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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 10, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

THIS CONGRESS IS ANTIEVERYTHING THE CONGRESSIONAL CAUCUS ON WOMEN'S ISSUES HAS WORKED FOR

Mrs. SCHROEDER. Mr. Speaker, I take the floor to talk about some interesting things that symbolize what is happening in the political debate in this House.

Last week we saw a real brouhaha on this floor about something I never thought we would see a brouhaha over. There are three women in the basement of this building that represent the suffragettes, and when that statue

was done, they were supposed to bring that statue and bring it in the rotunda. As my colleagues know, the statue was done many, many years ago, but they never put it in the rotunda. They have kept it in the basement.

Mr. Speaker, this year we are celebrating the 75th anniversary of women having the right to vote, and so some of us thought, well, maybe it is time we could at least keep our word to the people who paid for that statue and see if we could bring it up to the second floor where it belongs, in the rotunda. I guess they thought there were too many women in the rotunda already. I did not see any; I mean it is kind of a guy circle in there. But guess what? When it came to the floor, Members on the other side of the aisle said no, and that symbol, representing women and the gains they have made in the 75 years, got pushed back down in the basement where they still are if we were to walk around and see them. Hopefully we will finally reach some consensus on it.

But that also reflects what is happening to statutes, or laws, that have been passed by this body because many of the statutes that we have worked so hard to get through are being desecrated, they are being pushed back down or pushed out of the lawbooks, and let me talk about some of those.

One of the things that I was proudest to have participated in was in 1988 we did something I think every American and everyone who stands in this well and talks about family values ought to have been for, and that was no American family should be forced to go to the poorhouse because one person in that family got terribly ill. This bill was called the Spousal Impoverishment Act, and what it meant is that there were many elderly couples, and when one would get to the point where they needed to go to a nursing home, there was nothing else that could happen. Both had to sell everything they had

and be totally impoverished before Medicaid would allow one to go into the nursing home, and then, when that one was deceased, my colleagues can imagine what happened to the remaining spouse. There they were, totally impoverished.

Mr. Speaker, our bill said that was wrong, and what we should do in that family situation is divide those assets between each party and, yes, use the asset, the half of the assets that represent the one, but we do not impoverish them both because one got ill.

My colleagues, that was done away with by the Committee on Commerce last week as they marked up the Medicaid bill and had no hearings. So the spousal impoverishment statute, just like the women's suffrage statue, has not been allowed to come to the first floor. The spousal impoverishment statute has been shoved out of the lawbooks, and we are back to putting families' lives on the line.

Another thing that happened was that adult children, their homes could be attached, all sorts of things could happen if their family member was in a nursing home and could no longer pay. So it not only went to the immediate couple, it then could go back to their children, and we started reaching back and put liens on their homes and whatever until they started paying, and I do not think there is any American alive who wants their children to be tapped for that. We all want to be independent. We all hope we will live to be healthy in our old age and never need to have this happen. But again we have prevented that from happening through the law, and again that all disappeared as it came out of the Committee on Commerce in the new Medicaid bill as it now stands.

We saw on the Senate side, the other body, we had worked so hard for child support enforcement, strong child support enforcement. The other body in its wisdom has decided to put a 10-percent

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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tax on that. So, if the Government helps collect child support, the Government keeps 10 percent of that money.

Now, Mr. Speaker, that again, I think, is very antifamily values and antieverything the Congressional Caucus on Women's Issues had worked for. If my colleagues look at any number of other issues, they see them being rolled back, they see them being rolled back, and, as my colleagues know, people do not believe it. We had even the Violence Against Women Act barely, barely funded when it was unanimously agreed to a year ago.

I hope people watch what happens to that statue of those three women, and wake up and find out what is happening to the statutes that so many women have cared about, and men, too.

MEDISCARE TACTICS AND OTHER FALL FICTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning business for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I always enjoy spending time of course in the Sixth District in Arizona, but I also enjoy returning to the well of this body to hear some very creative accounts of what has transpired here, and I appreciate my predecessor here in the well for offering her unique interpretation on events, but, as the RECORD will reflect, because I have done some checking specifically about the statue of the suffragettes that came to the floor as a unanimous-consent request, one Member, a new addition to this House, the gentlewoman from North Carolina, stood in opposition citing the cost of \$80,000 to \$100,000.

Now there are those in this body who say, "Hey, it is no big deal. A little bit of money for a symbol; that's fine." I personally would like to see the statue brought up, but perhaps we ought to find some means of funding to remove the statue—

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. No, not at this time, I will not yield. The gentlewoman has had 5 minutes. I appreciate my amount of time. I will not yield to the gentlewoman at this time. I would be happy to debate her at a later time.

So too have we had interesting interpretations, not only from the gentlewoman and indeed from almost all the folks over here on this side of the aisle, as to what is transpiring in terms of health care for all Americans, but especially health care for senior citizens. I listened with great interest as my friends on the other side continue to play the game of "MediScare."

As my colleagues know, we thought the big fiction time for reading, Mr. Speaker, was in the summer with those great big, thick paperback books. No, no. It is right now here in the fall with the blatant charges that are coming from the other side that are just filled with disinformation.

With reference to the so-called spousal impoverishment statute, I would hope that Members on the other side would stand with us to rail against the greater source of spousal impoverishment and family impoverishment, and that is a confiscatory tax policy that penalizes for Americans for succeeding not only in this life, but from the grave. The same folks who voted to tax us retroactively maintain an estate tax that is absolutely confiscatory and punishes the very people we should be helping. Indeed our entire policy is this: "If you succeed in this Nation, somehow you are to be punished." It is not fair.

Why it is not fair that one works hard and succeeds. They ought to take that money and surrender it to the State.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I will not yield at this juncture. I will continue my remarks, and the gentlewoman has had her time earlier.

My colleagues heard it completely in the fiction that we will hear no doubt again from the other side today. It has been the greatest line. It is cited as a catechism even among the pollsters of the liberal news media who seek somehow to solidify something that is absolutely false. The other side will march to the well of this House and say that the new majority is trying to change Medicare to pay for a tax cut. That is just blatantly and totally false. The fact is the new majority worked very hard on a budget plan to bring this budget into balance within 7 years that paid for all of the tax reductions along the way.

My colleagues, here is the big secret that somehow is not getting out. Indeed, Mr. Speaker, I would challenge the major news media outlets of this Nation to use this part of my remarks because it is the absolute truth, and it is what people are missing in this whole debate. If our budget were balanced today, right now, we would still have a problem with the Medicare trust fund. Members of both parties, three members of the President's own Cabinet, tell us that Medicare is going broke. We have to fix it, and something else that follows the school lunch fiction and all the other scare tactics. The fact is we are not cutting Medicare. We are reducing the rate of growth. The average expenditure per beneficiary rises almost 40 percent over the next 6 years, from \$4,800 this year to \$6,700 in the year 2002. So, it is not a cut, and to hear the wailing and gnashing of teeth, and creative accounting from the other side almost defies imagination.

I say to my colleagues, apply it in everyday terms to your own life. Your son or daughter comes to you asking for an allowance. I use an example from my own. My oldest daughter, going from junior high to high school, wanted an allowance increase from \$5 a week. I felt in a sense of parental lar-

gesse we double it to \$10 a week. Now because I did not give her \$15, Mr. Speaker, she wasn't yelling that it was a cut of \$5. She got a real increase.

So, my colleagues and Mr. Speaker, listen closely to the charges. They are without foundation. It is the MediScare tactics of the past. Read the real record. Check the real numbers.

OUR SENIORS' CONCERNS ABOUT REPUBLICAN MEDICARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I will be very brief because the gentleman from Texas is being very kind. I am glad I got to answer these statements.

No. 1, the cost for bringing the statue up. There has been a private group that the Senate has put together that is willing to do this, it is my understanding, so that is not an issue.

No. 2, I find that countering spousal impoverishment by saying that estate taxes are too high; for heaven's sakes, if they are both in the poorhouse, estate taxes are not going to matter.

So we are beginning to see what the gentleman from Arizona and his party—

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

Mrs. SCHROEDER. Mr. Speaker, the gentleman did not yield to me, and I do not mind yielding. I think I yielded to the gentleman every time.

Mr. HAYWORTH. Will the gentlewoman yield?

Mrs. SCHROEDER. At this point, Mr. Speaker, I yield back to the gentleman from Texas, Mr. GENE GREEN.

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

Mr. GENE GREEN of Texas. I will yield, but let me make my remarks about the Medicare to my colleague from Arizona because I want to make sure my colleagues understand that that is what our morning hour here is about, so we can exchange ideas and talk about it.

Over the last week I spent a lot of time in my district, like other Members have, and I used this last week to meet with constituents, and visit a number of my senior citizens' centers, and answer their questions, and I have not had the opportunity to host our Social Security Commissioner, Dr. Shirley Chater, in Houston, and she toured one of our west-end senior citizen centers, the Magnolia Senior Nutrition site, and also the Texas Medical Center to talk with those who are most affected by the proposed cutbacks in Medicare.

□ 1245

You will notice I did not say cuts, cutbacks, because when you add more population to it and you do not plan for that increase, it is a cutback.

Ms. Chater made an interesting point during her visit. I would like to reiterate it. We have all heard the word "bankrupt" a lot. All by friends on the other side of the aisle stand up and wave the Medicare Trustees' report and explain how they are trying to save the system from going bankrupt. Ms. Chater is not only Social Security Administrator, but she is also one of the trustees of the Medicare trust fund, and she pointed out to the seniors in Houston, TX that the system really is not going bankrupt. It may have problems that need to be addressed, like it has eight times or nine times in its history over the last 30 years, but as long as people paid into the trust fund, those of us who are earning now, it is not going bankrupt as long as we plan for the future.

My friends on the other side of the aisle say we are scaring seniors. Seniors ought to be scared. I think the polls show they are getting scared by what they hear. In fact, they should be the ones that should quit scaring seniors into thinking they are going to cut \$270 million out of Medicare and it will not be around next year unless they do that, because that is what the fear is: Unless we cut \$270 million out of the growth over 7 years we will not have Medicare next year.

We will have Medicare next year, we will have it the year after that, but we need to have a reasonable plan to get its policies on expenditures in line like we do every Federal program; but not \$270 billion, more like \$90 billion. It is not true, and it is wrong to scare the people into thinking that.

Let us be honest with the American people. They need \$270 billion to meet their tax cut goals. I have heard those goals were met with the appropriation bills. But, Mr. Speaker, we have only passed one appropriation bill here on this floor that went to the President, and was vetoed last week, so those cuts are not in place.

Now they are talking about cutting Medicare. There are no ifs, ands, or buts; the seniors in this country will have to bear the brunt of the pain to balance that budget to give that tax break. That is the truth, and even the Republican Members of our other body have expressed strong opposition to cutting taxes while simultaneously slashing Medicare.

These Senate Republicans are beginning to say, as our Democrat leader, the gentleman from Missouri [Mr. GEPHARDT], has said for months, in fact the gentleman from Missouri was in Houston at another senior citizen site a few months ago, and said that before we start talking about reforming Medicare, let us sit down and look at the whole budget, but let us take off this tax cut of \$247 billion.

I was in Houston for over a week, and I have talked to hundreds of seniors. Several have asked me to outline what the plan entailed. I have briefly explained \$110 billion will come from health care providers, 80 billion from the beneficiaries and their increase in Medicare part B, and \$80 billion from future unspecified cuts will be decided by some bureaucrat here in Washington, DC. Of course, that begged the question: Who is going to make that decision? Will these unspecified cuts be out of providers, or will they come from increased beneficiaries' cuts? We do not know, but that is the only place this can come out of, unless we take more out of the Federal budget.

The translation is, I tell the seniors in my district, to expect more direct hits down the road if this plan passes. My constituents asked me, "It's kind of sketchy to us. Why don't we get some more detail?" I said, "Okay, that is what I will do." I am waiting, because I know the Committee on Ways and Means is still meeting, to see what their plan will do on these unspecified cuts.

Mr. Speaker, I know I have exhausted my time, and my colleague, the gentleman from Arizona [Mr. HAYWORTH], has left. But I know that I join with a lot of people, the AARP, the American Medical Association, and a lot of my colleagues on the other side of the aisle who question what may be happening to Medicare if we do not do something reasonable instead of cutting \$270 billion.

THE UPCOMING WHITE HOUSE CONFERENCE ON TRAVEL AND TOURISM

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, I want to say something today about a worldwide phenomenon that is taking place that we seem to be oblivious to, and we should be aware of. That is what is taking place in travel and tourism. If you take a look at the jobs, not only in our congressional districts but around the country and around the world, there is no industry like travel and tourism that is creating jobs and meaningful employment for people.

On October 30 and 31, let me repeat that, on October 30 and 31 of this year, of this month, we are going to be convening here in Washington the biggest White House conference on travel and tourism ever. As chairman of the Travel and Tourism Caucus here in Congress, the largest caucus here in Congress, I can vouch for the fact that we have not given enough recognition to travel and tourism. Travel and tourism does not ask anything from the Government, it just gives to the Government. It is the biggest tax producer in America. Tourism in the United States

is a \$360 billion business. It is the Nation's second largest employer.

Travel and tourism is a worldwide phenomenon. Do you know that 10 percent of all the jobs throughout the world come from the area of travel and tourism? It is also the largest producer of taxes in the world. Jobs and taxes translate into travel and tourism. This is true globally, but it is also true locally for all of us. In every single one of the 435 congressional districts, travel and tourism has a preponderant, overwhelming influence.

For example, in my own district in Wisconsin, tourism brought in more than \$6 billion in States' revenue. That is more than \$17 million a day, and it puts bread on the table of some 128,000 workers just in our State. Just in my district alone, people vacationing and traveling for business spend over \$700 million every year, and 18,000 new jobs are created as a result.

That is why I want all of our Congressmen to focus in on this conference on the 30th and 31st of this month, because it is the first time we have had a conference like this. If we want good-paying jobs for our people, if we are concerned about what is happening for senior citizens and Medicare and Medicaid and so on, we have to have dollars to fund those programs. Those dollars come basically from travel and tourism. All of us rely on the travel and tourism dollar.

We in Congress must recognize that industry for the jobs and prosperity it creates in our towns, cities, and throughout America, and quite frankly throughout the world. I want to do something positive here to help our working people. Therefore, I encourage all of you to become involved in the Travel and Tourism Caucus. We have some 280 members in our Travel and Tourism Caucus, but we have 435 Congressmen, so in this interim period, between now and the conference, the White House conference, I am asking every Member of Congress to join, to become a Member of the travel and tourist industry, because we have to high-profile this industry.

It is time for us to get involved. Travel and tourism is the incoming economic tide of the future. In every one of our congressional districts, in every part of America, in every part of the world, the global economy is being influenced by travel and tourism. October 30 and 31 is when the conference will be held, when we give recognition to the men and women who make travel and tourism such a wonderful benefit to our districts, our country, and the world.

CALLING FOR TIME FOR CONSIDERATION AND PUBLIC SCRUTINY ON PROPOSED MEDICARE REFORMS

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. I am very concerned, Mr. Speaker, that the Speaker, the gentleman from Georgia, NEWT GINGRICH, and the Republican leadership are basically moving forward with this Medicare plan that they have proposed much too fast and without any real opportunity for public scrutiny. I am a member of the Committee on Commerce, and not yesterday but the Monday previous, on October 2, we received a copy for the first time of the 421-page House Medicare restructuring legislation proposed by the Republican leadership. Later that same day, on Monday, October 2, our Committee on Commerce was expected to mark up the bill, without any opportunity for a hearing, without any opportunity, really, to even have looked at the legislation.

At the time, I proposed an amendment to postpone voting until hearings were held to review the impact of the legislation on senior citizens and the health care industry. All but one Republican voted against the measure, voted against the effort to postpone until we had hearings, and, of course, the amendment failed. Because of that, many members, the Democratic members of the Committee on Commerce, including myself, felt we really were just witnessing a railroad job, and there was no point in staying at the markup anymore.

Instead, on the next day, Tuesday, October 3, a week ago, the Democratic members of the Committee on Commerce called our own hearing to begin discussing the ramifications of this bill. I learned a number of things in the course of those hearings on the Republican Medicare proposal. First, I learned that of the \$270 billion proposed for reductions in Medicare, nearly half would not even go to shoring up the Medicare Hospital Trust Fund, known as Medicare part A, which the Republicans, and I believe falsely, are suggesting faces insolvency.

Instead, the seniors would be asked to pay more for physicians' and outpatient services under what is known as Medicare part B, and premiums would double from \$46.10 per month over the next 7 years to over \$90 a month. I make this distinction between part A and part B again because the Republicans keep talking about the insolvency, which is not really true, of part A, which is the hospital trust fund. Medicare part B, though, the fund which pays for physicians' care, and where the seniors are being asked now to pay twice as much for their premiums, that Medicare part B comes out of the same fund as would \$245 billion in tax cuts proposed by the Republican leadership.

I would maintain that since any changes to Medicare part B do not really impact part A, they are separate funds, it is highly likely that the part B cuts would be used for tax cuts, and

most of those, of course, much of that to the wealthiest of Americans. Do not let the Republican leadership fool you. Most of the money that they are talking about cutting is, in effect, going to be used for a tax cut. The amount of the cut in Medicare is almost equivalent to the \$245 billion tax cut they are proposing.

The other thing that I learned about this Medicare plan is that it essentially seeks to lure seniors into HMO's and other managed care programs with no choice of doctors. This is the main way that the Republican leadership proposes to save a lot of money, if seniors do not move into managed care plans. There are budgetary gimmicks in this legislation that would kick in and take even more money out of the Medicare system.

Previous to having received this Medicare legislation, I had talked on the House floor about the Republican proposals for a voucher system, where they would simply give a senior a voucher or a coupon for a certain amount of money and say, that is all we can afford. That is all we are going to give you for your Medicare. Of course, the Republican leadership said that is not what they had proposed as part of their Medicare program, but if you look at the details of the Medicare program, you can see that is exactly what it is. It is a voucher system, because essentially what they are doing is giving the HMO and the managed care system a certain set amount of money, and if a senior wants a better system, or if the HMO or managed care system wants to charge seniors more for a better quality health care system, then the senior has to pay for it. That is another thing that are not brought out, but if you look at the legislation, it is exactly true.

Then, beyond that, if over the next 7 years or over the next 5 years we find out that not enough money is saved because not enough seniors are going into the voucher system or into the HMO or the managed care system, then all the cutbacks, the so-called failsafe, where if they do not save enough money they are going to cut back more on the reimbursement to doctors, hospitals, and health care providers, all those cuts come in the fee-for-service system, the current system where seniors choose their own doctor or their own hospital.

What is effect you are going here with this Medicare legislation is saying, you either go into a voucher system, or if you do not, we are going to force you into one, because the cuts are going to come on the fee-for-service side. Mr. Speaker, I would like to talk about this more. Maybe there will be more of an opportunity later this afternoon.

THE SEATTLE MARINERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washing-

ton [Mr. METCALF] is recognized during morning business for 5 minutes.

Mr. METCALF. Mr. Speaker, I just have to say it, how about those Seattle Mariners? The whole Nation saw the playoff as they swept the Yankees in Seattle to win the divisional series.

To recap, in the bottom of the 11th inning, Joey Cora bunted to get to first base, then Ken Griffey, Jr. followed with a great single which moved Cora all the way to third, as we watched. Then as the American League's batting champion, Edgar Martinez, hit a ball to deep left field, we knew Cora was home. But did you see Ken Griffey, Jr. really hustle all the way from first base to score the winning run? What a finish.

I would like to place a friendly challenge to my colleague, the gentleman from Cleveland, OH. If the Mariners lose the American League series, I will send a box of Washington apples and a salmon to him. I look forward to what my colleague would risk on this wager.

Seriously, Mr. Speaker, I would like to congratulate the Mariners and Lou Piniella for their outstanding season, and it is not over yet. The Mariners just refuse to lose.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVERETT) at 2 p.m.

PRAYER

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

May the beauty of the day not be lost in our sight, may the majesty of Your many graces be known in our hearts, may the splendor of Your love ever live in our souls, and may Your hand of forgiveness lift us up and point us in the way. O gracious God, from whom comes every good gift and all abundant blessing so fill our minds and hearts and souls that the presence of Your spirit is real to us beginning this day and for eternity. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1655. An act to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1655) "An Act to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. MACK, Mr. COHEN, Mr. THURMOND, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, Mr. ROBB, and Mr. NUNN to be the conferees on the part of the Senate.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: I am writing to inform you that I will be resigning my position as the Member of Congress from the 15th Congressional District of California. The effective resignation date will be October 10, 1995.

Sincerely,

NORMAN Y. MINETA,
Member of Congress.

DEMOCRATS' DANCING ON MEDICARE PLAN

(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, the Democrats have detailed their own

Medicare plan, best referred to as the Fred Astaire of Medicare. Light on its feet and even lighter on its details, the Democrats' plan dances around the hard decisions of the Medicare crisis in search of easy, look-good answers.

It promises the seniors everything, everything except a Medicare system, because under the Democrats' plan, Medicare won't be around for the people who are 56 years old today.

Mr. Speaker, I ask my colleagues on the other side of the aisle to unlace those dancing shoes—don't give seniors the song and dance, then leave them to pay the band. Work with us to do what's right—let's save Medicare for the next generation, not just through the next election cycle.

MEDICARE PRESERVATION ACT

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

Mrs. KELLY. Mr. Speaker, there are two competing points of view regarding the future of Medicare; those that want to save the system and those that want to stand on the sidelines and try to scare as many seniors as possible.

For those of us committed to saving Medicare, our best weapon is a commodity that isn't always put to use in Washington: the truth. Despite what the other side continues to claim, the truth is, we're not cutting Medicare; Medicare spending increases under the Medicare Preservation Act.

The defining feature of our proposal is choice; seniors will now have the ability to choose from a range of health care options, from the fee-for-service approach of the traditional Medicare program to managed care options and medical savings accounts.

The most important truth that everyone must know is that Medicare faces imminent collapse in 7 years unless we act. We are offering a plan that increases Medicare spending, preserves the solvency of the system, and gives seniors new choices to better meet their health care needs.

I urge my colleagues on the other side of the aisle to stop the rhetorical warfare they are engaging in and work with us to preserve and protect Medicare.

DEMOCRATS CANNOT ADD

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

Mr. KNOLLENBERG. Mr. Speaker, it seems Goals 2000 bureaucrats have changed the way we teach addition and subtraction. If not, then how can the political operatives of the Democratic National Committee call a \$1,900 increase a cut? It's really quite simple. Either they can't add, or scaring senior citizens with imaginary Medicare cuts is the only way they believe Democrats can regain control of Congress.

While the Republican majority diligently works to save Medicare, the paid political hands at the DNC have launched a Medicare campaign that suggests that Republicans are cutting Medicare, even though our plan increases spending per Medicare beneficiary from \$4,800 this year to \$6,700 in 2002.

Mr. Speaker, scare tactics and fear mongering will not save Medicare. It's time for the minority party to fire their political advisors and join our efforts to preserve, protect, and strengthen Medicare. The American people want leadership from their Representatives in Congress—not cynical 30-second political ads.

THE REAL REPUBLICAN PLAN TO SAVE MEDICARE

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

Mr. EWING. Mr. Speaker, among the many myths that Democrats are perpetuating about the GOP plan to save Medicare, the biggest is that the Republicans want to cut Medicare. This is simply not the case. The Republican plan actually increases individual benefits from an annual \$4,800 to \$6,700 by the year 2002, and increases Medicare spending from \$161 billion this year to \$274 billion.

Two years ago it was explained to Congress that today, and I quote, "Today Medicaid and Medicare are going up three times the rate of inflation. We propose to let it go up at two times the rate of inflation. This is not a cut."

This quote is not from a Republican. This is from the President, President Clinton.

Mr. Speaker, I encourage both sides of the aisle to negotiate this and come together. Members should recognize that Medicare needs to be improved and saved.

You see, Mr. Speaker, at least some Democrats understand basic mathematics. At least some of them know that their wild claims about Republican efforts to save Medicare are false. Democrats, instead of scaring people, should roll up their sleeves to preserve and strengthen Medicare.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR MEMBER TO OFFER AMENDMENT IN LIEU OF COMMITTEE AMENDMENT TO H.R. 436, EDIBLE OIL REGULATORY REFORM ACT

Mr. BURR. Mr. Speaker, I ask unanimous consent to offer an amendment in the nature of a substitute to H.R. 436, Edible Oil Regulatory Reform Act, on

behalf of the gentleman from Virginia [Mr. BLILEY]. That bill will be called up under the Corrections Calendar later today.

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

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, I do so for the purpose of inquiring of the gentleman from North Carolina for what purpose he makes this unanimous-consent request.

Mr. BURR. Mr. Speaker, if the gentleman will yield, to offer an amendment in the nature of a substitute on behalf of the gentleman from Virginia [Mr. BLILEY].

Mr. OBERSTAR. Mr. Speaker, the concern that I have is that this procedure violates the rules of Corrections Day. Under the rules, the bill called up, "shall not be subject to amendment, except those amendments recommended by the primary committee of jurisdiction, or those offered by the Chairman of the primary committee," and it does not say, or his designee.

Mr. BURR. If the gentleman will continue to yield, I recognize the gentleman's concern. The gentleman from Virginia [Mr. BLILEY] has been unavoidably detained, and we have an amendment in the nature of a substitute that has been worked out between the Committee on Commerce, the Committee on Transportation and Infrastructure, and the Committee on Agriculture. Because of the nature of the issue that we are talking about, I hope the gentleman will understand, and to bring some common sense to this one thing, I would hope that we could proceed with it.

Mr. OBERSTAR. Mr. Speaker, I shall not object, but I reserved the right in order to point out the flaw of the process. The process of Corrections Day is a real shortcut of the legislative process that we have followed in this House for well over 100 years, and the Suspension Calendar was the appropriate means for bringing legislation to the floor. Even the rules that the majority have adopted do not provide them the flexibility that they now seek through a unanimous-consent request, and that is my concern. I will withdraw my reservation, but I did so in order to point out the flaws of the process.

Mr. BURR. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

EDIBLE OIL REGULATORY REFORM ACT

The Clerk called the bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

The Clerk read the bill, as follows:

H.R. 436

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

SECTION 1. DIFFERENTIATION AMONG FATS, OILS, AND GREASES.

(a) IN GENERAL.—In issuing or enforcing any regulation or establishing any interpretation or guideline relating to a fat, oil, or grease under any Federal law, the head of any Federal agency shall differentiate between—

(1)(A) animal fats and oils and greases, and fish and marine mammal oils, within the meaning of paragraph (2) of section 61(a) of title 13, United States Code; or

(B) oils of vegetable origin, including oils from the seeds, nuts, and kernels referred to in paragraph (1)(A) of such section; and

(2) other oils and greases, including petroleum.

(b) CONSIDERATIONS.—In differentiating between the class of fats, oils, and greases described in subsection (a)(1) and the class of oils and greases described in subsection (a)(2), the head of the Federal agency shall consider differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair recognizes the gentleman from North Carolina [Mr. BURR].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BURR OF NORTH CAROLINA

Mr. BURR. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BURR of North Carolina in lieu of the Committee on Commerce amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edible Oil Regulatory Reform Act".

SEC. 2. DIFFERENTIATION AMONG FATS, OILS, AND GREASES.

(a) IN GENERAL.—Except as provided in subsection (c), in issuing or enforcing any regulation or establishing any interpretation or guideline relating to a fat, oil, or grease under any Federal law, the head of any Federal agency shall—

(1) differentiate between and establish separate classes for—

(A) animal fats and oils and greases, and fish and marine mammal oils, within the meaning of paragraph (2) of section 61(a) of title 13, United States Code, and oils of vegetable origin, including oils from the seeds, nuts, and kernels referred to in paragraph (1)(A) of such section; and

(B) other oils and greases, including petroleum; and

(2) apply different standards to different classes of fats and oils as provided in subsection (b).

(b) CONSIDERATIONS.—In differentiating between the class of fats, oils, and greases described in subsection (a)(1)(A) and the class of oils and greases described in subsection

(a)(1)(B), the head of the Federal agency shall consider differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(c) EXCEPTION.—The requirements of this Act shall not apply to the Food and Drug Administration and the Food Safety and Inspection Service.

(d) FINANCIAL RESPONSIBILITY.—

(1) Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking "for a tank vessel," and inserting "for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act)".

(2) Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2176(a)) is amended in the first sentence by striking "in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)" and inserting "the responsible party could be subjected under section 1004(a) or (d) of this Act".

Mr. BURR (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and the gentleman from Minnesota [Mr. OBERSTAR] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

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

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

Mr. BURR. Mr. Speaker, I rise in strong support of H.R. 436, the Edible Oils Regulation Reform Act. This legislation will correct an unintended and burdensome problem created by certain Federal regulations, and so it is very fitting that this legislation is being considered today on the new House corrections calendar.

As my colleagues are aware, there are several environmental laws that contain definitions of the term "oil". While the legislative history of each statute indicates that it was the intent of Congress that the term "oil" referred to petroleum and petroleum-related products, the definitions are fairly broad and Federal regulators have taken the view that the term must be interpreted to include all types of oil, including vegetable oils and animal fats.

□ 1415

As my colleagues from other committees will describe in greater detail, this has meant that regulations written for the transportation and handling of petroleum have also been applied to transportation and handling of vegetable oils and animal fats. These same

problems potentially arise when it comes to the storage and disposal of oils.

The legislation before us today would solve this problem by directing Federal agencies with regulatory responsibilities to do one simple thing: to differentiate between animal fats or vegetable oils and other types of oils and greases, including petroleum, when they write regulations. This simple correction will prevent unjustified and burdensome regulations from being imposed on animal fats and vegetable oils, which clearly do not present the same environmental risks as other types of oil and greases, including petroleum.

I want to point out that this legislation has been endorsed by three separate committees. It has been reported twice by the Committee on Transportation and Infrastructure, once by the Committee on Agriculture, and once by the Committee on Commerce. It is good legislation that makes common sense, Mr. Speaker.

The amendment I offer today on behalf of the Committee on Commerce makes several refinements to the bill as recorded by the Committee on Commerce and includes important provisions from other versions of the bill.

The first refinement is to make clear that the requirements of the bill do not apply to the Food and Drug Administration and the Food Safety and Inspection Service. The problems identified by this legislation have not arisen under the Federal Food, Drug and Cosmetic Act or statutes administered by the FDA or the FSIS. Rather, they have arisen under traditional environmental statutes, such as the Oil Pollution Act and other hazardous waste laws.

