr. ATKINS and Mr. ERDREICH.
H.R. 3407: Mrs. LLOYD.
H.R. 3441: Mr. CRANE.
H.R. 3677: Mr. OLVER.
H.R. 3718: Mr. WYLIE, Mr. MACHTLEY, Ms. PELOSI, Mr. TOWNS, Mr. JONTZ, and Mr. MINETA.
H.R. 3841: Mr. HERGER, Mr. SENSENBRENNER, Mr. BATEMAN, and Mr. MONTGOMERY.
H.R. 4207: Mr. LIVINGSTON and Mr. MCCLOSKEY.
H.R. 4256: Mr. BARRETT.
H.R. 4294: Mr. LAGOMARSINO.
H.R. 4295: Mr. LAGOMARSINO.
H.R. 4297: Mr. LAGOMARSINO.
H.R. 4334: Mr. PETRI, Mr. BARNARD, and Mr. SARPALIUS.
H.R. 4401: Mrs. LLOYD.
H.R. 4418: Mr. CLINGER, Mr. POSHARD, Mr. RHODES, Mr. SPENCE, Mr. ATKINS, Mr. SERRANO, Mr. WOLF, Mr. BAKER, Mr. SHAYS, Mr. KILDEE, and Mr. LEWIS of Georgia.
H.R. 4542: Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. COLEMAN of Texas, Ms. DELAURO, Mrs. LOWEY of New York, Mr. PAYNE of New Jersey, Mr. RHODES, Mr. MORAN, and Mr. COSTELLO.
H.R. 4551: Mr. HALL of Ohio and Mr. LEWIS of Georgia.
H.R. 4600: Mr. ATKINS.
H.R. 4601: Mr. ATKINS.
H.R. 4602: Mr. ATKINS.
H.R. 4603: Mr. ATKINS.
H.R. 4604: Mr. ATKINS.
H.R. 4605: Mr. ATKINS.
H.R. 4606: Mr. ATKINS.
H.R. 4608: Mr. ATKINS.
H.R. 4609: Mr. ATKINS.
H.R. 4730: Mr. MARKEY.
H.R. 4754: Mrs. LOWEY of New York.
H.R. 4755: Mr. BARRETT.
H.R. 4775: Ms. KAPTUR, Mr. FROST, Mr. GAYDOS, Mr. GONZALEZ, Mr. SERRANO, and Mr. MFUME.
H.R. 4836: Mr. KLUG.
H.R. 4897: Mr. MCEWEN and Mr. RAHALL.
H.R. 5020: Ms. DELAURO, Mr. JOHNSON of South Dakota, Mr. SISISKY, Mr. PAYNE of Virginia, Mr. GINGRICH, Mr. COLEMAN of Texas, and Mr. OLIN.
H.R. 5097: Mr. SANDERS.
H.R. 5199: Mr. LEWIS of California and Mr. SANDERS.
H.R. 5216: Mr. HANCOCK and Mr. MCDADE.
H.R. 5229: Mr. SCHIFF, Mr. RAVENEL, Mr. LIVINGSTON, Mr. BURTON of Indiana, Mr. NICHOLS, Mr. MCEWEN, and Mr. GOSS.
H.R. 5307: Mr. HORTON, Mr. SHAW, Mr. SOLOMON, and Mr. SKEEN.
H.R. 5325: Mr. YOUNG of Alaska and Mr. ROHRABACHER.
H.R. 5401: Mr. SMITH of New Jersey.
H.R. 5449: Mr. RANGEL.
H.R. 5476: Mr. JOHNSTON of Florida, Mr. KOPETSKI, Mr. BONIOR, Mr. SHAYS, and Mr. VANDER JAGT.
H.R. 5499: Mr. LEACH.
H.R. 5542: Mr. OXLEY.
H.R. 5549: Mr. ATKINS.
H.R. 5550: Mr. HASTERT.
H.R. 5551: Mr. HASTERT.
H.R. 5553: Mr. KLUG.
H.R. 5554: Mr. ATKINS.
H.R. 5573: Mr. MATSUI.
H.R. 5592: Ms. DELAURO and Mr. BLACKWELL.
H.R. 5613: Mr. MFUME, Mr. HUTTO, Mr. FAWELL, and Mr. ACKERMAN.
H.R. 5633: Ms. NORTON, Mr. TOWNS, Mr. OWENS of New York, Mr. FOGLIETTA, and Mr. BEILENSON.
H.R. 5634: Mr. FOGLIETTA, Mr. OWENS of New York, Mr. AUCOIN, Mr. STARK, Mr. BERMAN, Mr. BEILENSON, Mr. PORTER, and Mr. HOCHBRUECKNER.
H.R. 5665: Mr. CAMP.
H.R. 5680: Mr. BILIRAKIS, Mr. GALLO, Mr. MARTINEZ, Mr. HAYES of Illinois, Mr. RAVENEL, and Mr. MINETA.
H.R. 5682: Mr. HORTON, Mr. BEILENSON, and Ms. NORTON.
H.R. 5717: Mr. HERGER.
H.R. 5729: Mr. HERGER.
H.R. 5746: Mr. OWENS of Utah, Mr. VANDER JAGT, Mr. LAROCCO, Mr. STUMP, Mr. OLVER, Mr. HANSEN, Mr. STALLINGS, Mr. PALLONE, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. MCCOLLUM, Mr. OLIN, Mr. ATKINS, Mr. HALL of Texas, Mr. SCHEUER, and Mr. CRANE.
H.R. 5776: Mr. GALLEGLY, Mr. BATEMAN, Mr. TOWNS, Mr. MCNULTY, and Mr. EVANS.
H.R. 5777: Mr. BLACKWELL, Ms. NORTON, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. RANGEL, and Mr. FROST.
H.R. 5787: Mr. ZELIFF and Mr. COX of California.
H.R. 5800: Mr. COLEMAN of Missouri.