When the bill came before the Committee on Commerce, a concern was expressed that it was not clear on how the requirement to differentiate between different classes of oil might affect FDA's product approvals and other regulatory activities, so the committee attempted to exempt the FDA from the scope of the bill. The amendment today makes that exemption explicit and, with the concurrence of the House Committee on Agriculture, also exempts the Food Safety and Inspection Service, which conducts business similar to the FDA's.

The amendment also clarifies that the differentiation required by the bill is between animal fats or vegetable oils and other types of oil and grease, including petroleum. It is not the intent of the amendment to require the heads of Federal agencies to differentiate among different types of animal fats and vegetable oils.

Finally, the amendment includes important provisions on financial responsibility under the Oil Pollution Act which were included in the versions of the bills adopted by the Committee on Transportation and Infrastructure and the Committee on Agriculture.

In closing, I want to commend my colleagues, the gentleman from Illinois

[Mr. EWING], and the gentlewoman from Missouri [Ms. DANNER], for introducing this legislation and for working hard to move it through the process. I also want to commend Speaker GINGRICH and Committee on Rules Chairman SOLOMON for putting in place these corrections day that allows us to make commonsense changes to Federal regulations.

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

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

Mr. Speaker, we have just seen in my reservation how flawed this process is even as a process, and I object to it more as process than substance, although the substance is also of concern and I will address that in a moment.

The suspension calendar is truly the more appropriate means of addressing noncontroversial issues on which there is a general agreement, in fact an overwhelming consensus. But this process of corrections day is just fraught with danger and fraught with opportunity for special interests.

It was conceived as a means of correcting regulations that had become too burdensome or making adjustments in law that, relatively minor in their application, have become too burdensome. Process-wise, it was also intended to protect the rights of the committee system.

But the way it has worked out, the Committee on Transportation and Infrastructure, which is the committee of primary jurisdiction, it is our committee that has handled the Clean Water Act, it is our committee that has twice reported this language in two different bills, in slightly different form but twice reported to this House and it has passed this House. But in the rush to deal with an issue that on its face is relatively noncontroversial, the majority has bypassed the Committee on Transportation and Infrastructure, causing it to waive its referral rights, and proceed to get a bill to the floor to justify this process.

If a special interest has a problem, they have an interest, all they need to do is get someone in the majority to pay attention to them, craft a bill, get it introduced, maybe drag along one from our side, and then ram it through in this process. There is no urgency to this legislation to justify the trampling of the legislative process as we have seen it.

We dealt with this issue appropriately in the Committee on Transportation and Infrastructure, in the Clean Water Act amendments that we passed earlier this year. We addressed it later in the Coast Guard authorization bill, which was an appropriate place. Again it went to this body and again the issue passed.

The regulations DOT issued which caused the concern, caused that language to be included in two bills, have been withdrawn. Why do we have to have a bill on the House floor under this extraordinary procedure to address

the issue that is frankly not much of an issue?

The substance of the issue is within the ambit of the Oil Pollution Act of 1990. That bill defined oil as including oil of any kind or form. At the time we debated that legislation in committee and on the floor, it was clearly understood that the definition would include vegetable oils and animal fats.

In the course of implementation of the Oil Pollution Act, there has been an increasing desire on the part of a number of interests to have edible oils treated differently from oils that are derived from petroleum. The snack food industry in particular has been very interested in this issue and been very vocal on this issue.

Edible oils, to be sure, do not pose the same toxic threat to the environment as petroleum oils do, but they are not without harm to the environment. Edible oils may be the same type as you put on a salad, but a spill of 10,000 gallons or more can be very toxic to birds, to aquatic animals.

We need look only to the mid-1960's in my own State of Minnesota when a soybean containment tank burst at very, very low temperatures, subzero temperatures, 30, 40 below zero. The soybean oil spilled out into the Minnesota River, where it could not be reclaimed at those very low temperatures in mid-February. It remained there until the spring when the migratory waterfowl, notably ducks, got into it and got fouled and we lost tens of thousands of migratory birds.

Edible oils are high in biological oxygen demand. They can and in this case did result in fish kill. They resulted in bird kills. They are appropriate, therefore, edible oils, for regulation with respect to their effect upon or potential effect upon the environment.

That is why the legislation that we passed in the House addressed this issue, to keep a containment process, to keep the management of edible oils within the ambit of government regulation, not exclude them, but to treat them with the proper concern and respect that ought to be considered.

There is one shortcoming. If you are going to do this process, then you really ought to be fair to all industries, and there is the issue of silicone fluids. The bill that we are considering today applies to all laws but does not include silicone fluids.

In the course of discussion of this issue in our committee deliberations, we included silicone fluids. That leveled the playing field. But the present bill does not include silicone fluids.

Again, the process, had this been brought to the floor as a freestanding bill on the Union Calendar, would have been open to amendment. If it were brought on the Suspension Calendar, it would have been subject to a higher level of consideration, where a Member with concern over this issue could have insisted that his or her concerns be reflected in the final version of the bill considered on the floor.

That is, both on process and on substance, sort of the essence of the concern that I have. I will address further concerns later.

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

Mr. BURR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I would like to take this time to thank chairmen BLILEY, SHUSTER, and ROBERTS as well as Mr. EWING and Ms. DANNER for their hard work to get this bill to the floor so soon. It took a great deal of teamwork on their part. With Many other issues pressing for attention it has not been easy for them to take the time to work on this little bill. Despite the fact this is a small matter, the chairmen recognized the need to move without delay.

H.R. 436 is a perfect example of why we need the corrections process. Who could have predicted during the rush to respond to the *Valdez* accident that we would inadvertently impact consumers and farmers the way we did by not clearly defining the word oil? It is clearly a silly idea to regulative vegetable oil in the same manner as petroleum oil, but congress did it. Not intentionally mind you, but through a lack of precision in the original bill. Now we have the chance to correct the problem.

This little bill has huge ramifications for the shipping industry, farmers, and thousands of other Americans who deal with this commodity on a daily basis. I am very happy that through the corrections process we can give these Americans much needed relief.

I know that all my colleagues can see the need for this fix, and hope Members will vote accordingly.

Mr. BURR. Mr. Speaker, I yield 12 minutes to the gentleman from Illinois [Mr. EWING], and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. Speaker, my appreciation to the Committee on Commerce, the Committee on Transportation and Infrastructure, and the Committee on Agriculture and their chairman for helping, along with the gentlewoman from Nevada [Mrs. VUCANOVICH], for her efforts, and the counsel that deals with the correction calendar, for bringing this bill to the floor.

□ 1430

Today the U.S. House of Representatives has an opportunity to remedy one of the unnecessary, illogical Federal regulations that led to the creation of Corrections Day. H.R. 436, the Edible Oil Regulatory Reform Act, which I introduced earlier this year along with

the gentlewoman from Missouri [Ms. DANNER], will restore common sense to the Federal regulatory process by requiring Federal agencies to recognize the obvious difference between edible oils and toxic oils when issuing and promulgating regulations. The Edible Oils Regulatory Reform Act, H.R. 436, the oils are nontoxic, natural products, like cooking and salad oils, which many of us eat every day. There are unnecessarily stringent regulations that force producers, shippers, and manufacturers to comply with costly and counterproductive requirements without providing any additional measure of protection to the environment of enhancing the health and safety of our citizens.

Simply stated, H.R. 436 will require Federal agencies to differentiate between edible oils and petroleum-based oils when promulgating regulations under the Oil Pollution Act of 1990. This commonsense legislation does not change or weaken the underlying principles or the Oil Protection Act of 1990 or other related statutes, like the Clean Water Act. It seems clear to everyone except Federal regulators that the Oil Pollution Act was designed to reduce the risk of, improve the response to, and minimize the impact catastrophic oil spills like the one in Prince William Sound, Alaska, not to regulate edible agricultural products.

In fact, vegetable oils have been used to help clean up beaches fouled with petroleum, and vegetable oils are being explored as a substitute lubricant for machinery in environmentally sensitive areas. This not only demonstrates the significant difference between the vegetable oils and petroleum oils, it highlights the fact that animal fats and vegetable oils do not pose the same risks to human health and environment and should not be treated the same.

The version of H.R. 436 before the House today is slightly different from the introduced version. The modifications add a financial responsibility section to the bill which conforms the text of H.R. 436 with similar legislation introduced in the U.S. Senate. This noncontroversial language was accepted by the U.S. Coast Guard and approved by the House as part of H.R. 1361, the Coast Guard Authorization Act for Fiscal Year 1996. The financial responsibility relief provided in this section applies only to exclusive shippers of those nontoxic oils, and it brings industry, insurance and bonding requirements back into line with the value of the product. Like the rest of H.R. 436, nothing in this section exempts edible oils from all regulatory requirements.

The net effect will be to place transporters of edible oils on a par with other shippers of nontoxic products, and it will allow the U.S. agricultural oils to be more competitive in world markets.

In addition, in H.R. 1361, the House also adopts the edible oil differentia-

tion language contained in H.R. 436 as part of H.R. 961, the Clean Water Act Amendment of 1995. Although the House has already acted twice on this issue in the 104th Congress, H.R. 436 should be adopted as a standalone measure because similar language was adopted twice in the House and once in the Senate during the 103rd Congress only to see the underlying bill die at the end of 1994.

I know of no objection to the substance of H.R. 436 from any Member of this body or from the administration. H.R. 436 passed on a unanimous vote in both the Committee on Commerce and the Committee on Agriculture. It has also passed the Committee on Transportation and Infrastructure.

SUMMARY

Mr. Speaker, Congress has enacted two principal statutes that address the discharge of "oil" into the nation's waters—the FWPCA and OPA 90. Due to the statutes' broad definition of oil and lacking clear congressional direction on differentiation, regulatory agencies generally have proposed or issued rules that will regulate animal fats and vegetable oils to the same degree as toxic oils, for example, petroleum oils, without regard for the significant differences between them, in spite of scientific and other data justifying differentiation. These statutes, however, give the agencies broad regulatory discretion so that differentiation can be accomplished without compromising any of the objectives or principles of the statutes. As these rules will impose costly, inappropriate, and often counterproductive requirements, the animal fat and vegetable oil industry has been working towards the development of regulations that differentiate animal fat and vegetable oils from toxic oils to avoid the imposition of costly requirements intended for petroleum-based and other oils that are inappropriate for animal fats and vegetable oils.

Thus, a legislative change is needed to provide direction to regulatory agencies by requiring them to differentiate between nontoxic animal fats and vegetable oils, on the one hand, and all other oils, including toxic petroleum and nonpetroleum oils, on the other hand, when promulgating oil pollution prevention and response regulations. This can be done without an amendment to these statutes that would change or alter the principles contained in them. In particular, agencies: First, should provide a category for animal fats and vegetable oils separate and apart from all other oils; and second, should differentiate these oils from other oils based on a recognition of their distinct properties.

BACKGROUND

On August 18, 1990, the U.S. Congress, in direct response to several catastrophic U.S. petroleum oilspills, including the *Exxon Valdez* spill, enacted the Oil Pollution Act of 1990 [OPA 90] to reduce the risk of oilspills, improve facility and vessel oilspill response capabilities, and minimize the impact of oilspills on the environment. In enacting OPA 90, Congress amended the Federal Water Pollution Control Act to impose certain requirements on the owners and operators of vessels carrying "oil" and on facilities posing a risk of "substantial" harm or "significant and substantial harm" to the environment, including requiring owners and operators to prepare and submit response plans to various federal agencies by

February 18, 1993, for review and approval, or stop handling oil. Other requirements affecting the handling and transportation of oil were also enacted.

Although petroleum oil has been the focus of Congress' attention during the enactment of OPA 90, the law's applicability was not limited to petroleum oil and, as a result, it applies to all oils, including animal fats and vegetable oils. Since enactment, various Federal agencies have issued proposed or interim final rules implementing OPA 90 requirements, which include FWPCA provisions. The principal federal agencies and what they are responsible for regulating are as follows:

U.S. Coast Guard [USCG]: vessels and marine-transportation-related [MTR] onshore facilities, including any piping or structures used for the transfer of oil to or from a vessel.

DOT Research and Special Programs Administration [RSPA]: tank trucks and railroad tank cars carrying oil.

U.S. Environmental Protection Agency: large non-transportation-related onshore facilities handling, storing, or transferring oil; and, the National Contingency Plan [NCP].

DOI Minerals Management Service [MMS]: offshore facilities, including any facility on or over U.S. navigable waters.

National Oceanic and Atmospheric Administration [NOAA]: natural resource damage assessment [NRDA] regulations.

Federal natural resource trustees having an interest in these rules include the Departments of Agriculture, Commerce, and Interior.

ISSUE

The animal fat and vegetable oil industry handles, ships, and stores over 25 billion pounds of animal fats and vegetable oils annually in the United States. These agricultural substances are essential components of food products produced in the United States. Industry is concerned that some of the regulations being developed will regulate animal fats and vegetable oils to the same degree or in the same manner as petroleum oils, in spite of information collected to date that suggests that different or less stringent regulations are appropriate. For example, a June 28, 1993 report by ENVIRON Corporation, "Environmental Effects of Releases of Animal Fats and Vegetable Oils to Waterways" and an associated Aqua Survey, Inc., study on the aquatic toxicity of petroleum oil and of animal fats and vegetable oils found that, unlike petroleum oils, the presence of animal fats and vegetable oils in the environment does not cause significant or substantial harm. That study reached the following conclusions with respect to the effects of potential discharges of animal fats and vegetable oils:

They are non-toxic to the environment.

They are essential components to human and wildlife diets.

They are readily biodegradable.

They are not persistent in the environment.

They have a high Biological Oxygen Demand [BOD], which could result in oxygen deprivation where there is a large spill in a confined body of water that has low flow and dilution.

They can coat aquatic biota and foul wildlife—for example, matting of fur or feathers, which may lead to hypothermia.

The animal fat and vegetable oil industry continues to seek data regarding the impact of animal fats and vegetable oils on the environment that will offer new insights to the appro-

appropriate regulation of these materials. On the basis of scientific data available to date, however, the only potential environmental harm that may result from spills of these products is the result of potential physical effects of spills of liquids in large quantities. Those potential physical effects consist of: First, the fouling of aquatic biota and wildlife that are exposed to the liquid products in high concentrations; and, second, the potential oxygen deprivation from the biodegradation of high concentrations of liquid substances in confined and slow-flowing bodies of water. Fouling is not an issue, however, in the case of substances that are solids or congeal in the temperature conditions of the natural environment. In fact, that vegetable-based oils do not pose the same risk to the environment is illustrated by the fact that soybean-based solvents have been used to clean up petroleum oil spills. Soybean oil ester, through a process called CytoSol™, was used to clean-up fuel oil spilled during the *Morris J. Berman* spill in Puerto Rico. A NOAA marine biologist recognized the use of CytoSol™ as a logical application of two environmentally promising technologies. "Illinois Soybean Farmer," (March/April 1994).

Moreover, the likelihood that an animal fat or vegetable oil spill of such magnitude will occur is extremely small. The industry's spill prevention efforts have resulted in an excellent environmental record for these products. For example, a review of the data recorded and compiled by the Coast Guard reveals that, from 1986 to 1992, animal fats and vegetable oils together accounted for only about 0.4 percent of the oil spill incidents in and around U.S. waters—both in terms of incidents and their volume. Less than half of those spills were in water. Further, these spills were generally very small. Only 13 of those spills were greater than 1,000 gallons. Put another way, only about 0.02 percent of all oil spill incidents in and around U.S. waters over the last seven years were spills of animal fats or vegetable oils greater than 1,000 gallons.

Furthermore, equipment and techniques used to respond to petroleum oil spills often will aggravate rather than mitigate the environmental impact if used for animal fats and vegetable oils. Attempts to remove the small quantities of animal fats and vegetable oils present in a typical spill would in most cases cause more environmental harm than would the presence of those products in the environment alone. For example, in comments filed on RSPA Docket Nos. HM-214 and PC-1, dated June 3, 1993, the Department of the Interior recommended the establishment of response plan requirements for animal fats and vegetable oils comparable to those for other oils. This recommendation was based on anecdotal data derived from a discharge of butter from a U.S. Government warehouse into Shoal Creek, MD. DOI conceded, however, that the principal adverse environmental effects of the Shoal Creek incident were caused by the removal efforts themselves.

In addition to the differences noted above between animal fats and vegetable oils and petroleum oils, the animal fat and vegetable oil industry is significantly different from the petroleum industry in other ways warranting disparate regulatory treatment. For example, there are notable differences in the vessel characteristics and transfer operations involving animal fats and vegetable oils and those involving petroleum oils. Vessels carrying petroleum

oils can exceed 500,000 deadweight tons—the *Exxon Valdez* was over 213,000 deadweight tons. In contrast, vegetable oils typically are carried on small parcel tankers ranging from 30,000 to 45,000 deadweight tons. Further, differences exist in the size of the tanks carrying these two kinds of products. Large tankers carrying petroleum oil may have 10 large center tanks and about 15 wing tanks with individual tank capacities reaching approximately 592,000 tons or 177,500,000 gallons of oil. Parcel tankers carrying vegetable oil typically have about 30 to 35 cargo tanks that range from 1,000 to 3,500 tons capacity each. With regard to transfer operations, the typical amount of vegetable oil loaded or offloaded during a transfer ranges from 500 to 5,000 tons. In contrast, a tanker carrying petroleum commonly loads or offloads its entire cargo during one transfer operation.

Similarly, facilities that handle or store animal fats and vegetable oils do not share the same characteristics as petroleum refineries and other facilities. Facilities that handle animal fats and vegetable oils are generally located in or near areas in which agricultural raw materials—for example, oilseeds, oil bearing plants, and animals—are available. Consequently, unlike petroleum oil facilities, many are found in the Midwestern United States relatively far removed from the regional oil spill response centers which have evolved over the years and which are principally dedicated to petroleum oil spills.

In addition to the need for differentiation, there is also a need for financial responsibility regulations under OPA 90 that reflect the actual risk associated with spills of animal fats and vegetable oils. Under current financial responsibility rules, which were intended to address the problem of petroleum oil pollution from tankers and handling facilities, are not limited to tank vessels carrying petroleum oil, but unfortunately apply to all tank vessels regardless of the cargo carried. Specifically, the definition of tank vessel is not cargo linked; therefore, by operation of law, every tank vessel, regardless of its cargo, has the same liability and financial responsibility requirement as a petroleum oil tanker. Other vessels, on the other hand, are subject to half the limitation amounts applicable to tank vessels.

The higher amounts applicable to tankers reflect the fact that the risks of pollution related to enormous quantities of petroleum oil carried on tankers as cargo vastly outweigh the potential harm from other vessels whose spills of petroleum oil are limited to bunker fuel or lubricating oil used in the propulsion and other mechanical systems of the ship. However, considering the animal fat and vegetable oil industry's excellent spill prevention record and the significantly lower risk of environmental harm posed by a spill of these nontoxic, readily biodegradable agricultural products, the risk of harm presented by vessels carrying animal fats and vegetable oils is similar to that of other non-petroleum-carrying vessels and the liabilities and financial responsibility amounts should be placed at the appropriate level.

DIFFERENTIATED RULES NEEDED

Unfortunately, there has been an overabundance of supposition and anecdotal data cited to date to give support to treating these nontoxic substances in the same manner as

petroleum oils. Reliance upon such information underscores the dangers of imposing regulatory requirements on the industry in a manner not specifically mandated by Congress and without adequate scientific foundation. In fact, no documented scientific data support treating these nontoxic animal fats and vegetable oils in the same manner as petroleum.

To the contrary, the significant differences between animal fats and vegetable oils and other oils, warrant regulation of these substances in a different manner. Identical requirements would represent a misapplication of limited industry resources. In addition, requiring tank vessels whose only oil cargo is animal fat or vegetable oil to provide the same amount of financial responsibility as tank vessels carrying petroleum oil fails to recognize the risk of harm presented by these vessels and imposes an unnecessary burden on owners and operators.

Unfortunately, agencies have been attempting to achieve differentiation through vague regulatory language that requires further administrative or judicial interpretation to decipher and through discussions in the preambles to regulations published in the Federal Register. These techniques are examples of regulations that are not clear on their face and in need of revision. Not only should available scientific information be used to differentiate, but so should basic common sense. Many existing regulatory regimes go into detail to create separate categories for classes or types of oils—petroleum, edible, et cetera. Thus proven scientific and regulatory structures already exist that could form the basis of or model for a similar approach for regulations issued to implement the pollution prevention statutes.

Differentiation in rules is also warranted in view of President Clinton's Executive Order on Regulatory Planning and Review enunciated, and requires agencies to adhere to, certain principles of regulation. Executive Order No. 12,866, 58 Fed. Reg. 51,735, 51,736 (1993). Among those principles are the following:

In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative of its other regulations or those of other Federal agencies.

Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities, including small communities and governmental entities, consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

CONCLUSION

The animal fat and vegetable oil industry continues to seek data to better understand

the environmental risks associated with the transportation, handling, and storage of animal fats and vegetable oils. On the basis of scientific data currently available, however, there is no rational basis for regulating nontoxic animal fats and vegetable oils in the same manner as petroleum oils. In fact, it is very likely that imposing certain regulatory requirements on animal fats and vegetable oils based solely on requirements developed for the petroleum oil, for example, removal and response strategies and techniques, could lead to greater damage to the environment than the actual impact of a discharge of these substances themselves. Moreover, these requirements would add to the cost of these agricultural products. A category for animal fats and vegetable oil should be implemented that is separate and distinct from all other oils, including petroleum oil. In addition, regulations should take into account the differences in the physical, chemical, biological, and other properties, and the environmental effects of these oils. Further, regulatory principles should be followed which clearly permit regulatory regimes to reflect the economic impact on the industry regulated.

In fact, judging from the bipartisan mix of cosponsorship, H.R. 436 enjoys broad support and is absolutely not controversial.

Again, Mr. Speaker, I want to thank the gentlewoman from Missouri [Ms. DANNER] for her assistance and leadership as well as the chairman, the gentleman from Kansas [Mr. ROBERTS], the chairman, the gentleman from Virginia [Mr. BLILEY], the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the Correction Day task force for their input and cooperation on this issue.

It is time to finally solve the problem. I believe that it is the delay in passage of legislation such as this, as we did in the 103d Congress and the 104th Congress, that is the irritation among our constituents for nonaction. It is time that we pass this bill and made it law.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support H.R. 436.

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. DE LA GARZA].

(Mr. DE LA GARZA asked and was given permission to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding, and I thank the manager of the bill.

Mr. Speaker, I am pleased to join my colleagues in supporting and bringing to the floor H.R. 436, the Edible Oil Regulatory Reform Act. H.R. 436 would require Federal agencies to differentiate between edible oils, animal fat and vegetable oil, and petroleum-based oil products when issuing regulations under Federal laws that deal with a fat, grease or oil.

Mr. EWING, Ms. DANNER, and the cosponsors of the bill are to be congratulated for once again attempting to correct the oversight contained in the Oil Pollution Act of 1990. The work of our former colleague, new Secretary Jill

Long Thompson should also not be overlooked as similar legislation passed the House twice last year under her leadership, only to die in the Senate.

The substitute language adopted in the Agriculture Committee has the broad intent of covering all Federal law and also contains specific changes to the Oil Pollution Act of 1990 to ensure that animal fat and vegetable oil are classified separately from petroleum-based products based on differences in physical, chemical, biological or other properties.

The substitute being offered here on the floor would exempt the Food Safety and Inspection Service as well as the Food and Drug Administration from the provisions of this bill, which causes the Agriculture Committee some concern because we only saw the language yesterday, but for the sake of moving this important piece of legislation, we do not intend to object to the exemption. We will work with our colleagues in the other body should any concerns be brought to our attention in regard to this particular provision.

The Oil Pollution Act was passed in response to the *Exxon Valdez* oil spill in Prince William Sound. It contained specific requirements on the handling and transportation of oil, but Congress did not differentiate between the various types of oil in the legislative language. Studies to date show the only potential environmental harm from animal fat or vegetable oil spills to be the physical effects of a spill of liquid in large quantities.

This legislation would require that the liability for a tank vessel carrying animal fat or vegetable oil would be limited to the greater of \$600 per gross ton of the tank vessel, or \$500,000 under the Oil Pollution Act.

I am also pleased that report language was added to address concerns expressed by the fledgling biodiesel industry to ensure that their products would be included under this legislation as long as they do not contain petroleum or toxic additives. Biodiesel products include such things as greases, hydraulic fluid or solvents that are much friendlier to the environment than traditional petroleum-based products.

There is language in H.R. 961, the House-passed version of Clean Water Act amendments, which would require differentiation among animal fat and vegetable oils in all water pollution laws.

H.R. 436 has bipartisan support with 80 sponsors here in the House and a broad list of outside groups who have also supported its passage. I encourage my colleagues to support its passage.

Mr. EWING. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri [Ms. DANNER].

(Ms. DANNER asked and was given permission to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, in the wake of the *Exxon Valdez* oil spill, the Congress passed legislation known as the Oil Pollution Act of 1990. This law created important environmental regulations aimed at reducing the risk of oil spills.

But while the Oil Pollution Act was designed to prevent environmental

harm from petroleum oil spills, it was applied by many Federal agencies to animal fats and vegetable oils.

The result of these errant regulations are lower profits for producers in the agricultural sector, higher costs to shippers and users of vegetable oils, and in the final analysis, higher costs for virtually all processed food items we consume.

Because of the sweeping definitions in the Oil Pollution Act of 1990, Federal agencies have failed to make the sensible, logical, and obvious distinctions between toxic and edible oils.

Now it is necessary for Congress to direct the Federal agencies to start regulating those oils separately. The Edible Oil Regulatory Reform Act is intended to stop Government from regulating these oils in the same manner as petroleum.

Federal agencies must consider differences in the physical, biological, chemical makeup of the oils and the possible effects of spills on the environment.

Mr. Speaker, laws and regulations must have purpose. They should meet the simple standard of either protecting the public good from realistic threats or generally improving people's lives. Above all, our laws must be reasonable.

Congress wisely started the corrections day process so we could more easily repeal regulations that fail this elementary standard.

I think the vast majority of Americans would agree that regulating corn oil, for example, and petroleum in identical fashion is by no means reasonable.

In fact, this legislation enjoys support from both Republicans and Democrats, producers and consumers, and the administration and Congress. I'm pleased to be a part of this truly non-partisan effort.

I would like to extend appreciation to the Members who worked on this legislation, particularly my friend from Illinois, TOM EWING, who has been instrumental in bringing this legislation to the floor.

Americans have repeatedly called upon Members of Congress to eliminate burdensome Federal regulations and work together to make a real difference in people's lives. Today we are answering that call.

Mr. Speaker, I have some additional information I would like to include as part of the RECORD at this point.

REQUIREMENT FOR DIFFERENTIATION BETWEEN ANIMAL FATS AND VEGETABLE OILS AND OTHER OILS UNDER CERTAIN REGULATIONS

SUMMARY

Congress has enacted two principal statutes that address the discharged of "oil" into the nation's waters—the FWPCA and OPA 90. Due to the statutes' broad definition of oil and lacking clear Congressional direction on differentiation, regulatory agencies generally have proposed or issued rules that will regulate animal fats and vegetable oils to the same degree as toxic oils (e.g., petroleum oils) without regard for the significant differences between them, in spite of sci-

entific and other data justifying differentiation. These statutes, however, give the agencies broad regulatory discretion so that differentiation can be accomplished without compromising any of the objectives or principles of the statutes. As these rules will impose costly, inappropriate, and often counterproductive requirements, the animal fat and vegetable oil industry has been working towards the development of regulations that differentiate animal fat and vegetable oils from toxic oils to avoid the imposition of costly requirements intended for petroleum-based and other oils that are inappropriate for animal fats and vegetable oils.

Thus, a legislative change is needed to provide direction to regulatory agencies by requiring them to differentiate between non-toxic animal fats and vegetable oils, on the one hand, and all other oils, including toxic petroleum and non-petroleum oils, on the other hand, when promulgating oil pollution prevention and response regulations. This can be done without an amendment to these statutes that would change or alter the principles contained in them. In particular, agencies (1) should provide a category for animal fats and vegetable oils separate and apart from all other oils and (2) should differentiate these oils from other oils based on a recognition of their distinct properties.

BACKGROUND

On August 18, 1990, the U.S. Congress, in direct response to several catastrophic U.S. petroleum oil spills, including the EXXON VALDEZ spill, enacted the Oil Pollution Act of 1990 (OPA 90) to reduce the risk of oil spills, improve facility and vessel oil spill response capabilities, and minimize the impact of oil spills on the environment. In enacting OPA 90, Congress amended the Federal Water Pollution Control Act to impose certain requirements on the owners and operators of vessels carrying "oil" and on facilities posing a risk of "substantial" harm or "significant and substantial harm" to the environment, including requiring owners and operators to prepare and submit response plans to various federal agencies by February 18, 1993, for review and approval, or stop handling oil. Other requirements affecting the handling and transportation of oil were also enacted.

Although petroleum oil has been the focus of Congress' attention during the enactment of OPA 90, the law's applicability was not limited to petroleum oil and, as a result, it applies to all oils, including animal fats and vegetable oils. Since enactment, various federal agencies have issued proposed or interim final rules implementing OPA 90 requirements (which include FWPCA provisions). The principal federal agencies and what they are responsible for regulating are as follows:

U.S. Coast Guard (USCG): vessels and marine-transportation-related (MTR) onshore facilities, including any piping or structures used for the transfer of oil to or from a vessel.

DOT Research and Special Programs Administration (RSPA): tank trucks and railroad tank cars carrying oil.

U.S. Environmental Protection Agency: large non-transportation-related onshore facilities handling, storing, or transferring oil; and, the National Contingency Plan (NCP).

DOI Minerals Management Service (MMS): offshore facilities including any facility on or over U.S. navigable waters.

National Oceanic and Atmospheric Administration (NOAA): natural resource damage assessment (NRDA) regulations.

Federal natural resource trustees having an interest in these rules include the Departments of Agriculture, Commerce, and Interior.

The animal fat and vegetable oil industry handles, ships, and stores over 25 billion pounds of animal fats and vegetable oils annually in the United States. These agricultural substances are essential components of food products produced in the United States. Industry is concerned that some of the regulations being developed will regulate animal fats and vegetable oils to the same degree or in the same manner as petroleum oils, in spite of information collected to date that suggests that different or less stringent regulations are appropriate. For example, a June 28, 1993 report by ENVIRON Corporation, "Environmental Effects of Releases of Animal Fats and Vegetable Oils to Waterways" and an associated Aqua Survey, Inc. study on the aquatic toxicity of petroleum oil and of animal fats and vegetable oils found that, unlike petroleum oils, the presence of animal fats and vegetable oils in the environment does not cause significant or substantial harm. That study reached the following conclusions with respect to the effects of potential discharges of animal fats and vegetable oils:

They are non-toxic to the environment.
They are essential components to human and wildlife diets.
They are readily biodegradable.
They are not persistent in the environment.

They have a high Biological Oxygen Demand (BOD), which could result in oxygen deprivation where there is a large spill in a confined body of water that has low flow and dilution.

They can coat aquatic biota and foul wildlife (e.g., matting of fur or feathers, which may lead to hypothermia).

The animal fat and vegetable oil industry continues to seek data regarding the impact of animal fats and vegetable oils on the environment that will offer new insights to the appropriate regulation of these materials. On the basis of scientific data available to date, however, the only potential environmental harm that may result from spills of these products is the result of potential physical effects of spills of liquids in large quantities. Those potential physical effects consist of (1) the fouling of aquatic biota and wildlife that are exposed to the liquid products in high concentrations; and, (2) the potential oxygen deprivation from the biodegradation of high concentrations of liquid substances in confined and slow-flowing bodies of water. Fouling is not an issue, however, in the case of substances that are solids or congeal in the temperature conditions of the natural environment. In fact, that vegetable-based oils do not pose the same risk to the environment is illustrated by the fact that soybean-based solvents have been used to clean up petroleum oil spills. Soybean oil ester, through a process called CytoSol™, was used to clean-up fuel oil spilled during the MORRIS J. BERMAN spill in Puerto Rico. A NOAA marine biologist recognized the use of CytoSol™ as a "logical application of two environmentally promising technologies." Illinois Soybean Farmer, p. 12 (March/April 1994).

Moreover, the likelihood that an animal fat or vegetable oil spill of such magnitude will occur is extremely small. The industry's spill prevention efforts have resulted in an excellent environmental record for these products. For example, a review of the data recorded and compiled by the Coast Guard reveals that, from 1986 to 1992, animal fats and vegetable oils together accounted for only about 0.4 percent of the oil spill incidents in and around U.S. waters (both in terms of incidents and their volume). Less than half of those spills were in water. Further, these spills were generally very small.

Only 13 of those spills were greater than 1,000 gallons. Put another way, only about 0.02 percent of all oil spill incidents in and around U.S. waters over the last seven years were spills of animal fats or vegetable oils greater than 1,000 gallons.

Furthermore, equipment and techniques used to respond to petroleum oil spills often will aggravate rather than mitigate the environmental impact if used for animal fats and vegetable oils. Attempts to remove the small quantities of animal fats and vegetable oils present in a typical spill would in most cases cause more environmental harm than would the presence of those products in the environment alone. For example, in comments filed on RSPA Docket Nos. HM-214 and PC-1, dated June 3, 1993, the Department of Interior recommended the establishment of response plan requirements for animal fats and vegetable oils comparable to those for other oils. This recommendation was based on anecdotal data derived from a discharge of butter from a U.S. government warehouse into Shoal Creek, Maryland. DOI conceded, however, that the principal adverse environmental effects of the Shoal Creek incident were caused by the removal efforts themselves.

In addition to the differences noted above between animal fats and vegetable oils and petroleum oils, the animal fat and vegetable oil industry is significantly different from the petroleum industry in other ways warranting disparate regulatory treatment. For example, there are notable differences in the vessel characteristics and transfer operations involving animal fats and vegetable oils and those involving petroleum oils. Vessels carrying petroleum oils can exceed 500,000 deadweight tons (the EXXON VALDEZ was over 213,000 deadweight tons). In contrast, vegetable oils typically are carried on small parcel tankers ranging from 30,000 to 45,000 deadweight tons. Further, differences exist in the size of the tanks carrying these two kinds of products. Large tankers carrying petroleum oil may have 10 large center tanks and about 15 wing tanks with individual tank capacities reaching approximately 592,000 tons or 177,500,000 gallons of oil. Parcel tankers carrying vegetable oil typically have about 30 to 35 cargo tanks that range from 1,000 to 3,500 tons capacity each. With regard to transfer operations, the typical amount of vegetable oil loaded or offloaded during a transfer ranges from 500 to 5,000 tons. In contrast, a tanker carrying petroleum commonly loads or offloads its entire cargo during one transfer operation.

Similarly, facilities that handle or store animal fats and vegetable oils do not share the same characteristics as petroleum refineries and other facilities. Facilities that handle animal fats and vegetable oils are generally located in or near areas in which agricultural raw materials (e.g., oilseeds, oil bearing plants, and animals) are available. Consequently, unlike petroleum oil facilities, many are found in the Midwestern United States relatively far removed from the regional oil spill response centers which have evolved over the years and which are principally dedicated to petroleum oil spills.

In addition to the need for differentiation, there is also a need for financial responsibility regulations under OPA 90 that reflect the actual risk associated with spills of animal fats and vegetable oils. Under current financial responsibility rules, which were intended to address the problem of petroleum oil pollution from tankers and handling facilities, are not limited to tank vessels carrying petroleum oil, but unfortunately apply to all tank vessels regardless of the cargo carried. Specifically, the definition of tank vessel is not cargo linked; therefore, by operation of law, every tank vessel, regardless of

its cargo, has the same liability and financial responsibility requirement as a petroleum oil tanker. Other vessels, on the other hand, are subject to half the limitation amounts applicable to tank vessels.

The higher amounts applicable to tankers reflect the fact that the risks of pollution related to enormous quantities of petroleum oil carried on tankers as cargo vastly outweigh the potential harm from other vessels whose spills of petroleum oil are limited to bunker fuel or lubricating oil used in the propulsion and other mechanical systems of the ship. However, considering the animal fat and vegetable oil industry's excellent spill prevention record and the significantly lower risk of environmental harm posed by a spill of these non-toxic, readily biodegradable agricultural products, the risk of harm presented by vessels carrying animal fats and vegetable oils is similar to that of other non-petroleum-carrying vessels and the liabilities and financial responsibility amounts should be placed at the appropriate level.

DIFFERENTIATED RULES NEEDED

Unfortunately, there has been an overabundance of proposition and anecdotal data cited to date to give support to treating these non-toxic substances in the same manner as petroleum oils. Reliance upon such information underscores the dangers of imposing regulatory requirements on the industry in a manner not specifically mandated by Congress and without adequate scientific foundation. In fact, no documented scientific data support treating these non-toxic animal fats and vegetable oils in the same manner as petroleum.

To the contrary, the significant differences between animal fats and vegetable oils and other oils, warrant regulation of these substances in a different manner. Identical requirements would represent a misapplication of limited industry resources. In addition, requiring tank vessels whose only oil cargo is animal fat or vegetable oil to provide the same amount of financial responsibility as tank vessels carrying petroleum oil fails to recognize the risk of harm presented by these vessels and imposes an unnecessary burden on owners and operators.

Unfortunately, agencies have been attempting to achieve differentiation through vague regulatory language that requires further administrative or judicial interpretation to decipher and through discussions in the preambles to regulations published in the Federal Register. These techniques are examples of regulations that are not clear on their face and in need of revision. Not only should available scientific information be used to differentiate, but so should basic common sense. Many existing regulatory regimes go into detail to create separate categories for classes or types of oils (petroleum, edible, etc). Thus proven scientific and regulatory structures already exist that could form the basis of or model for a similar approach for regulations issued to implement the pollution prevention statutes.

Differentiation in rules is also warranted in view of President Clinton's Executive Order on Regulatory Planning and Review enunciates, and requires agencies to adhere to, certain principles of regulation. Exec. Order No. 12,866, 58 Fed. Reg. 51,735, 51,736 (1993). Among those principles are the following:

In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information con-

cerning the need for, and consequences of, the intended regulation.

Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative of its other regulations or those of other Federal agencies.

Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

CONCLUSION

The animal fat and vegetable oil industry continues to seek data to better understand the environmental risks associated with the transportation, handling, and storage of animal fats and vegetable oils. On the basis of scientific data currently available, however, there is no rational basis for regulating nontoxic animal fats and vegetable oils in the same manner as petroleum oils. In fact, it is very likely that imposing certain regulatory requirements on animal fats and vegetable oils based solely on requirements developed for the petroleum oil (e.g. removal and response strategies and techniques) could lead to greater damage to the environment than the actual impact of a discharge of these substances themselves. Moreover, these requirements would add to the cost of these agricultural products. A category for animal fats and vegetable oil should be implemented that is separate and distinct from all other oils, including petroleum oil. In addition, regulations should take into account the differences in the physical, chemical, biological, and other properties, and the environmental effects of these oils. Further, regulatory principles should be followed which clearly permit regulatory regimes to reflect the economic impact on the industry regulated.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 10, 1995.

STATEMENT OF ADMINISTRATION POLICY

H.R. 436—Differentiate Between Petroleum and Animal and Vegetable Oils (Ewing (R) IL and 83 cosponsors)

The Administration has no objection to House passage of H.R. 436.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, under the amendment, there are separate requirements. There is a requirement for separate regulations for edible and nonedible oils under any Federal law.

I would like to inquire of the gentleman from North Carolina: What laws have been researched to determine the application of this language? Could the gentleman tell us which laws specifically are affected?

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

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. BURR. Mr. Speaker, I thank the gentleman for yielding.

Those pertinent to the transportation and handling of oil have been

looked at as it relates to this bill, and disposal, excuse me.

Mr. OBERSTAR. Is that the only Federal law? It says "any Federal law."

Mr. BURR. As it relates to this amendment, sir, the transportation, the disposal has been looked at relative to the change for edible oils. The two committees of jurisdiction have also looked at it.

Mr. OBERSTAR. I submit there are more laws that would be affected by this provision. The oil pollution law, for example, has two applications to the Clean Water Act and to the transportation of oils. So we are talking about the Coast Guard. We are talking about rail. We are talking about pipeline transportation. Is that what the gentleman has in mind?

Mr. BURR. If the gentleman will yield further, I would remind the gentleman that this amendment deals with the differentiation. There is no exemption, exclusion. It deals with the differentiation.

Mr. OBERSTAR. I understand that. But what I am trying to get at is the scope of this provision. I think it should be clear on the record what it is, which laws are being affected by this process we are engaged in here.

Mr. BURR. If the gentleman will yield further, three committees have looked at this issue.

Mr. OBERSTAR. That is not my question. I did not ask how many committees. I asked how many laws. The gentleman does not have a catalogue of laws affected by this provision?

Mr. BURR. If the gentleman will yield further, the gentleman is asking me for statutory jurisdiction of each of these committees of which I am not a member. I would suggest it does affect the Oil Pollution Act, which we are here to address, and certainly it does make common sense for us to address a differentiation between vegetable oils and petroleum-based products.

Mr. OBERSTAR. Reclaiming my time, it is not the differentiation that concerns me. It is to be clear about the scope of impact of this legislation. I would suggest that when the gentleman asks unanimous consent for leave for Members to submit additional comments for the RECORD, that he or the committee chairman submit for the RECORD the list of those laws that will be affected by this legislation so that the public, in evaluating, and other Members, in evaluating this legislation would know which laws specifically are affected by that very broad language.

□ 1445

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

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. BURR. Mr. Speaker, I would certainly request of the Committee on Commerce for that listing and also make the request of the other two committees.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from North Carolina. I think that would be very important and very useful.

When the Committee on Transportation and Infrastructure, Mr. Speaker, considered this legislation, we considered specific laws. The bill before us is a broad sweep and says all laws. It just sort of cast a wide net out upon the waters and said anything that we did not think of specifically, we just cast this language out. That is, I suggest, not very appropriate legislation, it is not very carefully crafted legislation, and it is again a reason for being concerned with this process.

I am a very strong believer in processes protecting rights of individuals and rights of the Members of this body, protecting rights of various interests and the broad public interest, and I think this process here is truly a disservice to that process.

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

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. BURR. Is the gentleman suggesting that we only use common sense in some cases?

I hear the gentleman's concern with process, but I would question that the gentleman is more concerned with process than outcome, and, in fact, the common sense comes into play, and the majority of Americans say there should be a differentiation between the two.

Mr. OBERSTAR. Reclaiming my time, the issue again, I state very clearly, is not differentiation. The issue I am raising here is what are the laws under which differentiation is to take place. There is no listing. There is a broad, sweeping grant of authority, and that is the matter that concerns me.

Yes, there should be a differentiation. But under which laws? How broadly? How narrowly? How specifically is this language to be drawn? How specifically is it to be targeted?

As my colleagues know, we did that in the Committee on Transportation and Infrastructure. We were very careful about it. This bill is just a broad, sweeping generalization. I do not think it is appropriate to do that. We must be more specific about the laws that are going to be affected.

Now, as to the matter of differentiation, that is a matter of substantive debate, and we could have a discussion on whether the edible oil industry is appropriate in their concern that the oil they produce should not be considered in the same breath with the toxic effects of certain petroleum or petroleum derivatives, and that is an entirely different matter.

But, as I said in my opening remarks, we have had our own experience in Minnesota where with the soybean oil spill there were toxic effects. Nontoxic substances in high amounts can have toxic effects. They ought to be considered separately and appropriately.

In addition, just because one industry or one sector says we do not want to be included with everybody else that has toxic oils, and ours are not from one standpoint, is no reason to bring a special bill to the House floor for a special purpose. We had the opportunity to consider this issue when the House took up the Clean Water Act. The degree of specificity provided in that legislation, in both the Oil Pollution Act and the Clean Water Act, where relief was provided, did not raise any kind of debate, did not ask for any kind of consideration, and I do not think it is appropriate, and that is the basis of my objection.

The matter of differentiation, simply because it has taken a long time for the appropriate agency of Government to issue regulations under previously existing laws, is no reason to bring a special bill to the House floor. It is difficult, going back to the gentleman's point about differentiation, it is difficult to know whether such differentiation is appropriate when we do not know specifically in this bill the laws to which that differentiation should be applied.

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

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. BURR. In fact, in the bill itself I think the gentleman would see that what we have done is we have allowed the heads of Federal agencies to consider differences in physical, chemical, biological, and other properties, and the environmental effects of the classes. To some degree we have empowered the heads of these agencies to make the determination in the best interests of this country. I do not think the gentleman would disagree with that interest.

Mr. OBERSTAR. I just say that when language in a bill says any Federal law, it is incumbent upon the author of such language to be specific, to say what those laws are. I do not think that we should ask the public to accept something so broad and sweeping they have no idea of what its implications and what its applications are.

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

Mr. BURR. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from North Carolina [Mr. BURR] for yielding this time to me. I compliment the gentleman from North Carolina [Mr. BURR], the gentleman from Virginia [Mr. BLILEY], the gentleman from Illinois [Mr. EWING], and the gentlewoman from Missouri [Ms. DANNER] for their hard work on this bill, and I rise in strong support of H.R. 436, the Edible Oil Regulatory Reform Act. This common-sense, risk-based approach to regulation embodies what the Speaker had in mind when he established the Corrections Day Calendar. This well-crafted, noncontroversial bill simply requires

Federal agencies to differentiate between animal fats and vegetable oils on the one hand and petroleum-based on the other.

The Clean Water Act and the Oil Pollution Act of 1990 are the two primary statutes addressing discharge of oil into the Nation's waters impacted by this bill and to a lesser extent the Hazardous Materials Transportation Act. Due to these statutes' broad definitions of oil and the lack of explicit guidance from Congress, the regulatory agencies have not adequately differentiated between animal fats and vegetable oils and other oils, including petroleum. Regulations that do not make these commonsense differentiations could impose costly, unnecessary burdens on handlers, transporters, and others involved in the edible oil industry.

The animal fat and vegetable oil industry handles, ships, and stores over 25 billion pounds of product annually in the United States. These agricultural substances are essential components to our Nation's economy and diet.

The record is filled with documented examples and justifications for treating animal fat and vegetable oil differently from other types of oil. For example, these edible oils simply do not present the same type of risk to the environment that other oils do.

When Congress enacted the Oil Pollution Act of 1990, it did not intend to apply the same response planning, liability, financial responsibility, and cleanup requirements to edible oils to the same extent as to crude oil and petroleum-based substances.

Comparable versions of H.R. 436 have already passed the House in two bills this year: H.R. 1361, the Coast Guard authorization bill for fiscal year 1996 and H.R. 961, the clean water amendments of 1995.

Both versions moved through the Transportation and Infrastructure Committee, the committee on which I served which the gentleman from Pennsylvania [Mr. SHUSTER] chairs, the committee with jurisdiction over the Oil Pollution Act and the Clean Water Act. The committee has an extensive record of testimony and other data affirming the need for the legislation.

The bill before us combines the views of the three committees involved: the Committee on Commerce, the Committee on Agriculture, and the Committee on Transportation and Infrastructure.

It includes a broad mandate for commonsense: generally all Federal agencies are required to differentiate between animal fat and vegetable oils on the one hand and petroleum-based oils on the other.

It includes provisions to take into account the special nature of food and drug regulations that do not relate to environmental discharge.

H.R. 436 is an important, non-controversial solution to a regulatory situation that needs correction, and I urge my colleagues to support the bill.

Mr. BURR. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Speaker, I thank the gentleman from North Carolina [Mr. BURR] for yielding this time to me, and I especially want to thank the chairman of the subcommittee, the gentleman from Illinois [Mr. EWING], and the gentlewoman from Missouri [Ms. DANNER], for putting this excellent bill forward. I am very, very proud to be a cosponsor.

Mr. Speaker, as a member of both the Committee on Agriculture and the Committee on Transportation and Infrastructure, this particular bill has great significance to me, and I am very, very proud once again to be a cosponsor. One of the reasons that last year I ran for Congress as a farmer and a small business person myself was because of the sometimes outrageous regulations that are placed on farmers and small business people seeing the direct effect of what those regulations have on people who are working very, very hard every day, striving to improve the lives for themselves and for their children. That is one reason that I am so supportive also of Correction Days, because it does give us an opportunity to right some of these wrongs which have been put on the American public and which have no benefit to the American people, but cause great restrictions as far as common sense in the business and workplace. My district in north-west Iowa produces a tremendous amount of soybeans. We have the largest soybean crush in the United States, any district in the United States. We produce more soybean oil than any other district, and that is why I am so proud that H.R. 436 simply requires, once and for all, for Federal agencies to tell the difference between what is a nontoxic vegetable oil or animal fats and petroleum-based oils when writing regulations, and we should keep in mind that this does not exempt vegetable oils or animal fats from regulations and spill plans. The oils covered by this bill are nontoxic, edible, natural, and biodegradable, and I think the folks at home should realize when they are cooking every day the oil that they get out of the bottle that they are frying their food in, this is what we are talking about. This is not the sludge or the crude from the *Exxon Valdez* or something like this. These are edible oils that are used every day in the kitchen in our homes and we eat every day. This should be very, very non-controversial.

I think this bill symbolizes the commonsense reforms to the environmental regulations of the Republican Congress that we are trying to put forth today. This bill removes unnecessary costs of burdensome shipping standards which should not apply to nontoxic products such as vegetable oils and animal fats.

This type of regulation in the past is part of the absurdity that we have had in our regulatory parts of this Government, and it is really hard for me to believe that it takes an act of Congress to state that vegetable oil is not toxic

and should not be held to the same standard as crude oil. American farmers have suffered from increased shipping rates and loss of foreign markets due to these crazy regulations, and I ask for everyone to support 436, which is common sense. It brings back some sanity to this Government.

□ 1500

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

Mr. Speaker, I would like to observe that for all the hoopla over Corrections Day created by the majority, that in 10 months we have considered San Diego sewage and edible oils, one of which is being resolved by the Environmental Protection Agency on its own, and the other of which is being resolved by the Department of Transportation, and regulations that agency has issued, which is part of two other bills which have passed the House. This is a large waste of the body's time and a process that is inappropriate for the consideration of such subjects.

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

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

Mr. Speaker, I would make this comment to my colleague, that in my 9 short months here in Washington, I have learned that sometimes a little nudge is what is needed to get the process started. I hope this nudge of Corrections Day will enable us to eliminate those things that to the American people are common sense, that we should change and clarify.

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

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from Illinois [Mr. EWING] will close debate.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding time to me, and for giving me the opportunity to close on this bill.

Mr. Speaker, it is so simple, we should not have to be here. Yet we are here today because it has not been done. That is what the American people are unhappy about: Two Congresses, multiple bills, and we still have the regulatory rock around our necks. It is hard on agriculture, it does not hurt the environment, and yet, it even increases costs to consumers across this country.

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

Mr. EWING. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I would like to point out to the gentleman that the process has worked as far as the substance of the gentleman's issue is concerned. This body has acted in last Congress and this Congress. It is the other body that has not acted. I suggest the gentleman direct his anger to the other body.

Mr. EWING. Mr. Speaker, I would ask the gentleman, then, why the objection to do it? We need to do it, get it out

there is an individual bill so it will not die as part of some other legislation. The people of this country cannot understand how we can be so bureaucratic. It is time for a change. The Corrections Day Calendar is a good calendar, and I would certainly encourage people of get behind this bill. Let us show the American people we do care about what they are concerned about, that we do care and that we can make government effective, efficient, and responsible.

Mr. SMITH of New Jersey. Mr. Speaker, I want to express my strong support for two bills we are considering today, both of which were introduced by my good friend and colleague Representative HUTCHINSON.

H.R. 1384 makes an important contribution to veterans health care by helping ensure that the VA health care system can retain the best health personnel. Unfortunately, existing VA regulations actually create a disincentive for many health care professionals to work in the VA health care system.

By restricting nurses, physician assistants, and dental auxiliaries from obtaining additional work outside the VA, we are forcing these personnel to make a choice between remaining in the VA, or leaving the system altogether. Many of these employees feel that they must obtain income from secondary sources in order to support their families and make ends meet. They should be allowed to do so, while still serving the VA. We should not risk losing talented people in the VA health care system simply because of an outdated regulation that no longer serves a useful purpose.

Mr. Speaker, I also want to urge my colleagues to support H.R. 1536, which will extend the VA's authority to use local salary data to determine the salary levels of nurse anesthetists. This provision is necessary to ensure that nurse anesthetists are fairly compensated for their services, in the same manner that compensation for regular nurses is determined through the Veterans Affairs Nurse Pay Act of 1990.

As a member of the Veterans' Subcommittee on Hospitals and Health Care, I was pleased to support both of these bills at both the subcommittee and the full committee level. I want to thank Chairman HUTCHINSON for his diligent work on these legislative initiatives, and urge all my colleagues to give their full support to these two measures.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina [Mr. BURR].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to include extraneous material in the RECORD.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 436, EDIBLE OIL REGULATORY REFORM ACT

Mr. BURR. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make technical and conforming changes to H.R. 436, the bill just passed.

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

There was no objection.

EXEMPTING CERTAIN FULL-TIME HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF VETERANS AFFAIRS FROM RESTRICTIONS ON REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1384), to amend title 38, United States Code, to exempt certain full-time health care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities, as amended.

The Clerk read as follows:

H.R. 1384

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

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS PERSONNEL ADMINISTRATION.

(a) EXEMPTION OF CERTAIN HEALTH-CARE PROFESSIONALS FROM RESTRICTIONS ON REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES.—Section 7423 of title 38, United States Code, is amended—

(1) in subsection (b), by striking out paragraph (1) and redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively;

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

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

“(c)(1) An employee of the Veterans Health Administration who is covered by subsection (a) (other than a registered nurse, a physician's assistant, or an expanded-duty dental auxiliary) may not assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility.

“(2) The limitation in paragraph (1) shall not apply in a case in which the employee, upon request and with the approval of the Under Secretary for Health, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available. The

approval of the Under Secretary may not be for a period in excess of 180 days, which may be extended by the Under Secretary for additional periods of not to exceed 180 days.”.

(b) CROSS REFERENCE AMENDMENTS.—Subsection (d) of such section, as redesignated by subsection (a)(2), is amended—

(1) in the matter preceding paragraph (1), by striking out “subsection (b)(6)” and inserting in lieu thereof “subsection (b)(5)”; and

(2) in paragraph (2), by striking out “paragraph (1)(B)” and inserting in lieu thereof “section 7421(b) of this title”.

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

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1384.

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

There was no objection.

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

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

Mr. STUMP. Mr. Speaker, H.R. 1384 would exempt VA professional nurses, physicians' assistants, and expanded-duty dental auxiliaries from restrictions regarding outside professional activities for remuneration.

Mr. Speaker, the CBO has stated H.R. 1384 would have no significant impact on the Federal budget. I would like to express my appreciation to the gentleman from Mississippi, SONNY MONTGOMERY, ranking member of the full committee, the gentleman from Arizona, TIM HUTCHINSON, chairman of the Subcommittee on Hospitals and Health Care, as well as the gentleman from Texas, CHET EDWARDS, who is the ranking member of the subcommittee, for their support of the bill.

Mr. Speaker, in addition to thanking the gentleman from Mississippi [Mr. MONTGOMERY] for his work on this bill, I would like to be one of the first Members on this floor today to say how much I regret his decision to retire from the House at the end of this term. The gentleman from Mississippi has been a great friend for many years, and we have worked on many issues over those years. I just want him to know that I will miss both his friendship and his counsel. There will, of course, be many occasions over the next 14 months to more properly express our appreciation for his outstanding service in this House, but I would like him to know that I both regret his decision, but also wish him the very best in his future endeavors.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON], chairman of the Subcommittee on Hospitals and

Health Care of the Committee on Veterans' Affairs.

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

Mr. Speaker, I want to be the second person to publicly express my sadness at the decision of the ranking member, the gentleman from Mississippi, SONNY MONTGOMERY, longtime chairman of the Committee on Veterans' Affairs, not to seek reelection. There surely will be no Member more missed around this place than SONNY MONTGOMERY, a great champion of veterans and a great patriot.

Mr. Speaker, I strongly support H.R. 1384. I commend the chairman, the gentleman from Arizona [Mr. STUMP], for bringing this bill to the floor this morning. I also want to thank the ranking member on our subcommittee, the gentleman from Texas [Mr. EDWARDS], for his assistance.

Mr. Speaker, I support this legislation which I introduced to exempt certain VA health care professionals from restrictions on remunerated outside professional activities, and urge its immediate passage.

Mr. Speaker, this legislation would lift the moonlighting ban on professional registered nurses, physicians' assistants, and dental auxiliaries. This outdated law, enacted in 1946, nearly 50 years ago, was written at a time when nurses were expected to be on call 24 hours a day. The role of nurses has changed from one of physician's handmaiden to that of independent practitioner, necessitating a changed work schedule for nurses by removal of the expectation of 24-hour-a-day availability.

Additionally, physicians' assistants and dental auxiliaries work at a set schedule and are not required to be available 24 hours a day. The law maintains the restrictions on VA health care professionals, such as physicians, who continue to be on call 24 hours a day, 7 days a week. Additionally, Mr. Speaker, the pay structure for nurses has changed through the years. No longer are nurses paid with the expectation of nonstop availability for duty. Instead, they are compensated at an hourly rate with a possibility of overtime pay. Thus, nurse staffing problems caused by moonlighting have become virtually nonexistent.

Economic realities are the driving force behind the need to find outside employment. Quite simply, many families need to moonlight in order to make ends meet, and will make an employment decision based on the ability to work two jobs. The removal of this ban can only help in the recruitment and retention of qualified personnel.

Mr. Speaker, this legislation is strongly supported by the Department, professional organizations representing the affected groups, and the Committee on Veterans' Affairs, Both the Subcommittee on Hospitals and Health Care, of which I am the chairman, and the full committee unanimously re-

ported out this measure. Once again, I am in strong support of this legislation and urge its immediate passage.

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

Mr. Speaker, I want to thank the gentleman from Arizona [Mr. STUMP], chairman of the Committee on Veterans' Affairs. We work well together. I was chairman for 13 years, and now BOB is the chairman, and we will continue to work together. I appreciate what the gentleman has said. There comes a time that you have to move on. I think this is my time.

To the gentleman from Arizona, TIM HUTCHINSON, the chairman of the subcommittee, I thank him and I offer him congratulations. He has handled this big subcommittee very, very well. It is very important to veterans to have health care and medical care, and this is part of the bills we have up today to help those veterans.

Incidentally, Mr. Speaker, I think this is a proper time today to point out that tomorrow at 9 o'clock, World War II veterans will be honored in this Chamber at a joint committee of both the House and the Senate. I would certainly encourage the Members to be here, and the gentleman from Arizona [Mr. STUMP], and I had the privilege of leading House delegations both to Europe and to Honolulu, to Pearl Harbor, to celebrate the 50th anniversary of the ending of World War II, but we think it will be a nice celebration, and I hope that the Members would attend.

Mr. Speaker, I rise in support of H.R. 1384, as amended. This bill would lift the current ban on outside work by full-time VA nurses and certain other employees. The rule abandoning outside work was intended to help VA hospitals meet their staffing needs. Today that ban is too broad, so the old rule is not only unnecessary, it is unfair. I urge Members to support this measure.

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

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I would like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Arkansas [Mr. HUTCHINSON] for expediting this bill, as well as to also pay tribute to the distinguished service that the gentleman from Mississippi [Mr. MONTGOMERY] has given to the people of the United States, as well as to the veterans of this country.

Mr. Speaker, when the Veterans' Administration's Department of Medicine and Surgery was created in 1946, there was a drastic need for health care professionals to provide care for our Nation's wounded World War II veterans. At that time, it was necessary to place restrictions on the outside employment for certain Veterans' Administration health care personnel in order to provide adequate care for our country's wounded heroes. However, outside employment no longer interferes with cur-

rent Veterans' Administration health care staffing needs, and the moonlighting restrictions are no longer necessary to maintain adequate patient care. In addition, these restrictions have caused unnecessary burdens on the Veterans' Administration's ability to hire and retain quality health care professionals.