H.R. 5807: Mr. TOWNS, Ms. NORTON, Mr. YATES, Mr. OWENS of New York, Mr. BERMAN, Mr. BEILENSON, Mr. HUGHES, and Mr. EVANS.
H.R. 5832: Mr. TOWNS, Mr. HAMILTON, Mr. BACCHUS, Mr. BUSTAMANTE, Mr. BERMAN, Mr. REED, Mr. ESPY, Mr. JACOBS, Mr. LIPINSKI, Mr. FROST, and Ms. KAPTUR.
H.R. 5872: Mr. GILMAN.
H.J. Res. 378: Mr. PAYNE of New Jersey and Mr. ANDREWS of Maine.
H.J. Res. 380: Mr. JONES of Georgia, Mr. BONIOR, Mrs. MEYERS of Kansas, Mr. COLEMAN of Texas, Mr. HUBBARD, Mr. LUKEN, Mr. MCCLOSKEY, Mr. RITTER, Mrs. LOWEY of New York, Mr. MARTINEZ, Mr. ANNUNZIO, Mr. HUGHES, Mr. BALLENGER, Mr. WHEAT, Mr. GEKAS, Mr. GOODLING, Mr. LEWIS of Georgia, and Mr. ANTHONY.
H.J. Res. 399: Mr. HUBBARD.
H.J. Res. 413: Mr. ABERCROMBIE, Mr. APPLEGATE, Mr. BLACKWELL, Mr. BORSKI, Mrs. BOXER, Mrs. BYRON, Mr. DE LA GARZA, Mr. DICKINSON, Mr. DORGAN of North Dakota, Mr. ECKART, Mr. FAZIO, Mr. GILLMOR, Mr. GINGRICH, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HOBSON, Mr. HOCKBRUECKNER, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MARKEY, Mr. MATSUI, Mr. MAZZOLI, Mr. MCEWEN, Mr. NEAL of Massachusetts, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. RAHALL, Mr. REED, Mr. RHODES, Mr. SMITH of Florida, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WISE, Mr. WHITTEN, Mr. WOLF, Mr. YATES, Mrs. COLLINS of Illinois, Mr. HOYER, Mrs. JOHNSON of Connecticut, Ms. LONG, Mr. MINETA, Mr. RITTER, and Mr. SWETT.
H.J. Res. 418: Mr. LAGOMARSINO.
H.J. Res. 450: Mr. COSTELLO, Mr. JACOBS, and Mrs. BENTLEY.
H.J. Res. 474: Mr. FAZIO, Mr. CALLAHAN, Mr. WALSH, Mr. SUNDQUIST, and Mrs. LOWEY of New York.
H.J. Res. 479: Mr. HAMILTON, Mr. MCCLOSKEY, Mr. JONTZ, Mr. REED, Mr. KASICH, Mr. MCEWEN, Mr. BENNETT, Mr. DARDEN, Mr. BREWSTER, Mr. HOAGLAND, Mr. VOLKMER, Mr. CHAPMAN, Mr. MARTINEZ, Mr. ARCHER, Mrs. MORELLA, Ms. LONG, Mr. HANSEN, Mr. SAVAGE, Mr. HAYES of Illinois, and Mr. CALLAHAN.
H.J. Res. 484: Mr. BOUCHER, Mr. VANDER JAGT, Mr. GEKAS, Mr. VOLKMER, Mr. GOODLING, Mr. HAMMERSCHMIDT, Mr. RANGEL, Mr. WALSH, and Mr. PANETTA.
H.J. Res. 500: Mr. BATEMAN, Mr. BRYANT, Mr. COLEMAN of Texas, Mr. EARLY, Mr. FIELDS, Mr. HAYES of Louisiana, and Mr. JONES of Georgia.
H.J. Res. 520: Mr. ACKERMAN, Mr. BARTON of Texas, Mr. BEVILL, Mr. BOUCHER, Mr. BUNNING, Mrs. BYRON, Mr. CAMPBELL of Colorado, Mr. COX of California, Mr. CRANE, Mr. DEFAZIO, Mr. DELAY, Mr. ENGLISH, Mr. FAZIO, Mr. GEJDENSON, Mr. GIBBONS, Mr. GLICKMAN, Mr. GOSS, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HERTEL, Mr. HUCKABY, Mr. INHOFE, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mrs. LOWEY of New York, Mr. MAZZOLI, Mr. MFUME, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mr. NATCHER, Ms. OAKAR, Mr. OBEY, Mr. OLIN, Mr. PALLONE, Mr. PANETTA, Mrs. PATTERSON, Mr. PAYNE of New Jersey, Mr. PICKETT, Mr. PICKLE, Mr. RAHALL, Mr. RHODES, Mr. SANGMEISTER, Mr. SERRANO, Mr. SKAGGS, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STOKES, Mr. SWIFT, Mr. SYNAR, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THORNTON, Mr. TRAFICANT, Mr. VALENTINE, Mr. VISCLOSKY, Mr. WASHINGTON, Mr. WHEAT, Mr. WHITTEN, Mr. WISE, and Mr. YOUNG of Alaska.
H.J. Res. 523: Ms. HORN, Mr. BATEMAN, Mr. BLILEY, and Mr. MARTINEZ.