I first became aware of the need for this legislation at one of my many townhall meetings when Mrs. Mary Flaherty, a registered nurse at the Zablocki Veterans' Administration Health Center in Milwaukee, pointed out the adverse economic impact this restriction had on her and the 311 other full-time registered nurses at the Zablocki Center. H.R. 1384 amends title 38 of the United States Code to exempt professional nurses, physicians assistants, and expanded duty dental auxiliaries employed by the Veterans' Administration from restrictions on outside employment. H.R. 1384 removes current restrictions that limit the earning ability of thousands of Veterans' Administration employees by allowing them to seek supplemental employment without giving up their full-time employment with the Veterans' Administration.

Mr. Speaker, it is refreshing when Congress acts swiftly to negate outdated and burdensome laws and regulations that affect hard-working taxpayers' ability to provide for their families.

Mr. Speaker, I hope this bill is speedily enacted into law.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS], a ranking member on the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs.

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

Mr. Speaker, there are not going to be any press people in the gallery this afternoon watching the discussion on this bill. There will not be any headlines in tomorrow's newspapers around the country.

This bill will not be on the evening news broadcast nationally this evening because there is no conflict on it, because the Congress has done its business the way it should do its business, on a bipartisan basis, putting the interest of medical care for veterans first, as it should be the priority of this House when we deal with veterans' legislation.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP], the chairman of the committee, and the gentleman from Arkansas [Mr. HUTCHINSON], for their leadership on this bill. I want to commend the gentleman from Mississippi [Mr. MONTGOMERY], along with the gentleman from Arkansas [Mr. HUTCHINSON], for continuing not only their commitment to veterans, but their efforts to see that the House on veterans' issues does its business as it should on a non-partisan basis.

□ 1515

The end result of this legislation is going to be to improve the quality of health care for hundreds of thousands of veterans all across America. It will help our VA hospitals and medical centers retain the finest quality in nurses and physician assistants and dental hygienists. This is significant legislation, because it will significantly help those Americans who have been willing to put their lives on the line for our country.

So while there is no great conflict, there will be no headlines in the newspapers. I want to thank the gentleman from Arizona and the gentleman from Arkansas and the gentleman from Mississippi for carrying on the business of Congress in such an efficient and professional manner.

Mr. Speaker, I must add a personal editorial note, that it is a shame that the American people do not see the Congress operating as it has operated on this legislation, in a very positive way, a very amicable way, a very non-partisan way. If the American people were to see Congress working on this as the leaders have worked on both sides of the aisle on this legislation, I think perhaps people would have a better and fairer sense of the way Congress operates on much of our business.

So this legislation is good legislation. It is going to help our Nation's veterans, and I want to urge passage of it today.

Mr. Speaker, let me finalize my comments by saying I would be remiss if I were not to pay tribute to the gentleman from Mississippi [Mr. MONTGOMERY]. I came here as a young man straight out of Texas A&M University in 1974 to work for the then chairman of the Veterans' Affairs Committee, Olin E. "Tiger" Teague, a gentleman that was known at the time as Mr. Veteran of the Congress. Mr. Teague told me about another gentleman who at the time was taking a real leadership position for our veterans, and particularly fighting for the interests of our POW's and MIA's. He told me that Mr. MONTGOMERY would be known as the next Mr. Veteran of the U.S. Congress, and that is in fact what has happened for so many years of great and unselfish service.

Mr. Speaker, I do not know of any Member of Congress who has served with greater distinction, with greater class, with greater humility, with greater kindness, or greater commitment, genuine commitment, to helping those men and women who are willing to fight for our country. This is the first piece of legislation that Mr. MONTGOMERY has helped bring to the floor since his announcement that he is going to retire.

Mr. Speaker, I simply want to say on behalf of all of my colleagues in Congress and all of the veterans of America that we will miss dearly, we will miss greatly, the gentleman from Mississippi who has set a standard of gentlemanness, a standard of profes-

sionalism that we younger Members of Congress for many years to come would be well advised to follow. If we were to do so, and this Congress were to act in its business always as Mr. MONTGOMERY has always acted on his congressional business, the institution of Congress would be held in high esteem by all Americans.

So to the general from Mississippi, to the gentleman from Mississippi, I say it is an honor to serve with the gentleman. This is not a goodbye today because we are fortunate to have the services of the gentleman for many months to come until the next election, but thank you for your leadership.

I thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Arkansas [Mr. HUTCHINSON] for their fine work on this piece of legislation.

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

Mr. Speaker, I want to thank the gentleman from Texas [Mr. EDWARDS]. I first met the gentleman many years ago, the gentleman from Waco, and we met those great World War II Texas Division people that were in Italy and fought so well. The gentleman from Texas [Mr. EDWARDS] has a wonderful veterans district with several hospitals there, and I appreciate the kind words he said. I still will be around for 14 months, I hope.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I echo the words of my colleague from Texas, Mr. EDWARDS, not only on this bill, but in relation to our good friend, General MONTGOMERY. I rise in support of the legislation and I commend both sides for what they have done for the veterans.

Let me say that General MONTGOMERY and I came here at the same time, and for us, from Texas, it was certainly an easy transition from Olin "Tiger" Teague who was Mr. Veteran to Mr. Veteran General MONTGOMERY.

I take great pride in mentioning the Montgomery bill of rights. Recently when both gentlemen, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] were in Hawaii for the commemoration of the 50th anniversary of the end of World War II, and I was privileged to accompany them, I told one of the young men who was about to be made sergeant the next day and he was already talking about when he might return home, and I said, "Well, you can get an education", and he says, "Oh, yes, the Montgomery bill of rights." And I pointed to the gentleman from Mississippi, and I said, "That is the Montgomery bill of rights right there." And with great awe and admiration he rushed over to thank Mr. MONTGOMERY, and that is his legacy.

Mr. Speaker, I know later we will have other comments, but in associa-

tion with what we do today, the gentleman from Mississippi will have left a legacy as a friend of the veteran, and all of us who are veterans thank him.

This legislation is good. We still have a long ways to go in regards to taking care of the problems of veterans, but I feel very comfortable with the two gentlemen managing the bill here that we will address those issues, and I thank the gentleman for yielding to me.

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

Mr. Speaker, I want also to thank the gentleman from Texas for his very kind remarks. I enjoyed very much having his wife and himself on our trip. He is a World War II veteran.

To the gentleman from Texas [Mr. DE LA GARZA], there is a seat right there in front for you tomorrow and I hope you will be right there. Mr. DE LA GARZA was in two services, I believe. He was in the Army and also in the Navy, and that is rather unusual. So I thank the gentleman again for his kindness.

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

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

Mr. Speaker, I would like to thank both the gentlemen from Texas for their remarks about this bill, and I would especially like to thank Mr. EDWARDS for his kind remarks about the operation of his committee and mine, and I want the gentleman to know that he is one of the reasons why we operate in a bipartisan manner.

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

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

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1384, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING THE DEPARTMENT OF VETERANS AFFAIRS AUTHORITY TO USE NURSE ANESTHETIST CONTRACT SALARY DATA IN ESTABLISHING PAY RATES FOR VA-EMPLOYED NURSE ANESTHETISTS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1536) to amend title 38, United States Code, to extend for 2 years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs.

The Clerk read as follows:

H.R. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7451(d)(3)(C)(iii) of title 38, United States Code, is amended by striking out "April 1, 1995" and inserting in lieu thereof "December 31, 1997".

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1536.

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

There was no objection.

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

Mr. Speaker, H.R. 1536 would extend until December 31, 1997, the authority to permit VA Medical Center Directors to use nurse anesthetist contract agency compensation data to adjust locality-based nurse pay rates.

This would only be done where a VA locality survey provides insufficient data.

The Department requested extension of this authority which will allow the VA to remain competitive in the job market for nurse anesthetists.

The Congressional Budget Office has stated the bill would have no significant cost to the Federal Government.

I want to thank the ranking member of the Veterans' Affairs Committee, SONNY MONTGOMERY for helping move the bill to the floor.

I also want to thank TIM HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and CHET EDWARDS the subcommittee's ranking member for their efforts on the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, again, as with the previous legislation that we just passed, this legislation will basically help the VA medical centers bring the best quality of health care to our Nation's veterans by allowing flexibility in pay scale for VA nurse anesthetists. This will allow us to keep many of our finest nurse anesthetists in the VA hospitals. Without this legislation, there is a very real chance that many of these important people in our VA health care system might be pulled out of the public health care system and somewhere into private practice. If that were to happen, that would be a loss not only to our VA health care centers, but to the veterans that they serve.

Mr. Speaker, once again, as in the previous legislation, I want to com-

mend the gentleman from Arizona [Mr. STUMP] and the gentleman from Arkansas [Mr. HUTCHINSON] for their leadership on this important legislation, along with the gentleman from Mississippi [Mr. MONTGOMERY] for his leadership as the ranking member of the full committee. I urge passage of this legislation.

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

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1536. I want to commend the gentleman from Arizona [Mr. STUMP] for his work on this bill and for bringing it to the floor today. Again, I thank the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], for his work on this bill, along with so many on behalf of veterans. I also want to express my gratitude to the gentleman from Texas [Mr. EDWARDS], the ranking member on the Subcommittee on Hospitals and Health Care, for his kind words earlier and for his good work and for how easy it is to work with him on behalf of all veterans.

This is another one of those bills, as Mr. EDWARDS said, that will not be on the evening news, but it is an example of the way Congress ought to work. Mr. Speaker, members of this committee, Mr. STUMP, Mr. MONTGOMERY, Mr. EDWARDS, and the other members of our committee, Mr. KENNEDY, we have very strong differences on many issues. We certainly are no less loyal to our political parties, but what makes this committee work so well is a greater loyalty to our veterans. While we feel strongly about our particular issues, we feel even stronger about the need to work together on behalf of the veterans of this country. So it is a great committee on which to serve.

Mr. Speaker, I rise in full support of this legislation to extend the expiring authority to determine locality pay for VA nurse anesthetists and urge immediate passage of the bill. The bill continues the VA authority to use salary data from any employee of nurse anesthetists as a means of setting appropriate locality pay rates to December 31, 1997. This authority was made necessary because of a quirk in the Veterans Affairs Nurse Pay Act of 1990 which established a locality pay system for VA nurses, but failed to provide an adequate means for determining the rates of pay for nurse anesthetists.

The legislation passed unanimously in both the Subcommittee on Hospitals and Health Care and the full Veterans Affairs' Committee. It is supported by the VA, and CBO has concluded that the legislation has no significant cost to the Federal Government. So once again, Mr. Speaker, I urge quick passage of H.R. 1536.

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

Mr. Speaker, there have been some around here who have said in years

past that the members of the Committee on Veterans Affairs get up and congratulate each other on both sides of the aisle, and I like that. I think we would do much better around here if we did that in other committees, if we were to work more closely together. We enjoy working with the other side of the aisle, as they enjoy working with us. Of course, we have a wonderful constituency in that we have the veterans and their dependents and the others who are affected by what we do in veterans programs.

Mr. Speaker, I rise in support of this legislation, and I would hope that this would be a unanimous vote.

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

□ 1530

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1536.

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

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1995

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2394) to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The Clerk read as follows:

H.R. 2394

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1995".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1995, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1995.

(2) Except as provided in paragraphs (3) and (4), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as increased effective December 1, 1995, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(4)(A) The old-law DIC rates shall each be increased by the amount by which the new-law DIC rate is increased as determined under paragraphs (2) and (3).

(B) For purposes of this paragraph:

(i) The term "old-law DIC rates" means the dollar amounts in effect under section 1311(a)(3)(3) of title 38, United States Code.

(ii) The term "new-law DIC rate" means the dollar amount in effect under section 1311(a)(1) of title 38, United States Code.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1995, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

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

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2394.

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

There was no objection.

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

Mr. Speaker, H.R. 2394, the Veterans' Compensation Cost-of-Living Adjustment Act of 1995, would authorize the VA to provide the same cost-of-living adjustment [COLA] payable to Social Security recipients.

However, the bill is consistent with the reconciliation recommendations recently forwarded by the VA Committee to the Budget Committee.

Those recommendations include rounding down the 1996 COLA to the next lower dollar amount for veterans receiving disability compensation and dependency and indemnity compensation [DIC] recipients.

Additionally, the bill would provide an equal COLA to all DIC recipients based upon the new flat-rate payment schedule.

The Congressional Budget Office has indicated the bill reduces direct spending under the pay-as-you-go budget rules.

I believe this bill treats veterans and their survivors fairly while complying with the budget resolution, and I urge my colleagues to support the bill.

I want to thank my good friend SONNY MONTGOMERY, the ranking minority member of the committee for his assistance on this measure.

Before yielding to him I also want to thank TERRY EVERETT, chairman of the Compensation Subcommittee and LANE EVANS, the ranking minority member on the subcommittee for their efforts on this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT] for an explanation of the bill.

Mr. EVERETT. Mr. Speaker, H.R. 2394 is a cost of living adjustment bill which will increase the rates of compensation for service connected disabled veterans along with the rates of dependency and indemnity compensation [DIC] for survivors of certain disabled veterans. The rate of increase will match that set by the Social Security Administration and will become effective on December 1, 1995.

In 1993, the House Veterans' Affairs Committee approved a measure that granted a one-half COLA based on the new-law benefit amount for all DIC recipients.

This year, however, despite some COLA provisions to help meet the committee's reconciliation targets, we will be able to improve on OBRA 93 and give a full rate increase to all DIC recipients based on the new-law benefit amount of \$790.

This bill would also provide for a round down to the next lower dollar amount for all compensation and DIC benefits when the amount is not a whole dollar. While we have not studied all cost of living adjustments, according to the congressional research service, a major portion of Federal programs made COLA round downs permanent in the 1980's, including military retirement, aid for dependent children, supplemental security income, Social Security, railroad retirement, civil service retirement, and food stamps.

This is a good bill. If the letters from your constituents are anything like the ones I have been receiving, you know that a full DIC COLA is not something a lot of surviving spouses

are expecting. This year, the administration's budget request and the budget resolution both suggested a half COLA. With a bipartisan effort, we are able to provide a full rate increase to help ensure an adequate standard of living for the 2.23 million veterans receiving disability compensation, in addition to the almost 313,000 surviving spouses and children of our veterans whose lives were shortened by service-connected illness or injury.

Mr. Speaker, I would also like to add to what has been said about my good friend the gentleman from Mississippi [Mr. MONTGOMERY]. I came to this Congress 2½ years ago. He was one of the first men I met here. I have great admiration for him. I also have many people in my district who know him and love him, think the world of him.

I would just echo what was said. If all Members of this Congress operated the way that SONNY MONTGOMERY operates, this Congress would have a much different reputation.

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

Mr. Speaker, I want to thank the gentleman from Alabama, the chairman of the Subcommittee on Compensation, Pension Insurance and Memorial Affairs of the Committee on Veterans' Affairs, for the kindness he said. If I have done that well, maybe I should not leave, but I know it is time to go.

I enjoy working with the gentleman from Alabama. Our districts join in the two States. We are very close friends. I commend the gentleman from being the chairman of the subcommittee and taking an interest in the compensation, in working in certain areas that need to be done, such as the computer area, which has saved the taxpayers some money. I want to commend the gentleman.

Mr. Speaker, I am in strong support of the last bill on the calendar for today, H.R. 2394. It will provide for a cost-of-living adjustment for disabled veterans and their survivors.

The bill, I want to express this, Mr. Speaker, calls for the increases to be effective December 1, 1995. It is my understanding also that this will be around 3 percent. I wanted to also say that it does go and help the disabled veterans. I urge my colleagues to support this measure.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, this bill we are considering today—to provide disabled veterans the same cost-of-living-adjustment as we give Social Security recipients—represents one of the most important contracts we must honor.

That contract is the one we have with disabled veterans of our military services to enable their COLA's to keep up with the consumer price index. In my view, simply keeping up with inflation as this bill does, is only a bare minimum of what we owe our disabled veterans. They deserve more.

As disabled veterans age, their disabilities often cause problems at an increasing rate. Therefore, we absolutely must increase their COLA's with the rate of inflation and we really should do more for them.

I believe our priorities are wrong when we are spending \$15 billion more on airlift than necessary by buying the enormously expensive C-17 air cargo plane. Our priorities are wrong when we are signing up for 20 more B-2 bombers that the Department of Defense does not even want at an eventual cost of at least \$30 billion.

Rather than waste more taxpayer dollars on these outmoded cold war systems, it is far more important for us to attempt to repay the debt we owe our disabled veterans and their survivors. They have made tremendous sacrifices on our behalf and we do not do enough for them.

Before I close, I want to pay tribute to my colleague, Mr. MONTGOMERY. He has worked incredibly hard on behalf of our Nation's veterans for many, many years. We all appreciate the contributions you have made and I look forward to working with you throughout the remainder of this Congress.

I urge my colleagues to support the veterans disability compensation cost of living adjustment.

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

Mr. Speaker, I want to thank the gentlewoman from Oregon. She has been very supportive of veterans' programs. She has always been there when we have asked for her support. She has never voted against one of the veterans' bills. I look forward to working with the gentlewoman for 14, 15 more months. I thank the gentlewoman for talking on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2394.

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

A motion to reconsider was laid on the table.

SECOND SUPPLEMENTARY AGREEMENT AMENDING AGREEMENT BETWEEN UNITED STATES AND GERMANY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee

on Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (the "Act"), as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Second Supplementary Agreement Amending the Agreement Between the United States of America and the Federal Republic of Germany on Social Security (the Second Supplementary Agreement), which consists of two separate instruments: a principal agreement and an administrative arrangement. The Second Supplementary Agreement, signed at Bonn on March 6, 1995, is intended to modify certain provisions of the original United States-Germany Social Security Agreement, signed January 7, 1976, which was amended once before by the Supplementary Agreement of October 2, 1986.

The United States-Germany Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Canada, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The present Second Supplementary Agreement, which would further amend the 1976 Agreement to update and clarify several of its provisions, is necessitated by changes that have occurred in U.S. and German law in recent years. Among other things, it would extend to U.S. residents the advantages of recent German Social Security legislation that allows certain ethnic German Jews from Eastern Europe to receive German benefits based on their Social Security coverage in their former homelands.

The United States-Germany Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the agreement. The Department of State and the Social Security

Administration have recommended the Second Supplementary Agreement and related documents to me.

I commend the United States-Germany Second Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, October 10, 1995.

TOLERANCE AND JUSTICE FOR ALL AMERICANS

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

Mrs. SCHROEDER. Mr. Speaker, today my city of Denver and many other Coloradans went to the Supreme Court and a very, very powerful argument was put together by my city and many others that would say that all Americans, all Americans, have the right to equal protection of the laws, including gay men and lesbians. Amendment 2 was adopted by a slim majority in my State of Colorado in 1992, and this is the final culmination of it in the Supreme Court.

Mr. Speaker, as I stand in this well, the word "tolerance" is right here to my left. The word "justice" is right behind me. Those kinds of words are printed all over and chiseled on stone all throughout this great city. The issue today is do we really mean it.

Justice Ginsburg made a compelling analogy to the suffragettes, pointing out that when they could not win the right to vote nationally, they went to localities to do that. I certainly hope that the outcome continues to be in accordance with the words that we have chiseled on all of our stones around here about tolerance and justice and equal protection for all.

Mr. Speaker, the Supreme Court today heard a powerful argument on behalf of the city of Denver and other parties that a majority of voters cannot override the right to equal protection of the laws enjoyed by all Americans, including gay men and lesbians.

Amendment 2, adopted by a slim majority of voters in 1992, would have deprived all branches of Colorado government of the power to remedy any claim of discrimination based on homosexual, lesbian, or bisexual orientation. Some people have framed this as a special protection issue, but it is clear that what is at issue is the right of people to be free from arbitrary, irrational discrimination based on their sexual orientation. Equal treatment, not special treatment, is the issue. Even more fundamentally, what is at stake is the ability of one group of voters to place roadblocks in the way of others who seek to participate in the political process.

Justice Ruth Bader Ginsburg made a compelling analogy in this morning's argument to the suffragists and their struggle to win the vote for women. She noted that when suffragists were unable to win the right to vote on a broader basis, they sought and won the right to vote in certain localities. It would have been an outrageous interference with the political gains made by suffragists at the local level for a State to move to invalidate those local voting laws. Similarly, it is unacceptable for a slim

majority to declare that the State government, State subdivisions, municipalities, and school districts are powerless to act to provide a remedy for arbitrary discrimination.

Observers of today's argument are hopeful that the Supreme Court will uphold the Colorado Supreme Court's decision invalidating amendment 2. I congratulate Denver and the other appellees for their powerful arguments before the Supreme Court this morning, and look forward to a decision consistent with this Nation's commitment to the civil rights of all its citizens.

WELCOME TO PRESIDENT ZEDILLO

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

Mr. RICHARDSON. Mr. Speaker, today the new President of Mexico, Ernesto Zedillo, is in town meeting with our President and the bipartisan congressional leadership. Mr. Speaker, Mexico is a good friend, and it has had some tough times, and it is important that we show support to the new government and the new President of Mexico.

Last week the President of Mexico paid back \$700 million of Mexico's debt ahead of schedule. As a good neighbor should, the United States helped Mexico out of a severe financial crisis with a loan of \$20 billion. Among our top priority goals in United States-Mexico relations are to disrupt and defeat the narcotrafficking that so negatively affects both of our countries and to build the American economy by helping United States business do business with Mexico.

Mr. Speaker, it is important to welcome the new President of Mexico, to say that we are friends, that we back each other, that we need each other, that the problems of immigration and drugs and many other foreign policy issues and our economic ties are strong and should become stronger.

Mr. Speaker, I include for the RECORD a letter to me from Ambassador James R. Jones, as follows:

EMBASSY OF THE UNITED STATES OF AMERICA, MEXICO,

OCTOBER 3, 1995.

Hon. BILL RICHARDSON,
U.S. House of Representatives,
Washington, DC.

DEAR MR. RICHARDSON: Bill, I have written many "Dear Colleague" letters during my seven terms in Congress. This is the first time I have written you as U.S. Ambassador to Mexico. The occasion is the State Visit to Washington next week of Mexican President Ernesto Zedillo. I want to give you my assessment of our bilateral relationship and the status of Mexico's economic and political condition and prospects for the future.

Overall, U.S.-Mexico relations are the most mature, positive and cooperative I have seen since first visiting Mexico as a young White House Assistant nearly thirty years ago.

Among our top priority goals here at the U.S. Embassy in Mexico, two principal objectives are to disrupt and defeat the narcotrafficking that so negatively affects both of our countries and to build the Amer-

ican economy by helping U.S. business do business with Mexico.

Mexico and the United States are cooperating more closely and effectively than ever in the fight against domestic and foreign drug cartels who hope to use Mexico as a shipping point to America. President Zedillo has told me each time we have met how seriously he views the threat of organized crime to Mexico's sovereignty and its economic well-being. He has ordered closer cooperation of Mexican law enforcement agencies with ours and we are seeing results. A major narcotics trafficker and several cartel lieutenants have been arrested. Together with Mexican authorities we have developed more effective measures to detect and intercept drug shipments. So far this year, more than 400,000 metric tons of cocaine, heroin, marijuana and dangerous drugs have been seized in transit. We have a long way to go to stop the flow of drugs to the United States, but we are moving in the right direction.

Progress continues also in developing commercial opportunities for U.S. business with Mexico in ways that benefit both countries. The North American Free Trade Agreement (NAFTA) is working. Last year, Mexico surpassed Japan as our second largest trading partner before the currency crisis hit in December causing Mexico's most severe recession in decades. Today, even in the midst of this economic crisis, U.S. exports to Mexico are seven percent higher than before NAFTA took effect. And today our exports to Mexico support more than 700,000 U.S. jobs.

In addition, the economic recovery program in Mexico is also working. Absent a most unexpected event, I believe that the macroeconomic recovery will begin by the end of this year and recovery of the real economy by the middle of next year. This is important to us for two reasons: first, Mexicans buy overwhelmingly from the U.S. About 70 percent of their imports come from us. When Mexican consumers increase their purchasing power, it will expand our market opportunities which enhance jobs in the U.S. Second, creating economic opportunities in Mexico itself is without doubt the most effective way to control illegal immigration. Therefore, increasing commerce helps us both.

The Mexican Government has held steadfast to free market economic reforms and sound fiscal and monetary policies. The loan assistance package which the United States arranged to help Mexico avoid a default which could have triggered a global recession was not foreign aid. This loan has already earned our government \$479 million in interest and there are indications that Mexico will be able to pay the principal ahead of schedule.

Mexico is experiencing its greatest political, legal and democratic reforms in history. Election law changes last year have resulted in generally recognized fair elections and have given strength to opposition political parties. The Mexican Congress has gained vast new powers. The Supreme Court has been reformed. Some critics have viewed these developments as a sign of weakness in the Presidency and of potential instability. I believe just the opposite. It takes more strength to advance democracy than it does to retain authoritarian rule. We strongly support these democratic reforms and believe they improve stability in these difficult times.

This is a period of dramatic transition in Mexico as well as with our bilateral relations. The direction of this change is very positive. The values being promoted in Mexico such as a free market economy, open democratic systems, cleaning out corruption and strengthening law enforcement are values we share.

We also share a 2,000 mile border with this nation of 92 million people. We must make our relationship work to provide new opportunities for both countries. I will welcome your ideas.

Sincerely yours,

JAMES R. JONES,
Ambassador.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

[Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NEW REPUBLICAN MEDICARE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to continue with part of what I was talking about earlier today, and, that is, the new Republican leadership Medicare plan which I say new because as a member of the House Committee on Commerce, I first received the actual legislation not yesterday, but a week ago Monday on the day when the Committee on Commerce was expected to mark up the bill without any opportunity for a hearing. As a consequence, the Commerce Democrats decided to have their own hearings a week ago last Tuesday, on October 3, and there were a number of things that came out of that hearing that were very interesting in terms of where this Republican Medicare plan is taking us.

The concern that I have or one of the major concerns that I have is that this bill seeks to lure seniors into HMO's or other managed care programs with no choice of doctors in order to try to achieve the \$270 billion in savings that are proposed. If seniors do not move into managed care plans, budgetary gimmicks would kick in to take even more money out of the Medicare system. So I consider this plan a very unhealthy plan for the future of Medicare.

Let me talk a little bit about the concerns I have and why I say that it will force essentially seniors into HMO's or managed care systems. One of the concerns that I had a few months ago was that the Republican plan was going to basically put forward a voucher system whereby the Federal Government would give the senior a certain amount of money in a voucher or coupon and that if that was not enough to pay for a good quality health care plan, the senior would have to make up the difference by putting out more money.

□ 1545

Mr. PALLONE. One of the things we found in this bill is that only a set amount of money would be directed to pay for the HMO or the managed care plan and that seniors, if they wanted a better plan or if they felt that HMO did not provide adequate coverage, would, in fact, be asked or could, in fact, be asked by the HMO or managed care system to pay more out of pocket. That is the reality.

That is what we have before us when we look at this, when we look at this GOP Medicare plan that is before the Committee on Commerce. It is essentially a voucher system. But worse than that is that there is a proposal, if enough savings are not achieved, in other words, if enough seniors do not opt to go into a managed care HMO system, then cuts would automatically occur a few years down the line.

But the cuts, again, would be not to those people who go into the HMO or to the managed care system but rather for those seniors who opt to stay in a traditional fee-for-service system where they choose their own doctor or own hospital. All of the cuts that would come into play, if enough people do not go into HMO's or managed care, all of the cuts in the reimbursement rates to the hospitals or physicians or to other health care providers would come on the fee-for-service side.

What that would mean is that eventually those hospitals and doctors that continue in the fee-for-service system, where you can choose your own doctor and you do not have to go into managed care, they would find less and less money coming to them from the Federal Government, and they ultimately would have to, again, move into an HMO or managed care system because it would not pay for them to stay in the traditional fee-for-service system.

So what we have here is a program that essentially forces all of our senior citizens ultimately into an HMO or fee-for-service where they do not have choice of doctors.

The other thing that came to light in the document that was given to the Committee on Commerce last week is that the whole discussion on the part of the Republican leadership about how they were trying to go after fraud and abuse in Medicare, well, essentially that is a hoax. Because if you look at the actual bill, it makes it more and more difficult for the Federal Government to weed out fraud and abuse in the Medicare system. We estimate that over a course of 7 years, \$126 billion could be saved by reducing fraud and abuse.

But the GOP bill makes the existing civil monetary penalties and anti-kickback laws considerably more lenient. According to the inspector general of the Department of Health and Human Services, who testified before our alternative Commerce Democrats' meeting, hearing last week, the Medicare restructuring legislation would substantially increase the Government's bur-

den of proof in cases under the Medicare-Medicaid anti-kickback statute. Although a fund would be created to direct funds recovered from wrongdoers, this fund would not go to further law enforcement efforts. What that means is it is going to be harder for the Government to prove fraud and abuse because the Government would have a higher burden of proof.

If we do recover monies, because we do find fraud and abuse, find these kickback schemes that have existed, that money will not go back to law enforcement. There will be less and less, and it will be more and more difficult for the Government to go after fraud and abuse.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

[Mr. GIBBONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A DANGEROUS PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I would like to continue the discussions that we have been having here for some weeks now about the so-called Istook-McIntosh-Ehrlich proposal, an un-American, unfair effort to clamp down on political expression and political advocacy activities through a broad swathe of America, individuals and nonprofits and for-profits and partnerships. You name it, just about everybody is going to be covered by this effort to restrict the ability of Americans to enjoy their first amendment rights to participate in the public affairs of this country.

One of the things that is buried in this voluminous proposal has to do with the compliance provisions to make sure that no one and no organization was too active politically if they happened to get anything of value or a grant from the Federal Government. Remember that anything of value encompasses a multitude of possibilities, including, for instance, such things as irrigation water going to a western rancher or farmer from the Bureau of Reclamation.

In any case, anybody that is subject to the Istook limits on political advocacy and expression could be called to task, not in order to defend against a government allegation of a violation but, if challenged, would have to prove their innocence under this legislation. Again, it is not a case where the Government has to prove a violation. If you are challenged for having done too much political activity in a year, you have to prove your innocence. You not only have to prove your innocence by what would be the normal standard in our courts of a preponderance of the

evidence, more than 50 percent, you have to establish compliance by clear and convincing evidence.