H.J. Res. 538: Mr. WEISS, Mr. BACCHUS, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. STUDDS, Mr. COLORADO, Mr. MOAKLEY, Mr. STARK, Mr. LEHMAN of Florida, Ms. NORTON, Mr. APPLEGATE, Mr. SISISKY, Mr. LEWIS of Georgia, Mr. HORTON, Mr. SERRANO, Mr. SHAYS, Mr. GONZALEZ, Ms. OAKAR, Mrs. MORELLA, Mr. KANJORSKI, Mr. ESPY, Mr. MCMILLEN of Maryland, Mr. DELLUMS, Mr. CARPER, Mr. KLECZKA, Mr. RICHARDSON, Mr. MATSUI, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. YATES, Mr. WAXMAN, Mr. HAYES of Illinois, and Mr. VENTO.

H.J. Res. 540: Mr. GEKAS.

H.J. Res. 542: Mr. BLAZ, Ms. OAKAR, Ms. PELOSI, Mr. OLVER, Mr. CARPER, Mr. BEVILL, Mr. PORTER, Mr. HOCHBRUECKNER, Mr. ESPY, Mr. COSTELLO, Mr. MCCLOSKEY, Mr. FRANKS of Connecticut, Mr. SKELTON, Mr. PAYNE of Virginia, and Mr. PANETTA.

H. Con. Res. 255: Mr. MARKEY.

H. Con. Res. 324: Mr. MILLER of Washington, Mr. HARRIS, Mr. GINGRICH, and Mr. REED.

H. Con. Res. 326: Mr. BRUCE.

H. Con. Res. 337: Mr. OLVER and Mr. KLECZKA.

H. Con. Res. 354: Mr. ATKINS, Mr. BACCHUS, Mr. BURTON of Indiana, Mr. DE LA GARZA, Mr. GILMAN, Mr. GUARINI, Mr. HANCOCK, Mr. HEFLEY, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. MARLENEE, Mr. MILLER of Washington, Ms. MOLINARI, Mr. NATCHER, Mr. OXLEY, Mr. RAY, Mr. SKELTON, Mr. SPENCE, and Mr. VOLKMER.

H. Con. Res. 358: Mr. PAYNE of New Jersey, Mr. ABERCROMBIE and Mr. POSHARD.

H. Res. 415: Mr. FIELDS, Mr. EMERSON, Mr. OBERSTAR, and Mr. STEARNS.

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. 1300: Mr. KILDEE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

176. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to Congress reducing military services and appropriating additional funding for human services; which was referred jointly, to the Committees on Armed Services, Education and Labor, Energy and Commerce, Public Works and Transportation, Ways and Means, and Banking, Finance and Urban Affairs.