Now we are talking, remember, about exercising our first amendment rights and being able to show that we have not overexercised, if you will, and having to show that on meeting our own burden of proof by clear and convincing evidence. Not only could a government agent come in to challenge a citizen or a nonprofit or a for-profit organization about this in this land of the free, but this bill invites, by incorporating what is called the False Claims Act, invites rampant vigilantism throughout this country because under the False Claims Act any citizen can sue anybody that they think may have violated these restrictions and any citizen can put an organization or their neighbor to the task of defending, of proving innocence under the absolutely warped scheme that would be imposed on this country under the Istook-McIntosh-Ehrlich bill.

Under the False Claims Act, if you are put to this proof that you have not overdone your political expression this year, you are doing so at the risk of treble damages and fines imposed under the False Claims Act. Again, an invitation to the opponents of anyone who is taking a position that may not be particularly popular in their community or in their neighborhood, an invitation to this kind of gratuitous activity by badly motivated vigilantes.

One of the other things about this proposal that, again, has not gotten the kind of attention it deserves is the reporting requirement. Every organization in this country that gets any grant or thing of value from the Federal Government, and that may be, for instance, a reduced postage mailing permit for publications and newspapers, but anyone that gets such a thing of value from the Federal Government is going to have to file every year a certification with regard to their compliance that enumerates their political activities for the preceding Federal fiscal year and gives an estimate of how much was spent on political activity.

All of these individual reports will be collated by every Federal agency that dispenses anything of value or any grant money and sent over to the Census Bureau, which every year will be required under this crazy legislation to pull together a national registry of political activity in this country and make it available on the Internet.

Can you imagine anything as inconsistent, as contradictory to the fundamental principles of this democracy, of the free exercise of speech and communication and freedom of assembly, having to do with the political life of our democracy?

Rumor two, although, this masquerades as having to do only with lobbyists and the Federal Government, these restrictions apply across the board to anything anybody does having the

slightest bearing on any public decision at the local level, the State level, the Federal level, the county level; anything imaginable would be swept under these mindless restrictions.

It is the most dangerous Orwellian, McCarthyite proposal we have seen in a long time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

UNITED STATES ASSISTING FRENCH NUCLEAR TESTING IN THE PACIFIC?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on Sunday, October 1, 1995, France detonated a second nuclear bomb in the South Pacific, thumbing its nose at over 150 nations that have called for France to stop its reckless and irresponsible behavior.

I find it deplorable that France, which exploded a 110 kiloton blast, seven times more destructive than the bomb that devastated Hiroshima, is again showing the world that, in the name of national interest, it is more than willing to reopen the global arms race while encouraging nuclear proliferation.

Mr. Speaker, I also find it deplorable that while the United States has gone on record as opposing France's resumption of nuclear testing and called for its end, our Government may in fact be in complicity with French President Chirac's decision to explode eight more nuclear bombs in the South Pacific.

On this subject, I would recommend to our colleagues and the public an excellent article in the New York Times, September 30, 1995, by Daniel Plesch and Simon Whitby of the British-American Security Information Council.

Mr. Plesch and Whitby note the near universal condemnation of France's resurrection of the nuclear nightmare in the South Pacific, and that despite the outcry, the United States continues to support the tests by allowing France to fly its DC-8 supply planes across the United States on their way to the Pacific. According to the State Department, these planes, which are likely carrying nuclear material, are permitted to stop over on the west coast.

They further state that, "the Clinton administration should prohibit these overflights. This ban might not stop the nuclear tests, but it would slow France's ability to supply and thus operate its Mururoa test site.

Mr. Speaker, this Mururoa atoll where France has exploded nuclear

bombs for the past 30 years, France has now exploded over 168 nuclear bombs on this atoll. This atoll now has probably 10 Chernobyls contained on this Pacific atoll, which is a volcanic formation. If that atoll ever leaks out, I do not know what is going to happen to the 200,000 Polynesian Tahitians living on these islands, let alone the 28 million people who live in the Pacific.

What arrogance, Mr. Speaker, that France has done this to the people of the Pacific region and might even be to the Americans living in the State of Hawaii on the Pacific coast States.

Mr. Speaker, I find it atrocious and the height of hypocrisy if this and other reports in the press are true that our Nation is acting in complicity with France's testing in the Pacific. Permitting French overflights of the United States with aircraft carrying nuclear materials or bomb components bound for France's South Pacific test site clearly undercuts the administration's policy against French testing.

Mr. Speaker—whether the administration is placing the American public at risk with these French nuclear overflights or is covertly supporting France's nuclear testing in the Pacific, I think they owe Members in Congress some answers regarding the extent and detail of U.S. nuclear collaboration with the Government of France. This matter is rife with hypocrisy and should not be kept hidden and secret from the American people.

Moreover, Mr. Speaker, if these French planes are carrying plutonium or other fissile materials, these overflights would be in clear violation of U.S. law without certification clearances from the Nuclear Regulatory Commission and the Department of Energy. For the State Department to merely declare that they don't know what's on board these flights is a travesty.

Mr. Speaker, if the Clinton administration is sincere about nuclear disarmament and opposition to French nuclear testing, it should immediately suspend all nuclear cooperation with France until it acts responsibly by stopping their tests in the Pacific.

The article follows:

[The New York Times, Sept. 30, 1995]

FRANCE'S BOMB, OUR PROBLEM

(By Daniel Plesch and Simon Whitby)

WASHINGTON.—The world has looked on in outrage as France has brought the nuclear nightmare back to the South Pacific. To date, 150 countries have criticized the underground weapons tests at the Mururoa Atoll in French Polynesia that resumed early this month after three years and that are to continue into 1996. Despite the outcry, the United States continues to support the tests by allowing France to fly its DC-8 supply planes across the United States on their way to the Pacific. According to the State Department, these planes, which are likely carrying nuclear material, are permitted to stop over on the West Coast.

The Clinton Administration should prohibit these overflights. This ban might not stop the nuclear tests, but it would slow France's ability to supply and thus operate its Mururoa test site.

State Department officials acknowledge that the French are ferrying military equipment, but they will neither confirm nor deny reports that the planes are carrying nuclear materials.

After the international opposition to the Pacific tests spread last summer, France reversed its long-held position at talks in Geneva on a comprehensive treaty that would ban all nuclear weapons tests. It no longer argues for a loophole that would allow the testing of nuclear weapons with under 500 tons of explosive power.

But France also said it will not agree to a full test ban until after its tests in the Pacific are completed in 1996.

The overflights are only one example of the complex relationship between France and the United States on nuclear weapons. Relations have always been highly secret and have never been subject to Congressional scrutiny.

During World War II, France supplied the Manhattan Project—the development of the atomic bomb—with heavy water that it had taken out of the country ahead of the advancing Nazis.

In the early 1970's, France helped the United States get around provisions of the Partial Test Ban Treaty of 1963. President John F. Kennedy had committed to a ban on above-ground nuclear tests. France, however, had not made such a pledge and continued to explode bombs above Mururoa until 1974. American planes were allowed to fly near the blasts to collect data.

In return for this privilege and for France's practical support for NATO, even though it had withdrawn from the alliance's military command, the United States has given France considerable help in building its nuclear forces.

Experts who are familiar with the arrangement say that this has included assistance for France's work on the neutron bomb, nuclear-warhead components, missile guidance systems and stealth technology for cruise missiles. Today, the United States is reported to be helping France with computer tests of its nuclear stockpile.

President Jacques Chirac has said that these tests are needed to determine if the weapons will work properly. But French officials have acknowledged that the main reason is to gather the data needed to develop new warheads. But they do not acknowledge that the United States is helping them.

France maintains that it has never relied on foreign support to build its nuclear weapons and that it never will. The secrecy around the program has helped France preserve its image as an independent nuclear state—a keystone of its foreign policy.

To undermine this not-so-grand illusion and to stress its opposition to French tests in the Pacific, Congress should insist that the Clinton Administration disclose the details of the American nuclear collaboration with France.

ORDER OF BUSINESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the majority leader's hour may precede the minority leader's hour in special orders today.

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

There was no objection.

THE ADVANTAGES OF NAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from California [Mr. DREIER] is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Texas [Mr. DOGGETT], for agreeing to my unanimous-consent request.

Mr. Speaker, in light of the arrival this week of Mexico's President, Ernest Zedillo, I would like to take a few minutes to talk about a very controversial issue and one which has gotten a great deal of attention over the past several months, and that is the North American Free-Trade Agreement.

We all know there was a very serious crisis which took place last December with devaluation of the peso, and many people have, I believe, mistakenly claimed that the problems that have existed have been because of the North American Free-Trade Agreement. Over the next few minutes I would like to make the case as to why this has not happened because of the North American Free-Trade Agreement.

□ 1600

Quite frankly, I believe that the North American Free-Trade Agreement has been one of those key items which has played a role in actually diminishing the potential negative impact on the economies of both the United States and Mexico, the reason being that the North American Free-Trade Agreement locks in the kinds of economic reforms which heretofore have not existed in Mexico.

A short-term analysis of United States-Mexico economic relations does not do justice to the North American Free-Trade Agreement, which is, and I underscore this, Mr. Speaker, a long-term agreement to promote greater economic efficiency, job creation, and regional economic integration within the Americas.

President Zedillo, as I said, is in town, and in the aftermath of the currency crisis that took place earlier this year, the critics have been out there flooding the intellectual mainstream with anti-NAFTA pollution. NAFTA has lived up to its four major promises.

First, it has increased United States exports beyond where they would be without the lower tariff barriers; it stopped Mexico from raising trade barriers, which cost United States jobs in response to their internal economic difficulties; third, it has helped increase the efficiency and health of many United States companies involved in production sharing to compete with Asian companies; and, fourth, it has provided United States firms with a tangible advantage over competitors from Europe and Asia.

Let me take this issue, because I know many people are concerned about the fact that some jobs have moved from the United States to Mexico. I know you, Mr. Speaker, have suffered greatly in your district, and several others have, but let me lay some facts out.

During NAFTA, we have seen an increase in U.S. exports. In the first year of the North American Free-Trade Agreement, United States-Mexico trade surged at a record pace from \$80 billion in 1993 to \$100 billion in 1994. United States and Mexican exports to the other's markets rose more than 20 percent, or about \$10 billion each. So we have had this increase in the flow of goods and services between the two countries increase to the tune of about \$10 billion each. Even using the most conservative export jobs multiplier, this has created more than 100,000 United States jobs, added to the 700,000 United States jobs already tied to our exports to Mexico.

United States export growth has been temporarily slowed because of Mexico's financial problems. We all acknowledge that. Yet despite the peso crisis, United States exports to Mexico for the first half of 1995 still exceeded the export level they were before the North American Free-Trade Agreement.

Let me say that again. In spite of the peso crisis, we have still seen an increase in our exports to Mexico, and it is at a level above what it was before implementation of the North American Free-Trade Agreement.

NAFTA has helped keep Mexico from raising trade barriers in response to the peso crisis. This is what I was alluding to at the outset. It is a fact that in the past Mexico often responded to their internal economic problems by closing their markets to foreign products. For example, back in 1982 when we saw the major debt crisis exist there, the Mexican Government essentially closed the country to imports from the United States. U.S. exports dropped back in 1982, following their closure, dropped a whopping 50 percent and it took 6 years to recover from their decision to basically close their markets.

Well, this knee jerk protectionist response represented what was clearly very bad Mexican economic policy. It is important to note that shutting out existing U.S. exports cost some Americans their jobs.

With NAFTA, Mexico is legally committed to keeping its market open to United States goods. Let me underscore that again. If it were not for NAFTA, the chance for Mexico to completely close down its market, dropping tremendously our opportunity to export into Mexico, would have been on the horizon. But NAFTA ensured that those things would be locked in.

By preventing a repeat of that protectionist measure that was taken in 1982 by the Mexican Government, we clearly protected literally hundreds of thousands of United States jobs. Rather than pursuing their past knee jerk course of action, namely, closing off their economy, Mexico has responded to financial problems by accelerating the sale of parts of the government-owned railroads, airports, and oil monopoly.

As we talk regularly about decentralization, trying to privatize and deregulate, the Mexican Government, in the wake of their financial crisis, moved toward privatization of sectors of, as I said, the railroad, the oil monopoly, and their airports. With liberalized foreign investment laws, United States companies are also now major players in the Mexican banking and telecommunications industry. We know that that has existed, because many people in the United States have been involved in those areas.

The other point that I raise is NAFTA has promoted production sharing with manufacturing occurring in both the United States and Mexico, which has helped increase the efficiency and the health of many United States companies competing with efficient Asian companies.

One of the major goals of the NAFTA is to spur business partnerships and global competitiveness among the North American countries, among firms in North America. Production partnerships are critical to a growing U.S. job market.

The United States International Trade Commission believes that United States-Mexico production sharing is critical to countering the fierce trade competition which faces this country from Asia and Europe. Goods made in conjunction with operations in Mexico contain much more United States content than similar goods made elsewhere in the world. That means that as more manufacturing is located in low wage countries, a trend that clearly is inevitable, more United States jobs are maintained by sourcing these facilities in Mexico rather than in countries in the Pacific rim. So we need to realize that there is a great benefit to U.S. jobs by sourcing within this hemisphere, rather than on the other side of the world.

Economic theory is one thing, but yesterday's New York Times in an article on the NAFTA described a classic example of production sharing and the complexity of trade's impact on our economy.

Key Tronic Corp. is a large manufacturer of computer keyboards in Spokane, WA. The company faces its stiffest competition from Japanese competitors. We often hear people on this House floor talk about the problems of Japan and the fact that they have access to our markets and yet we do not have access to theirs. So we know there is a great deal of competitiveness that comes from Japan.

That is obviously the case for Key Tronic. This company recently laid off 277 workers who were employed assembling the keyboards for Key Tronic, and they moved those jobs to Mexico.

NAFTA critics hailed this as a great sign that NAFTA has failed, because these 277 jobs failed Spokane and moved to Mexico. The keyboard manufacturing operation in Mexico is clearly more efficient than it is in Spokane. That was a business decision that Key Tronic made.

Due to the increased efficiency of this one aspect of Key Tronic's operations, the company's sales have surged. They have gone way up. The company today is much healthier, because they were able to take advantage of a more efficient operation within this hemisphere, rather than seeing those jobs move to the Pacific rim or other low-wage countries.

The components for the keyboards assembled in Mexico largely come from plants, where? Around Spokane, WA. Due to the increased keyboard sales, those plants have all increased output and employment. The overall employment level in Spokane related to Key Tronic sales is actually up. It is up because they took advantage, because they took advantage of this efficiency that existed in Mexico.

Now, key points from the Key Tronic experience that I think we need to learn, Mr. Speaker, the keyboards are being made more efficiently for lower cost. American computer manufacturers who purchase keyboards will now be able to offer more competitive prices to their consumers. Key Tronic is a healthier company, better able to stand up to Japanese competition. Key Tronic employees in the United States have a better future in a healthier company. Key Tronic suppliers are healthier with better future prospects for them. Their employees are better off.

In the long run it is indefensible to promote trade barriers that intentionally reduce economic efficiency when competitors elsewhere in the world continue to strive for efficient means of production. That is why we need to recognize that free trade is obviously the wave of the future.

Yes, I want to make sure we do not lose U.S. jobs. But I realize as we compete internationally, it is essential for us to continue moving ahead with these partnerships. Trade is a win-win situation and, on balance, will create more opportunity here in the United States.

NAFTA has provided United States firms with a tangible advantage over our competitors from both Europe and Asia. As Robert Paltrow, president of N.A. Communications, an Armonk, NY marketing firm, recently said: "The great sucking sound is not the sucking of our jobs to Mexico. It is the sucking of jobs from the Orient."

The remarkable level of United States exports to Mexico even during enduring a major Mexican recession, is clear evidence that NAFTA provides United States firms significant advantages over their competitors from Europe and Asia. Even during bad economic times United States firms account for a majority of the increase in Mexican imports. They are coming from this country.

As Mexico recovers from their slump, Mr. Speaker, United States exporters are a major beneficiary. At least 70 percent of all Mexican imports come from the United States. This gives us an-

other major stake in Mexican economic stability. Not that everyone in southern California does not already recognize that long-term economic health in Mexico is critical to finding a solution to the problem of illegal immigration, giving the United States a clear stake in economic development in Mexico is very, very important.

Many people have argued that we should not have engaged in this agreement. But, quite frankly, there is no benefit for the United States having a poor southern neighbor. Trade is not a zero sum game.

I recognize that there are tremendous losses of jobs in many of the districts, including yours, Mr. Speaker, as the gentleman has just informed me. But the fact of the matter is, I argue that many of those jobs that have gone to Mexico would have gone with or without NAFTA, and what has happened is the opportunity for partnership, deregulation, decentralization, and privatization. The things we all herald in Mexico were locked in because of the North American Free-Trade Agreement.

So I believe that while we listen to those critics out there who talk about that giant sucking sound, who talk about the fact that we have somehow given up our sovereignty, we have to recognize that maintaining our sovereignty is a top priority, and I am as committed to that as anyone. But recognizing that we live in a global economy is just as important. It is just as important because if we do not recognize that, the United States of America will be at a tremendous disadvantage to other countries throughout the world.

So this has been a positive agreement. It is a long-term agreement. It is one that is going to be phased in over a 15-year period. But I believe very sincerely that the arguments that we made 2 years ago on behalf of the North American Free-Trade Agreement stand today.

Mr. Speaker, I again thank my friend from Texas. I have consumed a grand total of 12 minutes, having gone just slightly beyond the 10, but in between the 10 and 15 that I said I would use.

LOBBYIST INTERESTS AND CUTS IN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, this afternoon I want to discuss two of the most critical issues facing this Congress. They are, first, the question of ethics, the question of special interest influence on the people's House, and whether the people's interests out there across America are being tended to in this House or only the special interests' interests.

Then there is the question of Medicare, the fact that within only a few

days, this House will be called to vote upon the Republican Medicare plan; that is, the pay more, get less plan, for the Nation's seniors and people with disabilities.

Indeed, not only do I want to talk about these two critical issues, but to discuss what appears to be an inter-relationship between the critical matter of the future of Medicare and the \$270 billion that the Republicans have proposed to cut from it and this question of lobbyist and special interest influence.

As we look at the first question, that of ethics and of lobby reform, it was on day one of this Congress from this spot that many of us were calling to change business as usual, to call for a gift ban, to call for lobby reform. Since that time, we have had considerable talk of change. Indeed, if talk was change, I guess the Capitol dome would be upside down by this point, because we have had so much talk of change, and yet when it comes to the basic way in which this Congress operates, there does not appear to have been a very considerable amount of change.

□ 1615

We made absolutely no progress on getting a gift ban, no progress in getting new lobby registration laws, but we did have considerable talk about how much things have changed. The lobby registration laws were enacted the year that I was born, in 1946, and many of us think that it is time for there to be real change in the way that the lobby is regulated. There was talk of change, and finally, under considerable demand from Members of the Democratic Party in the U.S. Senate, that Senate acted this summer by a vote of 98 to 0, both Republicans and Democrats coming together to reform the lobby registration laws. Those are embodied in Senate bill 1060, and among other things this particular piece of legislation will close loopholes in existing lobby registration laws, it will cover for the first time all professional lobbyists, whether they are lawyers or nonlawyers, whether they are in-house or out-house lobbyists, and they will cover those who are lobbying the executive branch as well as those that are lobbying this Congress. Furthermore, this proposal will require disclosure of who is paying whom, a very important matter with reference to lobbying, and it will also require more detailed reporting of receipts and expenditures with reference to lobbying.

Mr. Speaker, this is information that the American people need to know and should know in order to find out whether this Congress is focused on their needs, on the national and the public interests, or focused only on the needs of a handful of Washington special interests. But, despite the fact that the U.S. Senate Republicans and Democrats finally, coming together to reform these lobby laws after 50 years, what has happened here in the U.S.

Congress on the House side, on this side of the Rotunda; and the answer is there has been a little talk, but there has been no action. There has been talk about change, but there has been no change. We have had time to consider matters this afternoon like edible oil, but we do not have time to consider what Members of Congress eat and drink, and dine and wine with members of the lobby or the way that is reported. There just does not seem to be time under this Republican leadership to deal with these matters that I think are important to the American people.

Indeed when it comes to the question of lobbies and lobby influence here, the only real change that the Republican leadership appears to have committed itself to until this time is that of affirmative action. Now I know some of you are out there saying, "Wait a minute. The Republicans, a lot of them are against affirmative action." Well, you are wrong about that. You have not had a chance to follow what has happened here in Washington. You see, there may be some Republicans that are against affirmative action on the basis of ethnicity, on the basis of gender, whether you are a woman and should have some affirmative action, but there is very, very strong support among this Republican leadership for affirmative action based on party, and they have spent much of this year going around to the Washington law firms and lobbyists checking to see if they have a sufficient quota of Republicans among the lobbyists that come over to this House. Some members of this House would not even see a lobbyist unless they are a Republican, so affirmative action is alive and well as long as it is on the basis of party, and that has been the principal lobby reform that this particular House leadership has provided.

There is, of course, one second area, and that is the one to which my colleague, the gentleman from Colorado [Mr. SKAGGS], referred to earlier, and that is that many in this Republican leadership have been extremely concerned about those very vicious lobbies: The Girl Scouts, Catholic Charities, the YMCA, some of the other nonprofits that come to the Congress from time to time not using Federal money, since there is a barrier to that, but who may in the course of their public service work receive some Federal grant for some other function, and the mere fact that they might want to voice their concerns to this Congress, there is great determination to silence them from having any say at the same time that at least one commentator, looking at the beginning of this Congress, with the New York Times, suggested that, after the Republicans took control of the House, the relationship between lobbyists and legislators moved from discreet help to open collaboration, and then they proceed to give a number of examples of the tremendous increase in influence that the

paid lobby, not the nonprofit lobby, has had in this session of Congress.

So, it is little wonder that this Republican leadership cannot find a minute this afternoon, or tonight, or tomorrow, or next week, or next month, to deal with the question of lobby registration and reforming the laws that are nearly 50 years old with reference to lobbies and the way they influence this Congress. They do not have time for that.

And of course the same is true with reference to the issue of gift bans, with reference to the Golf Caucus of this Congress, which is not limited to the Democratic or Republican side, but includes both; whether or not Members of this Congress should be able to enjoy a lengthy vacation done under the name of attending a charity ski resort or whether they can be wine and dined every day by members of the lobby. That issue of gift ban finally again, after Democrats passed gift ban through the last session of Congress, did it a couple of times and saw it killed over in the Senate by the Republicans. Well, this year finally, under Democratic leadership, the Democrats and the Republicans worked together, and even though the Senate is a majority Republican body at present, they came together and worked out a reasonable balance to the gift ban issue. It does not prohibit every single gift, but it gets at the excesses under this whole problem of gifts, something this Congress has not come fully to grips with in the past, and that bill also passed unanimously once it got out of the light of day on the floor of the U.S. Senate, and it has been sitting over here for some time at the Speaker's desk.

Again there is a suggestion by the majority leader, my colleague from Texas, Mr. ARMEY that this House just does not have time at the moment even though it has time to deal with this very critical national issue of edible oils to deal with the issue of gifts and the oiling of the political process by lobbyists through freebies to Members of Congress. Well, a newspaper in his district had this to say under the title "Wait a Minute." I am referring to the Fort Worth Star-Telegram of October 3. It said hold up the praise for the House of Representatives. If you are a lobbyist, take your favorite House Member to lunch, steaks for everyone. You would expect them there at the stockyards in Fort Worth to be thinking of steaks for everyone. And how about a golfing vacation for free? The House leadership will not get to lobby legislation until next year, which might mean 1997, next year being an election year. Thus, do the Republicans, once in power, act like the old Democratic leadership which the Fort Worth Star-Telegram criticized last year upon which these Republicans heaped descriptions like arrogant. The most fundamental changes have to do with reforming campaign finance and lobbying. Without that the conserv-

ative chant about taking back our Federal Government is mere loose verbiage, the words of a very conservative Texas editorial writer with reference to this willingness to talk about edible oils without talking about the oiling of the political process.

In my hometown of Austin, TX, in the Daily Texan last week, a very, I think, thoughtful article under the title "GOP Stalls on Congressional Ethics Reform," by Kim Bridges, a student there at the University of Texas. He says GOP stonewalling will not restore America's faith in their officials. Ethics reform, despite what Mr. ARMEY seems to be implying, is not a trifling issue. It is not a gift for the people, but a vital act to relieve frustrations Americans feel about the integrity of their Government. Well put, I would say, with reference to this whole issue of gift ban and of lobby reform, for when my colleague from Texas speaks of the fact that he thinks we have to deal with the national issues first and maybe get around next year or the year after to lobby reform and a gift ban, he has got it all backwards because you cannot really deal with the national issues unless you are willing to deal with the process that produces the judgment on that issue, and we are going to see, as I discussed, the whole question of Medicare, how that is particularly important in this debate about the Republican effort to cut \$270 billion from Medicare.

And, oh, yes, there is, of course least but certainly not last, the whole question of ethics in this House as it relates to the work of the House Committee on Standards of Official Conduct. I found quite alarming and have commented on it previously, the comments of the chairman of that committee, that the letter of the law is not compelling to me, she said. My goal is to have a process that the committee members feel good about, and apparently the standard in the House Committee on Standards of Official Conduct is the feel-good standard, not exactly the one that I think the American people who spoke out and said they wanted real change in this body had in mind. The only encouraging thing has not come from the leadership, but the fact that perhaps finally a few Members of the House are willing to act in a bipartisan basis, Republicans speaking up and joining Democrats to demand an independent counsel.

Last week I was encouraged to read one of my new freshman Republican colleagues saying for the first time in print that one of the biggest problems we have in this place is trust. He referred to the public demand on Congress for gift, lobbyist, pension and PAC reform, and he said that for that reason this concern of the American people to have trust in the most basic institutions of their democracy that probably right now, and I am quoting probably right now, I would try to go

to an independent, to an outside, counsel were his words, and indeed an outside counsel, a truly independent counsel with full powers, unrestrained, to search in a bipartisan, or a nonpartisan way really, for the truth in the matter involving Speaker GINGRICH is essential to the standard in this House and to removing the ethical cloud that has hung over this House from day one.

What about the issue of Medicare, and what does all this business about ethics, about special interests, influence, have to do with the question of Medicare and the fact that Republicans think that America's seniors should pay more and get less, should in fact not be able to have the protection that Medicare was designed to provide them? Well, for those of you who watched the CBS Evening News last night, you begin to get a picture of what is involved here and how this question of special interest influence that some want to defer until some day somewhere over the rainbow, perhaps over the next election, over the golden rainbow, how all of that is related to this immediate question that will be taken up in the House on October 18, next week, on slashing the Medicare program by \$270 billion. For in this particular piece my fellow Texan, Dan Rather, began the introduction of the piece, and he said last night on the CBS Evening News one key proposal would let Medicare recipients opt for something called a medical savings account or a MSA, a sort of medical individual retirement account. It is a controversial idea; some have called it radical, so you may be wondering how it got included in the Republican plan, and I am sure millions of Americans are wondering how is it that this idea of experimenting on us with MSA's got in this Republican plan in the first place. There was nothing about it in the so-called Contract on America. Where did they come up with this idea? In fact, indeed there was nothing in the Contract on America about slashing Medicare by \$270 billion.

□ 1630

He goes on to say, "You can start in getting an answer to that with a company calling itself Golden Rule, which apparently did unto others with an open wallet for the politically connected." Then they began something that they do on CBS called the reality check, and turned to Eric Ingberg. Mr. Ingberg reported the following: "The stampede by Republicans to anoint medical savings accounts as a miracle solution," and indeed, that is what it has been called, a panacea, a miracle solution to the needs of our seniors. He says, "It owes much to one businessman's well-financed political crusade. J. Patrick Rooney, the head of Indiana's Golden Rule Insurance, pioneered selling the MSA type plans. He originated a textbook campaign to promote MSA legislation, which could bring rich rewards to his company. One early move, giving money to the National

Center for Policy Analysis, the think tank that developed MSAs, that helped sell the idea to NEWT GINGRICH, who in turn put Rooney on his TV college lecture series," one of the matters pending there in the Ethics Committee, the particular group, the National Center for Policy Analysis, has itself been involved not only in receiving money but in debating and supporting this MSA concept.

In one recent television presentation, not last night, on national television, one economist pointed out that a principal effect on MSAs would be to provide significant help to companies like Golden Rule Insurance Co. that are currently experiencing a decline in market share, were his words, because they have failed to innovate. They may have failed to innovate, I am not sure, but they certainly understand the legislative process, because as Mr. Ingberg reported last night, "Then Rooney and Golden Rule, following a time-honored political custom, opened their checkbooks. They gave at least \$157,000 to GOPAC."

GOPAC is the group that is currently fighting a Federal lawsuit concerning disclosure of information about its contributors. GOPAC has been very resistant to the idea of even letting their contributors be known, and certainly to letting Federal authorities question their contributors about whether GOPAC was perhaps an attempt to pervert the democratic process and completely circumvent Federal election laws.

GOPAC is also the same group that paid for jet trips and nights in resort hotels for the Speaker. They paid for him, and this was when he was a Member of Congress, not actually serving as Speaker, they paid for a trip for him to Bermuda in 1992. They paid for an 18-day stay in the Colorado Rockies in 1989. They reportedly funded trips to promote a book that he wrote in 1984. They provided a copy of their mailing list for his campaign, so this same GOPAC that got \$157,000 from the Golden Rule folks has been pretty involved up here for a number of years.

Indeed, I found considerable irony in a report of the Wall Street Journal on this whole matter of ethics reform, that instead of doing something about a gift ban and a lobby reform this fall, that Speaker GINGRICH had advocated writing a paper.

You would think, as many books as he has been able to write, both fiction and nonfiction, though sometimes when you look at them it gets confusing as to which is the fiction and which is the nonfiction when it deals with the way our government intertwines with the lives of ordinary Americans, but you would think that a person who had time to write that many books for personal profit and pleasure would have had time to write all the papers in the world that he needed about the gift ban and the lobby reform that this Congress, of which he was a Member, passed not once but twice last year,

but which, still, as this Congress is beginning in September of this year, he still thinks we need to write a paper about. The paper, I do not know if it has been written, there are certainly none presented, the book sales are going on.

Let me return to Mr. Ingberg, because he says, "In addition to the \$157,000 to GOPAC, the Gingrich political arm, another \$45,000 went directly to the last two Gingrich campaigns, and in addition," out of concern for the American people and what they know about the political process, "Golden Rule was golden in its rule and it sponsored the Gingrich cable TV show." He says, "GINGRICH insists himself that he likes MSAs because they work," and it appears that they have worked very well for him and for GOPAC.

Indeed, continuing with the Ingberg report from last night's CBS news, Golden Rule would not talk to Mr. Ingberg, and he concludes his report by saying, "Washington has its own Golden Rule: money talks. It is not exactly clear yet on the MSA issue how loud. Eric Ingberg, CBS news, Washington."

I think that it is a good example of why, when we are dealing with matters of public policy, we need our lobby laws reformed. We need gifts banned. We need to be assured before we slash \$270 billion from Medicare that it is being done in the public interest and not in the self-serving interest of some insurance company someplace. Indeed, an insurance company that the Wall Street Journal has reported in September of this year, that perhaps, "No other health insurance can cherry-pick," that is, pick the best risk out and leave perhaps the taxpayers, in the case of Medicare, with the balance; "No other insurance company," the Wall Street Journal reports, "can cherry-pick its way to unusually high profits as well as Golden Rule Insurance Company. Screening insurance applicants carefully, Golden Rule tries to sell policies only to the healthy, or those whose existing medical problems can be exempted from coverage."

One of the real, basic problems, whether you are talking about Golden Rule or any other insurance company, or no insurance company, with these MSAs, is that whole problem of leaving on the traditional Medicare system, as it sinks, those who are least healthy, and cherry-picking off the others into these so-called MSA's, which may be more to the direct savings benefit of some of those who set up the plans than to those that might participate in those plans.

So it is the interrelationship between the need to make a break between the special interest and the public interest and the interrelationship between this sad circumstance and the debate that lies ahead within the next few days on the question of Medicare and of Medicaid.

October 18, a day, 1 day in American history, the only day in American history that this same Republican leadership that has been so closely tied with Golden Rule is going to rule that the American people and their Representatives here in Congress will have that 1 day to mark up on the floor of the House and decide the fate of the Medicare system, whether the Medicare system will follow the approach of the majority leader, the gentleman from Texas [Mr. ARMEY], who said there in Texas earlier this summer that Medicare is an imposition on his freedom, he would have never set it up in the first place, whether we follow the approach of eventually seeing Medicare abolished as an imposition on someone's freedom, or we take the approach that those of us from Texas and elsewhere who supported the Medicare creation in the first place, that having the security, the health security in one's retirement years, affords a certain freedom of itself.

There is closely linked, of course, to the Medicare issue in this Congress, as it relates to seniors, as it relates to people with disabilities, the question of Medicaid. Some people think of Medicaid only as a program for poor people. It is true that the people who participate in the Medicare program are poor, but in my State of Texas, three of every four residents of nursing homes are on Medicaid. That is the principal financing system, since a deficiency of Medicare, which we should be out here today debating how to improve and strengthen it instead of how to bleed it dry, but a deficiency with reference to Medicare is that it does not adequately cover long-term health care or prescriptions. The Medicaid program is therefore turned to.

What is the solution that is being offered to those three of four Texans who rely on Medicaid to help them in nursing homes, being there, I am sure, since I have yet to find anyone in this country, much less my home community of Austin, TX, who had as their ambition to go into their nursing homes. There are many fine nursing homes, but most of the people, if not every single one of them that are in nursing homes, are in there because they cannot take care of themselves. So those most vulnerable people in our society, three out of four Texans in nursing homes, they are depending on Medicaid.

What does this same Republican leadership that could not find time to deal with lobby reform or ethics reform, could not find them to complete an ethics investigation, how is it that they propose to deal with Medicaid, the safety net for those three out of four Texans and many, many people across this United States? They proposed to abolish Medicaid, to eliminate it. They say that they will replace it with certain block grants to the States, and then they will just transfer the program along to the States. Of course, they will not transfer enough money for the States to do it adequately, but

maybe the States can make up for it and take care of it in some way.

In the course of transferring the Medicaid problem to someone else, instead of assuming responsibility where it belongs, as a national problem, as a national issue of providing a safety net to the most vulnerable people in our society, our seniors who cannot take care of themselves and are in nursing homes, our people with disabilities who are in nursing homes today, this Republican leadership has added to the taking away adequate money. They have also taken away adequate health and safety standards.

Yes, it was with considerable effort, and after one scandal after another that States were not adequately policing. In fact, I know from my service in the Texas legislature as a Texas State Senator that we uncovered with one agency there in Texas a pile of about 600 complaints that had never even been looked at with respect to some of these administrators in some of these homes.

Yet, after one problem after another, it finally produced Federal standards to ensure the safety and health, sometimes not adequate standards, but certainly better than what we would have otherwise across this country for those who are in nursing homes. What does this Republican leadership do about those safety and health standards? It repeals them. It repeals not just one that someone might find debatable or questionable or not productive in assuring health and safety. We need to review all these regulations to see if they serve their purpose. However, the Republican leadership has a better idea. Instead of looking to fine-tune the regulations and assure the health and safety of the millions of Americans who are in nursing homes, they repeal all the regulations, so that we will have the least common denominator with reference to health and safety in nursing homes.

I suppose, at a time when funds are going to be cut back to those nursing homes, one could hardly expect that even the most concerned nursing home would not be out there trying to figure a way to cut some corners in order to make a go of it. Yet, at the same time the money is going down, the regulations are being totally repealed. We leave the health and the safety of millions of America's most vulnerable seniors and individuals with disabilities to no Federal protection whatsoever. As I visited at Austin this weekend, people there were amazed, were in a state of disbelief that a leadership could be so callous as to repeal every one of those health and safety regulations.

There is another aspect of it. That is the fact that we will also no longer have any limitation with reference to compelling a spouse who has the misfortune of no longer being able to attend to the needs at home of their loved one, their husband or their wife, and have to place their husband and wife, perhaps with Alzheimer's or with

some other exceedingly difficult and troubling disability, which takes an immense emotional toll on a spouse in any event, but now, in addition to that, they could be forced to sell their home, to sell their car, in order to finance the spouse being in a nursing home, under the way this plan is going to be revised.

Some may think that that is just, you know, a possibility that might not be achieved, but I had occasion this weekend in Austin, TX, to talk with someone who faced a very similar situation. I stood for a couple of hours out at a grocery store in north Austin, and held office hours there so people could come up and discuss with me their individual problems, or discuss this great concern that so many of them have about Medicare and Medicaid.

Carlene Willy came up, a University of Texas employee, and told me about the plight of her mother, about the fact that when her mother had to go into a nursing home, that she was forced to sell her house as a part of going into that nursing home, in order to get approved for Medicaid; how she is struggling as an individual, and does not really know if Medicare costs go up considerably, and we end up with this pay more, get less Republican plan, and if at the same time the Medicaid that provides financing for nursing homes, that is block-granted in a truly block-granted hinted approach, that if that happens, she is going to be faced with a personal crisis; because, you see, it is not only a question of how Medicare affects our Nation's seniors and our Nation's millions with disabilities, but it is a question of how it impacts the ordinary middle-class family, or in her case, a single individual; how they are going to face the problems of making ends meet themselves, in some cases taking care of their children and at the same time meeting a medical emergency or a need for long-term health care of a parent or a loved one of advanced years.

Mr. Speaker, my problem, as I listened to these stories at home of people concerned that we are about to junk one of the most effective programs this Congress has ever set up, Medicare, supplemented by Medicaid, when we hear then in Washington how the Members of the Republican leadership think they can fix up and doctor up Medicare, that the kind of doctoring they have in mind is the kind of doctoring done by Dr. Kevorkian.

It just does not seem to me that Medicare or Medicaid need any kind of mercy killing. I think it needs to be strengthened and improved on a bipartisan basis, not bled to death. I guess that is, perhaps, another analogy. There was a time in medical history a couple of centuries ago when doctors thought many elements could be treated by bleeding.

□ 1645

That seems to be the approach that our Republican colleagues have taken

to Medicare. They say it has some problems, and it does, and it needs attention, though it is not a crisis situation. But their solution is not to improve and strengthen Medicare; their approach is the approach used by the medical profession 200 years ago: Bleed the patient. Keep bleeding it.

In this case, they want to bleed it to the tune of \$270 billion in order to fund a tax break for the wealthiest people in this country, \$245 billion over the next few years, eventually \$600-something billion in total tax breaks that are going to come out as a result of cuts or with the benefit of cuts from the Medicare System, with the slashing of the Medicaid Program, to fund those tax cuts. Treat that patient by bleeding it and bleeding it, and if bleeding does not work, start amputating things, which is what they are doing with reference to both Medicare and Medicaid.

Mr. Speaker, I believe that as we look at this Republican Medicare plan, and little looking has occurred because we have had the Committee on Ways and Means only this week beginning to have a chance to mark up or chop up the bill. That is going on perhaps this afternoon. The Medicare Program is getting its first markup now, and then in little more than a week it will be here on the floor of Congress with only a day to debate it, and then the American people will hear some discussion of the pay-more-get-less plan. But it will be perhaps only after a conference committee resolves the differences that we will know the full burden of that plan and what it will ultimately mean to the people of America.

Before going into that, I do need, as a Texan, to point out one other thing about this Medicaid debate, and it is a particularly critical one for my State, not just my State, and that is the question of the formulas, for as the State comptroller of Texas has so ably pointed out throughout this debate, this particular Medicaid formula being advanced here in the House is going to provide the State of Texas next year with 46 cents on the dollar, 46 percent of the Medicaid spending of New York State; \$298 per capita in Texas, \$654 in New York. By the year 2000, a Texan will be worth 54 percent of what a person in New York is worth.

Now, I am confident that there are very significant needs in New York State with reference to the health of disadvantaged young people. About 1 in 4 children in this country are on Medicaid for their health care needs, for disadvantaged seniors. But why is it that a Texan is only worth half as much as a person in New York? I think all of these people are important and in need of health services. But the formula that this House is being asked to approve gives us 50 cents on the dollar, not even that next year in the State of Texas, and yet some of the Texans that are in this Republican leadership have blessed that plan which denies to Texas and denies to many other States a rec-

ognition of the growing levels of people that come on to our Medicaid Program.

Again, when you shortchange Texas, as this plan does, as our State comptroller has pointed out, you again put the squeeze on nursing homes. At the same time you take off the regulations, you assure shortcuts, you assure poor-quality care, and assure danger, until another scandal comes along and someone says, wait a minute, that Republican Congress that was so zealous, so extremist in 1994, has to repeal every single health and safety standard as to giving Texas 50 cents on the dollar—with reference to its individuals with disabilities and seniors in nursing homes—of what New York got. We have to go back, because we have had one scandal after another of people being found dead and diseased in nursing homes across this country. We ought not to let that happen.

If we would address this formula and in fact address whether it is really in the interests of this country to shift the Medicaid problem to the Nation's States instead of dealing with it here as a part of our responsibility to assure that every American would have the level of health care coverage that a Member of Congress would have, then I think we would be doing a better job than getting mixed up in the formula debate in the first place.

But let us look now, as a part of this Republican pay-more-get-less plan, at some of the things that are done with reference to differences between the Senate and the House plans, because I think ultimately we are going to get a little bit of both.

The Republican plan, as analyzed, would appear to mean premium increases per month of about \$18 over what we would otherwise have. That does not seem like much to a lot of people, but to the person who came along to see me out at the grocery store in North Austin this weekend and had a sack of prescriptions—not one of which was paid by Medicare since Medicare does not cover prescriptions—another \$18 a month is a mighty big chunk to have to take care of.

Also, the deductibles would be increased. Both the House and the Senate plans increase premiums, and the Senate plan also cuts benefits and doubles deductibles from \$100 a year to \$210 a year. Now I understand that to someone making well over \$100,000 here in the Congress, that does not seem like very much. But if you are one of the women in this country, the millions of women in this country, who have nothing more than a Social Security check, and a small one at that, to pay for your health care and for your rent and for your prescriptions and your food, getting that deductible increased so that you do not have Medicare after you pay the first \$100, you have to pay the first \$200 or \$210 before you have Medicare, I think what is going to happen is what people told me about yesterday when I was over at the Conley Guerrero Senior Activity Center there in Austin, is that

when they face that choice of whether to get health care many of those seniors are going to say well, I believe I can wait. I believe I can tough out the pain. I do not believe that I can afford to eat and pay my rent and go get that additional care, because I have to come up with \$18 more a month in premiums. I have to come up with \$210 before it even does me any good, and I believe I can put it off.

In many cases, putting it off is going to do serious damage to the health of that senior, who is not an expert in health care. I think we need to be encouraging access to health care, accessibility of that health care, rather than erecting new barriers for those seniors.

I also found in my visits in Austin considerable concern about the question of whether or not one would be able to continue to see their own physician. Many of these seniors have complex health care problems. It is important once a physician-patient relationship is established. There are things that cannot be recorded in that funny handwriting you sometimes see the doctor makes on the chart. There is a human connection between the health care provider, between the physician and the patient. Seniors particularly have concern about having that relationship broken, about having that relationship ruptured by what they call managed health care. They are concerned about the quality and the contact with the health care individual. I think that is a legitimate concern and one that is not being adequately addressed by this Republican plan.

Then the Senate plan, as you may know, is a plan that would also, instead of bringing down the age and covering more of those in our society who do not have health insurance, the Senate plan goes the other way. It says, well, let us eventually not cover people who are 65 years old at all with Medicare, deny them all Medicare coverage, just as we are going to repeal all of those health and safety standards for the nursing homes. Deny it for those who are 65, deny it for those who are 66 entirely, and raise the age to 67. I think that is the wrong direction in which to go.

These changes that are being proposed to be implemented this year, through, as bad as they are, as far-reaching as they are, when they come up in this House on October 18, next week, are not nearly so severe as where we are headed with reference to Medicare.

You see, the basic premise that these great reformers have with reference to Medicare is the basic premise that Medicare is an imposition on their freedoms, that it was a mistake. That is why over 90 percent of the Republicans who are in Congress in 1965 voted against it in the first place. If you go back and you look at the debate 30 years ago, you can just about read it today, because they are saying the

same thing today that those who opposed Medicare were saying three decades ago.

I see the gentlewoman from Colorado [Mrs. SCHROEDER], who has spoken so eloquently on these matters, entering. I have been discussing, of course, the interrelationship between the failure of this Congress to deal with ethics, continuing to postpone this investigation of the Speaker, continuing to defer action on lobby reform, on gift reform, and now the fact that we are about to get 1 day on the whole question of gutting and cutting Medicare by \$270 billion, which may actually have, as a principal benefit, apply the golden rule to golden rule insurance companies, providing significant savings to those who may prosper as private companies on this disintegration of the Medicare System, but may do nothing but cause great pain and harm and fear to the Nation's seniors and individuals with disabilities.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman yield?

Mr. DOGGETT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas. I was working in my office when I saw you take the floor and I thought you were making some very eloquent points that I am really pleased you have the courage to come over here and continually make.

I do think there is an interconnection. This morning when I arrived, I gave a 5-minute dissertation of what was going on in Medicare and Medicaid and talked about the fact that what they are talking about doing is taking away the spousal impoverishment, so that if a family, if a couple, suddenly one has to go into a nursing home, guess what? They have to spend everything they have before they can qualify for Medicaid. They undid the spousal impoverishment that we worked so hard on.

They also said that now, if you go to a nursing home, there is not going to be any standards that we worked so hard to get, standards to treat people with dignity. We remember those horror stories, and on and on and on.

I want the gentleman from Texas to know that a Member from the other side took the floor, would not yield back to let me answer him, and started saying that I was doing medicare again and this was just terrible and what was really wrong with America was Federal estate taxes were too high. Now, Federal estate taxes were too high? That just tells you, it kind of brings the gift ban, it brings the campaign finance reform, it brings the fat cats together. In other words you are a middle-class couple and somebody gets really ill, you have to deplete all of your resources. They can then go after your children's resources. They are undoing all of the laws that we put in to protect and divide those. And the answer was, I am trying to scare people because they did that. I did not do

that, they did it. They scared people. And what is really wrong with America is the Federal estate tax is too high.

Now, none of these people are worried about the estate tax, because they are not going to have any estate at all. What they are worried about is where do they go now that poor houses have been absolved in most of the country.

So I think the gentleman is doing a very good job, and I think that is why we are seeing this connection, this synergy come together, of just writing off the average American.

Mr. DOGGETT. I actually was noting that I visited with Carlene Wiley in Austin, TX on Saturday morning at a grocery store in North Austin, and she is one of those people who is just too concerned about estate taxes for her mother, because the only way she could get her mother into a Texas nursing home when he was unable to care for her any more was to sell her mother's house, so that her mother has no estate left other than whatever little personal belongings she may have there in the nursing home.

I think that may be the type of person. We are talking about real, live human beings that are out there today facing these problems, whether we take that system in place today and extend it so that if you have a couple out there and one of them becomes so ill with say Alzheimer's that they can no longer be cared for at home, with the tremendous emotional toll that that would take on a husband or wife, that they find themselves in addition to that awful emotional loss faced with selling their house or selling their car, selling their estate in order to just get a basic level of health care without any longer even a Federal safety net there as far as assuring that when they get into the nursing home after they have sold their house and car, they will have any quality care.

□ 1700

Mrs. SCHROEDER. The gentleman is right. I know the gentleman's family, and he knows mine. I cannot think of anything worse than my husband and I later on, one or the other of us becoming very, very ill and having to go to a nursing home. Obviously we would feel terrible about that.

But the fact is that now, after what the Committee on Commerce did, we took away the spousal impoverishment thing. It would not just be the mother and her home, it is everything that couple owns must be sold before they can go onto Medicaid. Everything they own.

The remaining spouse, who is still healthy, ends up with a big goose egg. How are they going to live the rest of their life? Suppose they are 80 at this point, and their home has now been sold and their car has now been sold?

That is why the Women's Caucus worked so hard in 1988 to say, no, no, no, divide the couple's assets and make sure both of them do not have to be impoverished to get one of them the kind

of care they need, because what happens to the one that is left, the survivor?

Now, of course, they can also go after adult children. They are repealing that, so they could also come after this woman's home that was in the grocery store. It would not just be her mother's home she had to cash out. They could now put a lien on her home to help pay, because of what they did in the Committee on Commerce.

But to have the response be, well, we really should lower estate taxes on people, that is ridiculous. I believe the Federal estate tax does not even kick in until they have a Federal estate of over \$600,000. That is not an issue for the average American person. But who is giving these big campaign contributions? Who is giving the gifts, who is taking people to play golf, who is doing all that? Those are the things that we are complaining about.

Mr. DOGGETT. I was wondering in that regard if the gentlewoman had the opportunity last night to see the reality check. She is aware of the need that this Republican leadership has to do a reality check, because sometimes we wonder where they came from when they talk about conditions in America that do not seem to bear any relationship to the way real life is out there for ordinary hardworking Americans. But did the gentlewoman see the reality check last night about the role of Golden Rule Insurance Company and the medical savings accounts with reference to this whole Medicare struggle?

Mrs. SCHROEDER. I thought the gentleman was doing a very good job of explaining that, and I think they ought to explain it again, because I also saw this weekend that the other side of the aisle is talking about even doing away with all the Federal health insurance for all Federal employees and Federal retirees and giving them this same medical health account that they talk about, that this insurance company apparently is feeling that they could make a lot of money on.

Mr. DOGGETT. In other words, if they pick out the healthiest seniors and leave traditional Medicare with those that are the weakest and the sickest and lack good health, that need the most care, they cherry pick those, as the term is used in the industry, then the next step, just like probably the next step after wrecking Medicare is to wreck Social Security and slay that dragon, as Speaker GINGRICH's Peace and Freedom Coalition called for in February this year, that the next step would be to go to Federal workers and to let same golden rule apply there.

Mrs. SCHROEDER. Golden Rule is going to own all the gold if this works the way the gentleman from Texas is explaining. That is exactly what I understand. They are going to say to people, if I am right, they have this option to have this medical savings account. However, anybody who has more than a couple thousand dollars of expenses a

year certainly would not take that option, would the gentleman not guess?

Mr. DOGGETT. I would think that would be the case. The gentleman is aware that at the same time that Golden Rule developed this zealous interest for reforming, in its own self-interest, the Medicare system which has served America so well, that it contributed \$157,000 to GOPAC. Is the gentleman familiar with GOPAC?

Mrs. SCHROEDER. The gentleman from Texas is absolutely right. GOPAC is something I am very familiar with. I think one of the other items that I also read this weekend was the New Yorker article about GOPAC and about its connection to the Speaker and bringing this new leadership in, how it funded the tapes and the training and all of those types of things that we now see happening.

It sounds very convoluted, and when we start talking about it, I am sure people's eyes glaze over, but I think it is terribly important to understand how this Government is working. I think when they understand that, they will understand that there is so much cynicism, that if really big bucks goes into something that then allows you to become so terribly powerful, guess what, you are very apt to use your power to make those big bucks even more bucks.

It is a good investment, right? It appears that this insurance company that made this investment in GOPAC made a very good investment. They are now going to get paid back many times over by having legislation that helps them.

Mr. DOGGETT. So Golden Rule contributed to this farm team program called GOPAC to train and tutor people, and these were the same people that were going around, regardless of what office they were running for, and telling the American people that they could come to Washington and they could eliminate waste and fraud and eliminate bureaucrats and they would solve all the problems in the world.

Now what they are doing, instead of eliminating waste and fraud, is eliminating the basic standard of care that our seniors have relied on, whether they are in nursing homes or whether they are in Medicare. In fact, the anti-fraud provisions in this bill, which you would expect all of us would have gotten together on, they have actually provided less funding to fight fraud with reference to Medicare and Medicaid in the appropriations bill than was done in the last Congress in which the gentleman served. Is that not correct?

Mrs. SCHROEDER. The gentleman from Texas again, I am sorry to say, is very correct. We should not look at people's words, we should look at the bill. Here all they want to do is throw words. We have not even seen the real bill, I guess, on Medicare.

We got a printed one, I hear, on Friday. Then on Monday there was a new chairman's mark that was something entirely different, and I guess they

spent yesterday discussing it, but again it was all verbal. It is all fuzz. It is a bag of smoke. It is a real bag of smoke, but in that bag of smoke I think there are some chunks of gold for a few people who invested early, invested early in the new group in power.

What it really means is they are toasting the average American's Medicare card, that the Medicare things that you thought you owned and you thought were represented by your Medicare card are being really brokered away in all of this and diminished.

For all of this Medicare that I think they are the ones projecting, I think it is interesting that they do not ask the trustees did they do the right thing. They have not taken their bill to the trustees. They are not having hearings.

I have been saying, look, they have had more hearings on the Chinese prison system than we have had on Medicare, and I think it is because they do not want all these connections of the Golden Rule and GOPAC and Medicare proposals all coming together, because then maybe more people would see it than just the several television shows that have been talking about it or the New Yorker article that is talking about it.

Mr. DOGGETT. I always thought when they talked about Medicare, they were talking about the Republicans who were medicared to come out here on the floor and explain these cuts that they are making, and they still have not as of today. We have yet, through this very afternoon, now that we are well into October, we have yet to have a Republican Member come on the floor and explain the way seniors are going to be cut.

They are saving all that for this surprise package that I suppose will be presented to us next week. At least we have a date for that. We have no date for a report on the ethics problems involving Speaker GINGRICH. We have no date for dealing with the problem of lobbyists giving gifts to Members of this Congress. We have no date with reference to reforming the 50-year-old lobby registration laws. But they have given us 1 day next week for the surprise package to cut \$270 billion from Medicare, have they not?

Mrs. SCHROEDER. Absolutely. If the gentleman would yield again, we also have no date for when we are going to take up campaign finance reform, which was the grand handshake up in New Hampshire. We have not seen that, either.

But the really interesting thing is, in all my life in politics, whenever there has been an election year we have always talked about the October surprise. The October surprise was always what the candidate was going to pull at the last moment.

I suddenly think we have a new word that "October surprise" is going to mean, and it is going to be the surprise for America's older citizens and what this Medicare package might mean that we have not seen yet. This Octo-

ber surprise is going to have a whole new message this fall. Beware the October surprise.

But I think if you really know about it, which is what the gentleman is trying to tell everybody, you would not be surprised, because if you make the connection between GOPAC and you make the connection between campaign finance reform and gifts and lobbying and all the things that concern people, then you would not be surprised the way it is going to come out, I think.

But for those who have listened to the rhetoric and not demanded the details, they are going to be surprised. I think the time has come to demand the details. If this is so harmless, let us see it. If this is so wonderful, maybe they have come up with something no one ever thought of before.

Mr. DOGGETT. Maybe Golden Rule has come up with something.

Mrs. SCHROEDER. Maybe Golden Rule has come up with something.

Mr. DOGGETT. I believe the gentleman was a supporter of a proposal by a colleague of ours, the gentleman from California [Mr. MILLER], to actually suggest as a part of lobby reform that we identify the lobbyists that come up with these great ideas that suddenly become amendments and laws binding all of us in America.

If we had that on this Medicare plan, then we would be able to see with lobby reform what role Golden Rule had, and whether there is any relationship between the well over \$1 million that put it, according to one of those political commentators on CBS last night, in the first tier of power here in Washington.

Mrs. SCHROEDER. Absolutely. I think another thing we need is, unfortunately, because we are seeing so many lobbyists now really just moving in and supposedly writing the bills, they ought to put their name on the bill. Let them know which lobbyist co-authored these bills.

Then I think we would not be so surprised, if you saw who the real authors of some of these bills are. Then I think you are not going to be surprised about what the results are, and it becomes really essential that the American people see this. Jefferson must be just cringing as he hears this discussion, if he hears this discussion.

Mr. DOGGETT. In other words, instead of letting all the ego of names stay right here in the Congress, so that it is the Joan Smith Act, this could be known as the Golden Rule-Gingrich Act to Cut Medicare or whatever one might want to call it.

Mrs. SCHROEDER. Absolutely. If we had that kind of disclosure, I think we would have much less in the line of October surprises when this passes because we will know exactly how it is going to look. It is going to look like something they favor. If they paid the fiddler, they are calling the tune.

And apparently they paid the fiddler, and apparently they are calling the tune, so let us get the facts out. I think

the gentleman from Texas once again has done an eloquent job.

Mr. DOGGETT. I thank the gentleman, also. I believe this issue of ethics and special interest domination of this body and the Medicare cuts of \$270 billion are closely interrelated. We must deal with both. We have a date for dealing with one of these next week. It is time to get a date for dealing with the gift ban and the lobby reform.

THE BUDGET AND APPROPRIATIONS PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the previous dialog is very much in concert with what I would like to talk about. I have been talking about the budget and appropriations process as being one of the most important things that has happened in this Congress in the last 20 years.

It is always important every session of Congress what we do with the budget and appropriations process. Nothing is more important than the budget and appropriations process. But in particular in a year when the Contract With America insists that we must balance the budget, and balancing the budget means making horrendous cuts of programs that have existed for the last 50 years, it is very important that we follow carefully this budget and appropriations process.

We are now in a period where a great deal of stagnation has occurred. The first appropriations bills have gone to the White House, the appropriation for the actual budget of the House of Representatives and the Senate, and the President has vetoed it because he wants to have that bill as a part of the bigger discussion. The other major appropriations bills are moving quite slowly and we have passed a continuing resolution.

I have previously talked about a continuing resolution. We have passed a continuing resolution to allow the Congress 6 more weeks to reach a point where it can meet the requirements of having all the appropriations bills passed for this fiscal year which began October 1.

I want to talk about the need for, in this process, a more honest dialog. I think that is what the previous two speakers were talking about, the need for honest dialog as we move into this very important discussion and very important negotiations that will take place between a Republican-controlled House and Senate and a Democratic President in the White House.

□ 1715

The scenario is going to be pretty much as I predicted some time ago. The major appropriations bills will be

vetoed by the President. He has already pledged that he will veto the Education, Human Services, Labor appropriations bills, and he said he is going to veto any bill which has the Medicare cuts that are being proposed. So we know that the major bills will be vetoed.

We know that there are not enough votes. The Republican majority does not have enough votes to override these vetoes. We know that the discussions are going to take place. Negotiations are at a very intense level at the White House with the President. These are going to be mega negotiations, and those negotiations are going to determine the direction of America for the next 10 or 20 years.

What comes out of those negotiations will give us some breathing room to take these massive changes at a slower pace. What comes out of the negotiations could be an agreement that will move America in the wrong direction. We do not want that to happen.

We would like to have those negotiations take place, and I think that the American public needs to understand that they have a major role to play in the coming negotiations between the Republican-controlled Congress and the Democratic President. Public opinion is always important. Both the President and the Republican leadership will be watching public opinion as we move into those negotiations. The public has to be involved. They have to understand what is going on.

In order to do that, of course, we need an honest discourse. We need some admissions, like the one that the two previous speakers were trying to get from the Republicans, the admission that they never supported Medicare. Ninety percent of Republicans have always been against Medicare. So if they never supported Medicare, it should be known, it should be on the table. Their argument that they are moving to try to prevent a bankruptcy of Medicare, you can have reasonable doubts raised if you know that they never supported Medicare when it was first proposed by Lyndon Johnson. Ninety percent of the Republicans voted against it. They have consistently been against Medicare. So why should you believe that, if 90 percent of them were against it in the first place, they are honestly seeking to save it from bankruptcy?

Why not believe instead the Democratic argument? A bill has been introduced to follow through on that argument that if you really are worried about bankruptcy, the commission recommended that you had a problem of about \$90 billion and that over this 7-year period a \$90 billion problem exists and a cut of \$90 billion is necessary? That can be achieved by cutting real waste.

But if you try to cut \$270 billion, then you are getting into the heart of the program, the benefits. You are going to be forced to raise premiums.

The honesty would help a great deal to let the American people know from the outset that we are talking about a \$90 billion problem and not a \$270 billion problem. The \$270 billion is needed because the greater portion of that money will go toward the provision of a tax cut for the wealthiest Americans.

We need some honesty.

I was fortunate last night to be a part of a very honest dialog in Durham, NC. I was invited by a workers' committee for occupational safety and health. They had a hearing, which is a people's hearing to bring some honesty into the discussion of the OSHA problem. That kind of thing should be taking place all over America. People are going to have to come out, have your own hearings, have your own forums, have your own discussion, and take a close look at what is going on.

Last week, 100 economists declared, and many of these economists are Nobel Prize winners, they declared there is a great need in America for an increase in the minimum wage. What is on the table is the Gephardt bill, which I am a cosponsor of, which calls for an increase of about 90 cents in the minimum wage over two steps, not very much, but at least that is needed.

We need an honest discussion. And if you have 100 economists who say that this increase is necessary and who show that inflation has eroded the wages of American workers to the point where they are making far less than they were making 20 or 30 years ago, then we can go forward accepting the fact that these are economists trained to do this. We accept their wisdom on so many other issues. Why not accept it on the minimum wage and go forward?

So the honesty in the dialog is very important. You know, the Roman Empire had some of the best systems in the world in terms of their system for justice and government, et cetera. You know, part of the reason the Roman Empire declined is because, despite the fact they had the systems, the people who were running the systems began to take them as a joke. They began to violate those systems and refused to deal with those systems in an honest way, and the rot that went into those systems led to the destruction of the Roman Empire.

This Nation is in a position where, unless we bring some honesty in our dialog and discourse, we certainly are going to not be able to get through this critical period on negotiation with an outcome, a final product that is going to carry America forward.

On the subject of honesty in Medicare and Medicaid, nothing is more important, because that is the biggest program that is on the chopping block, biggest in terms of its impact on American people, not just the dollar figure but the impact on the American people. Both Medicare and Medicaid will impact on the lives of most Americans.

We would not want a situation where we have less health care and we have

fewer people covered than we had last year when we were proposing a movement toward universal coverage.

I am going to yield to the gentleman from Michigan [Mr. BONIOR], our whip, to help us to bring some kind of reasonableness back into this dialog on Medicare and Medicaid.

Mr. BONIOR. I thank my colleague for yielding and for taking the time to talk about these two important issues today.

What is happening on Medicare and Medicaid is truly revolutionary in the sense that the majority in this institution wants to cut out of those two programs roughly \$450 billion over a 7-year period, \$182 billion out of Medicaid and \$270 billion, as my friend from New York has suggested, on Medicare.

Do not take our word for it. If you think \$270 billion is going way overboard, take the word of a Republican congressman from the State of Iowa, the gentleman from Iowa [Mr. GANSKE]. The gentleman from Iowa [Mr. GANSKE] just got here. He is a freshman. He is also a medical doctor. Let me read to you what he says about these cuts. He said in the Des Moines Register on the October 3, 1995.

I guarantee you that these reductions would be bad for quality health care, not just for our senior citizens but also for working families. If Medicare and Medicaid cuts are too deep, hospitals and doctors will shy away from serving the elderly and the poor and will try to push costs to the nonelderly, which could further increase the number of uninsured or the quality of the whole health care system could decline.

That is from a Republican medical doctor who serves in this body on this side of the aisle, a new Member who got here. He understands the draconian nature of these cuts.

When we talk about Medicaid, most people think it is a program just for the poor. It is not. About 60 percent of Medicaid goes to long-term care for the elderly, for nursing home and skilled care, and people ought to also understand that two out of every five children in the United States get their health care through Medicaid. These are terribly important programs for our people and for our country.

In addition, the gentleman, my friend from New York, talked about truth in the discussion of these two issues. What we have not heard and what you are not going to hear on the other side of the aisle is what they are doing to nursing home regulations. I happened to wake up on Saturday, and I am not getting the Detroit News or the Detroit Free Press, because both of those papers are practicing, in my estimation, unfair labor practices against the union. There has been a strike going on. I got the New York Times: I went over to the store and got the New York Times. Here is the headline in the Saturday New York Times, "Bills Would Relax Federal Controls on Nursing Home Care. Repeal of '87 Law Sought."

Now, what are they doing by repealing these regulations on nursing homes? Well, let me tell you what they

are doing. They are repealing the minimum quality standards for nursing homes.

Remember when we had in this country a hue and a cry about drugging patients in nursing homes, strapping them in straitjackets to their beds, abusing patients in nursing homes? We put together some basic standards of human decency that nursing homes had to follow. Those are being repealed in their proposal on Medicaid. They repeal the minimum quality standards for nursing homes. They repeal the guaranteed coverage for people with Alzheimer's. They repeal guaranteed coverage for veterans in nursing home care. They repeal protection against impoverishment of spouses. Right now, you do not lose your home. You get to keep a little cash if you use all your assets and have a wife or a husband in a nursing facility, because we know they are extremely expensive. Under this, there is no protection. You lose the house, you lose everything. The spouse could be impoverished. They repeal protection against liens on homes of spouses. They repeal financial protections for children of nursing home residents. That is how far they have gone. It is truly draconian.

So I say to my friend from New York, this issue of Medicaid and Medicare is critically important for this country. People just need to focus back, if they could remember what it was like in the 1940's and the 1950's before we had Medicare in this country. I mean, we had a huge number of seniors, I think it is somewhere in the neighborhood of 40 percent of the seniors were living in poverty in America. The reason was, once they got sick, they had no health care coverage. It would wipe them out. It not only would wipe them out, it would affect their children and grandchildren, who, in many instances, would take them in and take care of them and would financially burden them.

We have reduced that poverty rate tremendously. We have cut it by more than half, and it is because of Medicare, because of the Medicare legislation, a promise we made to our seniors that was passed and became law in 1965.

This proposal that is before this Congress and is being discussed right now on the House Committee on Ways and Means takes \$270 billion out of it—\$270 billion—not to reduce the deficit, not to cut the budget, not to fix the system, but, as my friend from New York and as my friends from the States of Texas and Colorado mentioned a little earlier, to pay for tax cuts for the wealthiest individuals and corporations in America today. That is what is going on here.

It is an incredible shift in resources in this country from the elderly, from working families, and from the poor into the pockets of those who really are doing very well. Fifty percent of their tax cuts are to go to people who make over \$100,000 a year or more, and

it just seems to me, and I would say to my friend from New York, that we have an obligation to do all that we can in these waning hours and to try to get the American people interested in coming out, speaking out. We are starting to do that now.

I am hearing it all over in my district. They are saying, "Stop this insanity before it goes any further. Stop these extreme views on the other side of the aisle before they impoverish families all over this country once again as they did, as families were impoverished in the 1940's and the 1950's."

Let me just say to my friend from New York, I want to thank him for taking out this special order and encourage my colleagues who are listening to his special order and who may in fact be on the floor to do what we can in these waning hours to make the American people aware of the draconian nature of these cuts. They are severe. They are brutal. They will raise the premiums that seniors will pay for part B of Medicare from around \$45 a month to \$90 a month. The Senate bill was incorporated. They will raise your deductible.

None of that is going to go into the Medicare trust fund. All of it is to the general fund to be used for tax cuts.

I thank my colleague for yielding a little bit of time to me, and I appreciate his comments.

Mr. OWENS. I thank the gentleman, and I want to reinforce and reemphasize what he said.

We are not going to get an honest dialog if we depend on the talk show hosts only, the editorial boards of the newspapers. We are not going to get an honest dialog which puts forth the most important facts and the most important aspects of the situation. It is going to be necessary for people to demand, to ask the right questions, and begin to ask more questions and demand some solid, solid answers.

□ 1730

It is not going to happen unless we have quite an outpouring of activity on the part of the general public. This is true of the Medicare-Medicaid situation; it is true across-the-board.

On this whole matter of trying to balance the budget within 7 years, it may be desirable to balance the Federal budget, but why do we have to do it in 7 years? We could move at a slower pace and accomplish the same thing without having all the tremendous, draconian cuts and dislocations that are taking place.

In this matter of balancing the budget, I have repeatedly said, and I will say it again, and I have a chart which reemphasizes what I said before, part of the answer, part of the solution to the problem of balancing the budget, is to take a look at what has happened to taxes in America since 1943. Part of the answer of balancing the budget is what we did with the Congressional Black Caucus budget. We looked at the situation in terms of the tremendous low

percentage of the tax burden borne by corporate America, how since 1943, when the corporations were responsible for 39.8 percent of the tax burden, and I have the fractions here, I usually say 40 percent, but 39.8 percent if you want to follow the chart in a detailed way, 39.8 percent of the tax burden was borne by corporations in 1943 and individuals and families were responsible for only 27.1 percent of the tax burdens.

By 1983, we had a cataclysmic shift. Instead of individuals being responsible for 27.1 percent, they found themselves responsible for 48.1 percent of the total tax burden, and the percentage of the responsibility of the corporations in America dropped as low as 6.2 percent in 1983.

That is a low point. But it is not too different in terms of ratio right now in 1995. Individuals and families are bearing 43.7 percent of the overall tax burden, while corporations are bearing only 11.2 percent of the overall tax burden. Other taxes, excise taxes and duties and other things make up the rest of the revenue collected.

But if you look at this, you can see how the American people have been swindled. Unfortunately, I cannot blame all of this on the Republicans, because Democrats were running the Committee on Ways and Means for a large percentage of the time here. There were Republican Presidents who had trickle-down theories and pushed it down, under Ronald Reagan down to 6.2 percent with his trickle-down theories.

Here is the great swindle that the American people ought to be angry about, but in the discourse, the dialog about the balanced budget, we cannot get this argument to surface. The editorial pages have not dealt with it at all. No columnists seem to be able to see the obvious. Nobody wants to take a look at the need to balance things off.

You can balance the budget if you raise from that 11.2 percent, raise the corporate percentage of the tax burden up to 16 percent. We would balance the budget in the alternative budget presented by the Congressional Black Caucus. We balance the budget without cutting Medicare or Medicare 1 cent. We even increased education by 25 percent.

The key to it, in addition to cutting defense and cutting corporate welfare, is to raise the tax burden on corporations up to 16 percent. You can have a tax cut in our alternative budget. We had a tax cut for individuals who deserved a tax cut in the middle- and working-class families. You can lower the tax burden for individuals and families while you raise the tax burden on corporations, and you still will wipe out the deficit and not have to make the draconian cuts.

Mr. BONIOR. If the gentleman will yield further, that is a very interesting chart. I want to draw my colleagues' attention to the middle two bars. The blue represents family individual share

of revenues and the red is the corporate share.

What is interesting about that chart is that you see in 1983, 48 percent of the burden fell on families and only 6.2 percent on corporations, which is a huge change from 40 years ago when they were picking up 40 percent of the share. But in addition to that, I want to point out something that is relevant to the tax bill that the Republicans passed here 4 or 5 years ago.

That 6.2 percent was so embarrassingly low that we changed it in 1985, and the reason we changed it is, we found that between 1981 and 1985, 130 of the top 250 corporations in America paid no Federal corporate income tax. So we introduced legislation here and we even embarrassed Ronald Reagan into joining us. He knew that was inequitable, and they were required to pay a minimum tax, called an alternative minimum tax. They have to pay something, so the burden is not so heavy on middle-income working people across this country. That has been in effect for 10 years, this alternative minimum tax.

What did they do on this side of the aisle when they took over and took charge of this place? When they had their tax bill on the floor about 4 or 5 months ago, they repealed the alternative minimum tax. They repealed it. So now we are going to get back to the situation where that red bar is going to go down again, and that blue bar, which is working families and middle-income people, is going to rise again.

I thank my colleague for showing that to us this evening.

Mr. OWENS. Mr. Speaker, I thank the gentleman. I would like to point out I have been talking about this for 3 months now, and I have yet to see any major columnist discuss it, I have yet to see any editorial board discuss it. Rush Limbaugh, who follows me very closely and often targets me for his ridicule and comments, does not talk about this. I would like to send a message to Rush and his staff to, at least, put this on your agenda and comment on it.

Let us introduce it into the dialog and explain to us why in this period where corporations are making very high profits, Wall Street is booming, why in this period of transition, where strange things are taking place in our economy, while Wall Street is booming, corporations are making high profits, there is a great deal of downsizing and streamlining which leads to high unemployment, and, worse than high unemployment, underemployment. People are getting new jobs, but they are making far less than they made before.

This has been a transition period, and the way to get through the transition period and finance the kinds of programs that are needed for job retraining, for education, which the President has emphasized that education is vital in this particular situation that we face, we need a way to fi-

nance it. Instead of cutting the education budget by \$4 billion and cutting the job training budget by another \$5 billion, we should be financing with an increase in the taxes on those who can pay them, the corporations, the necessary ingredients of a transition program. And we know that education and job training are vital to that transition situation.

Otherwise we are in a situation where the standard of living of Americans is going to be falling rapidly. The 5 percent will continue to get far richer than before, while the people who make up the other 95 percent, especially those in the very middle, continue to get poorer.

Mr. BONIOR. If the gentleman will yield on the education point, I think you have touched on another point that the American people are starting to feel and understand now.

What our colleagues on the other side of the aisle have done on education is really emasculated the programs that were put in place in order for people to climb the ladder of success in this country. That is the way people move economically and socially in this country, through education.

But if you look at the budget, the School to Work Program, 70 percent of kids in this country do not go to college, do not finish college. Yet we have nothing in place—we had nothing in place—where we could match their interests and their skills with what is in the workplace. So we developed this program called School to Work, patterned after what they do in Germany.

They have a very good apprenticeship program there. You work 2½ days and go to school 2½ days, and learn a skill that will be useful. Instead of flipping hamburgers, you will be able to do something productive. In Germany this program works well. They have over 400 choices for kids; computer programming, journalism, you can get your education 2½ days a week. You get experience first hand and provide that business community with the expertise you develop once you graduate from high school.

It is a good program, and we have instituted it here recently, a couple of years ago in the Congress. We have pilot programs in the country. It is working well.

What did we do 2 weeks ago? We zeroed out School to Work. And it is not just School to Work. It is vocational education, it is Pell grants for kids who want to go to college that have been cut, it is Perkins loans, it is Stafford loans.

I was just at Wayne State University in Detroit with my friend JOHN DINGELL the other day. Thirteen thousand of those kids rely on Federal loans to get through school. They are working one and two jobs a year. And these programs are being cut. They are being cut by our colleagues on this side of the aisle.

What disturbs me is that Speaker GINGRICH got through school on a student loan. PHIL GRAMM got through

school on a student loan. In fact, if it was not for student loans, they would not be where they are today, which is the only good reason to be against student loans, from my perspective. But they got there, and now they want to take the ladder and yank it up and will not let anybody else climb it.

So they are taking away the tools that people have to move off welfare and to move into the higher levels, economic levels, in this country in education. I think the American people are starting to see that, they are starting to understand it. They started right at the bottom in terms of school lunch programs for the smallest of our children, and they have worked their way through vocational education and tech prep, and they have cut these programs for student loans. They are hurting our society.

We have always prided ourselves on the fact that we would invest in our people. We always as a country decided in times of crisis, after the Second World War we did the GI bill. After the Soviets launched Sputnik, we did the National Defense Act.

Education is the key. What you earn depends to a large extent on what you can learn in school. It creates a more civilized society. And it seems to me that we are going in the wrong direction. We in this budget that my friend from New York is talking about today are spending \$50 billion on a B-2 program, a bomber that cannot tell the difference between a mountain and a thunderstorm. We are spending \$50 billion on a star wars program to intercept missiles in space, when clearly that threat, while it is still there, has diminished considerably with the fall of the Soviet Union. We are producing hardware that, quite frankly, we do not need, that would be better used in providing kids with an education in this country.

So I thank my colleague for raising that point.

Mr. OWENS. I thank the gentleman for reemphasizing the fact that education has been recognized by the best minds in America as being a No. 1 priority. We understand we are in a technological and scientific revolution. We understand that you need the best minds possible in order to compete in this global economy. Yet we have not acted accordingly. The dialog has not placed that emphasis where it belongs. I submit, again, the article by Lester Thurow which appeared on September 3, 1995, this year. Thurow, who is a professor of economics at the Massachusetts Institute of Technology, has testified on the Hill before many committees. He is recognized as an authority.

I think his warning ought to be heeded. He has written many books. He is not a Democrat or a Republican. I think it is an objective voice. And when he starts this article with the following paragraph, we ought to all take heed. It ought to be a part of the ongoing dialogue. The newspapers ought to pick it up, the talk radio hosts. I rec-

ommend to Rush Limbaugh, that you read the article. You do not read anything, but you have your staff read the article thoroughly and comment on it to your audience even, who needs to understand what the best minds in America are saying about the phenomena we face.

I will only read the first paragraph, because previously I have introduced the entire article into the RECORD:

No country without a revolution or a military defeat and subsequent occupation has ever experienced such a sharp shift in the distribution of earnings as America has in the last generation. At no other time have median wages of American men fallen for more than two decades.

□ 1745

Never before have a majority of American workers suffered real wage reductions while the per capita domestic product was advancing.

Here is a situation we are in, and, in order to deal with it, we ought to raise the level of the dialog by analyzing and listening to the voice of people like Mr. Lester Thurow. We ought to take a close look at the big-spender lists that are compiled by certain groups, and I understand I was singled out on Rush Limbaugh's show as 1 of the 10 big spenders in the Congress. Well, let us have some honesty in that dialog. It is also a distorted dialog because Rush has people who know how to add, but he does not have people who know how to subtract.

You know, as the minority whip has just said a few minutes ago, we are spending money on programs that will, weapons systems that are, no good, and I am on record as being against the spending of \$33 billion for the F-22 that happens to be manufactured in Marietta, GA, which is the district of the Speaker of the House; \$33 billion ought to be subtracted from my big-spender total, Rush. Tell your staff to get a specialist who knows how to subtract. The only people you have know how to add. Subtract the money from the *Seawolf* submarine, which I oppose. We do not need to spend \$2.1 billion to build another *Seawolf* submarine. Subtract the money which I propose we cut from the CIA budget. We proposed a modest cut of 10 percent over a 5-year period, and the CIA accepts the basic figure that they are spending, about \$28 billion per year, the CIA and other intelligence operations related to the CIA. If you cut that \$28 billion by 10 percent a year, you would have \$2.8 billion. You could restore the cuts in the title I program for education for the disadvantaged. You could restore the cut in Head Start. The \$2.8 billion a year out of the CIA would be quite an important amount of money when you consider the small, but very effective, programs that have been cut which spend far less. Take that off my total, Mr. Limbaugh. I oppose star wars, the wasting of money for a program that most scientists said never made much sense anyhow and would not be effective. There is no power in the world ca-

pable of really firing that kind of, offering the kind of, threat, that they insist is there. I oppose that. Subtract that from the total. Let us have some honesty in the dialog.

You know, Mr. Limbaugh has targeted me. I would like to say, you know, I am honored to have such enemies. You know the full-disclosure laws that affect the Congress I would like to see applied to some of our talk show hosts so that in the dialog you know who you are listening to. You will be listening to a multimillionaire when you listen to Rush Limbaugh, and you ought to know that. You can check my disclosure record and see exactly what I am worth and where it comes from. It is quite a paltry sum, I assure you. Senator BYRD in the Senate recently proposed that we have talk show hosts fill out disclosure forms in the same way that Members of Congress and the Senate are required to fill out disclosure forms. I think that makes a lot of sense because regular talk show hosts are privileged people. The American people are making available, especially those who are using broadcast television, they are making available a limited asset, a limited communications medium. We do not have an unlimited number of opportunities for people to broadcast. It is regulated by the Federal Communications Commission because it is limited, and people who are using radio and using broadcast television are people in a special category who ought to be considered in the same manner as public officials. At least let us know where your income comes from and let the people who are listening be able to determine what your point of view is, how it is influenced, and have as much information on your financial status as we have on public officials because really the talk show hosts, especially the more arrogant ones, have taken a role which is similar to public officials. They should not do that, but the kind of world we are living in, the entertainment, and the sports, and the religion, and politics are all merging together. We cannot separate it. We would like to see it remain separated, but it is all merging together, and people are often listening to entertainers who have opinions that they are pumping out over the airways, and they are caught off guard, and they absorb a lot of that.

So the reality is that is what we are faced with, so let us take a look at the people that are privileged to use broadcast television, broadcast waves of radio, like Mr. Limbaugh. You know, he is really not a public official. He is like very close to, I understand, the Speaker of the House. He could be called the jester of the Speaker, you know, the joker.

In Shakespeare's plays, Mr. Speaker, they always have comic relief, a jester, a joker, and not always was it comic relief. They did have some insights sometime. I think in King Lear they do not call him a jester. He is called a fool. King Lear refers to his jester as

his fool, but the fool is not stupid. I remember that play very well. I had to do quite a bit of work on it, and I know that the fool made some of the most insightful comments, so the fool is not stupid. Mr. Limbaugh is not stupid, but he still is not a major player, he is a fool. You know, the fool in King Lear disappeared, and there is a great deal of discussion in literature about whatever happened to the fool. As we know, King Lear went down the hill. He had two daughters he gave his fortune to, and they were not very grateful, and they took all that he had, and he went mad in the end. The fool disappeared because the fool was no fool. The fool was a mercenary. He just walked out of the situation. You know, King Lear later died as a result of being in prison and tortured, and his daughter, the good daughter, was hanged, and the question is what happened to the fool. Was a fool being a mercenary, not a central player, moved off of the scene? I am sure when you have multimillion-dollar jesters on television they should not labor under the illusion that they are major players, but they are significant. You know, they do make a contribution, and we welcome the contribution of the jesters and the fools, but we do not take it too seriously.

Let me just talk about one more thing in terms of the distorted and dishonest dialog. Unfortunately my colleague from Texas previously made a comment about New York versus Texas with respect to Medicaid and how Texas only gets 50 percent of what New York gets. He did not bother to round the dialog out by saying New York at the local level and the State level puts in far more than Texas and, as a result of what the State and the local governments put into Medicare and Medicaid, they get more from the Federal Government. That would have rounded off the dialog.

You hear a lot of discussions about New York. The Speaker has always, you know, for the whole time that I have been here, he has always used New York as a favorite whipping boy, and now that he is Speaker he has not stopped at all. So he recently called New York a great wasteland. Let us round out the dialog and take a look at New York versus the Nation. New York right now is the State which supplies the greatest amount of money to the Federal Treasury in ratio to what they get back. We pay into the Federal coffers as of last year, the last year that the figures are available, for 1994, the fiscal year 1994, we paid in \$18 billion more into the Federal Treasury than we got back from New York. If New York were able to take that \$18 billion, we could solve all our fiscal problems, I assure you, but \$18 billion more went out of New York to the Federal Treasury than came back in terms of Federal outlays, and you are going to have to take my word for it.

I yield to the gentleman from Michigan.

Mr. BONIOR. Does the gentleman know where that \$18 billion went? I have an idea where some of it went. It went to the Speaker's district. The Speaker represents Cobb County in Georgia.

Now Cobb County gets probably more Federal aid and assistance than any other county in the country. It is in the top two or three in the country.

Mr. OWENS. The gentleman is correct.

The gentleman is from Michigan. Michigan is a loser State. Michigan paid \$10 billion more into the Federal coffers than it got back from the Federal Government, \$10 billion.

Now people talk about the Rust Belt and the Northeast as had it economically. They are not growing, but for some reason all of the Great Lakes States were losers. The Great Lakes States lost more than anybody else collectively. Illinois, Indiana, Michigan, Ohio, Wisconsin; they lost \$42 billion in this balance-of-payment game. They paid \$42 billion more into the Federal Government than they got back.

New York was the State with the highest. You know we do not have the highest population. California. Something has happened in California. They are very smart. California did pay in more than they got out, but only 3 billion; 3.7 billion was paid into the coffers more than they got back. California has learned how to get their money back. Something is happening. It is the largest State, but New York is still the biggest loser, 18 billion, 18.8 billion, by the way almost 19 billion versus California's 3.7 billion. So, when they slur New York and talk about New York being a wasteland and a drain on the Federal Government, let us take a close look at the implications. Let us take a close look at the implications of all this talk about States rights economically and pushing down programs, you know in these various grants that go to the States, and flat grants, and you are going to let the State run the situation. New York may work out very well if you keep going in that direction and you let New York stand alone in its own financing and not have to pay into the Federal coffer because the gainer States are the ones with the loudest voice around here about States' rights and wanting to change the system.

The biggest gainers are in the South. The biggest gainers are Alabama, and Georgia, and Kentucky. Mississippi is one of the biggest gainers. The absolutely biggest gainer is next door to us in Virginia.

I yield to the gentleman from Michigan.

Mr. BONIOR. Maybe those States like Georgia that send folks up here, some folks up here like the Speaker who advocate getting Government off our backs, maybe we ought to get Government off the backs of the people down in Georgia and stop the sucking sound of the Federal dollars from all these other States going into Georgia.

Mr. OWENS. There is a sucking sound out of New York, there is a sucking sound out of Michigan, out of all the Great Lakes States, the northeast States. There is a sucking sound moving the money mostly into the South and the Midwest, and those are the people who yell the loudest about getting Government off our backs and not wanting Government to be a part of solving their problems. Let us really take a close look and have an honest dialog about this whole matter about which States' populations are paying more into the Federal coffers, who is paying for the Medicare and Medicaid, who is paying for the defense budget. Let us take a close look at it and have an honest dialog about it.

I thank the gentleman for his comments, and I am quoting, you know, for the benefit of Rush Limbaugh and all the others, I am quoting from a document called the Federal Budget and the States, Fiscal Year 1994 and an introduction by DANIEL PATRICK MOYNIHAN, and it is published by the offices of Senator DANIEL PATRICK MOYNIHAN and the Taubman Center for State and Local Government of the John F. Kennedy School of Government, Harvard University.

So, I urge you, Mr. Limbaugh, to have your folks get a copy, and you can check and see that everything that I am saying today is well analyzed, and well documented, and acceptable, and you ought to offer it to your audience as a dialog, as part of a dialog of honesty, about what is happening in the finances for the United States of America.

Some of the people who are pushing so hard for States to have control of programs worry me a great deal because we may be in for a Balkanization of the United States. What if we had 50 States which became 50 countries? What if we followed the pattern of the Soviet Union and we broke up? New York would be able to make it, ladies and gentlemen. New York would not have a problem. They have problems economically, they come and they go. Somehow we continue to pour more into the Federal coffers than we get back.

□ 1800

Mississippi would have a major problem. Georgia would have a problem. The losers and the gainers are clearly stated here. You ought to take a hard look at it. The biggest gainers, of course, are the South Atlantic States, they all gain, and the east South Central States, they all gain. It is quite an eye opener. I urge you to get a copy of the Federal Budget and the States, published by the Taubman Center for State and Local Government. I urge Mr. Limbaugh to make sure that his extensive staff gets a copy and discusses that with the people.

The dialog ought to be more honest. Stop slurring New York. The generosity of the people of New York should be

appreciated, because over many decades, New York has done this. They have paid more into the Federal coffers than they ever gotten back. I think Franklin Roosevelt, who was a genius, clearly understood with the New Deal policies that you were going to be moving vast dollar amounts of wealth from the Northeast, including New York State, into the rest of the country, from the west coast into the rest of the country. This generosity was not by naive people. Lyndon Johnson often boasted of the fact that every time he conceived of the new program, the Southern States would gain. He often sold his programs openly to the southerners in decisionmaking power in the Senate and in the House by saying, "Look, if you take Medicare, Medicare, if you go with me on Medicare, if you go with me on Medicaid, it is not going to be your problem. You are not going to have to cough up the money. The money is going to come out of the Northeastern States. The money is going to come out of the Great Lakes States, the industrial States. The money is going to flow to Alabama, to Georgia, to Mississippi." It is still flowing that way.

Let us be honest about the dialog. Do not slur New York. Appreciate New York. Appreciate Michigan.

We have this distorted dialog in many ways, and I am going to do something I have not done so far this year. That is, I want to comment on the O.J. Simpson case. I have not been following it very closely. The average sophomore in high school knows more about it than I do. I am doing to limit my comments. First of all, I accept the President's statement that the jury has made a decision. As Americans we should also respect the decision of the jury.

But I have been a little upset and even became quite angry about the fact that the inner-city ladies on the jury, that is what they have been referred to as, inner-city ladies, have been unreasonably vilified. They have been criticized, they have been treated with great contempt. I must come to their defense and say that that is a great example, a great manifestation of the kind of dishonest and distorted dialogs that Americans have become comfortable with. The fact that this is a race situation, everybody has become very comfortable accepting that this is a conflict between American blacks and the rest of the population, it is a black-white situation.

Ted Koppel goes on and on with special 1½ hour shows, and they play out these distorted arguments that do not address some very obvious situations and very obvious facts. No. 1, the system says that if you have reasonable doubt, reasonable doubt, you should find a defendant not guilty. Whose reasonable doubt? The reasonable doubt of the people on the jury.

Was there reason for them to have reasonable doubt? Oh, yes, there was. Why was there reason for the people on

the jury to have reasonable doubt? Because they had a set of architects and engineers to manufacture that reasonable doubt probably unparalleled in murder trial history. You have Mr. Dershowitz, you had Mr. Bailey, you had Mr. Shecht, you had Mr. Cochran. A lot has been made of the fact that Johnny Cochran was on stage in front of the cameras, so it is Johnny Cochran versus the prosecution team, but most of the defense team was white. It was interracial. I think Mr. Shapiro was the original lead attorney, and maybe in charge of the whole thing. I do not know. It is said Johnny Cochran's final speech was not necessarily written by Johnny Cochran. The team put it together.

You have architects and engineers of reasonable doubt, the best in America, the best that America has. Automatically, a person on the jury must have been influenced by the quality of the lawyers, the reputation of the lawyers. If I was sitting on the jury, I am quite an admirer of Alan Dershowitz, and if he was a lawyer for the defendant, I would be influenced. My doubt would be pricked. Mr. F. Lee Bailey, who has written books and was famous, it would be pricked also.

When you have that kind of team of attorneys, automatically their presence creates some doubt, but the way they handle a case, so skillfully, given the fact that they have great skills and unlimited funds, so they could have an investigation and find out things about Mark Furman that nobody else would admit, all of that would create reasonable doubt, an interracial team of the top lawyers in America.

Bigger than the racial factor or the racial card was the dollar card. Why is it that nobody was honest enough to discuss the dollar card, the money involved in this case? Why is not Ted Koppel on "Nightline" discussing that? Why are not the editorial boards that insist on commenting on this case, even though they said it is over, on and on they go with the comments, why are they displaying great contempt for the inner city women, and implying that they were ignorant, and therefore they had reasonable doubt because they were ignorant? No, they had reasonable doubt because the architects of reasonable doubt put those doubts there on the one hand, the best paid lawyers in America. And probably that trial, more was spent on it than has been spent on any murder trial in America. That interracial team raised those doubts.

I understand Mr. Shecht was welcomed by his law class back to school. I picked up this article in the New York Times which says that "Barry Shecht, a Member of the O.J. Simpson defense team, returned to school this week. He received a tumultuous welcome from his students."

Most of the students disagreed with the verdict, but they applauded the player, they applauded the architect of reasonable doubt. To quote Mr. Shecht, "I am sure we will engage in extended

discussions about this case," he told 300 students and faculty members who crowded around him at a welcome home party on Thursday. "The case taught us a lot about race. It taught us a lot about the police. It taught us a lot about science and its limitations, and maybe it taught us a lot about each other." What Mr. Shecht does not say is it taught us a lot about money, about the power of the dollar in the courtroom, about your ability to get the very best.

I quote from the article: "Whatever the public opinion of the not guilty verdicts, Mr. Shecht said he had been received graciously everywhere. 'It is interesting, because the students here have had a very positive reaction to my involvement in the case, which is pleasing, because I know that a lot of them don't agree with the verdict.'" If you do not agree with the verdict, Harvard students, are you going to applaud Mr. Dershowitz returning? If you do not agree with the verdict, are we going to celebrate Mr. Shapiro?

What I am saying is they are the architects of reasonable doubt, and they placed the doubt there, on the one hand. On the other side, you had gross incompetence, gross incompetence manifested by the public representatives, the police department; of course, not just incompetent, but evil, racist, to the point where great amounts of doubt were instilled in reasonable people after hearing the voice, the report on Mark Fuhrman, which the rich, well-funded legal team could get because it was able to hire some very good investigators. That is reasonable doubt created out of a public servant and a public institution. The police department and their sloppiness in the case, documented again and again, you know, certainly was an instrument in the generation of reasonable doubt.

Again, the defense team, the prosecution team, why did they not insist on a greater representation of the peers of the defendant? Our system says you should be tried by a jury of your peers. Why are we persecuting and vilifying inner city ladies when they were really not the peers of Mr. Simpson? There were no football players on the jury. There were no millionaires on the jury. People like Rush Limbaugh, he did not live in California, but people like that, celebrities, celebrities were not on the jury. This was not a jury of Mr. Simpson's peers. It seems to me the prosecution should have tried harder to get a jury of the peers. Why does not somebody talk about that portion of the system?

Why does not somebody talk about the fact that in America we still have a ceremonial speech by the judge which says, "If you have a reasonable doubt, don't come back with a verdict of guilty"? That is part of the system.

There was a lot of talk about the power of television, and we ought to remove television from the situation because it made people behave differently. The power of television we

ought to escalate. I think every felony trial in America should be videotaped, at least, because the people who do not have the money cannot employ the best legal advice. They are getting shafted day in and day out in the courts. There ought to be a video record of every case, of every felony, so judges know, everybody in that court knows, that "There is a record here, transcripts," which are written and very expensive to get, and they never tell the full story because they are, after all, the written word. The videos would produce a greater degree of justice. If the judges know the video camera is watching, "History will record what I am doing here in this courtroom," let us have more television, not less, the power of television could bring far more justice than we have.

The distorted reasoning, the mutilated logic and the dialog that is one-sided is becoming, you know, a major habit of the American scene. If we cannot talk honestly about situations, then how can we ever solve them? The dishonesty and the mutilated logic of the discussion by people who are well educated of this O.J. Simpson case is very disturbing. Tell me about the dollar card, talk about the dollar card. Stop insisting that it is a race card.

There were interracial teams on both sides. The predominance of whites—the district attorney of Los Angeles was white, and most of the team was white, except Mr. Darden and maybe one other guy who got in there later, I understand. The predominance of whites on the defense team says that it was not a race card. The doubt was sowed by architects who know how to sow it. The doubt was sowed by engineers who know how to do it, because they were very well paid.

Let us talk about all of that in order to have a reasonable dialog. Let us talk about the competence of public officials in these trials, of the competence factor. Let us maybe have a situation where we can make appeals to the best attorneys in the country to somehow do prosecution, sometimes. There are a lot of things to talk about, except the ignorance, quote, of the inner city women who made the decision. I think reasonable doubt was certainly there for numerous reasons.

The salvation of the greatest democracy that ever existed is what we are talking about. If we cannot have an honest dialog, we cannot solve problems, we cannot solve budget problems here, we cannot solve appropriations problems. I would like to quote the Pope, applaud the Pope's statement that this Nation was founded by men who understood God very well, and I think God spoke through the pen of Thomas Jefferson when he said, "All men are created equal, all have a right to life, liberty, and the pursuit of happiness."

I think in our dialog about the budget and our dialog about balancing the budget, we ought to take a hard look at what those Founders said, not get

away from it. We are a Nation founded under the premise that all men are created equal. They all deserve health care, they all deserve a right to life, liberty, and the pursuit of happiness. If you do not have the benefit of modern technology, you are not being treated equal. You are not being treated as if you were created equal.

The Preamble to the Constitution talks about promoting the general welfare. That means health care, Medicaid, for everybody. We need to deal with the imbalance in the tax revenues. I have recommended creation of a revenues commission. A revenues commission would play a major role in balancing the budget and providing for the general welfare, and guaranteeing the right to life, liberty, and the pursuit of happiness of all Americans.

A TRIBUTE TO EARL FREUDENBERG

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Tennessee [Mr. WAMP] is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, I rise today to commend a man who has made unique and valuable contributions to his chosen calling, radio broadcast journalism, and to the community as a whole in Chattanooga in the Third District of Tennessee, which I have the honor to represent.

In many ways, Earl Freudenberg is a perfect example of how to get ahead and better yourself in America. He started early, worked hard, and moved up the ranks quickly. But Earl Freudenberg is not the kind of man who would be content simply bettering his own lot in life. Throughout his life, Earl Freudenberg has served as a fine example of the doer and the joiner who pitches in to help out on all manner of worthy community projects.

Earl got his feet wet in radio broadcasting when he was barely in his teens. While still at Northside Junior High School in Chattanooga, Earl helped out at WAPO Radio in Chattanooga by pulling copy off the wire machine to help the sportcaster broadcast road game scores for the Chattanooga Lookouts baseball team. As a junior at the Kirkman Technical High School in Chattanooga, Early wrote advertising copy for WAPO and later he operated the control board at the station.

The day Earl graduated from high school he was offered a weekend operators job at WDOD radio in Chattanooga and before long he had a job as program director at the station, becoming the youngest program director in the Chattanooga market. Earl Freudenberg had achieved solid success early in his chosen profession. But when duty called, Earl answered. He joined the U.S. Army in 1970 and served in South Carolina and Germany. While overseas he worked on the staff of the Armed Forces Network.

After his military service, Earl returned to Chattanooga to become news director at WDOD. In the early 1980's he broadened his experience by serving a stint as news director at WDEF, channel 12, the CBS television affiliate in Chattanooga. Later he returned to WDOD where he has remained since.

But—as I said a moment ago—Earl is one of Chattanooga's doers. For years, he served as announcer for Chattanooga's nationally acclaimed Armed Forces Day parade. He has pitched in for numerous civic organizations in the Chattanooga area. A special cause of Earl's is the Chattanooga Police Forgotten Child Fund. Each year at Christmastime Earl broadcasts from the chilly parking lot of a shopping center in Chattanooga in an effort to build support for this wonderful venture. He doesn't mind—he even seems to enjoy—braving the cold weather to bring some warmth into the lives of little children. He also serves on the Forgotten Child Fund's board and on the governing groups of several other civic groups, including Bethel Bible Village, the Kidney Foundation, and Teen Challenge to name but a few of his civic efforts. His achievements have been recognized both by his professional associates and the community at large. In 1978, he was recognized by Sigma Delta Chi, the professional journalists society, and in 1981 Earl Freudenberg was named Tennessee Press Association Broadcaster of the Year. He has won numerous community awards, including Red Bank Outstanding Citizen, the Walker County Law Enforcement Award, and the Scenic City Beautiful Award. In 1993, Earl won the coveted Chattanooga Downtown Sertoma Club's National Heritage Award. The award's citation gives a good summary of who Earl Freudenberg is. The Sertomans said the award was going "to an individual who has not only dedicated a portion of his life to providing service to the community but has also dedicated his life to upholding the ideals upon which this country was founded."

Mr. Speaker, I am proud and honored to recognize on the House floor this fine citizen of the Third District of Tennessee.

□ 1815

COMMUNICATION FROM THE HONORABLE RICHARD BURR, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. EVERETT) laid before the House the following communication from the Honorable RICHARD BURR, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1995.

Hon. NEWT GINGRICH,
219 Cannon,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the

United States District Court for the District of Columbia. This subpoena relates to his employment by a former Member of the House.

After consultation with the General counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RICHARD BURR,
Member of Congress.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 5, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

The General Counsel has determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With warm regards,
Sincerely,

ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Scot M. Faulkner, Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 3, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Cantwell-Cleary Co., Inc. v. Professional Packaging Solutions, Inc.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the Circuit Court of Prince George's County, Maryland.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

COMMUNICATION FROM CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Scot M. Faulkner, Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 4, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Wright v. Wright

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

COMMUNICATION FROM CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Scot M. Faulkner, Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 4, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Shafer-Tasso v. Henry and USAA Casualty Insurance Company

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the Circuit Court, Fourth Judicial Circuit, of Duval County, Florida.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. EVERETT) to revise and extend his remarks and include extraneous material:)

Mr. BALLENGER, for 5 minutes, on October 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. LANTOS.
Mr. STOKES.
Mr. TORRES.
Mr. ACKERMAN.
Mr. KANJORSKI.

(The following Members (at the request of Mr. EVERETT) and to include extraneous matter:)

Mr. BAKER of California.
Mrs. MORELLA.
Mr. FUNDERBURK.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. WAMP) and to include extraneous matter:)

Mr. VISCLOSKEY.
Mr. MINETA.
Mr. RICHARDSON.
Mr. SHAW.
Mr. SHUSTER.
Mr. KANJORSKI.

ADJOURNMENT

Mr. WAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 11, 1995, at 8 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1495. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Pakistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1496. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96-02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1497. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96-03), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1498. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on South Africa's status as an adherent to the Missile Technology Control Regime [MTCR], pursuant to 22 U.S.C. 2797b-1; to the Committee on International Relations.

1499. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1500. A letter from the Chief, Retirement Branch, Department of the Air Force, transmitting the annual report for the Air Force nonappropriated fund retirement plan for the plan year ending September 30, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

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 Ms. DUNN of Washington (for herself, Mr. SHAW, Mr. BLUTE, Mr. EHLERS, Mr. KNOLLENBERG, Mr. TORKILDSEN, and Mr. LATOURETTE):

H.R. 2452. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of excess benefit arrangements of certain tax-exempt group medical practices, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2453. A bill to amend title 18, United States Code, to increase speedy trial time limits; to the Committee on the Judiciary.

By Mr. THORNBERY:

H.R. 2454. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2455. A bill to require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the Senate or House of Representatives be used only for official travel or transferred to a qualified non-profit organization; to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 2456. A bill to amend title 5, United States Code, to limit the number of years that a Member of Congress may participate in either the Civil Service Retirement System or the Federal Employees' Retirement System; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JONES introduced a bill (H.R. 2457) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Exuberance*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. EHLERS and Mr. RIGGS.

H.R. 244: Ms. DELAURO and Mr. DOYLE.

H.R. 393: Mr. SOUDER.

H.R. 528: Mr. TEJEDA, Mr. LATOURETTE, Mr. POSHARD, Mr. FALEOMAVAEGA, and Mr. MCHALE.

H.R. 540: Mr. ENGEL and Mr. QUINN.

H.R. 521: Mr. TORRICELLI.

H.R. 911: Mr. CAMP, Mr. YOUNG of Alaska, Mrs. THURMAN, Mr. KOLBE, Mr. MCDADE, Mr. GOODLATTE, Mr. GOSS, Mr. WALKER, and Mr. ROGERS.

H.R. 969: Ms. RIVERS and Ms. LOFGREN.

H.R. 1083: Mr. ANDREWS.

H.R. 1201: Ms. MCKINNEY, Mr. HASTINGS of Florida, Mr. MINETA, Mr. NADLER, and Mr. FOGLIETTA.

H.R. 1202: Mr. DIXON, Mrs. MEYERS of Kansas, Mr. SKAGGS, and Mr. ZIMMER.

H.R. 1226: Mr. PICKETT, Mr. BURTON of Indiana, and Mr. MCCOLLUM.

H.R. 1521: Mr. FOGLIETTA and Ms. ROYBAL-ALLARD.

H.R. 1733: Mr. NEY, Ms. LOFGREN, and Mr. RICHARDSON.

H.R. 1846: Ms. FURSE, Mr. SHAYS, and Mr. STARK.

H.R. 1930: Mr. RICHARDSON.

H.R. 1968: Mr. EHLERS.

H.R. 2027: Mr. DELLUMS and Mr. CRAMER.

H.R. 2090: Mr. DOYLE and Mr. BLUTE.

H.R. 2098: Mr. NEUMANN, Mr. BARTLETT of Maryland, and Mr. BEREUTER.

H.R. 2169: Mr. HAMILTON.

H.R. 2181: Ms. ROYBAL-ALLARD.

H.R. 2193: Mr. DEFAZIO, Mr. BUNN of Oregon, Mr. FAZIO of California, and Mr. CUNNINGHAM.

H.R. 2268: Mr. LEACH and Mr. GANSKE.

H.R. 2270: Mr. CRAPO, Mr. KOLBE, Mr. CHABOT, Mr. HOEKSTRA, and Mr. STOCKMAN.

H.R. 2306: Mr. WYNN.

H.R. 2326: Mr. DAVIS, Mr. SKEEN, Mr. FATTAH, Mr. CLEMENT, Mrs. MORELLA, and Mr. MARTINI.

H.R. 2341: Mr. SKEEN and Mr. HOKE.

H.R. 2367: Mr. HUTCHINSON and Mr. DUNCAN.

H.R. 2411: Mr. LUCAS, Mrs. CLAYTON, Mr. MCHUGH, and Mr. EHLERS.

H.R. 2422: Mr. CLAY, Mr. MILLER of California, Ms. JACKSON-LEE, Mr. FRAZER, Mr. WISE, and Mr. RANGEL.

H.J. Res. 70: Mrs. THURMAN.

H. Con. Res. 50: Mr. OBERSTAR, Mr. JACOBS, Mr. BROWN of Ohio, and Mr. MATSUI.

H. Res. 118: Mr. MINETA, Mr. HOYER, Mrs. MEYERS of Kansas, and Mr. FOGLIETTA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

44. The SPEAKER presented a petition of Gregory D. Watson, Austin, TX, relative to bringing to the attention of the U.S. House of Representatives a joint resolution adopted by both chambers of the Legislature of the State of Alabama in the year 1959 memorializing the Congress to call a convention to consider and submit an amendment to the U.S. Constitution to delegate to the several States the power to establish and maintain exclusive control of public education within their respective boundaries; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2405

OFFERED BY: MR. CRAMER

AMENDMENT NO. 1: Page 108, line 9, through page 109, line 4, amend subsection (g) to read as follows:

(g) WEATHER SERVICE MODERNIZATION.—Title VII of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended—

(1) in section 706—

(A) by amending subsection (b)(6) to read as follows:

“(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.”;

(B) by striking “60-day” in subsection (c)(2) and inserting in lieu thereof “30-day”;

(C) by amending subsection (d) to read as follows:

“(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.”; and

(D) by amending subsection (f) to read as follows:

“(f) TRANSITION PROGRAM.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

“(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

“(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.”; and

(2) by amending section 707(c) to read as follows:

“(c) DUTIES.—The Committee may review any certification under section 706 for which the Secretary has provided a notice of intent to certify in the plan, including any certification for which there is a significant potential for degradation of service within the affected area. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.”.

H.R. 2405

OFFERED BY: MR. DOYLE

AMENDMENT NO. 2: Page 90, line 16, strike “\$49,955,000” and insert in lieu thereof “\$121,265,000”.

Page 90, line 17, strike “\$43,234,000” and insert in lieu thereof “\$55,714,000”.

Page 90, line 20, strike “\$59,829,000” and insert in lieu thereof “\$112,186,000”.

Page 90, line 22, strike “\$45,535,000” and insert in lieu thereof “\$66,597,000”.

Page 90, line 23, strike “\$476,000” and insert in lieu thereof “\$1,701,000”.

Page 91, line 3, strike “\$1,994,000” and insert in lieu thereof “\$2,304,000”.

Page 91, line 5, strike “\$7,557,000” and insert in lieu thereof “\$6,295,000”.

Page 91, line 7, strike “\$12,370,000” and insert in lieu thereof “\$14,919,000”.

Page 91, after line 7, insert the following new paragraph:

(9) Fuels Conversion, Natural Gas, and Electricity, \$2,687,000.

Page 91, line 13, strike “\$55,074,000” and insert in lieu thereof “\$88,645,000”.

Page 91, line 14, strike “\$55,110,000” and insert in lieu thereof “\$109,518,000”.

Page 91, line 15, strike “\$112,123,000” and insert in lieu thereof “\$176,568,000”.

Page 91, line 17, strike “\$17,813,000” and insert in lieu thereof “\$31,600,000”.

H.R. 2405

OFFERED BY: MR. DOYLE

AMENDMENT NO. 3: Page 104, after line 5, insert the following new section:

SEC. 313. CHANGE IN FUNCTION.

Nothing in this Act requires any change in function for facilities under the Naval Nuclear Propulsion Program.

Page 3, after the item in the table of contents relating to section 312, insert the following:

"Sec. 313. Change in function."

H.R. 2405

OFFERED BY: MS. DUNN OF WASHINGTON

AMENDMENT No. 4: Page 29, line 18, insert "", of which at least \$2,000,000 is reserved for research and early detection systems for breast and ovarian cancer and other women's health issues" after "\$293,200,000".

H.R. 2405

OFFERED BY: MR. HOKE

AMENDMENT No. 5: Page 76, line 1, through page 77, line 9, amend section 252 to read as follows:

SEC. 252. FEASIBILITY OF PRIVATIZATION OF MICROGRAVITY PARABOLIC FLIGHT OPERATIONS.

(a) REPORT TO CONGRESS.—The President, within 180 days after the date of enactment of this Act, shall transmit a report to the Congress on the feasibility of privatizing all parabolic flight aircraft operations conducted by or for the National Aeronautics and Space Administration in support of microgravity research, astronaut training, and other functions, through issuance of one or more long-term, renewable, block purchase contracts for the performance of such operations by United States private sector providers.

(b) AUTHORITY TO CARRY OUT PRIVATIZATION.—Upon the expiration of 90 days after the transmittal of a report under subsection (a), the President may carry out the privatization of microgravity parabolic flight operations as described in subsection (a).

Page 3, amend the item in the table of contents relating to section 252 to read as follows:

"Sec. 252. Feasibility of privatization of microgravity parabolic flight operations."

H.R. 2405

OFFERED BY: MR. HOKE

AMENDMENT No. 6: Page 76, line 1, through page 77, line 9, strike section 252.

Page 77, line 10, page 78, lines 1 and 11, and page 79, line 1, redesignate sections 253 through 256 as sections 252 through 255, respectively.

Page 3, amend the table of contents for subtitle C of title II accordingly.

H.R. 2405

OFFERED BY: MS. JACKSON-LEE

AMENDMENT No. 7: Page 32, following line 5, insert the following new paragraph:

(8) For High-Performance Computing and Communications, in addition to amounts authorized by paragraph (5), \$35,000,000, of which \$22,000,000 shall be available for Information Infrastructure Technology and Applications.

H.R. 2405

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 8: Page 133, line 5, insert "or" after "Technology Initiative,".

Page 133, lines 6 and 7, strike ";" or" and all that follows through "pollution research".

H.R. 2405

OFFERED BY: MR. KLECZKA

AMENDMENT No. 9: Page 90, lines 17 through 19, strike "", including" and all that follows through "Energy Research".

H.R. 2405

OFFERED BY: MS. LOFGREN

AMENDMENT No. 10: On page 110, after line 5 insert the following new sub-section:

"(d) Nothing in this Act shall preclude or inhibit the National Oceanic and Atmos-

pheric Administration from carrying out studies of long term climate and global change."

H.R. 2405

OFFERED BY: MS. LOFGREN

AMENDMENT No. 11: On page 133, line 6, strike "(B) the Climate Change Action Plan;" and renumber accordingly.

H.R. 2405

OFFERED BY: MR. PALLONE

AMENDMENT No. 12: At the end of title IV (page 129, after line 9), add the following new subtitle (and amend the table of contents in section 1 accordingly):

Subtitle F—Reauthorization of Coastal Zone Management Act of 1972

SEC. 461. SHORT TITLE.

This subtitle may be cited as the "Coastal Zone Management Reauthorization Act of 1995".

SEC. 462. EXTENSION OF FINANCIAL ASSISTANCE FOR DEVELOPMENT OF STATE COASTAL PROGRAMS.

Section 305(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(a)) is amended—

(1) by striking "1991, 1992, and 1993" and inserting "1996, 1997, 1998, and 1999"; and

(2) by striking "two" and inserting "four".

SEC. 463. IMPLEMENTATION ASSISTANCE FOR COASTAL ZONE ENHANCEMENT.

Section 309(b) of that Act (16 U.S.C. 1456b(b)) is amended—

(1) by inserting "(1)" before "Subject to"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Following the approval of program changes by the Secretary in accordance with section 306(e) and subject to the availability of appropriations, the Secretary may make grants under this subsection to States for implementing the changes.

"(B) Grants may be made under this paragraph to implement a program change only in the first 2 full fiscal years following the approval of the change by the Secretary."

SEC. 464. RESEARCH ACTIVITIES OUTSIDE OF NATIONAL ESTUARINE RESEARCH RESERVE BOUNDARIES.

Section 315(e) of that Act (16 U.S.C. 1461(e)) is amended by adding at the end the following new paragraph:

"(4) Financial assistance under paragraph (1)(B) for research may be used for research activities conducted outside the boundaries of a national estuarine reserve if such activities support research conducted within the boundaries of the reserve."

SEC. 465. AUTHORIZATION OF APPROPRIATIONS.

(a) STATE PROGRAM DEVELOPMENT GRANTS.—Section 318(a)(1) of that Act (16 U.S.C. 1464(a)(1)) is amended to read as follows:

"(1) for grants under section 305, to remain available until expended, \$750,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002;".

(b) ADMINISTRATIVE, RESOURCE MANAGEMENT, AND COASTAL ZONE ENHANCEMENT GRANTS.—Section 318(a)(2) of such Act (16 U.S.C. 1464(a)(2)) is amended to read as follows:

"(2) for grants under sections 306, 306A, and 309, to remain available until expended—

"(A) \$64,064,000 for fiscal year 1996;
 "(B) \$65,583,000 for fiscal year 1997;
 "(C) \$70,493,000 for fiscal year 1998;
 "(D) \$73,312,000 for fiscal year 1999; and
 "(E) \$76,244,000 for each of the fiscal years 2000, 2001, and 2002;".

(c) NATIONAL ESTUARINE RESERVE GRANTS.—Section 318(a)(3) of such Act (16 U.S.C. 1464(a)(3)) is amended to read as follows:

"(3) for grants under section 315, to remain available until expended—

"(A) \$7,148,000 for fiscal year 1996;
 "(B) \$7,286,000 for fiscal year 1997;
 "(C) \$7,394,000 for fiscal year 1998;
 "(D) \$7,519,000 for fiscal year 1999; and
 "(E) \$7,644,000 for each of the fiscal year 2000, 2001, and 2002;".

(d) TECHNICAL ASSISTANCE AND ADMINISTRATIVE EXPENSES.—Section 318(a)(4) of such Act (16 U.S.C. 1464(a)(4)) is amended to read as follows:

"(4) for activities under section 310 and for administrative expenses incident to the administration of this title, to remain available until expended, \$10,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002."

H.R. 2405

OFFERED BY: MR. ROEMER

AMENDMENT No. 13: Page 104, after line 5, insert the following new section:

SEC. 313. LABORATORIES EFFICIENCY IMPROVEMENT.

(a) ELIMINATION OF SELF-REGULATION.—Notwithstanding any other provision of law, the Department shall not be the agency of implementation, with respect to departmental laboratories, other than departmental defense laboratories, of Federal, State, and local environmental, safety, and health rules, regulations, orders, and standards.

(b) PERSONNEL REDUCTIONS.—

(1) REQUIREMENTS.—The aggregate number of individuals employed at all government-owned, contractor-operated departmental laboratories, other than departmental defense laboratories, shall be reduced, within 5 years after the date of the enactment of this Act, by at least one-third from the number so employed as of such date of enactment. At least 3 percent of such reduction shall be accomplished within 1 year, at least 6 percent within 18 months, at least 10 percent within 2 years, and at least 15 percent within 30 months.

(2) OBJECTIVES.—The Secretary shall ensure that the personnel reductions required by paragraph (1) are made consistent with, to the extent feasible, the following objectives:

(A) Termination of departmental laboratory research and development facilities that are not the most advanced and the most relevant to the programmatic objectives of the Department, when compared with other facilities in the United States.

(B) Termination of facilities that provide research opportunities duplicating those afforded by other facilities in the United States, or in foreign countries when United States scientists are provided access to such facilities to the extent necessary to accomplish the programmatic objectives of the Department.

(C) Relocation and consolidation of departmental laboratory research and development activities, consistent with the programmatic objectives of the Department, within laboratories with major facilities or demonstrable concentrations of expertise appropriate for performing such research and development activities.

(D) Reduction of management inefficiencies within the Department and the departmental laboratories.

(E) Reduction of physical infrastructure needs.

(F) Utilization of other resources for performing Department of Energy funded research and development activities, including universities, industrial laboratories, and others.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary shall transmit a report to the Congress that—

(A) identifies the extent to which Department and departmental laboratory staffs have been reduced as a result of the implementation of subsection (a) of this section; and

(B) explains the extent to which reductions required by subsection (b)(1) have been made consistent with the objectives set forth in subsection (b)(2).

(2) ANNUAL REPORTS.—The Secretary shall transmit to the Congress, along with each of the President's annual budget submissions occurring—

(A) after the report under paragraph (1) is transmitted; and

(B) before the full personnel reduction requirement under subsection (b) is accomplished, a report containing the explanation described in paragraph (1)(B) of this subsection.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "departmental laboratory" means a Federal laboratory, or any other laboratory or facility designated by the Secretary, operated by or on behalf of the Department;

(2) the term "departmental defense laboratories" means the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratories;

(3) the term "Federal laboratory" has the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)); and

(4) the term "programmatic objectives of the Department" means the goals and milestones of the Department, as set forth in departmental strategic planning documents and the President's annual budget requests.

Page 3, after the item in the table of contents relating to section 312, insert the following:

"Sec. 313. Laboratories efficiency improvement."

H.R. 2405

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 14: Page 108, line 9, through page 109, line 4, amend subsection (g) to read as follows:

(g) STREAMLINING WEATHER SERVICE MODERNIZATION.—

(1) RESTRUCTURING FIELD OFFICES.—Section 706 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) by amending subsection (a) to read as follows:

"(a) PROHIBITION.—The Secretary shall not close, pursuant to implementation of the Strategic Plan, before January 1, 1996, any field office associated with the areas identified in the National Research Council report entitled 'Assessment of NEXRAD Coverage and Associated Weather Services' as areas where there appears to be a potential for degraded radar-detection coverage with the new system. These areas include—

"(1) northern Alabama, northern Indiana, northwestern North Dakota, northwestern Pennsylvania, and southeastern Tennessee;

"(2) Yuma, Arizona, Key West, Florida, Caribou, Maine, and Cedar City, Utah; and

"(3) all areas served by Department of Defense NEXRADs.";

(B) in subsection (b)—

(i) by inserting "described in subsection (a)" after "relocate any field office";

(ii) by striking "any State" in paragraph (4) and inserting in lieu thereof "areas described in subsection (a)"; and

(iii) by amending paragraph (6) to read as follows:

"(6) a description of the adequacy of communications within the next generation radar network and with users.";

(C) by striking "60-day" in subsection (c)(2) and inserting in lieu thereof "30-day"; and

(D) by striking subsections (e) and (f).

(2) REPEAL.—Section 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) is repealed.

H.R. 2405

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 15: Page 109, after line 4, insert the following new subsection:

(h) NEXRAD TRANSFER.—There are transferred from the Department of Defense to the National Oceanic and Atmospheric Administration the responsibility for operating and administering all NEXRAD facilities operated before the date of the enactment of this Act by the Department of Defense.

H.R. 2405

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 16: Page 79, after line 16, insert the following new section:

SEC. 257. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

Page 3, after the item in the table of contents relating to section 256, insert the following:

Sec. 257. Use of abandoned and underutilized buildings, grounds and facilities.

H.R. 2405

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 17: Page 152, after line 19, insert the following new title:

TITLE VIII—BUY AMERICAN

SEC. 801. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assist-

ance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

Page 4, after the items in the table of contents relating to title VII, insert the following:

TITLE VIII—BUY AMERICAN

Sec. 801. Buy American.

H.R. 2405

OFFERED BY: MR. WARD

AMENDMENT NO. 18: Page 91, after line 17, insert the following new subsection:

(e) SONOLUMINESCENCE.—Nothing in this Act requires any minimum expenditure for research and development on sonoluminescence.

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 19: Page 79, after line 16, insert the following new section:

SEC. 257. CLARIFICATION OF MAJOR FEDERAL ACTION.

The licensing of a launch vehicle or launch site operator by the Secretary of Transportation and any amendment, extension, or renewal thereof, shall not be considered a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Page 3, in the table of contents for subtitle C of title II, insert the following after the item relating to section 256:

"Sec. 257. Clarification of major Federal action."

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 20: Beginning on page 112, line 10, strike Subtitle B of title IV of the bill.

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 21: Page 114, line 19, strike "(a) MARINE PREDICTION RESEARCH.—"

Page 115, strike lines 1 through 17.

Page 121, strike line 16 (and redesignate the subsequent paragraphs accordingly).

Page 122, strike lines 10 through 21 (and redesignate the subsequent subsection accordingly).

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 22: On page 123, strike lines 1 through 18.

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 23: Page 123, strike lines 2 through 7 (and redesignate the subsequent subsections accordingly).

Page 123, beginning at line 10, strike "or any other Act".

Page 123, line 12, strike "all".

H.R. 2405

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 24: Strike title IV of the bill.